



Democratic Services

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Executive Meeting

AGENDA

Conference Rooms 1 & 2
Fred Perry House
Stockport

Meeting: Tuesday, 25 April 2017
Business 6.00 pm

1. MINUTES

(Pages 8 - 14)

To approve as a correct record and sign the Minutes of the meeting held on 14 March 2017.

2. DECLARATIONS OF INTEREST

Councillors and officers to declare any interests which they have in any of the items on the agenda for the meeting.

3. URGENT DECISIONS

To report any urgent action taken under the Constitution since the last meeting of the Executive.

4. PUBLIC QUESTION TIME

Members of the public are invited to put questions to the Chair and Executive Councillors on any matters within the powers and duties of the Executive, subject to the exclusions set out in the Code of Practice. **(Questions must be submitted no later than 30 minutes prior to the commencement of the meeting on the card provided.** These are available at the meeting. You can also submit via the Council's website at www.stockport.gov.uk/publicquestions)

5. EXCLUSION OF THE PUBLIC AND THE PUBLIC INTEREST TEST

To consider whether it is in the public to exclude the public during consideration of the following agenda items which contain information "not for publication" and to consider any representations received to the notice of the intention to consider exempt information at this meeting.



<u>Item</u>	<u>Title</u>	<u>Reason</u>
12	Award of MDD Mechanical & Electrical Framework Contract	Category 3 'Information relating to the financial or business affairs of any particular person (including the authority)' as set out in the Local Government Act 1972 (as amended)

At the time of publication no representations have been received.

Scrutiny Review Final Reports

6. SCRUTINY REVIEW - IMPROVING CHILDREN'S MENTAL HEALTH (Pages 15 - 21)

To consider a report of the Children & Young People's Scrutiny Committee.

As part of the Scrutiny Work Programme approved by the Council, the Children and Young People Scrutiny Committee decided to conduct a scrutiny review in respect to Children's Mental Health. The Committee were aware that the Health and Wellbeing Scrutiny Committee conducted a similar review in 2013/2014 and consequently determined that the review would very much focus on the support provided to children and young people in schools.

The report sets out the final recommendations for consideration by the Executive.

The Executive is recommended to receive the report and request officers to prepare a formal response.

Officer contact: Steve Fox, 0161 474 3206, Stephen.fox@stockport.gov.uk

7. SCRUTINY REVIEW - MAKING THE MOST OF COMMUNITY PHARMACIES (Pages 22 - 48)

To consider a report of the Health & Wellbeing Scrutiny Committee.

This is the final report of the Health & Wellbeing Scrutiny Committee's review of the role of community pharmacy in the wider health and care system in Stockport, exploring opportunities for closer working and even integration with other partners, particularly in relation to prevention and self-care.

The Review involved both commissioners (NHS England, Stockport CCG, Stockport Council) and providers (through representatives of Greater Manchester Local Pharmacy Committee).

The Executive is invited to receive the report and request the Director of Public Health to prepare a response to the recommendations contained therein in so far as they relate to the Council's responsibilities.

Officer contact: Jonathan Vali, 0161-474-3201, jonathan.vali@stockport.gov.uk

Key Decisions

8. FINAL SECTION 19 FLOOD INVESTIGATION REPORT FOR SEPTEMBER 2016 FLOODS (C&H13)

(Pages 49 - 95)

To consider a report of the Executive Councillor (Communities & Housing)

On the 13 September 2016, extreme rainfall events significantly affected Stockport, with the borough receiving approximately 44% of its total monthly rainfall in just one day. Leading up to this day Stockport had experienced a period of warm dry weather and as a result ground conditions were not saturated and water levels within the local watercourses were quite low. However, the volume and intensity of rainfall overloaded the local drainage system, causing surface water flooding throughout large parts of the borough. This report presents the various aspects of the flood events in September and incorporates a draft Independent Section 19 Investigation Report in accordance with the Flood & Water Management Act.

The Executive is recommended to approve the Final Section 19 September 2016 Flood Investigation Report included in Appendix A.

Officer contact: Sue Stevenson, 0161-474-4351, sue.stevenson@stockport.gov.uk

9. LEISURE ESTATE INVESTMENT REQUIREMENTS – 2017/18 (C&H18)

(Pages 96 - 103)

To consider a report of the Executive Councillor (Communities & Housing)

This report seeks approval for short term investment in the Council's leisure centre portfolio in 2017/18:

- Investment of £1.545m to address priority condition issues which need to be carried out as planned works in 2017/18.
- Establishment of a contingency fund of £0.543m to facilitate the procurement of works to rectify failures which could cause problems for business continuity at leisure centres.

The Executive is asked to:

- **Approve investment of £1.545m to address high priority condition issues as part of the Asset Management Plan capital programme.**
- **Approve the creation of a contingency facility of £0.543m to address risks to business continuity as part of the Asset Management Plan capital programme.**
- **Approve that the Deputy Chief Executive, in consultation with the Executive Councillor (Communities and Housing) be authorised to agree the most appropriate funding source for this investment.**

Officer contact: Peter Ashworth, 0161 474 2392, peter.ashworth@stockport.gov.uk

10. GREATER MANCHESTER AIR QUALITY ACTION PLAN UPDATE (C&H19)

(Pages 104 - 110)

To consider a report of the Executive Councillor (Communities & Housing)

This report provides an update on work to improve air quality in Stockport and Greater Manchester including:

- The current air quality action plan progress report and actions, which need to be undertaken, to progress the delivery of the action plan including the creation of an Air Quality Steering Group for Stockport.
- The outcomes and proposed actions in Stockport of the air quality monitoring review carried out by Transport for Greater Manchester.
- The forthcoming Manchester Air Quality Day and plans to have events in Stockport.

The Executive is recommended to:-

- **support the improvements to the Air Quality Monitoring Network in the Borough as set out in this report.**
- **authorise the Corporate Director for Place Management & Regeneration to establish a steering group and to settle the group's terms of reference in accordance with this report.**
- **request regular updates to the Environment and Economy Committee in regard to the progress made by the Air Quality Steering Group.**
- **approve the delivery of National Clean Air Day in Stockport as part of the Greater Manchester participation.**

Officer contact: Sue Stevenson, 0161-474-4351, sue.stevenson@stockport.gov.uk

General Items

11. CONSTITUTIONAL REVIEW

(Pages 111 - 298)

To consider a report of the Executive Councillor (Reform & Governance)

The report sets out the comments of the Constitution Working Party and the Corporate, Resource Management & Governance Scrutiny Committee on a range of issues arising from the recent review of the Constitution.

The appendices to the report contain the detail of proposed changes to the Constitution, the scheme of delegation or other governance procedures.

The Executive is invited to recommend that the Constitution be revised to give effect to the resolutions set out below:-

- (i) That the Leader of the Council should make arrangements for Traffic Regulation Orders required for the purpose of amending fees to be approved by the Executive Councillor (Communities & Housing).**
- (ii) That the Code of Conduct for Councillors and Officers dealing with Planning and Development Matters attached to this report at Appendix C should be adopted by the Council Meeting.**
- (iii) That the Constitution should be revised to give effect to the description of arrangements for property transactions set out in section 6 of the report.**
- (iv) That, in the light of the Companion Guide to the Constitution attached at Appendix B, the following reports considered by the Corporate Resource and Management Scrutiny Committee are recommended for approval by the Council Meeting or the Leader of the Council as appropriate:**

- **Review of Stockport Council's Scrutiny Arrangements**
- **Individual Member functions**
- **Review of Council Champions**
- **Review of appointments to outside bodies**
- **General review of the Constitution**
- **Code of Conduct dealing with Planning and Development Matters**
- **Financial Procedure Rules**

Officer Contact: Celia Tierney on 0161 474 3230 or email: celia.tierney@stockport.gov.uk

12. AWARD OF MDD MECHANICAL & ELECTRICAL FRAMEWORK CONTRACT

(Pages 299 - 314)

To consider a report of the Executive Councillor (Reform & Governance)

The purpose of this report is to invite the Executive to approve a proposal to appoint a framework of suppliers to deliver Mechanical and Electrical projects, which will be submitted to the Executive for approval at their meeting on 25 April 2017.

(Note: the report contains information 'not for publication' in its appendix that has been circulated to executive councillors only)

The Executive is recommended to authorise:

- **awarding of a two year contract (plus two optional one year extensions) to the suppliers identified in this report for the provision of both Multi-Disciplinary Design (MDD) and single discipline projects on behalf of Stockport Council in relation to Mechanical and Electrical works;**
- **should any of the proposed suppliers fail to enter into a contract with the Council, it is recommended to award to the next highest bidder in sequence attaining the minimum quality score threshold as identified at 5.4 above;**
- **authority be delegated to the Borough Treasurer to finalise and agree the frameworks following consultation with Executive Councillor (Reform & Governance);**
- **authority be delegated to the Deputy Chief Executive or Borough Treasurer in consultation with the Executive Councillor (Reform & Governance) of subsequent call-off contracts under the frameworks.**

Officer contact: Paul Edgeworth, 0161 218 1934, paul.edgeworth@stockport.gov.uk

13. GMCA, AGMA AND TFGM DECISIONS

(Pages 315 - 340)

To consider a report of the Leader of the Council (Policy, Finance & Devolution)

To note the decisions of the Transport for Greater Manchester Committee held on 17 March and the Greater Manchester Combined Authority and the Joint AGMA/ GMCA meetings held on 31 March 2017.

Officer contact: Jonathan Vali, 0161 474 3201, jonathan.vali@stockport.gov.uk

14. TO CONSIDER RECOMMENDATIONS OF SCRUTINY COMMITTEES

On:-

(a) Matters (if any) referred to the Executive Meeting

(b) Any called-in Executive Decisions

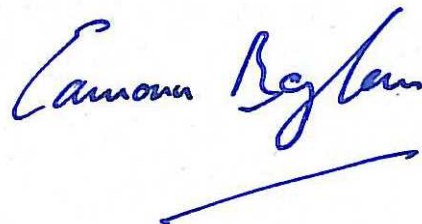
- (i) **Call-in of Executive Decision ED1899, "Constitutional Review - Area Committees"** (Pages 341 - 368)

(Executive Decision Record and report enclosed)

The Corporate, Resource Management & Governance Scrutiny Committee at its meeting on 4 April 2017 considered the call-in of decision ED1899 "Constitutional Review – Area Committees" and referred the decision back to the Executive to reconsider its final recommendation.

The Executive is asked to reconsider its previous decision in relation to its recommendation to the Council Meeting that the name of the Marple Area Committee be changed to the 'Marple and High Lane Area Committee' and the Werneth Area Committee be changed to the 'Bredbury, Romiley and Woodley Area Committee'.

Officer contact: Jonathan Vali, 0161 474 3201, jonathan.vali@stockport.gov.uk



Eamonn Boylan
Chief Executive

Town Hall
Stockport
Thursday, 13 April 2017

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Agenda Item 1.

EXECUTIVE MEETING

Meeting: 14 March 2017

At: 6.00 pm

PRESENT

Councillor Alex Ganotis (Leader of the Council (Policy, Finance & Devolution)) (Chair) in the chair; Councillor Wendy Wild (Deputy Leader of the Council and (Adult Social Care)) (Vice-Chair); Councillors Sheila Bailey (Communities & Housing), Kate Butler (Economy & Regeneration), Dean Fitzpatrick (Education), Colin Foster (Children & Family Services), Tom McGee (Health) and David Sedgwick (Reform & Governance).

1. MINUTES

The Minutes (copies of which had been circulated) of the meeting held on 7 February 2017 were approved as a correct record and signed by the Chair.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. URGENT DECISIONS

No urgent decisions were reported.

4. PUBLIC QUESTION TIME

No public questions were submitted.

5. EXCLUSION OF THE PUBLIC AND THE PUBLIC INTEREST TEST

RESOLVED – That in order to prevent the disclosure of information which was not for publication, the disclosure of which would not be in the public interest, would not be fair and would be in breach of Data Protection principles, the public be excluded from the meeting during consideration of the ‘not for publication’ appendix to the following agenda item in the event that the content of this appendix needed to be discussed:-

Item	Title	Reason
18	Award of MDD Prefabricated Buildings Framework Contract	Paragraph 3 ‘Information relating to the financial or business affairs of any particular person (including the authority)’ as set out in the Local Government Act 1972 (as amended)

6. FINAL REPORT AND DRAFT EXECUTIVE RESPONSE TO THE SCRUTINY REVIEW ‘COUNCIL CONSULTATIONS’

The Executive Councillor (Reform & Governance) submitted a report (copies of which had been circulated) incorporating the final report of the ‘Council Consultations’ Scrutiny

Review undertaken by the Corporate, Resource Management & Governance Scrutiny Committee and the proposed Executive response to the recommendations.

RESOLVED – That the Scrutiny Review ‘Council Consultations’ final report be received and the proposed response to the recommendations contained therein be approved.

Key Decisions

7. PROPOSED STREETLIGHTING INVESTMENT PROGRAMME (C&H 12)

The Executive Councillor (Communities & Housing) submitted a report (copies of which had been circulated) inviting the Executive to approve a business case for the replacement of existing street lighting lanterns with LED lanterns, and for the replacement of other highway electrical assets. The business case had been developed following a review of the Street Lighting service that had identified opportunities to minimise costs while improving the service. The proposed approach would reduce maintenance and energy costs, improve the quality of lighting and benefit public safety.

RESOLVED – That the proposed Street Lighting Improvement and the Highways Electrical Assets Improvement Programmes be approved.

8. REACTIVE MAINTENANCE POLICY UPDATE (C&H 14)

The Executive Councillor (Communities & Housing) submitted a report (copies of which had been circulated) inviting the Executive to approve a revision to the Highway Safety Inspection and Repairs Plan to take account of the recommendations of the Highways Reactive Maintenance Review in 2016 and the Scrutiny Review ‘Repairing Potholes’. It was proposed that the implementation of a new categorisation system for repairs be undertaken for a trial period of 12 months during which time councillors and the public were encouraged to give feedback on the new process.

RESOLVED – That approval be given to undertake a 12 month trial (starting June 2017) of new categories for response and repair times of highway defects with the aim to review the impact of the changes as part of the final implementation of the reviewed strategy which will be put in place to meet the 2016 Well-Maintained Highway Infrastructure Code of Practice.

9. DEVELOPMENT PROGRAMME FOR MILL LANE CEMETERY CHEADLE (C&H 17)

The Executive Councillor (Communities & Housing) submitted a report (copies of which had been circulated) inviting the Executive to consider a proposal to complete the development of Mill Lane Cemetery, Cheadle to provide additional burial capacity and enhance the existing provision on the site.

RESOLVED – That approval be given to proposed development programme for Mill Lane Cemetery and the capital expenditure to support the programme, as detailed in the report.

10. A6 QUALITY PARTNERSHIP SCHEME (E&R6)

The Executive Councillor (Economy & Regeneration) submitted a report (copies of which had been circulated) inviting the Executive to consider a proposal to extend the current A6 Quality Partnership Scheme agreement with Manchester City Council, TfGM and Stagecoach Manchester in order to maintain the improvements already achieved through this agreement.

RESOLVED – That in relation to the A6 Quality Partnership Scheme:-

- approval be given to the extension of the current Quality Partnership Scheme on the A6 for a period of 2 years with an optional annual extension for a further year;
- the Corporate Director of Place Management and Regeneration, in consultation with the Executive Councillor (Economy & Regeneration) be authorised to take the decision as to whether to support the extension of the Quality Partnership scheme for another year after the proposed two year extension of the existing scheme;
- the Head of Legal and Democratic Services be authorised to affix the Council's seal to a deed of variation giving effect to the above recommendations and to do all things necessary or incidental to give effect to the above recommendations.

11. ASSET MANAGEMENT PLAN CAPITAL PROGRAMME 2017/18 - 2021/22 (R&G 10)

The Executive Councillor (Reform & Governance) submitted a report (copies of which had been circulated) inviting the Executive to approve the Asset Management Plan Capital Programme for 2017/18, and setting out an indicative programme for 2021/22. The Plan set out the programme of capital works to Council owned assets to ensure they were maintained for continued Council and public use.

RESOLVED – That in relation to the Asset Management Plan Capital Programme for 2017/18 – 2021/22:-

- approval be given to the implementation of the updated AMP Programme for 2017/18 and the financing thereof, and the Indicative AMP Programme for 2018/19 to 2020/21, as set out in the report;
- approval be given to the application of corporate resources to fund the AMP Programme 2017/2018 to 2020/2021; with the application of funding types (capital receipts and borrowing) being delegated to the Deputy Chief Executive in conjunction with the Estates Strategy Group (ESG);
- the Executive and the Corporate Resource Management & Governance Scrutiny Committee continue to receive annual update reports on progress.

General Items

12. DEMENTIA STRATEGY

A joint report of the Executive Councillors (Adult Social Care) and (Health) was submitted (copies of which had been circulated) inviting the Executive to consider the Dementia Strategy for 2017-2020 that sought to improve support for people with dementia and their

carers. The Strategy sought to facilitate the development of a range of activities that would make Stockport a Dementia Friendly community.

It was highlighted that Dementia Awareness Week would be 14-20 May 2017.

Executive councillors welcomed the Strategy and the focus on prevention and the recognition of the importance of co-production with user groups.

RESOLVED – That the Dementia Strategy 2017-2020 be endorsed.

13. 23RD ANNUAL PUBLIC HEALTH REPORT

The Executive Councillor (Health) submitted a report (copies of which had been circulated) incorporating the 23rd Annual Report of the Director of Public Health, and the proposed Executive response to the recommendations addressed to the Council. Although primarily health related, there were recommendations covering a range of Council services and affecting a number of executive portfolios.

The Executive Councillor highlighted the importance of preventative activities, and in particular the hard work of partners in encouraging flu vaccinations that had resulted Stockport being either highest or second highest performers in England.

RESOLVED – That the 23rd Annual Report of the Director of Public Health be received, and the proposed response to recommendations 1 – 9, 12 – 15, 18 – 21, 23 – 27, 30 & 32 – 35 be approved.

14. ROAD SAFETY NEAR SCHOOLS

A joint report of the Executive Councillors (Communities & Housing) and (Education) was submitted (copies of which had been circulated) inviting the Executive to consider an update on the activities relating to road safety near schools, that had been subject to consultation with area committees and relevant scrutiny committees.

RESOLVED – That in relation to Road Safety near Schools:-

- the report be noted;
- approval be given to officers to liaise with Manchester City Council to further research the use of the “Smart Camera Car”, especially with regards to enforcement of bus lanes. A consultation charge would be levied for this information;
- approval be given to the development of a detailed programme of schools to be audited and a prioritised programme of measures for implementation.

15. LOCAL CODE OF GOVERNANCE REPORT

The Executive Councillor (Reform & Governance) submitted a report (copies of which had been circulated) inviting the Executive to consider the Local Code of Governance for 2017/18 that had been produced in line with guidance from CIPFA on best practice to ensure ‘good governance’.

RESOLVED – That the revised Local Code of Governance for 2017/18 be approved and adopted.

16. REVISED ARMED FORCES COVENANT 2017

The Executive Councillor (Reform & Governance) submitted a report (copies of which had been circulated) inviting the Executive to approve a revised Armed Forces Community Covenant between the Council and residents of Stockport, representatives of the voluntary and charity sector, and the Armed Forces community. The Covenant was a statement of mutual support between the civilian community and the local Armed Forces community and underpinned a range of activity by public agencies, voluntary groups and businesses.

RESOLVED – That revised Armed Forces Community Covenant 2017 be approved.

17. CONSTITUTIONAL REVIEW - AREA COMMITTEES

The Executive Councillor (Reform & Governance) submitted a report (copies of which had been circulated) inviting the Executive to consider proposed changes to the Council Constitution in respect of area committees. The proposed changes had been subject to consultation with area committee chairs, scrutiny committees and the Constitution Working Party.

An extract of the Minutes of the Cheadle Area Committee held on 7 March and Bramhall & Cheadle Hulme South Area Committee held on 8 March 2017 was circulated in specific reference to possible changes of area committee composition relating to the Cheadle Hulme North and South wards.

The Executive Councillor (Reform & Governance) reported that he had received representations from the Leader of the Conservative Group relating to the names of certain area committees and suggesting that these be altered to provide greater clarity of their geographical remit.

RESOLVED – (1) That in relation to the Constitutional review of Area Committees, the following be approved or recommended to the Council Meeting for approval as appropriate:-

- abolish the Town Centre Committee and adopt the planning decision making procedures set out in paragraph 3.1.3 of the report;
- alter the definition of strategic planning applications to include Environmental Impact Assessment applications, as set out in paragraph 3.2 of the report;
- delegate the Ward Flexibility Fund be delegated to Area Committees, as out in paragraph 3.4 of the report;
- that Ward and Joint Committees requested by Ward Councillors, as set out in paragraph 3.5 of the report, be established by the Council Meeting;
- the proposals relating to Area Committees acting as 'Trustees' in relation to the disposal of Charitable land, as set out in paragraph 3.6 of the report and Appendix 3;
- the proposals relating to Commuted Sums, as set out in paragraph 3.7 of the report, be approved;
- the miscellaneous Drafting Matters, as set out in paragraph 4 of the report, with the exception of those relating to property matters;

- the revised delegations to Area Committees, as set out in Appendix 1 to the report, but that the issue be reconsidered in twelve months' time in the light of health and social care integration.

(2) That in relation to the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different area committees the Executive is of the view that the Council Meeting establish a joint ward committee to address the concerns of ward councillors.

(3) That the Council Meeting be recommended to change the name of the Marple Area Committee to the 'Marple and High Lane Area Committee' and the Werneth Area Committee to the 'Bredbury, Romiley and Woodley Area Committee'.

18. AWARD OF MDD PREFABRICATED BUILDINGS FRAMEWORK CONTRACT

The Executive Councillor (Reform & Governance) submitted a report (copies of which had been circulated) inviting the Executive to approve the appointment of a framework of suppliers to deliver Multi-Disciplinary Design and single discipline projects in relation to prefabricated buildings.

(Note: the report contained information 'not for publication' within its appendix that had been circulated to executive councillors only).

RESOLVED – That in relation to the Multi-Disciplinary Design Prefabricated Buildings Framework Contract the following be approved:-

- the awarding of a two year contract (plus two optional one year extensions) to the eight suppliers identified in the report for the provision of both Multi-Disciplinary Design (MDD) and single discipline projects on behalf of Stockport Council in relation to prefabricated buildings;
- in the event that any of the proposed eight suppliers fail to enter into a contract with the Council, the contract be awarded to the next highest bidder in sequence attaining the minimum quality score threshold as identified at 5.4 of the report;
- the authorisation to the Borough Treasurer to finalise and agree the frameworks following consultation with Executive Councillor (Reform & Governance);
- the authorisation to the Deputy Chief Executive or Borough Treasurer in consultation with the Executive Councillor (Reform & Governance) of subsequent call-off contracts under the frameworks.

19. GMCA AND AGMA DECISIONS

The Leader of the Council (Policy, Finance & Devolution) submitted a report (copies of which had been circulated) setting out decisions taken by the Greater Manchester Combined Authority (GMCA) and the Joint AGMA/ GMCA meetings held on 16 December 2016.

The Leader of the Council highlighted the decision of the GMCA to appoint Eamonn Boylan as the new Chief Executive of the GMCA, and the agreement to support the International Day for Zero Tolerance for Female Genital Mutilation and to declare Greater Manchester the first Zero Tolerance City Region.

The Leader also highlighted the positive response of Transport for Greater Manchester to the HS2 Phase 2 Consultation to stress the importance of connectivity of Stockport into Phase 2.

RESOLVED – That the report be noted.

20. TO CONSIDER RECOMMENDATIONS OF SCRUTINY COMMITTEES

There were none to consider.

The meeting closed at 7.01 pm

REPORT TO EXECUTIVE MEETING – SUMMARY SHEET**Subject:** Scrutiny Review Panel – Improving Children's Mental Health: Final Report**Report to Executive Meeting****Date:** 25 April 2017**Report of:** (a) Children & Young People's Scrutiny Committee**Key Decision:** (b) No

Forward Plan ☐ General Exception ☐ Special Urgency ☐ (Mark with a Y if applicable)

Summary:

As part of the Scrutiny Work Programme approved by the Council, the Children and Young People Scrutiny Committee decided to conduct a scrutiny review in respect to Children's Mental Health. The Committee were aware that the Health and Wellbeing Scrutiny Committee conducted a similar review in 2013/2014 and consequently determined that the review would very much focus on the support provided to children and young people in schools.

The report sets out the final recommendations for consideration by the Executive.

Comments/Views of the Executive Councillor: (c)

N/A

Recommendation(s) of Executive Councillor: (d)

The Executive is recommended to receive the report and request officers to prepare a formal response.

Relevant Scrutiny Committee (if decision called in): (e)

Children and Young People Scrutiny Committee

Background Papers (if report for publication): (f)

There are none.

Contact person for accessing
background papers and discussing the report

Officer: Stephen Fox
Tel: 0161 474 3206

'Urgent Business': (g)**No****Certification (if applicable)**

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

SCRUTINY REVIEW PANEL - IMPROVING CHILDREN'S MENTAL HEALTH: FINAL REPORT

Report of the Lead Councillor - Councillor Paul Porgess

1. Introduction

- 1.1 As part of the Scrutiny Work Programme approved by the Council, the Children and Young People Scrutiny Committee decided to conduct a scrutiny review in respect to Children's Mental Health. The Committee were aware that the Health and Wellbeing Scrutiny Committee conducted a similar review in 2013/2014 and consequently determined that the review would very much focus on the support provided to children and young people in schools.

2. Methodology

- 2.1 The Scrutiny Committee established a Scrutiny Review Panel to undertake the review comprising:

Cllr Paul Porgess (Lead Councillor)
Cllr Dickie Davies
Cllr Annette Finnie
Cllr Mark Weldon
Michelle Beecroft (Co-opted Member)

Officer Support:

Steve Fox – CSS Manager, Democratic Services
Donna Sager – Deputy Director, Public Health
Duncan Weldrake – Joint Commissioning Manager (Children and Young People)

- 2.2 Given the time parameters for conducting the review, the Panel opted to hold three evidence gathering meetings – the first meeting would be devoted to learning about Stockport Family and how the integrated Service promoted the importance of mental health issues and what mental health support was currently provided in schools. The second meeting would be an opportunity for Panel members to meet with and hear from schools representatives and key services which provided support directly to schools. At the third and final evidence gathering meeting, the Panel agreed to meet with a number of mental health professionals including representatives of Healthy Young Minds (formally CAMHS), educational psychologists and representatives of the voluntary sector who all have an active role in this work programme

3. Background and Context

- 3.1 In order to help pupils succeed, schools have a significant role to play in supporting them to be resilient and have good emotional well-being. Clearly, where significant problems occur, then schools should expect to receive support elsewhere from local authorities, mental health professionals, the voluntary sector and GP's. ¹ The emotional wellbeing of children is just as important as their physical health both to their education but also to their ability to develop resilience for challenges in later life.

¹ Mental Health and Wellbeing in School – Guidance March 2016 (DfE)

- 3.2 The extent to which children and young people suffer from mental health related illness is estimated by the Mental Health Foundation to be 1 in 10. Mental illness can present itself in a variety of forms but typically includes depression and anxiety (Generalised Anxiety Disorder), self-harm, Post-Traumatic Stress Disorder (PTSD), hyperactivity and eating disorders.² Whilst most children and young people grow up to have good emotional well-being data and surveys suggest that more have problems today when compared to 30 years ago. Mental health problems can be triggered by traumatic events and there are numerous risk factors making children and young people more likely to experience problems than others.³ Given that there are 60,000 children and young people in Stockport (2011 census) aged 0-17 years, then there are possibly 6,000 with potential mental health issues, equating to 2 - 3 children in a typical class. It was against this setting that the Panel embarked on the review keen to hear more information about the support currently provided in schools, the links between mental health professionals, schools and the local authority and what work was being undertaken by the voluntary sector.

4. EVIDENCE GATHERING

- 4.1 Mindful of the review previously undertaken by the Health and Wellbeing Scrutiny Committee in 2013/2014, the Panel invited Councillor Tom McGee, the lead Councillor of that review to make a presentation on the findings of that review and the recommendations that were endorsed and acted on by the Council Executive. This enabled the Panel to gain useful background information in respect to how mental health issues affect both adults and children but also the opportunity when scoping the review to avoid any duplication of work carried out by the earlier review Panel. Having regard to the previous report and from the commentary provided by Councillor McGee, it quickly became apparent to the Panel that the work undertaken during the previous review had been comprehensive and far reaching and consequently confirmed for the Panel that it would be prudent for this review to focus specifically on support provided in schools and educational establishments.
- 4.2 The Panel heard from Maura Appleby (Principal Lead Integrated Services, Health) about the work being undertaken by Stockport Family to promote positive mental health for babies, children and young people. The Stockport Family approach promoted the importance of optimising parental mental health and healthy family relationships as they directly relate to the mental health of a child. Whole family working, in homes, schools, children's centres and communities was integral to this strategy, as was the focus on prevention and early help. Stockport Family was developing a *Team Around the School* with each school having a named link social worker, school nurse and Stockport Family Worker. It should be noted that the implementation of this strategy varies and is not yet fully operational in all schools. However, positive relationships continue to be forged with all schools especially in respect to communication and intelligence capturing and working flexibly to respond to the needs of families.

The Panel were particularly interested in the information presented in respect to the importance of Early Years and the potential for identifying problems even before children attend school for the first time. At present, the financial pressures placed on all Local Authorities is considerable with many reducing their spend on Early Years. The Children's Society estimate that between 2010 and 2016, spending by Local Authorities on early interventions services for children, young people and families fell by 31% in real terms.⁴

² www.mentalhealth.org.uk

³ Ibid

⁴ 'Children and Young People's Mental Health: Time to Deliver' Education Policy Institute, November 2016

The Panel were made aware of evidence which suggested that the Early Years' experience was key to a child's future life chances, not only laying the foundations for later academic performance but also for mental health and interpersonal skills including relationships.⁵ The Panel found it encouraging that a significant amount of work was being undertaken by Stockport Family to support families at the Early Years stage including work with health visitors and interventions being delivered directly in children's centres. In addition, they noted that engagement with schools and information sharing about families known through children's centres with options for handover to a School Age Plus worker if required was being undertaken. The Panel strongly supported this type of intervention, focussed on the earliest years and concentrating efforts to ensure that children arrive at school 'school ready.'

- 4.3 The Stockport Family approach and integrated working has radically changed the way that organisations work together and interact. Duncan Weldrake (Joint Commissioning Manager, Children and Young People) reported on the development of and implementation of a 5 year plan to transform mental health support for children and young people. This was in response to the Government's strategy *Future in Mind* published in March 2015 which is to be accompanied by an investment of £1.25bn over 5 years to improve the care offered to children and young people in England by 2020.⁶

The transformation plan in Stockport was in the early stages of delivery with a wide range of agencies contributing to its formation. Mental health support in schools was a core theme but additional investment had also been put into Healthy Young Minds and a new Community Eating Disorders offer for 16-18 year olds. However, focusing on schools, the Panel heard that several mental health support services were already embedded in schools including the Behaviour Support Service, Primary and Secondary Jigsaw (multi-agency teams whose aim is to improve the emotional health and wellbeing of children experiencing difficulties), Educational Psychologists, the School Nursing Service, numerous Counselling providers and the pastoral support offered in schools. The Panel were informed of and welcomed the recruitment of 1.5 WTE additional mental health practitioners and were keen that they be deployed directly at the schools' interface. The Panel were encouraged at the efforts being made in respect to providing training courses for school staff on mental health support as well as the roll out of the *Living Life to the Full Programme in Schools*. The Panel suggested that further effort be made to develop and encourage the appointment of designated emotional wellbeing leads in schools to be supported through the development of an emotional well-being toolkit.

- 4.4 The Panel's second meeting saw discussions with invited representatives from schools and key providers of services in schools. Notably, Janice Cahill, Head Teacher at the Pendlebury Centre Pupil Referral Unit representing the *Children and Young People's Mental Health Stakeholder Forum* explained that each secondary school had an Emotional well-being lead and that half termly meetings were held (Checkpoint) where the leads would discuss developments and share new information from Healthy Young Minds. She further explained that in partnership with Stockport secondary schools, she was developing a mental health strategy which each school could adopt and personalise to demonstrate their contribution to both the students and staff emotional well-being. The Panel also heard from Joanne Dee, Werneth High School, about the support provided to students at the School particularly through pastoral support and via the PSHE curriculum. Health and Well-being was a core principle with pupils being taught in key stages 3 and 4

⁵ Harvard National Scientific Council on the Developing Child (www.developingchild.harvard.edu)

⁶ Children and Young People's Mental Health: Time to Deliver' Education Policy Institute, November 2016

how to maintain physical, mental and emotional health and wellbeing covering issues including sexual health, parenthood and the consequences of teenage pregnancy, how to identify and access help, advice and support, how to make informed choices about health and wellbeing matters including drugs, alcohol and tobacco, maintaining a balanced diet, physical activity and emotional health and wellbeing.

The Panel further heard information from a number of Council officers in relation to restorative approaches and the work undertaken by the Behaviour Support Service in schools to promote positive and good behaviour providing effective support to both pupils and parents. A significant number of schools, council and partner services have undertaken Restorative Approaches training over the past two years. Teachers, social workers, the police, educational psychologists and many others have attended a range joint or bespoke training to develop a common understanding and language around the principles of RA. This approach supports the development of a climate where everyone is supported to have a voice, where there is appropriate challenge and support and where there is a positive drive to work with one another to develop solutions. Services and schools have developed RA champions who will ensure that this momentum is maintained.

4.5 The final meeting provided an opportunity to hear from representatives of Healthy Young Minds, the Education Psychology Service and from representatives of the Voluntary Sector. Jennifer Willbourn (Healthy Young Minds) explained that work was underway to implement a single point of access to the service as there were currently a variety of referral pathways. The Service was now working within the Multi-Agency Safeguarding & Support Hub (MASSH) and had a presence in many of the boroughs schools. She commented on the importance of developing excellent relations with schools and explained the advantages of school-based mental health programmes and services which included the following:

- Schools provide enhanced access to services, since they serve as a single location through which the majority of young people can be reached;
- School programmes reduce barriers to treatment such as cost and transportation;
- Schools offer services in a familiar setting and may thus reduce stigma for help seeking;
- Treatment implemented within schools provides opportunities for practising new skills in real life contexts; and
- Parents frequently consult teachers about their children's problems and having mental health programmes in schools may enhance the quality of advice provided to parents ⁷

The Panel were informed that there were many guides and resources available online for parents, carers and those who work with young people including apps, guides and videos (www.healthyyoungmindspennine.nhs.uk). Of particular note was the young person's handbook which covered issues including alcohol misuse, bullying, depression, drugs, exam pressure, exploitative relationships, sexuality, obesity, young carers and many others. Healthy Young Minds also worked closely with Primary Jigsaw and a framework had recently been developed as a resource for people who carry out commissioning of Emotional Health & Well-being Services in Schools as a means of ensuring that interventions are safe and effective, were provided by appropriately qualified and experience practitioners and are delivered to ensure value for money and minimal risk to

⁷ 'Emotional Health & Well-Being Services – Quality Assurance Framework to Support School' – Pennine Care NHS Foundation Trust

the school. The Panel were keen to ensure that all schools were made aware of the availability of online resources and the commissioning framework. They also appreciated the collaborative working with the MASHH Team and Primary Jigsaw and supported that this be embedded further in the future.

- 4.6 In respect to the Education Psychology Service, the Panel acknowledged that the service fulfilled a range of statutory and non-statutory functions with a particular focus on the most vulnerable children covering all the special schools. The Panel heard that the service operated closely with Stockport Family supporting children with less acute mental health issues and that there was a wealth of information on the Council website both for parents, carers but also for schools. Once more, the Panel identified that there was an opportunity for enhanced information sharing and raising awareness of the service offered.

Representatives of the Voluntary sector reported on the excellent work being undertaken in schools by volunteers offering a range of support services including one to one counselling, group programmes and support for teachers and pastoral staff. Beacon Counselling had been operating in Stockport since 1996 and were currently working in 15 primary schools, many of the secondary schools and in Pupil Referral Units. The Panel were encouraged by the excellent work undertaken by the volunteers and acknowledged the positive effect that the support provided has on removing barriers to learning and improving opportunities to succeed academically. The Panel were keen that officers explore further how the Council can better promote and support the Voluntary Sector in their work in schools.

Finally, the Panel heard that School Nurses were well placed in Stockport schools to identify issues, use protective screening and provide effective support for young people who were struggling with poor emotional health. Two school nurse clinics per week were offered in the 15 secondary schools which young people could access, with or without parental consent, to discuss any emotional health concerns they may have. Young people frequently presented with issues such as emotional dysregulation, anxiety, depression, self-harm or suicidal ideation. The school nurse has a duty of care to provide early critical support and help young people find coping strategies to reduce the risks involved in emotional ill health. The School Nurse emotional health and wellbeing pathway (DOH,2016) has been adapted to offer a local model of intervention at four levels which are: Community, Universal, Universal Plus and Universal Partnership Plus. This enables school nurses to work collaboratively with other colleagues within Stockport family, schools, healthy young minds and third sector agencies to enable identification, assessment and therapeutic support at the earliest opportunity to support young people to manage their own emotional health at a place and time that is right for them.

5. CONCLUSION & RECOMMENDATIONS

That the Executive be recommended to endorse the following recommendations: -

- 1) That the Corporate Director for People be requested to explore the potential to develop further partnership working to ensure that pathways for help are clear to schools and embed the approach to mental health support into the Team Around the School.
- 2) That the Corporate Director for People utilise the additional mental health practitioner capacity in the Healthy Young Minds service in order to focus on support provided to Secondary Schools, the Team around the School and working with Schools Emotional Well-being leads.

3) In relation to schools, the Corporate Director for People be requested: –

- To encourage the identification of a designated Emotional Well Being lead in all schools supported by appropriate training opportunities for all school staff and governors.
- To encourage schools to name a designated governor for mental wellbeing.
- To encourage all schools to utilise the emotional well-being toolkit in order to increase confidence of all school staff in working with children and young people with emotional distress
- To support the roll out of the Living Life to the Full programme in all schools
- To investigate the opportunities afforded by the proposed national rollout Mental Health First Aid training for schools staff and ensure that the opportunities of this programme are maximised locally
- To investigate opportunities to raise awareness in schools to better understand the support on offer from the Healthy Young Minds Services and the supply of information in respect to mental health support including self-help resources
- To disseminate a toolkit to support schools' commissioning of mental health support
- To encourage schools to adopt the WHO (Whole School Approach Model)
- To encourage high quality, statutory PSHE in all school and colleges with dedicated time for mental health
- To support and encourage schools to develop and integrate cultures, structures, systems and (pedagogical) practices that foster and enhance resilience and wellbeing in children and young people

4) That the Corporate Director for People be requested to explore how the Council can work with Stockport CCG to increase the role of the Voluntary Sector in promoting young people's mental wellbeing and supporting young people who have mental health concerns and in developing a new Voluntary Sector led offer aimed at young people

5) In recognition of the benefits of early intervention and of raising awareness of mental health support for parents, the Corporate Director for People be requested to ensure that Stockport Family workers continue the excellent work being undertaken to ensure that children arrive at school 'school ready'

6) That the Corporate Director for People be requested to further develop partnership work to ensure effective pathways into adult services for young people with mental health concerns.

Officer Contact: Steve Fox on Tel: 474 3206 or email: stephen.fox@stockport.gov.uk or alternatively Duncan Weldrake on Tel: 426 5517 or email: d.weldrake@nhs.net

REPORT TO EXECUTIVE MEETING – SUMMARY SHEET

Subject: Scrutiny Review Final Report - Community Pharmacies

Report to Executive Meeting

Date: 25 April 2017

Report of: (a) Health & Wellbeing Scrutiny Committee

Key Decision: (b) N

Forward Plan

☐

General Exception

☐

Special Urgency

☐

(Mark with a Y
if applicable)

Summary:

This is the final report of the Health & Wellbeing Scrutiny Committee's review of the role of community pharmacy in the wider health and care system in Stockport, exploring opportunities for closer working and even integration with other partners, particularly in relation to prevention and self-care.

The Review involved both commissioners (NHS England, Stockport CCG, Stockport Council) and providers (through representatives of Greater Manchester Local Pharmacy Committee).

Comments/Views of the Executive Councillor: (c)

N/A

Recommendation(s) of Executive Councillor: (d)

That the Executive receive the report and request the Director of Public Health to prepare a response to the recommendations contained therein in so far as they relate to the Council's responsibilities.

Relevant Scrutiny Committee (if decision called in): (e)

Health & Wellbeing

Background Papers (if report for publication): (f)

There are none

Contact person for accessing
background papers and discussing the report

Officer: Jonathan Vali
Tel: 0161 474 3201

'Urgent Business': (g)

Yes/ No (Please circle)

Certification (if applicable)

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

Making the most of Community Pharmacy

Report of the Health & Wellbeing Scrutiny Committee

April 2017

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Foreword

Stockport is well placed with its provision of pharmacies. There is therefore no reason that they cannot play an active role in the delivery of some health services across the borough. The services that pharmacies already provide and could in the future provide, coincide with the aims of the Stockport Together programme.

Pharmacies have a role in deflecting some patients from attending A & E. Emergency departments are dealing with more patients than they need to and strategies are in place to signpost people to more appropriate agencies to receive the treatment they need. Minor Ailment schemes are a cost-effective way of managing patients which could be delivered by some pharmacies. Patients do not need to wait for an appointment with their GP or to attend A & E. In some cases, a trip to the local pharmacy might yield a cure there and then. For those over 65 and those on free prescriptions, medication would be available over the counter.

I am convinced that pharmacies have a real and effective role to play in the health care provision of the residents of Stockport and in the Stockport Together programme. My real concern is that electronic communications at the moment are not up to the task. Computer hardware needs to be standardised around common architecture and the software used should also be common to all computers in the health economy. A more difficult problem will be in the design of an appropriate data sharing governance.

I hope partners will consider the recommendations this report provides.

Councillor John Wright, Lead Councillor of the Review Panel

Background

In the last 12 months, it's likely that you've been to a pharmacy. It might not have been to get a prescription, or even about your health, but chances are you've been. 79% of people are likely to visit a pharmacy in a year¹. It is estimated that every day 1.6m people in England visit a pharmacy, with 96% of the population being within at least a 20 minute walk from a community pharmacist². And you can just pop in – no appointment needed. There are very few other public services that can boast this level of activity and contact, let alone this level of accessibility.

At the same time, our health and social care services are under acute pressure, with costs and demands rising while funding struggles to keep pace.

The proposition that the Health & Wellbeing Scrutiny Committee was seeking to understand was whether the first of these facts, the relative ease of access to an NHS funded service, presented an opportunity to address, at least in part, the second.

This is a well-trodden path – the Pharmaceutical Services Negotiating Committee in 2013 set out its vision for community pharmacy by 2016, which included:-

- *All pharmacies will provide a cost-effective and high quality range of services to their patients, encouraged by funding arrangements that motivate service provision, reward positive patient outcomes and offer sustainability to contractors.*
- *Pharmacies will be fully integrated into provision of primary care and public health services, and will have a substantial and acknowledged role in the delivery of accessible care at the heart of their community.*
- *Pharmacies will be able to deliver a wide range of NHS services to support their customers and patients, and be able to offer them services on equal terms to other primary care providers.*
- *Patients will be confident that when they access services from a pharmacy, the pharmacist and other members of the pharmacy team will have the skills and resources necessary to deliver high quality services. Effective communications will ensure seamless integration with other NHS care providers.*³

In 2015, the PSNC published a further Five Point Plan, building on these principles⁴.

Although this vision has not yet been realised in Stockport, its time may be at hand. With the devolution of health and social care budgets to Greater Manchester, the ambitious Stockport Together programme for health and social care integration, the drive to neighbourhood working and the particular challenges facing the health economy in Stockport, the case for weaving this Vision into those local plans should be given serious consideration.

It was to this issue that the Health & Wellbeing Scrutiny Committee turned its attention.

¹ Pharmaceutical Services Negotiating Committee (PSNC) - Essential facts, stats and quotes relating to pharmacy and pharmacy professionals, <http://psnc.org.uk/services-commissioning/essential-facts-stats-and-quotes-relating-to-pharmacy-and-pharmacy-professionals/>

² PSNC Briefing - 018/16: Community Pharmacy Value Flyer (March 2016), <http://psnc.org.uk/wp-content/uploads/2016/03/PSNC-Briefing-018.16-Community-Pharmacy-Value-Flyer.pdf>

³ PSNC Vision and Working Plan <http://psnc.org.uk/psncs-work/psnc-vision-and-work-plan/>

⁴ PSNC 5-point plan <http://psnc.org.uk/psncs-work/5pointplan/>

What is the situation in Stockport?

According to the 2015-18 Pharmaceutical Needs Assessment (PNA) for Stockport⁵, in 2012-13 there were 25 community pharmacies per 100,000 population, slightly higher than the England average of 22 per 100,000 population, dispensing 7,199 prescription items per pharmacy as against 6,628 average for England as a whole.

Access

From the figures quoted above it could be argued that Stockport residents are well served by community pharmacies. Not only are there a relatively higher proportion of pharmacies for the population of the borough, but they are within relatively easy reach. The PNA indicates that 93.4% of the population live within 1km⁶ of a community pharmacy, and that 98.9% of the population live within 1.5km. Moreover, 100% of the most deprived 20% of the Stockport population live within 1km.

Furthermore, at the time of the PNA there was a pharmacy within 1km of a GP practice, although in reality most practices were either co-located or in very close proximity to a pharmacy, and all but one practice had a pharmacy within 500 metres. In terms of choice, 96% of the population live within 2km of three or more pharmacies.

At the time of the PNA, there were a total of 7 pharmacies in Stockport providing essential services for at least 100 hours, giving access to those core pharmacy services from early morning to late evening every day of the week. Other pharmacies must provide a minimum of 40 hours of essential services. This is broadly in line with national averages.

An out-of-hours pharmacy service, commissioned by Stockport CCG, provides essential services up to 10pm every day of the week.

A number of pharmacies also provided home delivery of prescriptions of medicines and for medical 'appliances' such as catheters.

On the whole, residents of Stockport are well served by community pharmacies with reasonable levels of choice of provider and access to essential services. It is worth noting that during 2017/18 a new Pharmaceutical Needs Assessment process will be undertaken to review the position in Stockport.

⁵ Stockport Pharmaceutical Needs Assessment 2015 - 18

https://assets.contentful.com/ii3xdrqc6nfw/74BbpA6O88uw0AgMA6oU84/bb908ff95cd942669b5639755ef73e49/Stockport_Pharmaceutical_Needs_Assessment_2015-2018.pdf

⁶ Ibid, page 19. 1km is deemed to be roughly 20 minutes' walk.

Essential Services

As part of the central NHS contract, all community pharmacists are required to provide a set of essential or core services, regardless of any other services they may choose or be commissioned to provide.

These core functions include those most basic of services most people are likely to associate with a pharmacy:-

- **Dispensing** – providing prescribed medicines or appliances
- **Repeat dispensing** – working with a patient who has a longer term need to provide ongoing supplies and assessing continued need
- **Disposal of unwanted medicines**
- **Promoting Health lifestyles** – providing ‘opportunistic’ advice to patients and taking part in NHS England health promotion programmes
- **Signposting to other healthcare services**
- **Supporting Self Care** – supporting patients with self-limiting or long term conditions to manage those conditions.

These must be underpinned by systems of clinical governance.

Advanced Services

In addition to the ‘essential services’ that all pharmacies provide, a number are also commissioned by NHS England (either through national contracting arrangements or through the NHS GM Team) to provide more specialist services to cater for those with long term conditions or for urgent needs.

These include:-

- **Medicines Use Review (MUR) and Prescription Intervention Service** – working with patients to assess the use of medication and address any problems. Within this service there are requirements to work with national target groups. Reviews should also be conducted in private consultation rooms (physical limitations with premises may limit the ability of some community pharmacists to provide this service).

In Stockport in 2012/13, 58 of 70 community pharmacies provided this service, with the average number of consultations per year per pharmacy having increased over this period although this was marginally below the Greater Manchester and England averages (240 in Stockport as against 254 and 246 in Greater Manchester and England respectively).

- **Appliance Use Review Service** – similar to the MUR but focussing on appliances rather than medication. Data indicates that in 2012/13 no such reviews were undertaken through a Stockport based pharmacy, although it was likely that those in receipt of appliances from other sources were likely to have received a Review through that means.
- **New Medicine Service (NMS)** – working with patients recently prescribed new medication for a long term condition to help them better understand their new medicines. In Stockport in 2012/13, 46 of 70 community pharmacies provided this service.

Enhanced and Locally Commissioned Services

These further services are commissioned by either NHS England, the Clinical Commissioning Group or by the Council, and tend to target specific needs or priorities in particular communities. By way of an example, Emergency Hormonal Contraception Services are provided from 9 pharmacies including two Town Centre pharmacies, for ease of access, and at two Brinnington based pharmacies where levels of teenage pregnancy are highest. These services often have a Public Health focus.

Healthy Living Pharmacies

Although all pharmacies as part of their essential services must provide advice and health promotion, Healthy Living Pharmacy accreditation is an additional level of provision providing a specific focus.

According to the Pharmaceutical Services Negotiating Committee⁷,

“The Healthy Living Pharmacy (HLP) framework is a tiered commissioning framework aimed at achieving consistent delivery of a broad range of high quality services through community pharmacies to meet local need, improving the health and wellbeing of the local population and helping to reduce health inequalities....underpinned by three enablers:

- *workforce development – a skilled team to pro-actively support and promote behaviour change, improving health and wellbeing;*
- *premises that are fit for purpose; and*
- *engagement with the local community, other health professionals (especially GPs), social care and public health professionals and local authorities.”*

There are three levels of services that can be provided within this framework:-

- Level 1 - Promotion – Promoting health, wellbeing and self-care (this is accredited through a self-assessment process).
- Level 2 – Prevention – providing services (as commissioned)

⁷ PSNC, Services and Commissioning, Healthy Living Pharmacies - <http://psnc.org.uk/services-commissioning/locally-commissioned-services/healthy-living-pharmacies/>

- Level 3 – Protection – providing treatment (as commissioned)

A Healthy Living pharmacy should also have appropriate facilities to provide confidential consultations and at least one trained and accredited 'Healthy Living Champion'. The requirements for accreditation also require adherence to various quality standards.

Evaluations of Healthy Living Pharmacies had demonstrated their positive impact. According to Public Health England⁸:-

- People walking into a Healthy Living Pharmacies were twice as likely to set a smoking quit date than if they walked into a non-Healthy Living Pharmacies.
- 99% of people were comfortable and happy with the service provided by Healthy Living Pharmacies
- 98% of people would recommend Healthy Living Pharmacies to their families and friends.
- 60% of people would otherwise have made an appointment with their GP if the health improvement service was not available at a Healthy Living Pharmacies.

By bringing together a range of the advanced and enhanced/ locally commissioned services, badged and branded as a Healthy Living Pharmacy it was hoped to create a greater understanding amongst the public as to the range of services available through any Healthy Living Pharmacy. This model is positioned in the Stockport Together Neighbourhood Business Plan as a key component of the healthy communities emphasis.

⁸ PNSC, Essential facts, stats and quotes relating to pharmacy and pharmacy professionals - <http://psnc.org.uk/services-commissioning/essential-facts-stats-and-quotes-relating-to-healthy-living-pharmacies/>

What more can be done?

In so far as community pharmacy services are concerned, the overall situation in Stockport at the start of this Review was generally positive: coverage is good, with relatively easy access and a good spread of advanced and enhanced services. The health and social care economy in Stockport however is a more mixed picture, with many parts under rising and acute pressure. The estimated gap in funding of the health economy in Stockport £130m by 2020/21⁹. The system itself is heavily hospitalised, with a higher rate of hospital admissions than similar economies elsewhere in the country, giving an indication of the scale of this reliance on the local hospital. Demographic changes in Stockport also mean that there is likely to be increased demand on social services as the proportion of older people increases, but also that population is living longer¹⁰.

These challenges are not unique to Stockport, with the NHS and social care provided by councils throughout England facing challenges to meet increasing demand with tightening budgets. In this context, and with targeted reductions proposed in funding for Community Pharmacies proposed by the Department of Health in December 2015, the Pharmaceutical Services Negotiating Committee commissioned a report on the value of community pharmacy to the health economy to address whether the historical funding levels represented value for money. The report, published in September 2016, estimated that in 2015 the net benefit of community pharmacy was £3billion after the costs of providing the services were taken into account. This report chimes well with the PSNC's own Vision for 2016¹¹ in which the community pharmacy is an integrated part of the primary care and public health system, providing a range of services as a first choice provider. Many of the themes and ideas from this Vision were explored during the course of the Review.

Local and Regional Drivers

Stockport Together

In recognition of this financial and outcome challenge facing the health and social care economy, local partners have embarked on an ambitious programme of reform and transformation to integrate services, initially for over 65s and those with long term conditions, to provide a multi-disciplinary neighbourhood-led team to provide more responsive, earlier and community-based interventions to prevent attendance and admission at hospital wherever its safe and appropriate. This work has received national recognition by being included with the NHS England 'Vanguard' scheme to support innovation in integration of services. The process also forms part of the locally agreed transformation plan that formed part of the Greater Manchester Health and Social Care Devolution Deal.

⁹ Stockport Locality Plan, page 2, http://www.stockport-together.co.uk/application/files/5214/6295/5233/Stockport_Together_Locality_Plan.pdf

¹⁰ The Stockport JSNA 2016 gives this key fact: "The overall Stockport population is projected to grow by around 5% in the next ten years. The older population is rising even more quickly, those aged 75-84 and 85 and over are expected to rise by 29% and 35% respectively." <http://www.stockportjsna.org.uk/2016-jsna-analysis/demographics>

¹¹ PSNC, PSNC's Vision and Work Plan - <http://psnc.org.uk/psncs-work/psnc-vision-and-work-plan/>

Essential and fundamental elements for the programme are prevention, early intervention, community based services and supporting independence through self-care in healthy communities. In all these areas community pharmacies currently support this work or could potentially have a role to play.

Greater Manchester Primary Care Strategy

As part of the health and social care devolution arrangements for Greater Manchester, partners working through the Greater Manchester Health & Social Care Strategic Partnership (GMHSCSP) have agreed a strategy to develop and enhance primary care across the conurbation¹². One of the key elements of this work is the recognition of the vital role to be played by community pharmaceutical services in the prevention and early intervention agenda, particularly through the accredited Health Living Pharmacies¹³. The aim of the Partnership is to roll out the Healthy Living Framework to all community pharmacies (and other primary care settings such as dental practices and optical practices) by April 2018. The Strategy also states the aim of developing strong links between community pharmacy and general practice to utilise more effectively the skills of pharmacists in different care settings¹⁴.

In part the drive toward improving the community pharmacy offer for minor conditions and medicine management is to increase capacity within General Practice, which the Strategy states costs £2bn in Greater Manchester and 57million appointments for those contacts the substance of which could be more appropriately be handled elsewhere¹⁵.

Prevention

The 'holy grail' for reducing cost pressures in any service is to significantly reduce the demand in the first place and prevent people from turning up at the front door, be that of A&E, the GP practice or a specialist clinic when their health and social care needs can be met in alternative settings.

Given the good overall access to community pharmacy provision the ability of residents to access services through their local pharmacy, or one within a relatively short distance from their home, pharmacies could and should be the first port of call for many people with minor ailments. Moreover, those minor ailments which many people may leave to get better of their own accord may in fact become more serious and require additional interventions (likely to be more costly and take longer) for want of a short conversation with a pharmacist for advice and the purchase of an over-the-counter remedy.

¹² 'Delivering Integrated Care across Greater Manchester: The Primary Care Contribution'
<http://www.gmhsc.org.uk/assets/GMHSC-Partnership-Primary-Care-Strategy.pdf>

¹³ Ibid, p12

¹⁴ Ibid, page 19

¹⁵ Ibid, page 19

Similarly, the advanced and enhanced services are likely to provide even greater preventative benefit.

At the core of this agenda is the Health Living Pharmacy. Rather than simply collecting a prescription, the customer is provided with a much more holistic experience that will seek to provide advice, guidance, signposting and even interventions, on a range of health and lifestyle issues.

Deflection

One of the particular challenges for the health economy in Stockport is attendances and admissions at A&E. The causes of this are complex: it partly reflects the demographic challenges in Stockport (an older population with complex needs), the over hospitalised system, challenges with accessing primary care services, and medically unnecessary attendances. The first two issues are fundamental to the aims of the Stockport Together programme, but the latter two have definite links with community pharmacies.

Specifically in relation to these two areas, it is estimated that nationally up to 18% of general practice workload, and 8% of Emergency Departments consultations relate to 'minor ailments'¹⁶, with an associated cost of £2 billion and £136 million respectively¹⁷. Although not necessarily the 'silver bullet' to resolve the A&E challenges faced by the Stockport NHS Foundation Trust, or the pressure on GPs in Stockport, providing alternatives to residents with minor health needs (particularly out-of-hours) will go some way to alleviating these pressures at the front door to the hospital or GP surgery, and potentially save significant resources; stopping people turning up is even better than finding ways to triage them when they're already there. Local health partners are working to provide mechanisms to deflect those who don't need hospital A&E services through expanding primary care and community facilities, but there is still scope for increased use of pharmacies to offer simple interventions or advice that prevent someone waiting at either the hospital or GP surgery.

In their evidence to the Review Panel, the representatives from Greater Manchester Local Pharmaceutical Committee (GMLPC) cited this service, and the Minor Ailment Services and the Minor Eye Service (provided by optometrists) as examples of where pharmacies can provide pre-GP level interventions. Taking the Minor Ailment Service as an example of how relatively simple interventions can avoid more serious needs, any patients registered with a GP in Stockport and eligible for free prescriptions are able to access this service at a participating pharmacy for the supply of simple, over the counter medicines and remedies to treat minor conditions, or alleviate symptoms, as an alternative to waiting for GP appointment for a prescription for the same over the counter products. The Stockport PNA indicates 61 pharmacies providing this service.

¹⁶ Considered to be common or self-limiting or uncomplicated conditions which can be diagnosed and managed without medical intervention.

¹⁷ <http://pharmacyresearchuk.org/our-research/our-projects/the-minor-ailment-study-mina/>

According to a study of Minor Ailment Services by Pharmacy Research UK, the national picture is extremely encouraging with the review finding that the *“evidence that suggests that community pharmacy-based Minor Ailment Schemes are an effective and cost-effective strategy for managing patients...the...study suggested equivalence of health-related outcomes for pharmacy-managed patients presenting with symptoms and those in high cost settings. The lower costs associated with the management of these symptoms in pharmacies compared with the other settings provides further evidence of the suitability of pharmacies to manage these conditions”*¹⁸. In pure cash terms, the difference in costs was between £29.30 for pharmacy care, as against £84.34 for GP care and £147.09 for Emergency Department care¹⁹.

The Panel noted that the Greater Manchester Primary Care Strategy gave a commitment to explore expansion of this scheme as part of its general drive to reducing demand on GPs in managing minor conditions.

Early Intervention and Self-Care

Beyond simply reacting to urgent needs, pharmacies can offer a range of ongoing services to help people maintain their health and manage long term conditions, which is at the very heart of Stockport Together. These are provided through the Advanced and Enhanced/ Local-Commissioned Services.

In Stockport, Advanced Services are provided for:-

- Medicines Use Review and Prescription Intervention Service
- New Medicine Services

and locally commissioned services include:-

- Emergency Hormonal Contraception
- Stop smoking
- Needle & syringe exchange
- Minor ailments service
- Supervised consumption of medication
- Contraception
- Vaccination (influenza etc)

The interventions provided through these services, while not necessarily in large numbers in some cases, nevertheless can have a significant impact on the ability of those in receipt to manage their own conditions and to remain independent and healthy.

¹⁸ Pharmacy Research UK, 'The Minor Ailment Study Executive Summary' <http://pharmacyresearchuk.org/wp-content/uploads/2014/01/MINA-Study-executive-summary.pdf>

¹⁹ Ibid

A number of other projects are being undertaken within Stockport, to expand the range and scope of these types of interventions. These included a Hip and Knee Service that would help those who are at risk of needing a joint replacement make informed choices about their treatment, but also to be referred into community based services or voluntary groups for wider lifestyle support, since risks associated with surgery are exacerbated for by smoking or excessive weight.

Similarly pharmacists are increasingly working with vulnerable patients within particular patient groups to manage those conditions more successfully. An example provided to the Review Panel was work with diabetes sufferers who struggled to control their condition or whose attendance at clinics was irregular. By taking advantage of the opportunities when these patients are in the pharmacy to collect their prescription, pharmacists can monitor their condition and provide advice and signposting as appropriate.

But not all patients will be walking through the front door to pick up their prescriptions. As Stockport's population ages, it is likely that increasing numbers of residents will be relying on nursing home care. These residents are also likely to have complex or chronic conditions that require medication to control and manage them. Currently GPs undertake medication reviews with care home residents, but clinicians themselves have identified this as a potential area where pharmacist skills may be more appropriate.

Drivers and non-pharmaceutical staff

Of particular interest to the Panel was the use by many pharmacies of delivery drivers. Most pharmacies that offer this service will do so free of charge, and it is aimed at those vulnerable, frail or house bound patients who would otherwise struggle to make the journey to collect dispensed medication.

GMLPC stressed the value of drivers to their operations as a means of getting their products to customers, but also the wider social value this had in terms of providing contact to often vulnerable and isolated residents, for whom the contact with their delivery driver might be the only contact they would have in the day. By providing a delivery of medication it would also ensure that a patient was able to retain their independence in their own home, not having to be hospitalised or placed into some other care setting in order to ensure they were able to manage their medical needs.

Although not funded directly through either NHS or local authority commissioning, the Primary Care Trust and the Council had previously funded training for drivers to assist them in identifying warning signs for vulnerable patients, particularly those with whom they had regular contact. Similarly front of house staff in a pharmacy can often fulfil a similar function for regular customers. Indeed, for those Healthy Living Pharmacies with a Health Champion, this was most likely to be a non-pharmacist. GMLPC had identified these staff as a potential source of contact and advice, and stated that staff currently provided a range of very-brief intervention advice and signposting to customers. A proportion of this activity is formally recorded as part of the quality component of

Stockport's Healthy Living Pharmacy scheme, though concerns were raised with the Panel about the administrative burden that would be created if every intervention needed to be captured.

GP Practice Based Clinical Pharmacists

An increasingly common occurrence in General Practice is for a clinical pharmacist to be employed directly by a practice. The role of the clinical pharmacist is to take on some of the GP workload in relation to medication management, thereby freeing up GP time to focus on other areas of clinical care. As they are additionally trained they are able to undertake additional clinical activity, within the context of general practice, thereby overcoming some of the limitations on community pharmacists.

According to NHS England²⁰ between 5-8% of unplanned hospital admissions are due to issues from medication, and amongst over 65s this percentage is 17%. The need to ensure that those with complex and chronic conditions are taking their medication correctly is vital to ensure the prescribed medication is taken as directed²¹, both for the wellbeing of the patient but also because of the cost of prescribing drugs whose efficacy is lost due to incorrect usage. The cost of hospital admissions, follow-up GP appointments and potential complications from poor medicine management make the use of Clinical Pharmacists based within GP practices, particularly the larger ones, an attractive proposition.

Importantly clinical pharmacists are not tied to a particular location and can undertake 'outreach work', particularly in care homes where there is likely to be a high demand for medication but also increased risk around oversupply. The Core Neighbourhoods work stream of Stockport Together will seek to build on this role as part of the multi-disciplinary team.

²⁰ NHS England, Medicine Optimisation, www.england.nhs.uk/ourwork/pe/mo-dash/background/

²¹ According to NHS England, up to 50% of medicines are not taken as intended by the prescriber. www.england.nhs.uk/ourwork/pe/mo-dash/background/

What are the obstacles to change?

Resources

The “elephant in the room” during the course of this Review was funding, coming as it did during the ongoing consultation and eventual announcement of changes to the Community Pharmacy contract.

Community pharmacies in England, whilst independent businesses, receive a sizeable element of their income from the public purse in order to provide essential health services and are commissioned in a complex way from a number of sources, under differing commissioning models and with differing financial constraints.

Funding through the Community Pharmacy Contractual Framework includes a basic fee designed to cover some of their fixed costs, such as premises, salaries and similar items. Pharmacies will also receive a fee for the activity they undertake, be that dispensing of prescriptions or Additional Services commissioned separately. As businesses pharmacies will also seek to maximise the opportunities for retail income from the footfall they receive for these other services by providing health and personal care related products.

Community pharmacies are likely to be being squeezed on a number of fronts. Firstly, changes announced by the Department of Health in December 2016 will change the base funding of pharmacies in England, which amounts to a reduction of £113m in 2016/17, which could be as much as 12% reduction for some pharmacies²². The impact on pharmacies will vary, depending on their size, location, patronage and whether they are an independent or multi-location provider. The fees paid on dispensed goods will also be affected.

Secondly, the squeeze will come through locally commissioned services currently commissioned from local authorities; public health budgets are also likely to be under pressure given the £331million reduction in the Public Health allocations by 2021²³. Although the benefits of investment in prevention and early intervention, to reduce more costly demand with less certain outcomes at a later point, are well established there will inevitably be a pressure to focus that diminishing resource on the most cost effective schemes that will produce the greatest savings. While this may or may not impact on any given pharmacy, depending on whether or not they currently are commissioned to provide these enhanced services, it is nevertheless another potential loss of income that could affect the viability of the pharmacies’ continued operation.

But the situation is not all doom and gloom. The evidence from GMLPC to the Panel stressed the opportunities that these changes may present. Recognising the challenges that the changes to the

²² PSNC, ‘Government imposes community pharmacy funding reduction’ - <http://psnc.org.uk/our-news/government-imposes-community-pharmacy-funding-reduction/>

²³ Local Government Association, ‘Public health funding in 2016/17 and 2017/18’ briefing, 11 February 2016 - <http://www.local.gov.uk/documents/10180/11493/Briefing+-+Public+health+funding+in+2016-17+and+2017-18/981d88ec-b8d2-4461-99b8-a893494783cc>

central funding model would present would inevitably require a shift in the focus of community pharmacists away from a supply-side business model to a professional service model: relying less on dispensing prescriptions and more on providing enhanced services.

The challenge for commissioners, particularly in seeking to draw community pharmacies into the broader integration agenda is that the funding model created by contractual changes may provide perverse incentives by encouraging volume prescribing. Unlike locally commissioned services where performance is measured and remunerated by outcomes, pharmacists are in danger of retreating behind an activity-measured system of funding that disincentives them from making interventions that reduce demand for dispensary services.

Commissioners are recommended to work with GMLPC to determine the scale of the challenge presented by funding changes and to ensure that future commissioning decisions are taken in cognisance of these changes and so new initiatives and projects are funded appropriately.

Competition from online providers

Community pharmacies are not immune from the general trends in retail with the increased competition from online pharmacies. Although providing a service that differs in many respects from a high-street community pharmacy, the relative convenience of using electronic prescriptions for medicines for long term conditions makes using an online retailer a potentially attractive option.

Similarly the availability of online grocery retailing, often at lower prices, places the wider range of health and personal care products easily available.

Less easy to quantify is the general ease with which the public can search for information online. Rather than seeking a consultation with a GP, the public are well advised to approach a community pharmacist, but the ease with which the public can undertake an internet search of their symptoms means this may well be a first option for many people.

While e-prescriptions may assist pharmacies with ensuring a steady stream of activity that generates core income, the opportunities for engaging patients and customers with public health messages is greatly diminished. Encouraging all providers to work collaboratively to best meet the needs of the population is needed, and may mean that patients are encouraged to use different provision from different pharmacies to meet their varying needs.

ICT

One of the key enabling activities underpinning the Stockport Together programme is the integration of information, be that through a combined system for the health and social care economy, or for there to be some means by which each organisations' disparate systems can communicate to provide some shared informational output. Great strides have already been

made, with almost all 40plus GP practices using the same ICT infrastructure and clinical system and the development of the Stockport Health Record. Data sharing protocols and safeguards are also being developed to ensure that the information can be shared safely.

The Panel heard anecdotal evidence from commissioners, GMLPC and other health care professionals of archaic and potentially information handling, including the faxing of patient information between pharmacies and GP surgeries, and of information being physically walked between premises.

Although pharmacies in Stockport were using a relatively limited range of software systems, and many were actively seeking to collaborate with partners to procure compatible systems or use shared platforms, there nevertheless remained significant scope to improve this.

If pharmacists were to have a greater role, or even just to make the most of their current role, in prevention and early intervention then the patient information they glean from their consultations or screenings needs to be shared with the GP. Having a secure and timely method of doing so and with the ability to flag concerns for the attention of the GP is therefore fundamental to ensuring these services are adding value.

In an increasingly connected city-region, residents may well live in one part of Greater Manchester, work in another and receive secondary or tertiary care in a third. It is therefore important that patients having a means to access a range of primary care services in differing places can be assured that any issues or treatments they receive can securely and safely be shared with their GP or others as appropriate.

Commissioners, in particular Stockport CCG and Council, be recommended to work with GMLPC to explore how they could support the standardisation of ICT back-office systems or the use of data sharing platforms such as GM Connect subject to appropriate information governance safeguards.

Awareness

One of the key questions the Panel had was how aware the public were of the range of services that were on offer from pharmacies. Over recent years there has been a concerted effort to encourage more appropriate use of NHS services through campaigns such as 'Choose Well'. But despite this pressure continues, or is even mounting, on emergency and urgent care services for ailments that might be treated more appropriately elsewhere in the system.

A report by the Royal Society for Public Health "Building Capacity: realising the potential of community pharmacy assets for improving the public's health", published in 2016, quotes opinion polling that from March 2016 that indicated most respondents did not know about the range of services on offer. Respondents were asked to identify where certain services (EHC, Stop Smoking, flu vaccinations, NHS Health Checks and diet & nutrition advice) could be accessed (pharmacy, GP or hospital) and in nearly all cases the percentage of people identifying the pharmacy was lower, sometimes half the number, as identifying the GP. In a particular question about Health Living

Pharmacies, the percentage of respondents who had previously heard of them was only 14%, although this masked a variation between age ranges with more awareness in younger respondents.

When respondents were asked where they would access certain services in all but one case the GP was the preferred provider, and in some cases the hospital was preferred, even when these were probably the least appropriate provider. To give the most extreme example: for advice on diet and nutrition only 10% identified the pharmacist, with 37% responding GP and a surprisingly high 34% identifying the hospital. Interestingly, 46% identified the pharmacy for minor ailment services.

Perhaps more tellingly the polling sought clarity on the reasoning behind the preferences made by the respondents. 27% gave the response 'I am unsure if my particular local pharmacy/ies could provide this advice/service'. Other responses focussed on the expertise, facilities and connectedness to the wider health care system as reasons for preferring the GP over pharmacies. Although only a relatively small percentage of respondents, 14%, were aware of healthy living pharmacies, this is reflective of the fact that at the time only 15% of pharmacies were Healthy Living Pharmacies, suggesting that where these facilities existed they may well have been better known. Expanding the number of community pharmacies in Stockport who have Healthy Living Pharmacy accreditation would go some way to simplifying the message of the services available.

Local partners be recommended to develop a communication strategy to simplify the messages about the services on offer from community pharmacies.

Clinical Governance and Training

As the opinion polling data quoted above demonstrates one of the reasons the public don't choose to go to the pharmacy for more than dispensing services is because of the perception that pharmacy staff have less expertise and training than staff in a GP practice. This may well be the case given the range of clinical staff that may be based in a practice as opposed to the training of staff based in a small community pharmacy.

Pharmacists, like all professionals, are required to undertake regular Continuous Professional Development (CPD). As well as any mandatory training requirements, pharmacist may engage in training specific to their practice (if they know of a particular need in their community) or of an area of particular interest to them.

In order for pharmacists to be commissioned to provide advanced or enhanced services they will need to be able to demonstrate that they have the skills and expertise to safely deliver that service. This additional training demand may also limit the take up of additional opportunities by community pharmacies, and with the tightening of finances this may dis-incentivise the take up of all but the most high value additional services as community pharmacists have to ensure their business stays afloat.

Concerns nevertheless remain that as pharmacists seek to expand their role away from simple dispensing to more clinical services, particularly diagnostic activity, that this needs to be done in the confidence that pharmacists have been trained and the services they provide are safe. Similarly where clinical and screening activities are undertaken this information needs to be shared between a community pharmacist and a GP about a patient, after a blood pressure screening for example, as it would remain the responsibility of the GP in clinical governance terms to ensure that this information was acted upon.

While there is the potential and resource notionally available to provide the additional or enhanced preventative activities there is nevertheless clinical governance and particularly a training burden attached to this. Although pharmacists will have undertaken a 4 year Masters level qualification, followed by pharmacy based training and further accreditation, and ongoing CPD, this training will not necessarily equip them to provide the range of more clinical services that a Level 3 Healthy Living Pharmacy might demand. In order to provide the advanced and locally commissioned services pharmacists will need to be able to demonstrate a certain level of expertise and competence; this is not a mandatory requirement for all community pharmacies.

Similarly, the obvious opportunities arising from drivers and deliveries, as well as 'front of house' staff can only be realised with appropriate training and safeguarding.

Commissioners be recommended to work with GMLPC to develop appropriate training programmes and opportunities for pharmacists and other staff employed by community pharmacies to support their work in delivering Healthy Living Pharmacies and other advanced services.

Although there are obvious 'out-reach' opportunities, such as working with nursing homes on their medicine managements there are limitations on how pharmacists can operate, restricting their ability to work outside of the pharmacy premises. In particular the Panel were told that many pharmacists were unable to participate in activities with other professionals because their pharmacy could not operate without them being present. Without the flexibility for a community pharmacy to be off-site this severely limits their ability to do out-reach work, or even to participate in partnership activity or training opportunities. Participation in such activities will be at the expense of the needs of running their service and business which cannot continue without them. It was stressed to the Panel that these restrictions would be a hindrance to further engagement with pharmacist in developing integrated care models.

Commissioners and Stockport Together partners be recommended to make representations to NHE England and the General Pharmaceutical Council inviting them to reconsider their requirements that pharmacist must remain on site as this hampered efforts by pharmacists and others in the health and social care economy to develop improved models of care.

Variability

A further challenge borne out by the polling conducted for the *Building Capacity* report was the variability in provision between pharmacies. 27% of respondents were unsure of the services their community pharmacy provided – this presumably does not cover those respondents who were simply unaware of what they did not know. Variability is a theme that arises on a number of occasions during the course of a year's worth of discussions at the scrutiny committee so it was not unexpected to find that this was the case with community pharmacies, not least because of the fact that these are businesses, many of which are independent or very small chains. But the variability in offer will detract from their overall effectiveness – if someone frequents a provider that offers limited additional services but they do so because it's close to home, they are less likely to be aware of a fuller range of services available at the next pharmacy along.

Although the Panel had little in the way of satisfaction data, anecdotally all the members of the Panel could point to particular pharmacies they may avoid due to service they were unhappy with or a lack of approachability of staff. A cursory search of the NHS Choices website²⁴ reveals that most pharmacies in Stockport have no user feedback, but those that do tend to one extreme or the other – either users found the staff extremely helpful or extremely unhelpful. In the uncertain times many community pharmacies may find themselves in the future, greater attention will need to be given to the overall offer, particularly as e-prescriptions and internet dispensaries eat into the pool of available dispensing opportunities. For those pharmacies that expand their operations to provide the wider range of enhanced and locally commissioned services they will have to ensure that the whole offer is right, otherwise the public will simply choose alternative options, whether they are the most appropriate or not. The Healthy Living Pharmacy accreditation imposes certain quality standards and presupposes a certain range of services available. More community pharmacists, operating at a higher baseline minimum offer is likely over time to raise the expectations of the public as to what is on offer at their local community pharmacy.

Recognising the good base of provision already available in Stockport already, Commissioners are recommended to work with GMLPC to promote the benefits of Healthy Living Pharmacy accreditation and to develop a programme to ensure as many Stockport based community pharmacies gained accreditation to facilitate additional commissioning opportunities.

GMLPC in their discussions with the Panel stressed that while many community pharmacists would wish to offer a more comprehensive range of services, many of the independent pharmacists operate on limited resources and would struggle to provide enhanced services consistently with their essential offer and so add to the variability and uncertainty of users. It was important in ensuring that these enhanced and local commissioned services could be provided properly and consistently that the contractual arrangements were adequate to cover the costs associated with these services.

²⁴ <http://www.nhs.uk>

Commissioners be encouraged to commission local services in such a way as to encourage facilitate sufficient investment to allow for continuous provision of service during the opening hours of the pharmacy.

Robotic Dispensing

One of the unanticipated issues to arise from the discussion during the course of the Review was the possibility of robotic dispensing. The benefits quoted for such automated dispensing includes potential reductions in errors, both in type and quantity of medication, but also in the fact that such automation would free the time of the pharmacist. In light of some of the other issues raised during the course of the Review the use of automated dispensing would allow for greater focus to be given to other clinical and public health services.

A significant hurdle to automation was the cost – the capital costs required to install robotic systems would be significant, and in small community pharmacists may be prohibitive. Examples of where such automation had been carried out were largely in hospital pharmacies where activity may have been of sufficient volume to produce a sufficient return on the investment.

According to the last report published by NHS England on errors in dispensing, the number of dispensing errors in community pharmacies was 26 for every 22,000, or 0.1%, of 900 million items dispensed²⁵. In a report by the General Medical Council in 2012²⁶ it was estimated that 1 in 20 prescriptions made by GPs may contain some form of error, though these may vary in type and severity.

Whether or not automated dispensing would have a significant impact on medication related complications is unclear given that more errors may arise in the actual prescribing, but there would seem a prima facie case that the use of automation for dispensing would have a significant impact on the efficiency of the operation of a pharmacy and would create additional capacity for the pharmacist to engage in other activity. Do the NHS contractual arrangements provide sufficient flexibility to encourage community pharmacists to make such investments? Whether the costs could be offset to make this viable was beyond the scope of the Review, but it should certainly be an area to keep under review and as technological solutions mature may be an avenue that commissioners could support community pharmacists to explore in the future.

²⁵ National Patient Safety Agency, 'Design or Patient Safety: A guide to the design of the dispensing environment' Edition 1, 2007 -

<http://www.nrls.npsa.nhs.uk/EasySiteWeb/getresource.axd?AssetID=60143&type=full&servicetype=Attachment>

²⁶University of Nottingham and the General Medical Council, 'Investigating the prevalence and causes of prescribing errors in general practice' May 2012, <http://www.gmc-uk.org/about/research/25043.asp>

Clinical Pharmacists

While outside the initial scope of the Review the discussions that arose about Clinical Pharmacists embedded within General Practice present both a potential improvement and a challenge. Providing additional, specialist clinical support in primary care with the specific role to provide support and early intervention to prevent complications further down the line seems like a sensible approach, and particular practices may have a specific need amongst their patient base that this additional capacity can serve. But the danger is that this provision undermines the role and trust of the community pharmacist. Given that an element of the Advanced Offer is Medicines Use Review services this activity should be taking place in any many cases as a matter of course, without further need for general practice involvement (assuming everything is managed correctly and no unforeseen complications arise). In light of the funding changes affecting community pharmacy any diminution of their services may undermine their financial viability and risk depriving a community of a valuable resource.

Stockport Together

One area of interest that was perhaps insufficiently explored was the role of community pharmacy in the Stockport Together programme. The timing of the Review did not lend itself to a full exploration of this area as professionals involved in the programme were yet to begin work to explore the role of medicine management and pharmaceutical services in the wider integration agenda.

Stockport Together Leaders be recommended to consult with the designated health scrutiny committee as it develops plans in relation to medicine management and community pharmaceutical services.

Nevertheless, during the course of the Review there were a number of issues that arose that the Panel considered had a bearing or were pertinent in relation to the aims of Stockport Together, and these have been mostly addressed as part of previous recommendation.

Summary of Recommendations

Resources

Commissioners are recommended to work with GMLPC to determine the scale of the challenge presented by funding changes and to ensure that future commissioning decisions are taken in cognisance of these changes and so new initiatives and projects are funded appropriately.

ICT

Commissioners, in particular Stockport CCG and Council, be recommended to work with GMLPC to explore how they could support the standardisation of ICT back-office systems or the use of data sharing platforms such as GM Connect subject to appropriate information governance safeguards.

Awareness

Local partners be recommended to develop a communication strategy to simplify the messages about the services on offer from community pharmacies.

Clinical Governance and Training

Commissioners be recommended to work with GMLPC to develop appropriate training programmes and opportunities for pharmacists and other staff employed by community pharmacies to support their work in delivering Healthy Living Pharmacies and other advanced services.

Commissioners and Stockport Together partners be recommended to make representations to NHE England and the General Pharmaceutical Council inviting them to reconsider their requirements that pharmacist must remain on site as this hampered efforts by pharmacists and others in the health and social care economy to develop improved models of care.

Variability and Healthy Living Pharmacies

Recognising the good base of provision already available in Stockport already, Commissioners are recommended to work with GMLPC to promote the benefits of Healthy Living Pharmacy accreditation and to develop a programme to ensure as many Stockport based community pharmacies gained accreditation to facilitate additional commissioning opportunities

Commissioners be encouraged to commission local services in such a way as to encourage facilitate sufficient investment to allow for continuous provision of service during the opening hours of the pharmacy.

Stockport Together Leaders be recommended to consult with the designated health scrutiny committee as it develops plans in relation to medicine management and community pharmaceutical services.

Acknowledgements

The gratitude of the Scrutiny Committee is recorded to all those involved in the Review, listed below:

Members of the Health & Wellbeing Scrutiny Committee who participated in the Community Pharmacies Scrutiny Review Panel

Cllr John Wright (Lead Councillor)

Cllr Laura Booth

Cllr Adrian Nottingham

Cllr John Pantall

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Jonathan Vali – Democratic Services, Stockport Council

REPORT TO EXECUTIVE MEETING – SUMMARY SHEET**Subject:** Final Section 19 Flood Investigation Report for September 2016 Floods**Report to Executive Meeting****Date: 25 April 2017****Report of:** (a) Executive Councillor (Communities & Housing)**Key Decision:** (b) Y

Forward Plan ☒ Y General Exception ☐ Special Urgency ☐ (Mark with a Y if applicable)

Summary:

On the 13 September 2016, extreme rainfall events significantly affected Stockport, with the borough receiving approximately 44% of its total monthly rainfall in just one day. Leading up to this day Stockport had experienced a period of warm dry weather and as a result ground conditions were not saturated and water levels within the local watercourses were quite low. However, the volume and intensity of rainfall overloaded the local drainage system, causing surface water flooding throughout large parts of the borough. This report presents the various aspects of the flood events in September and incorporates a draft Independent Section 19 Investigation Report in accordance with the Flood & Water Management Act.

Comments/Views of the Executive Councillor: (c)

I support the conclusions within the Section 19 Flood Investigation Report for the September 2016 floods.

Recommendation(s) of Executive Councillor: (d)

The Executive is recommended to approve the Final Section 19 September 2016 Flood Investigation Report included in Appendix A

Relevant Scrutiny Committee (if decision called in): (e)

Environment & Economy

Background Papers (if report for publication): (f)

There are none.

Contact person for accessing
background papers and discussing the report

Officer: Sue Stevenson
Tel: 0161 474 4351

'Urgent Business': (g)**Yes/ No (Please circle)****Certification (if applicable)**

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

FINAL REPORT: FLOODING INCIDENTS OF SEPTEMBER 2016**Report of the Corporate Director for Place Management & Regeneration****1. INTRODUCTION AND PURPOSE OF REPORT**

- 1.1 On the 13th September 2016, extreme rainfall events hit parts of south west England and the south Pennines, with significant flooding observed across Greater Manchester, Cheshire, Staffordshire, and also in parts of west Cornwall.
- 1.2 The rainfall event significantly affected Stockport, with the borough receiving approximately 44% of its total monthly rainfall in just one day. Leading up to this day Stockport had experienced a period of warm dry weather and as a result ground conditions were not saturated and water levels within the local watercourses were quite low. However, the volume and intensity of rainfall overloaded the local drainage system, causing surface water flooding throughout large parts of the borough.
- 1.3 This report presents the various aspects of the flood events in September and specifically incorporates the following:
 - A draft Independent Section 19 Investigation Report in accordance with the Flood & Water Management Act (FWMA) on the investigation into the flooding events undertaken by Jacobs Consulting Engineers.

2. INDEPENDENT SECTION 19 INVESTIGATION REPORT- SEPTEMBER 2016 FLOOD EVENTS

- 2.1 The aim of the independent investigation is to provide a factual record of the flooding to meet the requirements of Section 19 of the FWMA.
- 2.2 The draft independent report undertaken by Jacobs on behalf of the Council on the investigation into the flooding in Stockport in September 2016 is attached in Appendix A and provides an overview of the event and affected communities and properties.
- 2.3 The investigation was completed in accordance with the requirements of the:
 - AGMA Policy for Investigating Flood Incidents
 - Flood and Water Management Act 2010
 - Stockport Local Flood Risk Management Strategy
- 2.4 It includes the following elements:
 - Consultation with all relevant Risk Management Authorities (RMA) (and relevant stakeholders) to collect information on:
 - Properties and infrastructure affected
 - Possible flood sources and mechanisms
 - RMA response during and post event to date
 - Existing and proposed flood risk management activities

- High-level hydrological and hydraulic review
- Produce a formal investigation report to document:
 - Background information on the location/s affected
 - A summary of the flood event/s
 - Consideration of the likely cause/s
 - An indication of the roles and responsibilities of each RMA (and stakeholders) and action taken or proposed
 - Recommendations arising from the investigation

2.5 The draft report also contains the details provided by the various Risk Management Authorities which were consulted and it is acknowledged that further information on the flooding incidents may be available and Members at the Environment and Economy Scrutiny Committee and the Local Area Committees will be asked to comment on this report as will United Utilities (UU) and the Environment Agency (EA) to inform the final report that will be approved by the Executive.

3. DETAILS OF THE LOCAL CONDITIONS

- 3.1 The Meteorological Office reports that September 2016 was exceptionally warm; the highest September temperature since 1911 was recorded on the 13th September in Gravesend, Kent (34.4 C), and for the UK the month as whole was the equal second warmest since 1910.
- 3.2 Based on the data provided, Stockport received in the region of 100% of the 1971 to 2000 long-term average rainfall in September 2016. As a result, the total rainfall experienced across the month was typical and ground conditions were moderately saturated, but not much more saturated than on average for a typical September.
- 3.3 However, a short heatwave occurred over the period of four days, from the 12th to 15th September, caused by hot southerly airflow from France and Spain. The Met Office issued a Yellow Warning of rain for North West England at 02:10 on the 13th September. This hot and humid air then led to thunderstorms and intense downpours in parts of South West England and the South Pennines.
- 3.4 Information from the Met Office and Centre for Ecology and Hydrology suggests that Stockport experienced intense convective downpours and received a significant proportion of its monthly total rainfall over a short period. The sections below provide an overview of rainfall radar and rain gauge data collected to provide a local analysis of the rainfall event in Stockport.
- 3.5 The rainfall radar data received from the Met Office showed that two torrential downpours took place on the 13th September 2016 across Stockport: the first shortly after 15:00, lasting around half an hour, and the second shortly before 17:00, lasting around an hour and a half. The data reveal that both downpours hit the western half of the borough, with the eastern half only affected by the second downpour; however, every part of Stockport is likely to have received torrential downpours for a period during the day. The distribution of rainfall across the borough will have had an impact on the areas worst affected.
- 3.6 Analysis of the rain gauge data reveals that 85mm of rainfall was recorded during the whole of September, of which 37mm was recorded on the 13th September,

which is equivalent to 44% of the total rainfall for September. This correlates with the Hydrological Summary report's statement that some parts of the UK received most of their monthly rainfall during downpours mid-month. The data shows that rainfall (over Cheadle) was confined to the late afternoon / early evening on the day of the flooding, with the greatest amount of rain falling between 17:00 and 18:00. The gauge did not record any rainfall on this day before 15:00 and again after 20:00.

The river level data shows that only two stations recorded levels above the historic typical range:

- Portwood River Gauge Station, River Tame - River levels peaked at 0.7m, with typical river levels ranging between 0.1m and 0.4m, however no flooding from the River Tame in Stockport was reported. The highest level recorded in the station's 47-year history is 4.0m. This would suggest levels were not significantly elevated on the 13th September 2016.
- Lavington Avenue River Gauge Station, Chorlton Brook - River levels peaked at 1.51m and was the highest in the station's history. However, no flooding was recorded to properties from Chorlton Brook. The station has only been open for approximately 3 years, which may account for the river levels being the highest recorded, but no flooding experienced.

4. INDEPENDENT REPORT – INITIAL FINDINGS

4.1 Property Impacts

According to flood records provided by the Council, the Environment Agency and United Utilities, 661 properties suffered some form of flooding on the 13th September 2016. This was considerably more than the number of properties flooded across the three flood events in June 2016 combined (295).

4.2 Distribution Of Flood Incidents

Properties affected by flooding were recorded across all areas of Stockport on the 13th September 2016. Seventeen Council Wards areas were affected by this event with more than five properties flooded, with the major of properties affected located in the more urbanised western half of the borough.

4.2.1 Council Ward areas with 50 or more properties affected:

Council Ward	Key Roads Flooded
Davenport and Cale Green	Countess Street (21), Clover Avenue (13), Culver Road (8), Kennerly Road (8) and Adswood Road (7)
Heatons North	Buckingham Road West (30), Lynton Road (12), Clifton Road (8) and Buckingham Road (8)
Stepping Hill	Linden Grove (24 properties), St. Saviours Road (15), Belgrave Crescent (9), Dial Road (7), Cherry Tree Lane (6) and Gower Avenue (6)
Cheadle Hulme North	Ellesmere Drive (18), Madison Avenue (14), Victoria Avenue (8) and Queens Road (5)
Edgeley & Cheadle Heath	Edgeley Road (32) and St. Lesmo Road (6)
Cheadle Hulme South	Hill Top Avenue (31), Nursery Road (5) and Hulme Hall Road (5)

4.3 Flood Incidents by Property Type

The flood incident data shows that out of the 661 reported incidents, 93% were residential properties of which 78% reported flooded internally. One of the key facts taken from the incident data is that of the residential properties who reported internal flooding, 60% were associated with basement flooding only.

4.4 Flood Incidents by Source of Flooding

According to the flood incident data, the main cause of the property flooding was surface water, with 90% of all incidents attributed to this source, with the remaining incidents split between fluvial flooding (7%) and groundwater flooding (3%). This data supports the hydrological analysis of the event, which states that the high intensity, short duration event, would have overloaded the surface water drainage network, with surface water flooding observed across large areas of the borough.

4.5 Flood Incidents by Cause of Flooding

Linked to the primary source of flooding, which was surface water, the cause of flooding was reported to have been the inadequacy of the surface water sewers to deal with the high intensity rainfall event. United Utilities recorded the majority of the flood incidents and their post event investigations found that 84% of the incidents were associated with hydraulic incapacity. Furthermore, 70% of the incidents relating to hydraulic incapacity resulted in basement flooding. In addition to general overloading of the surface water sewers, incidents were also attributed to blockages of public sewers, private drains and highway drains and collapsed culverts.

4.6 Three areas recorded fluvial flooding including:

Cheadle West, Cheadle and Gatley

23 residential properties flooded due to fluvial floodwater overtopping Park House Culvert due to partial blockage of the debris screen. Fluvial flooding was also attributed to surface water flooding along Wilmslow Road, which caused a brick wall to collapse into the watercourse.

Heaton Moor and Heatons North

Ten residential properties flooded including eight basements on Clifton Road due to a collapse of the culverted watercourse. A further two basements flooded in Stanley Road from the Heaton Moor culvert, which was recorded as being in poor condition.

Bramhall Moor and Stepping Hill

Six residential properties flooded on Gower Avenue as the United Utilities surface water sewer was unable to discharge into a local drainage ditch, which was also recorded to have been heavily silted.

4.7 Other Impacts

In contrast to the June 2016 flood events, the high intensity rainfall event that affected Stockport on the 13th September 2016 did not cause significant damage to highway structures, parks, greenspaces nor Public Rights of Ways. However, the September event did result in local disruption to road users as surface water flooding caused certain roads to become impassable, but there were no road closures as a result. There were also no reported incidents of motorway flooding. According to newspaper reports, both Stockport Station (pedestrian walkway) and Gatley Station flooded during the height of the event, the connecting line to Manchester Airport was affected, and there were circuit failures at Cheadle Hulme track during the night.

4.8 Response and Recovery

The Council, the Environment Agency and United Utilities as RMAs along with other authorities responded to the September flood event, by issuing weather and flood warnings, providing immediate assistance to those flooded and carrying out post event investigations, repairs and support.

4.8.1 Weather Warnings

The Met Office issued a Yellow Warning of rain for North West England at 02:10 on the 13th September, which warned against localised flooding of homes and businesses and susceptible roads.

4.8.2 Flood Warnings

A Flood Alert was issued for the Middle River Mersey catchment, covering Stockport with Gatley, Cheadle Hulme and Cheadle, late in the evening on the 13th September 2016. The Flood Alert occurred two hours after the end of the rainfall. There was fluvial flood at the surroundings of Wilmslow Road close to Micker Brook in the Cheadle Area Committee which affected 23 properties.

Chorlton Brook was the only watercourse within Stockport to receive Flood Warnings on the 13 September 2016. These flood warnings occurred around at the end of the storm, one hour later than Chorlton Brook peaked at Lavington Avenue gauge station. There were flooded properties in the flood warning area but the reason was not Chorlton Brook, it was a combination of different sources, mainly sewer flooding.

4.8.3 Immediate Responses – Community Specific

Non-RMA	Response	Ward
Network Rail	Closed and cleaned Gatley Station	Cheadle and Gatley
Greater Manchester Fire and Rescue Service	Pumped out six properties, four properties made safe from flood impacts, gave advice and stood by without action where needed	Davenport and Cale Green, Heatons North, Heatons South, Bredbury and Woodley, Edgeley and Cheadle Heath, Cheadle and Gatley, Cheadle Hulme North, Bramhall North, Brinnington and Central

4.8.4 Post-Event Responses

Following the flood event, United Utilities (UU) investigated each flood incident recorded and where possible determined the source and cause of flooding; blockages were also cleared if found. In some cases, United Utilities recorded the incident to be associated with non-UU assets, such a private drains (which are the responsibility of the homeowner) and surface water and groundwater sources. UU then reported these to the Council as Lead Local Flood Authority (LLFA).

The Council have provided financial assistance to those properties impacted by the September 2016 flood in the form of grant funding and council tax freezes, where it

can be demonstrated that a property was flooded internally. Over 80 flooding grants have been approved to householders during the period from the start of July to the beginning of January 2017. The applications rolled over from the June flooding events to the September flood, therefore some householders may have applied in October for a grant from the June flood, or in November for the September flood. In some cases, the properties have been flooded during both the June and September events and have been eligible to grant funding for both.

4.8.5 Stockport Wide Responses:

Council as Highways	<p>Debris clearance from roads and highway structure inspections.</p> <p>All highway drainage gullies in flooded areas cleaned and known hotspots prioritised for inspection.</p>
Council as LLFA	<p>Recovery Coordination Group set up to manage the ongoing response to the flooding incidents, supporting local residents and businesses.</p> <p>Flood grants made available and publicised on the Council website.</p> <p>Inspection of parks, greenspaces and Public Rights of Way to identify damage and repairs required.</p> <p>Carried out extensive clean up after flooding.</p> <p>Contacted the businesses affected and site inspections carried out at the flooded properties.</p> <p>Independent review into the flooding.</p> <p>Meetings with other RMAs to establish a coordinated response for the recovery and support of local residents.</p> <p>An extra phone line has been installed into the Control Room to provide additional capacity for receiving calls during periods of high traffic.</p> <p>The accessibility and usefulness of information held on the Council website has been improved.</p> <p>Data collection methods to record flooded properties have been improved.</p> <p>Assess and amend the maintenance programme for the drains, gullies and debris screens across the borough to help prevent blockages.</p> <p>Review the capacity of the Council's out of hours response capability.</p> <p>Review the Council's policy on sandbags.</p>
United Utilities	<p>Carried out extensive cleaning and investigation works on the drainage system.</p> <p>Assisted with clean-up operations and provided support to affected customers.</p> <p>All reported flooding incidents investigated.</p> <p>All blockages found on United Utilities maintained sewers cleared.</p> <p>Contacted customers eligible for discretionary payment system.</p>
Environment Agency	<p>Door-to-door survey and support in areas affected by fluvial flooding.</p> <p>Data gathering and follow-up investigations into fluvial flooding.</p>

4.8.6 Community Specific Responses:

Council as Highways Department	<p>The Highway drain in Brinnington Road has been mapped, and the removal of the tree roots has been scheduled for March 2017.</p> <p>Further investigation of possible tree root problem.</p> <p>Drain cleaning and CCTV surveys.</p> <p>Arranged to clean up the mud and sludge from the highway drainage manhole chamber.</p> <p>Provide additional drainage assets also kerb line need to be increased, which is part of the TCAP scheme.</p> <p>Arranged for the 10 No gullies to be replaced.</p>
Council as LLFA	<p>Sandbags issued to householders on Brydon Avenue.</p> <p>Clean up after flooding of Gower Avenue, silt has now been removed.</p> <p>Investigated the section of watercourse, which is culverted between Appleby Close to an open brook downstream.</p> <p>The results will be passed to Network Rail in order that a comprehensive investigation of the culvert watercourse network can be progressed and any issues that could have been a factor in the recent flooding are identified.</p> <p>Remedial works to address any defects, if required, will then be programmed to restore the capacity of the culvert and minimise the risk of future flooding.</p> <p>Advised the resident that non-return valves can be used to prevent flooding in the Cellar or close off the drain.</p> <p>Visited Branksome drive and spoke to affected residents.</p> <p>CCTV carried out, the collapse of the culverted watercourse has been repaired. A section 25 Notice to remedy the condition of the watercourse has been issued to the landowner. Condition survey results provided to riparian owner. Further investigation has been programmed for the Culvert at Clifton Road as one of the manholes is holding water. Cleaning of gullies and the road at another watercourse.</p> <p>CCTV survey was carried out.</p> <p>Visited residents to assess extent of flooding and flooding mechanism, after the section of wall within brook has been removed.</p> <p>Debris screen cleared.</p>
Environment Agency	<p>Discussed and agreed a joint condition investigation of riparian Culvert with the Council, who wrote to the developer officially requesting cleaning of the Debris Screen.</p>

5. AREA COMMITTEE COMMENTS

- 5.1 Members of all the Area Committees and the Public were asked to comment on the draft S19 Investigation Report.

6th March 2017 Werneth

- Skips had been provided by the local authority during previous flooding incidents, but no mention was made in the report of such provision on this occasion.

6th March 2017 Heatons & Reddish

- No comments.

7th March 2017 – Cheadle

- Is table 1.4 correct?
- Chorlton Brook didn't flood indicating that the underground reservoir put in for the Lavington Ave development worked.
- Page 28 Ellesmere Drive – old ditches (18th century) need to be kept clear to avoid flooding of gardens and playing field.
- GMSF – will need careful consideration of drainage issues.
- 1:50 and 1:100 year floods coming round very regularly.
- Report only looks at short term measures, need to look at longer term solutions.
- There was a strong element in new development schemes for sustainable drainage and this needed to be adhered to.
- Concern was expressed that the risk of flooding in the Cheadle area was more widespread than anticipated.

7th March 2017 – Stepping Hill

- The report does not provide robust review and recommendations for improvement for UU.
- Please inform Members when we are carrying out CCTV investigation of drains e.g. Minsmere Walks.
- When roads are flooded residents need a prompt response to close roads to prevent water entering houses from cars driving through flood water.
- Control not contactable.
- What are we doing differently to support residents and respond to flooding incidents?

8th March 2017 – Marple

- River level is not linear distribution but binomial.
- Concerns re blocked gullies not being cleared.
- Some properties may have been affected in High Lane.
- What are we doing differently to support residents and respond to flooding incidents?

9th March 2017 – Central Stockport

- Expressed thanks for the response provided by the Council generally.
- The key roads which had been flooded in the Davenport and Cale Green Ward were Countess Street, Clover Avenue, Culver Road, Kennerley Road and Adswood Road, Stockport. Ward Councillors asked to be kept informed of the result of the condition surveys carried out at these roads and requested that a

report be submitted to a future meeting of the Central Stockport Area Committee when Network Rail had completed its investigations into the flooding at Clover Avenue, Culver Road and Adswood Road. A Member also enquired whether there would be ongoing maintenance of these roads.

- The Brinnington and Central Ward Councillors enquired whether any further investigation would be carried out at the properties affected on Essex Road, Brinnington in order to ascertain whether the flooding could occur again or whether mitigation measures could be put forward.
- A Member requested clarification when the investigation at St. Lesmo Road, Edgeley would be taking place and by which organisation
- The mapping of the culverts in Stockport was raised. It was clarified that culverts could only be mapped if it was known that they were there or if a problem arose.
- In response to a Member's question, the representative of Jacobs consultants advised that the flooding in September was mostly attributable to United Utilities' public sewer system. United Utilities had subsequently removed what blockages they could from the system.
- Members supported the recommendation from Jacobs consultants that United Utilities should ensure effective communication with the Council regarding flooding events/potential flood issues. This would enable Councillors to communicate with local residents as effectively as possible.

9th March 2017 – Bramhall & Cheadle Hulme South Area Committee

- Members in affected wards needed to be promptly informed of appropriate emergency contacts.
- Bramhall did not factor significantly within the report as it fell below the reporting threshold, however the locality did suffer from flooding and had proven to be susceptible to flooding.
- Concern was expressed that the report did not fully explore the responsibility of United Utilities and the potential contribution of their drainage network in the recent flooding incidents.
- The report provided a good commentary on the incident of flooding, however the recommendations contained within the report were weak and did not identify any actions beyond those that a reasonable authority would be expected to already be undertaking.

6. RECOMMENDATIONS FROM THE INDEPENDENT REPORT

- 6.1 The purpose of this report is to document the investigations carried out into the communities of Stockport in September 2016 and for RMAs to consider and prioritise actions relevant to each authority. In this way, communities can be clearer on what has happened since the floods, and what each authority is planning to do to reduce or mitigate the impacts of future flooding within the borough.
- 6.2 The report contains general actions, which apply across the whole borough of Stockport and where available ongoing or planned actions to be taken in specific locations. Due to the widespread nature of the flooding, it is not possible to identify detailed actions for each community affected.

6.2.1 Recommended and Ongoing Actions - Stockport Wide

Lead RMA	Recommended Actions	
The Council Highways Department	1.1	Maintain efficient operation of highway drains.
	1.2	Ensure necessary maintenance is carried out to local highway drains following flood events.
	1.3	Consider ways to raise awareness of damage caused by driving through floods.
The Council as LLFA	2.1	Consider provision of Property Level Protection for properties at risk.
	2.2	Ensure property owners are aware of their responsibilities as riparian owners of watercourses (whether open or culverted watercourses).
	2.3	Investigate and address issues identified as relating to private drains.
The Council as LLFA and the Environment Agency	3.1	Continue to manage flood risk from new development. Seek flood risk benefits from new development where possible.
United Utilities	4.1	Maintain efficient operation of surface water and combined sewers.
	4.2	Ensure effective communication with the Council regarding flooding events/ potential flood issues.
Environment Agency	5.1	Review borough-wide flood management.
	5.2	Ensure watercourses are suitably maintained.
	5.3	Review the trigger levels for Flood Alerts in this area.
	5.4	Ensure effective communication with the Council regarding flooding events/ potential flood issues.
Property Owners	6.1	Consider installation of Property Level Protection.
	6.2	Check weather forecast and flood warnings regularly.

6.2.2 Recommended and Ongoing Actions - Community Specific

Lead RMA	Recommended Actions	
The Council Highways Department	7.1	Review a possible tree root problem at Saint Lesmo Road.
The Council as LLFA	8.1	Review Heaton Moor culvert.
	8.2	Review Park House Culvert.
	8.3	Consider options to reduce fluvial flood risk on Micker Brook Tributary
United Utilities	9.1	Review performance of the outfall pipe for public sewers discharge at Gower Avenue.

6.3 At this stage, the actions listed are recommendations only and their delivery is likely to depend on the RMAs securing funding and on other commitments and priorities within each authority. Any major works requiring capital investment will be considered through the Defra funding programme. That said, the RMAs will continue to work together to engage with the communities affected and to identify all potential options for each location to reduce flood risk across Stockport.

6.4 Meanwhile, the communities need to be prepared for more similar extreme weather events in the future, such as heavy and intense downpour after a quite dry period. These kinds of event can be more common due to climate change, and their impacts can be reduced with paying attention to the weather forecast and flood warnings, and regular maintenance of the drains and watercourses.

7. RECOMMENDATIONS

7.1 The Executive is recommended to approve the Final Section 19 September 2016 Flood Investigation Report included in Appendix A.

BACKGROUND PAPERS

There are none.

Anyone requiring further information should contact Sue Stevenson on Tel: 0161-474-4351 or by email on sue.stevenson@stockport.gov.uk



Section 19 Investigation Report

Stockport Metropolitan Borough Council

September 2016 Flood Events

D03 | V01

April 2017

ZZP264145



Section 19 Investigation Report

Project No: B2285200
 Document Title: September 2016 Flood Events
 Document No.: D03
 Revision: V01
 Date: April 2017
 Client Name: Stockport Metropolitan Borough Council
 Client No: ZZP264145
 Project Manager: Chris Isherwood
 Author: Tim Diesner, Judit Pelikan
 File Name: 2017-04-07_B2285200_S19InvestigationReport_Sept16_D03.docx

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Document history and status

Revision	Date	Description	By	Review	Approved
D01	15/02/2017	Initial draft report for stakeholder consultation	T Diesner J Pelikan	C Isherwood	C Isherwood
D02	23/02/2017	Draft report for Area Committee review	T Diesner J Pelikan	C Isherwood	C Isherwood
D03	07/04/2017	Final draft report for Executive Committee review	T Diesner	C Isherwood	C Isherwood

Executive Summary

According to the Met Office, September 2016 was exceptionally warm, and for the UK, the month as a whole was the equal-second warmest on record since 1910. This was driven by hot southerly airflow from France and Spain, which resulted in a short heatwave over the period of four days from the 12th to 15th September. This hot and humid air then led to thunderstorms and intense downpours in parts of south west England and the south Pennines, which resulted in significant flooding across Greater Manchester, Cheshire, Staffordshire, and in parts of west Cornwall.

Whilst data collected suggest that September was a typical month for rainfall in Stockport, with the district receiving approximately 100% of the long-term average rainfall, it received the majority of the monthly total on the 13th September 2016 after two periods of heavy and intense rainfall. One local rain gauge recorded a peak rainfall intensity of 45mm/hour, which is well above the 32mm/hour indicative of torrential downpours. As a result, the exceptional weather (in both rainfall intensity and volume) received in Stockport exceeded the capacity of the urban drainage network and caused public sewer and private drain flooding to occur, which included the backing up of public combined sewers causing foul flooding.

Stockport Council, the Environment Agency and United Utilities recorded 660 properties to have been affected by flooding on the 13th September 2016; with the communities of Heaton and Reddish, worst affected recording 25% of the reported property flooding. The worst hit Ward areas included Davenport and Cale Green, Stepping Hill and Heaton North.

365 more properties were affected by flooding in September, when compared to the flood event that hit Stockport in June 2016. However, during this event 82% of the total properties flooded by public combined sewers. Unlike the June 2016 event, no significant infrastructure damage was recorded.

Following the flood events, and in addition to supporting this investigation, each authority has been undertaking surveys, investigations and providing further community support. This has included the provision of flooding grant funding, the freezing of council taxes for those affected, and culvert and sewer surveys, repairs and blockage removal.

This report documents the investigation into the flood event in Stockport, undertaken on behalf of Stockport Council under Section 19 of the Flood and Water Management Act 2010. The aim of the investigation is to identify those communities affected, to determine why they were flooded and review responses during and post event. It is not the purpose of this investigation to assess flooding mechanisms in detail.

Where appropriate, this report recommends further actions for each relevant authority to consider going forward. Based on this event, the report recommends 15 general and 4 community specific actions to help reduce or mitigate the impacts of future flooding within the borough. Due to the primary source of flooding (exceptional rainfall, which overwhelmed the public combined sewers), the majority of these actions are strategic in nature, which offers ways in which each authority can help improve the resilience of the communities to flooding. The delivery of some of these actions will be dependent on the authorities securing funding and other internal priorities.

In addition to the recommendations presented in this report, the Council, as LLFA, are continuing to work proactively together with United Utilities and other Risk Management Authorities to engage with the communities affected and to ensure that flood mitigation is a key part of their present and future programme of works.

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1. Introduction

1.1 Flood Event Overview

On the 13th September 2016, extreme rainfall events hit parts of south west England and the south Pennines, with significant flooding observed across Greater Manchester, Cheshire, Staffordshire, and also in parts of west Cornwall.

The rainfall event significantly affected Stockport, with the borough receiving approximately 44% of its total monthly rainfall in just one day. Leading up to this day, Stockport had experienced a period of warm dry weather and as a result ground conditions were not saturated and water levels within the local watercourses were quite low. Therefore, the primary cause of flooding was due to the volume and intensity of rainfall, which overloaded the local drainage systems and caused public sewer and private drain flooding throughout large parts of the borough.

660 properties were recorded to have suffered mainly public combined sewer flooding, with the communities of Heaton and Reddish worst affected, and Davenport and Cale Green, Stepping Hill and Heaton North the worst affected Wards areas. A number of these properties were also flooded during the June 2016 event. Whilst the Council did not record any major infrastructure damage, a number of roads became impassable causing local traffic disruption.

In response to the events, the Council, United Utilities, and the Environment Agency as Risk Management Authorities (RMAs) have been working together to support affected communities and understand what happened. This included responding to the incidents both during and after the event and undertaking flood investigation and management works.

1.2 Section 19 Investigation Requirements

The Flood and Water Management Act 2010 (the Act)¹ places a number of duties on Lead Local Flood Authority (LLFAs) in relation to local flood risk management. One of the principal duties of the LLFA, as laid out in the Act, is the responsibility to record and investigate flooding incidents within their area (the latter is known as a Section 19 Investigation).

Section 19 – ‘Local authorities: investigations’ of the Act states:

- 1) *On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate –*
 - a) *Which risk management authorities have relevant flood risk management functions, and*
 - b) *Whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.*
- 2) *Where an authority carries out an investigation under subsection (1) it must -*
 - a) *Publish the results of its investigation, and*
 - b) *Notify any relevant risk management authorities.*

The Act defines flooding as any case where land not normally covered by water becomes covered by water. Flood risk is a combination of two components: the chance (or probability/ likelihood) that a location will flood from any source or type of flooding, and the impact (or consequence) that the flooding would cause if it occurred.

¹ Flood and Water Management Act 2010. http://www.legislation.gov.uk/ukpga/2010/29/pdfs/ukpga_20100029_en.pdf

1.3 Purpose

The aim of this independent investigation is to provide a factual record of the flooding to meet the requirements of Section 19 of the Act. The report will provide an overview of the event and list the communities affected and the total number of properties affected (Section 2.3).

Based on technical evidence and flood incident data recorded by the Council, the Environment Agency and United Utilities during and after the event, it may also be possible to determine the source, cause and impact of these events in those communities affected. The main body of this report provides an overview of the flooding impacts, including commentary of properties and infrastructure affected.

It is not the intention of the investigation to provide options and actions to reduce flood risk for every location that flooded. It does however include, where relevant, high-level recommendations (Section 4.1) to manage future flood risk in Stockport, which will require involvement from the Council, as LLFA, and the other RMAs within the borough.

In many locations there is ongoing investigations and engagement with the affected communities and stakeholders to identify the full range of options available to manage risk going forward. This investigation is an important first step to help the Council and other RMAs manage flood risk, inform future schemes and continue to work together proactively and effectively across Stockport.

1.3.1 Scope

The Stockport Local Flood Risk Management Strategy (LFRMS)² states that the Council must record and investigate flood events within Stockport according to the procedures set out in the Association of Greater Manchester Authorities (AGMA) policy document “Recording and Investigation of Flood Events”. This policy requires that the Council, as LLFA, carry out a full investigation if a flood event is deemed a ‘significant’ incident.

This policy defines a ‘significant’ incident as one that meets the following ‘significance’ thresholds:

- Five or more residential properties flooded internally, and/or;
- Economic disruption from commercial property flooding , and/or;
- Flooding to critical services such as hospitals, care homes, schools and emergency services.

Given that the September 2016 flood event in Stockport affected a large number of residential properties and some commercial properties, critical services and infrastructure, the event meets the above ‘significance’ thresholds and therefore a full investigation is required.

² Stockport MBC (2016) Stockport Local Flood Risk Management Strategy. <https://www.stockport.gov.uk/stockport-local-flood-risk-management-strategy>

1.4 Relevant Risk Management Authorities

The responsibilities for managing flooding in the UK is divided between different RMAs as defined in the Act. RMAs have powers and duties to manage the different forms for flooding that can occur, as listed in Table 1.1. Although each RMA has their own responsibilities, managing local flood risks often requires RMAs to work together.

Table 1.1 : RMAs within Stockport and their areas of responsibility

Flood Source	Environment Agency	Lead Local Flood Authority (the Council)	Water Companies (United Utilities)	Highway Authority (the Council & Highways England)
Main River ¹	✓			
Ordinary Watercourse ²		✓		
Surface water (pluvial runoff)		✓		
Public sewer flooding			✓	
Highway drainage flooding				✓
Groundwater flooding		✓		
Water supply infrastructure			✓	
Reservoirs ³	✓	✓	✓	✓
¹ Main Rivers have been designated as such by the Environment Agency. These tend to be major rivers or rivers with a high flood risk. ² Ordinary Watercourses are all other rivers and streams not classified as Main Rivers. ³ RMAs have varying responsibilities for reservoirs, including asset management, regulation and emergency planning.				

The Act and the Stockport LFRMS provide a full description of RMA responsibilities. The section below outlines relevant RMAs to this investigation.

1.4.1 Environment Agency

The Environment Agency has a strategic overview of all sources of flooding and coastal erosion. They are also responsible for flood and erosion risk management activities on Main Rivers and the coast, regulating reservoir safety, and working in partnership with the Met Office to provide flood forecasts and warnings.

1.4.2 Stockport Metropolitan Borough Council

The Council has a joint risk management role in its capacity as district council, highway authority and LLFA. As a highway authority, the Council has a duty under the Highways Act 1980 to maintain highways that are maintainable at public expense. This requires attention to the drainage requirements of the public highway.

As LLFA, the Council has a number of duties and powers as laid out under the Act, in addition to the duty to investigate flooding set out above. These include, but are not limited to, a duty to develop and apply a LFRMS for its area, a duty to develop a register of structures or features that might affect flood risk, the power to undertake works for managing flood risk and power to take enforcement action where there is an obstruction to an Ordinary Watercourse. The Council also takes an overseeing role to ensure that RMAs and landowners are fulfilling their responsibilities adequately.

1.4.3 Highways England

Highways England has responsibility as the highway authority for the motorways in Stockport, namely: the M56 motorway between junction 1 and 4, and the M60 motorway between junction 5 and 25 travelling anticlockwise. It shares the same flood risk management duties as the Council as a highway authority.

1.4.4 Water Companies

Water companies have a duty under Section 94 of the Water Industry Act 1991 to provide and maintain sewers for the drainage of buildings and associated paved areas within property boundaries. They are also now responsible for transferred sewers under the 'Transfer of Private Sewer Regulations 2011' and lateral drains, which communicate with the public sewers.

United Utilities are the local water company within the borough of Stockport. With regards to local flood risk management, they are responsible for any flooding which is directly caused by its assets – i.e. water or sewerage pipes, and must maintain a register of properties that have flooded due to hydraulic incapacity of the sewerage network, and have a duty to cooperate with other relevant authorities.

1.4.5 Riparian Landowners and Residents

Riparian landowners are those who own land adjoining or containing a watercourse. They have certain rights and responsibilities, including the maintenance of watercourses and assets within their ownership to ensure flood risks are not increased upstream or downstream of their land. Private drains are also the responsibility of property or landowner to maintain.

Residents who are concerned they may be at risk of flooding should take appropriate action to protect themselves and their property. These actions include registering to receive flood warnings, obtaining a personal supply of sandbags, and moving valuable items to higher ground. They also include more resilient and permanent property protection measures including water resistant doors, airbrick covers, floodgates, raised electrical sockets and the fitting of non-return valves on pipes.

2. Overview of Flooding Event

2.1 Data Collection

This section of the investigation provides an overview of the hydrological conditions to help provide an overall picture of the conditions that led to the flooding event in Stockport. In order to do so, the following key datasets were reviewed:

- 1) **Met Office Data** – provided in the form of an article³ reviewing the exceptional conditions during September 2016.
- 2) **Environment Agency Water Situation Reports**⁴ - the Environment Agency issues monthly water situation reports for England that provide an overview of various hydrological information for that month, including rainfall, soil moisture and river flows. The reports provide a measure of Soil Moisture Deficit at a very high level across the UK (40 x 40 km grid resolution), which is a measure of how saturated the ground is; low values reflect more saturated ground conditions, high values reflect less saturated ground conditions.
- 3) **Centre for Ecology and Hydrology Hydrological Summary Reports**⁵ - the Centre for Ecology and Hydrology issues reports for the UK, which, similar to the Water Situation Reports, provide analysis of various hydrological records for the month.
- 4) **Environment Agency Rainfall Radar Imaging** - the Environment Agency provided rainfall radar imaging covering the period 11 September to 15 September. These images provide snapshots at regular intervals of the rainfall over Stockport and help provide a detailed understanding of the 13th September rainfall event, in addition to the conditions preceding and following the event.
- 5) **Environment Agency Rain Gauge Records** – the Environment Agency provided the record from their rain gauge within Stockport, covering the month of September. Similar to the radar imaging, this data provides an understanding of conditions through September and relating specifically to the 13th September; however, depending on the distribution of rainfall over Stockport, the data may be most applicable to the locality of the gauge.
- 6) **Environment Agency River Gauge Records** – the Environment Agency provided water level records at their river gauging stations within Stockport. This data provides an understanding of how the local watercourses responded to the 13th September rainfall event.

2.2 September 2016

The Met Office reports that September 2016 was exceptionally warm; the highest September temperature since 1911 was recorded on the 13th September in Gravesend, Kent (34.4 C), and for the UK the month as whole was the equal-second warmest since 1910.

Based on the data provided, Stockport received in the region of 100% of the 1971 to 2000 long-term average rainfall in September 2016. As a result, the total rainfall experienced across the month was typical and ground conditions were moderately saturated, but not much more saturated than on average for a typical September.

However, a short heatwave occurred over the period of four days, from the 12th to 15th September, caused by hot southerly airflow from France and Spain. The Met Office issued a Yellow Warning of rain for North West England at 02:10 on the 13th September.⁶ This hot and humid air then led to thunderstorms and intense downpours in parts of south west England and the south Pennines.

Information from the Met Office and Centre for Ecology and Hydrology suggests that Stockport experienced intense convective downpours and received a significant proportion of its monthly total rainfall over a short

³ Met Office (2016) Exceptional Warmth, September 2016. http://www.metoffice.gov.uk/climate/uk/interesting/september2016_temperature

⁴ Environment agency (2016) Water Situation Report for England: September 2016 (<https://www.gov.uk/government/collections/water-situation-reports-for-england>)

⁵ National River Flow Archive (2016) Hydrological Summary for the United Kingdom September 2016. <http://nrfa.ceh.ac.uk/monthly-hydrological-summary-uk>

⁶ @metofficeUK <https://twitter.com/metofficeUK/status/775622631571660801>

period. The sections below provide an overview of rainfall radar and rain gauge data collected to provide a local analysis of the rainfall event in Stockport.

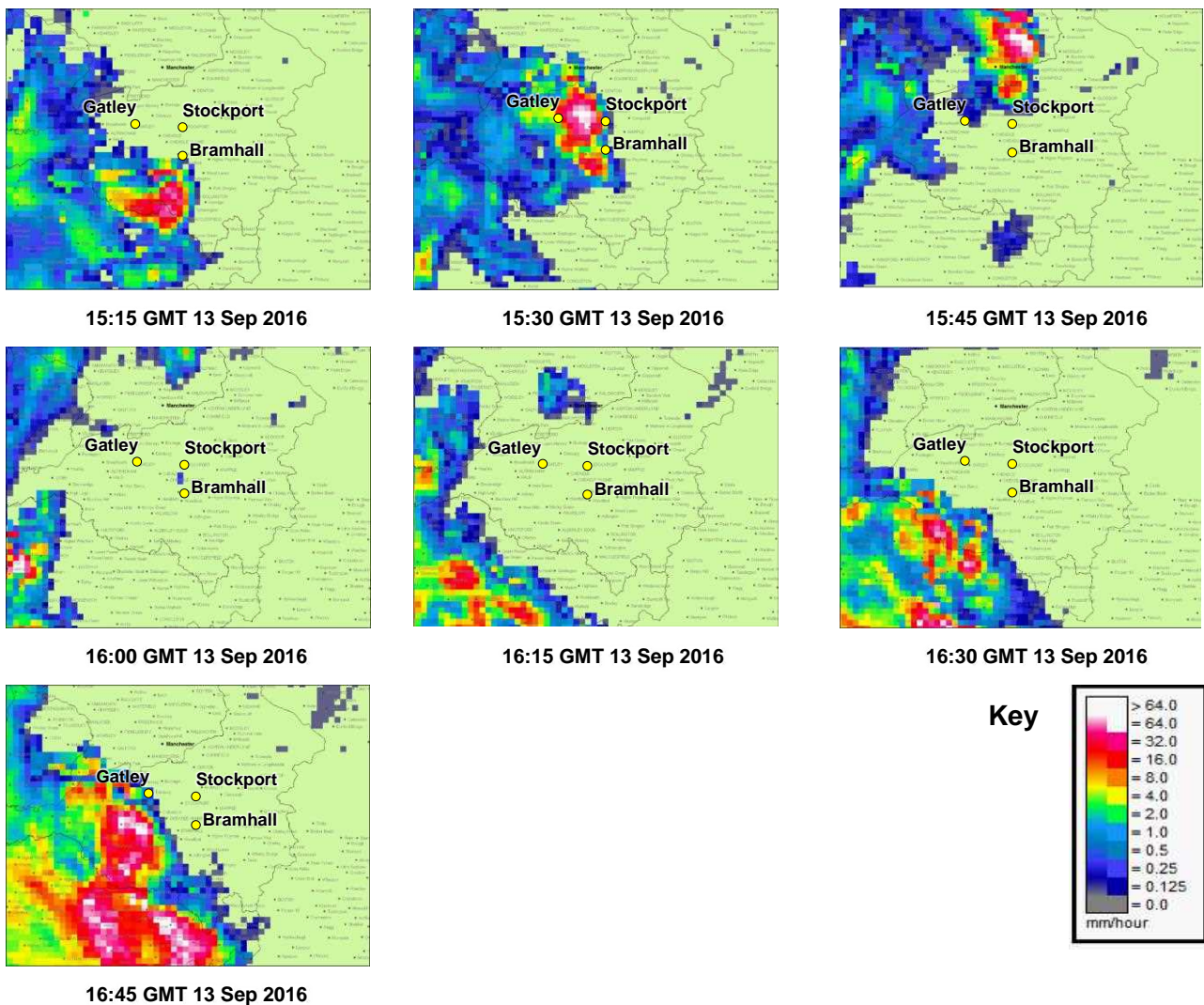
2.2.1 Rainfall Radar Records

The rainfall radar data received from the Met Office, and illustrated in Figure 2.1 and Figure 2.2, provides images of rainfall intensities over the entire borough at 15-minute intervals. It is useful in providing an overview of the spatial variation of rainfall across a much larger area. This can then be supported by local rain gauge data discussed in Section 2.2.2.

The rainfall radar data shows that two torrential downpours took place on the 13th September 2016 across Stockport: the first shortly after 15:00, lasting around half an hour, and the second shortly before 17:00, lasting around an hour and a half. The images reveal that both downpours hit the western half of the borough, with the eastern half only affected by the second downpour; however, every part of Stockport is likely to have received torrential downpours for a period during the day. The distribution of rainfall across the borough will have had an impact on the areas worst affected.

Figure 2.1 : Rainfall radar images for the first downpour – 13 September 2016⁷

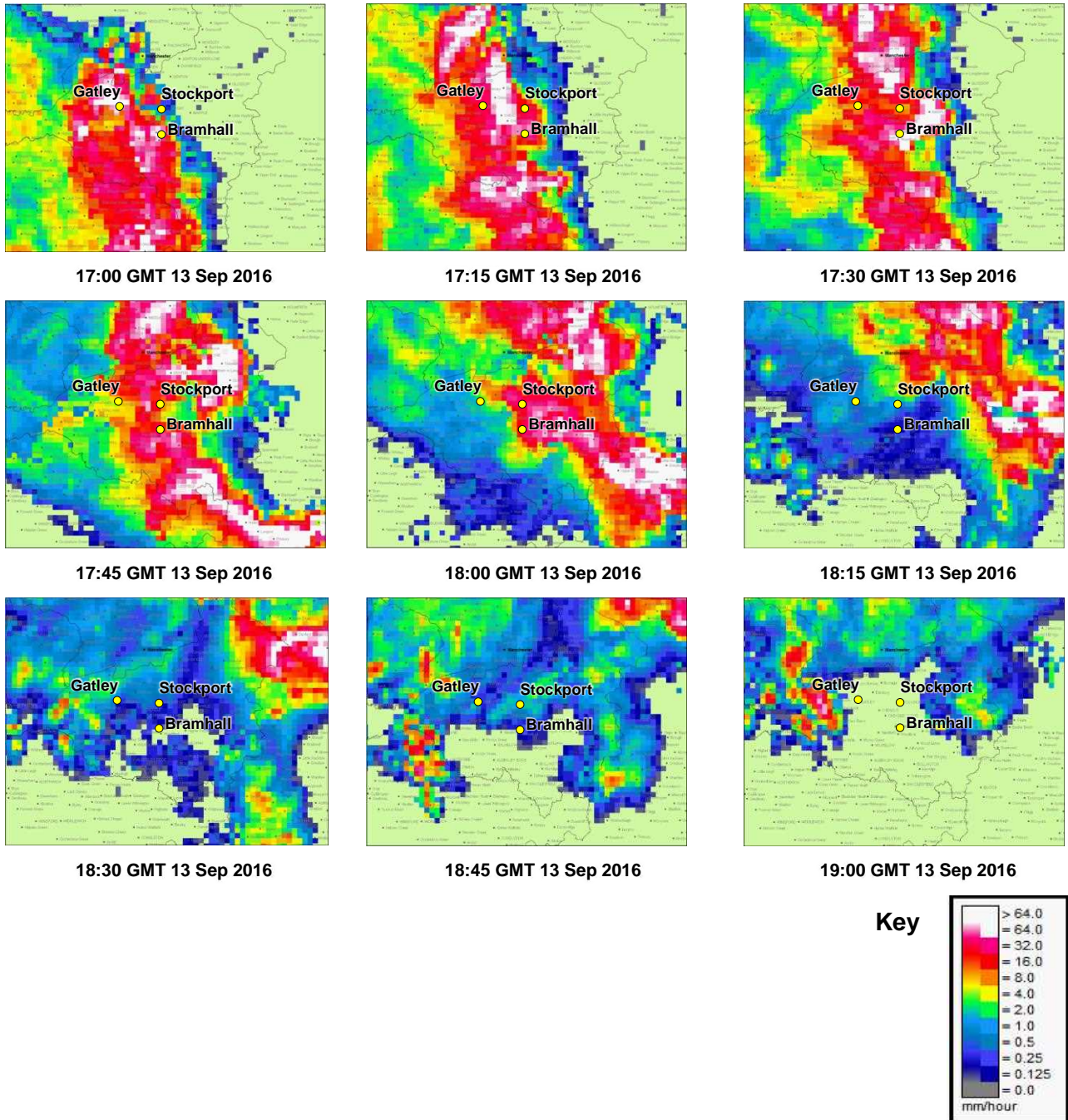
First Downpour 15:15 to 15:45



⁷ Contains public sector information licensed under the Open Government Licence V3.0

Figure 2.2 : Rainfall radar images for the second downpour – 13 September 2016⁸

Second Downpour 17:00 to 18:15



⁸ Contains public sector information licensed under the Open Government Licence V3.0

2.2.2 Rain Gauge Records

One Environment Agency rain gauge is located within Stockport at Meadowbank School in Cheadle. The rain gauge is a tipping bucket rain gauge recording at 15-minute intervals. It is noted that the gauge data has not yet been verified and should be used with some caution.

Figure 2.3 illustrates the daily rainfall totals recorded every day during the month of September 2016. The 13th September is immediately identifiable as an isolated event and a standout day of rainfall with over three times the amount of rainfall on this day compared with any other day in the month.

Analysis of the rain gauge data reveals that 85mm of rainfall was recorded during the whole September, of which 37mm was recorded on the 13th September, which is equivalent to 44% of the total rainfall for September. This correlates with the Hydrological Summary report's statement that some parts of the UK received most of their monthly rainfall during downpours mid-month.

Figure 2.3 : Daily rainfall totals – Meadowbank School Rain Gauge September 2016

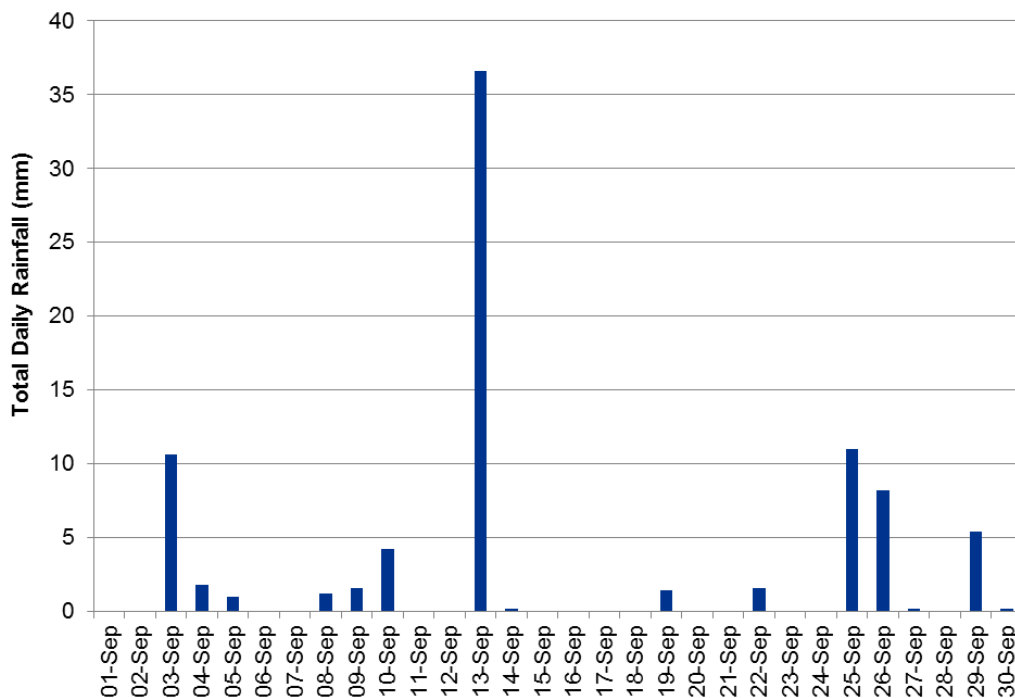


Figure 2.4 provides a breakdown of the hourly rainfall totals across 24 hours on the 13th September 2016. The data shows that rainfall (over Cheadle) was confined to the late afternoon / early evening on the day of the flooding, with the greatest amount of rain falling between 17:00 and 18:00. The gauge did not record any rainfall on this day before 15:00 and again after 20:00.

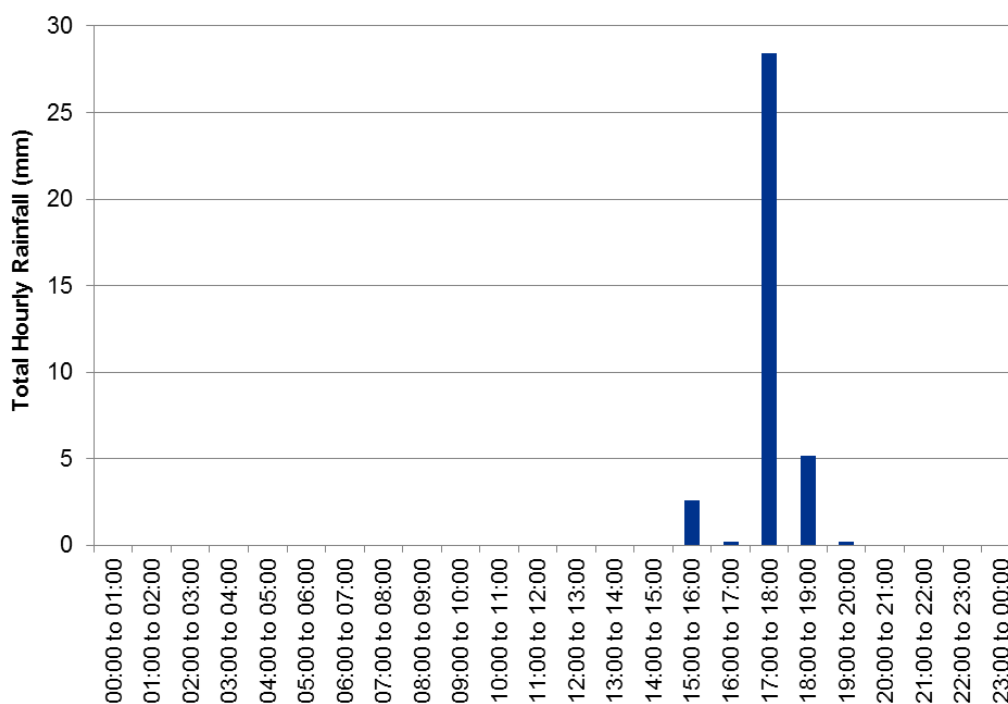
On closer inspection, the data shows that:

- 3mm of rain fell over half an hour between 15:15 and 15:45, followed generally by a break in rainfall,
- 34mm of rain fell over an 1.5 hours between 17:00 and 18:30, followed (by and large) by no further rainfall during the rest of the day; and
- Between 17:00 and 18:30, the peak rainfall intensity reached 45 mm/hour. The Met Office considers that rainfall intensities exceeding 32mm/hour are indicative of torrential downpours.

When comparing the rainfall radar and rain gauge data, it can be seen that the Cheadle rain gauge does not fully capture the intensity of the first downpour, which highlights the spatial variability of the rainfall events. Therefore, even across one borough, one location may receive significant rainfall, whilst other areas may not

have. Prior to analysis of the source of flooding reported and solely considering the nature of the rainfall event (short duration and high intensity), it would be expected that surface water (pluvial runoff) flooding and public sewer/ private drain flooding would be the primary sources of flooding as the urban drainage system would have been overwhelmed. Fluvial flooding would not have been expected, as this is more typically the result of rain falling over a longer period that causes river levels to build.

Figure 2.4 : Hourly rainfall totals – Meadowbank School Rain Gauge 13th September 2016



2.2.3 River Level Records

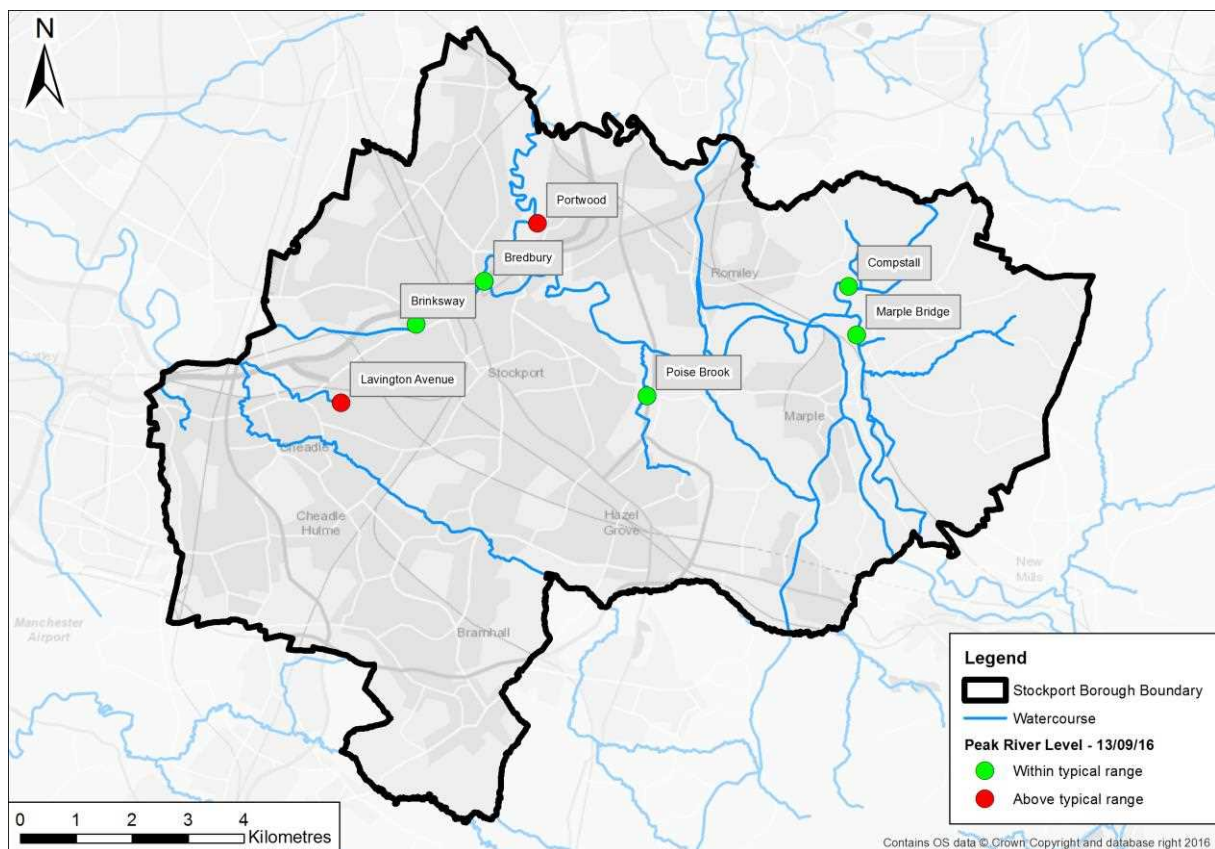
There are seven gauged watercourses within the borough of Stockport, used by the Environment Agency to provide Flood Warnings to properties located in vulnerable areas along these watercourses and to undertake various long-term watercourse analyses.

Figure 2.5 illustrates the location of each of the gauging stations within Stockport and whether the peak water level recorded at each station on the 13th September 2016 was within or above the historic typical range for that station. The data shows that only two stations recorded levels above the historic typical range:

- 1) Portwood River Gauge Station, River Tame - River levels peaked at 0.7m, with typical river levels ranging between 0.1m and 0.4m, however no flooding from the River Tame in Stockport was reported. The highest level recorded in the station's 47-year history is 4.0m. This would suggest levels were not significantly elevated on the 13th September 2016.
- 2) Lavington Avenue River Gauge Station, Chorlton Brook - River levels peaked at 1.51m and were the highest in the station's history. However, no flooding was recorded to properties from Chorlton Brook. The station has only been open for approximately 3 years, which may account for the river levels being the highest recorded, but no flooding experienced.

The remaining stations generally recorded typical river levels on 13th September, in the context of the entire month of September; this day was shown to be higher except for Marple Bridge station, which recorded higher levels later in the month. The available gauge data shows that the rainfall event did not result in fluvial flooding from these Main Rivers. This is primarily the result of the nature of the rainfall, which was extreme in terms of intensity, but short in duration, which did not last long enough to allow river levels to keep rising.

Figure 2.5 : River gauge recordings – 13th September 2016



2.3 Property Impacts

According to flood records provided by the Council, the Environment Agency and United Utilities, 660 properties suffered some form of flooding on the 13th September 2016. This was considerably more than the number of properties flooded across the three flood events in June 2016 combined (295).

Due to the nature of flooding, as detailed later in Section 2.3.3, United Utilities recorded the majority of incidents. Caution must be taken then quoting the figures in this report, as there will be a number of outlining reasons why a property may or may not have reported flooding. For example, there may be cases residents were unavailable when contacted by each authority or where residents did not want to report that their property flooded.

This report does not identify the locations of individual properties reported to have flooded during September event for reasons of confidentiality. Instead, the analysis of incidents is made at a Committee Area, based on aggregating the number and type of incidents across individual Council Ward areas. Appendix A contains a full property county per Committee Area and Council Ward. Appendix B provides a further breakdown of incidents per Council Ward area for each Committee Area affected.

2.3.1 Distribution of Flood Incidents

Properties affected by flooding were recorded across all areas Stockport on the 13th September 2016, with Figure 2.6 illustrating the total number of properties affected by Committee Area. Seventeen Council Ward areas were affected by this event with more than five properties flooded, with the major of properties affected located in the more urbanised western half of the borough.

The greatest numbers of properties affected were located in the Committee Areas of Heaton and Reddish with 25% of the total number of reported incidents. There were six Council Ward areas, which recorded 50 or more properties affected as listed in Table 2.1 along with the key roads flooded. Davenport and Cale Green,

Stepping Hill and Heaton North, and Heaton Moor, were the worst hit Council Wards areas with 12% of the reported property flood incidents.

The Werneth Area and Marple Area were the least impacted Committee Areas; only one incident of property flooding was recorded in the Werneth Area, whilst none were recorded in the Marple Area, making this the only Committee Area where no flooding incidents were reported. Owing to the limited extent of flooding in these two Committee Areas the flood impacts in these locations are not analysed in detail within the following sections of the report; please refer to Appendix B for further detail.

Figure 2.6 : Distribution of properties affect by Committee Area – 13th September 2016

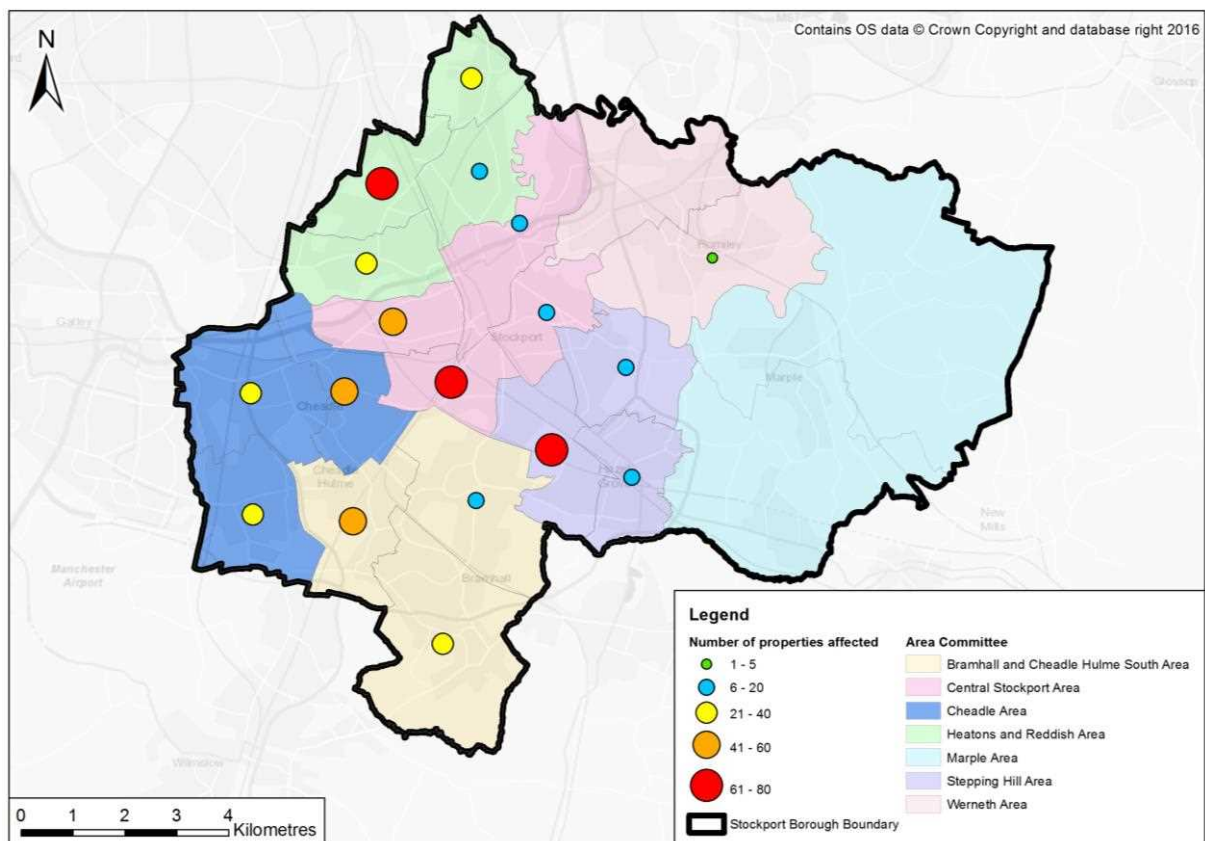


Table 2.1 : Council Ward areas with 50 or more properties affected

Council Ward	Key Roads Flooded
Davenport and Cale Green	Countess Street (21), Clover Avenue (13), Culver Road (8), Kennerley Road (8) and Adswood Road (7)
Heaton North	Buckingham Road West (30), Lynton Road (12), Clifton Road (8) and Buckingham Road (8)
Stepping Hill	Linden Grove (24), St. Saviours Road (15), Belgrave Crescent (9), Dial Road (7), Cherry Tree Lane (6) and Gower Avenue (6)
Cheadle Hulme North	Ellesmere Drive (18), Madison Avenue (14), Victoria Avenue (8) and Queens Road (5)
Edgeley and Cheadle Heath	Edgeley Road (32) and St. Lesmo Road (6)
Cheadle Hulme South	Hill Top Avenue (31), Nursery Road (5) and Hulme Hall Road (5)

2.3.2 Flood Incidents by Property Type

The flood incident data shows that out of the 660 reported incidents, 92% were residential properties of which 78% reported flooded internally. One of the key facts taken from the incident data is that of the residential properties who reported internal flooding, 80% were associated with basement flooding only, which is also an indicator of the cause of flooding as highlighted in Section 2.3.3.

Figure 2.7 and Figure 2.8 illustrate the number of flood incidents by impact and property type affected across the Committee Areas heavily affected.

Figure 2.7 : Flood incidents by impact

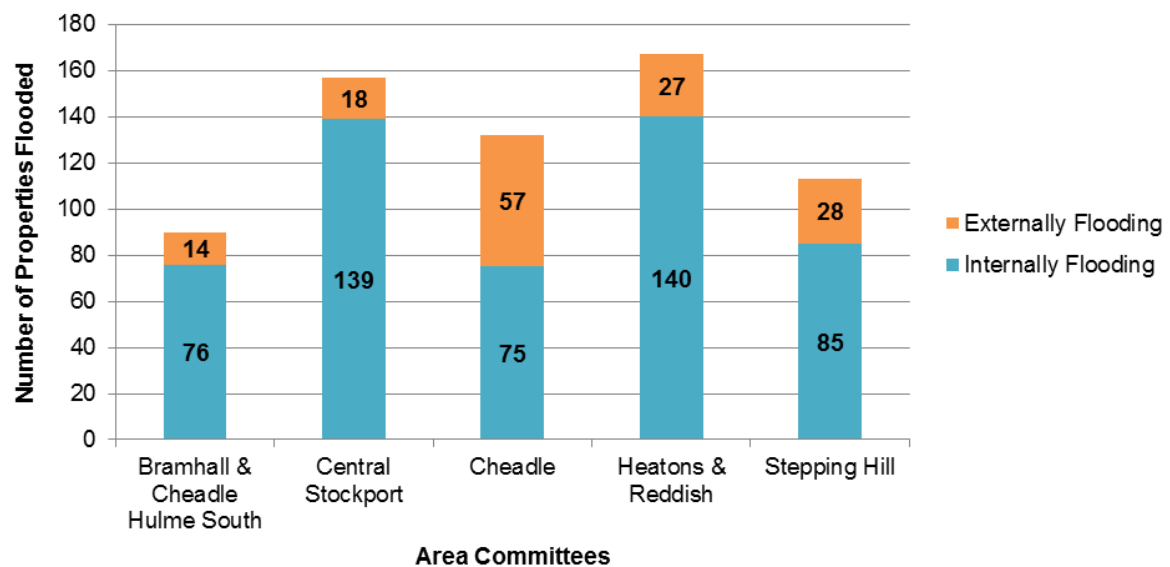
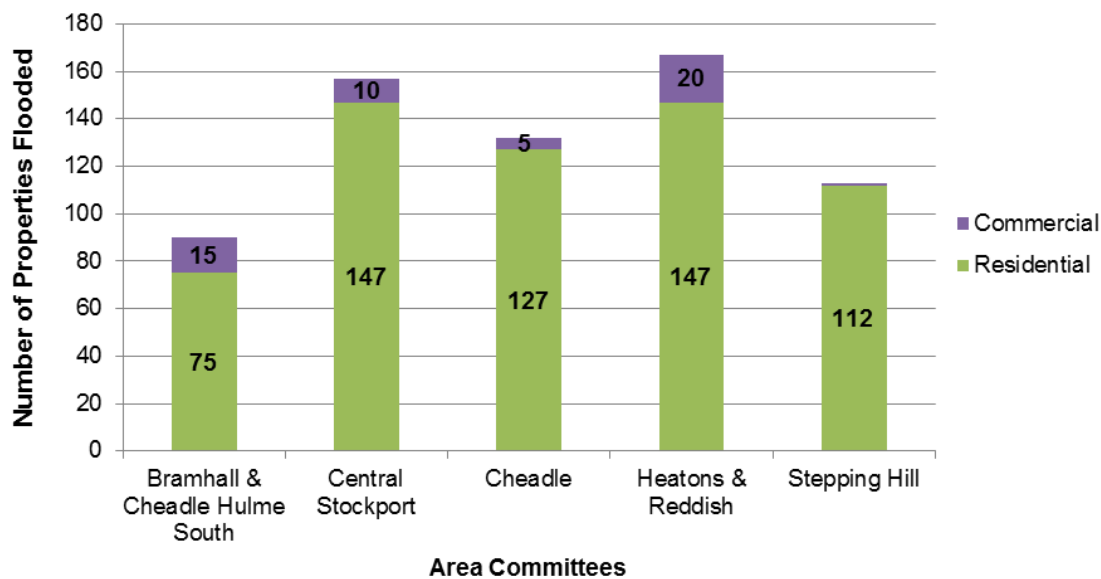


Figure 2.8 : Flood incidents by property type



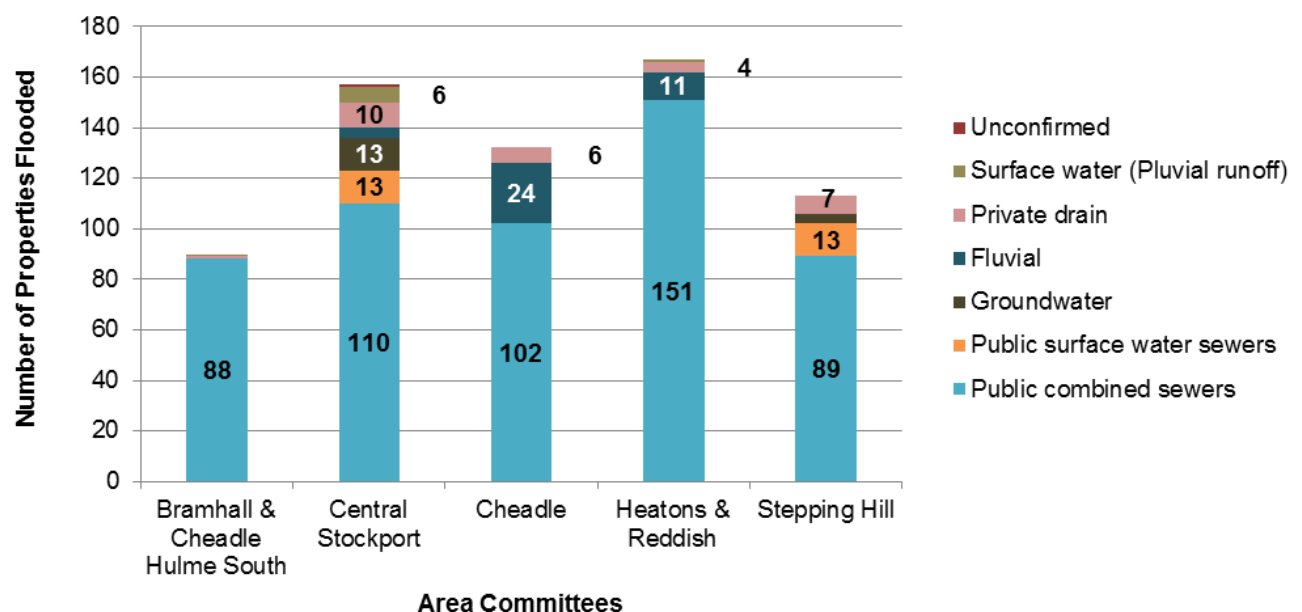
2.3.3 Flood Incidents by Source of Flooding

Each incident recorded has been allocated a source of flooding based on information collected by the authority in which it was reported to or following subsequent investigations. Table 2.2 provides a general description of the different sources of flooding. Not all sources of flooding listed will have been observed during the event. Figure 2.9 illustrates the number of incidents by source across the Committee Areas heavily affected.

Table 2.2 : Source of flooding

Source of Flooding	Description
Fluvial	Exceedance of the flow capacity of river channels (from either a Main River or Ordinary Watercourse), leading to overtopping of riverbanks and inundation of floodplain.
Surface Water (Pluvial Runoff)	Intense or prolonged rainfall exceeding the available infiltration capacity and / or drainage capacity leading to overland flows and surface water flooding where it becomes obstructed or collects in low-lying areas prior to entering a drainage network.
Public Surface Water Sewers	Exceedance of capacity and / or blockage of public or transferred surface water sewers leading to water discharging from manholes or backing up and entering buildings directly.
Public Combined / Foul Sewers	Exceedance of capacity and / or blockage of public or transferred foul or combined sewer leading to contaminated water discharging from manholes or backing up and entering buildings directly.
Private Drain	Exceedance of privately maintained sewers leading to water discharging from manholes or backing up and entering buildings directly.
Highway Flooding	Exceedance of highway drainage network or sewers (in which they discharge into) leading to surface water flooding along the highway or to nearby grounds and buildings.
Groundwater	Where water held underground rises to a level where it breaks the surface (ground level) in areas away from watercourses and drainage pathways. It may also stay underground but reach a level where it seeps into basements or cellars.
Water Retaining Infrastructure	Flooding from canals and reservoirs can occur when the structure is overtopped or breached.

Figure 2.9 : Flood incidents by source of flooding



According to the flood incident data, the main source of the property flooding on the 13th September 2016 was from the public combined sewers, with 82% of all incidents attributed to this source. In these instances the volume of surface water (pluvial runoff) drained into the combined sewer systems caused the network to back up and flood properties directly. This flooding would have mainly affected properties with basements, as previously mentioned above. Flood water from the combined sewer system would also have contained foul water. The Committee Areas of Central Stockport, and Heaton and Reddish both recorded a large number of properties flooded by public combined sewers, the majority of which were residential and flooded internally.

The remaining incidents were split between fluvial flooding (6%), public surface water sewer flooding (4%), private drain flooding (4%), groundwater flooding (3%) and flooding from surface water (pluvial runoff) (1%). It is also worth noting that 24 properties in Cheadle were flooded from fluvial sources.

This data supports the hydrological analysis of the event, which states that the high intensity, short duration rainfall event would have overloaded the urban drainage network, causing this to be the primary source of flooding. Public sewer flooding was observed across large areas of the borough, however although the rainfall event may have resulted in localised ponding of surface water (pluvial runoff) along the highway network, this was generally not to depths significant enough to flood into properties. Very little fluvial flooding to properties was reported, which supports the analysis of the river gauge data.

2.3.4 Flood Incidents by Cause of Flooding

Each incident recorded has been allocated a principal cause of flooding based on information collected by the authority in which it was reported to or following subsequent investigations. Table 2.3 provides a general description of the different causes of flooding. Not all causes of flooding listed will have been observed during the event. The different causes of flooding will also be linked to the sources of flooding discussed above.

Table 2.3 : Principal causes of flooding

Cause of Flooding	Description
Exceptional Weather	Natural weather conditions such as short duration heavy rainfall and thunderstorms or prolonged, extensive rainfall. Storm events are likely to result in large amounts of sheet runoff from adjacent land (urban or rural) and are likely to be larger than design standards.
Hydraulic Inadequacy	Storm water flow is unable to pass through the network due to a permanent problem (e.g. flat gradient, small diameter) with network likely to be below national design standards (weather not classified as exceptional and no blockages or defects present)
Blockages	Temporary problems such as blockages of channels, culverts and sewers caused by debris or siltation
Asset Failure	Structural failure of assets such as culverts, flood defences, canals and reservoirs or failure of equipment failure such as pumping stations

United Utilities recorded the majority of the flood incidents and their post event investigations found that 84% of the incidents were due to the exceptional weather experienced, which would have been greater than the national design standards of their public sewer network. Furthermore, 70% of the incidents relating to exceptional weather also resulted in basement flooding, which supports the mechanism that foul floodwater would have entered properties directly due to the backing up of the public combined sewers.

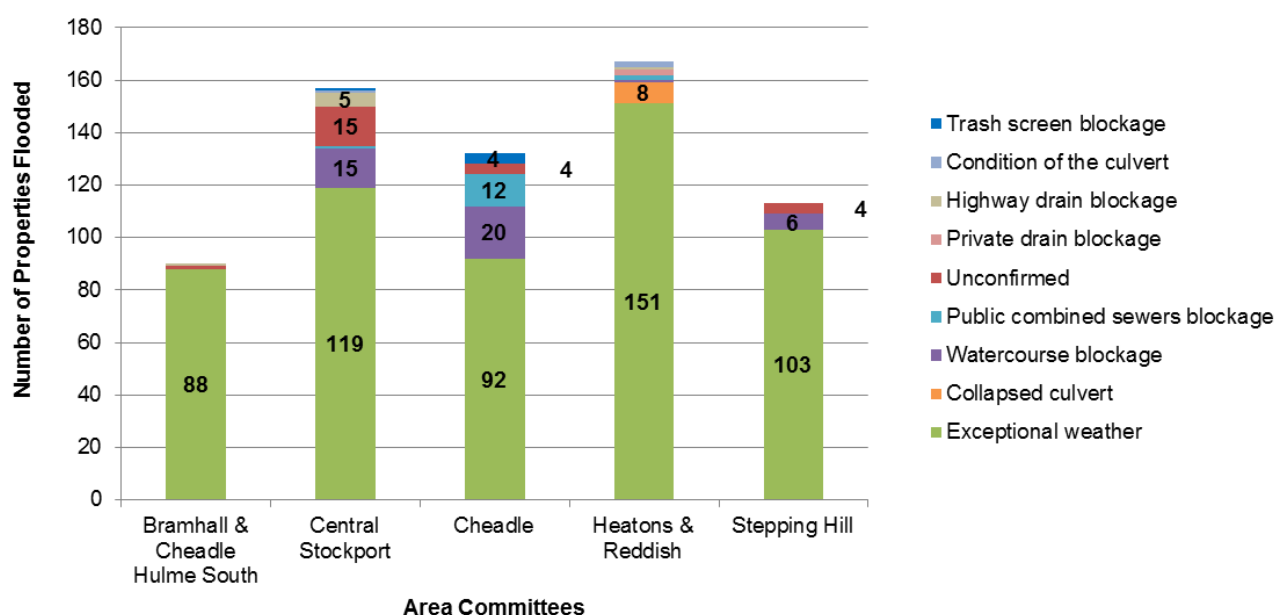
In addition to general overloading of public sewers, incidents were also attributed to local blockages of public sewers, private drains and highway drains and collapsed culverts. Two areas recorded fluvial flooding including:

- 1) Cheadle West, Cheadle and Gatley: 23 residential properties flooded due to fluvial floodwater overtopping Park House Culvert due to partial blockage of the debris screen. Fluvial flooding was also attributed to surface water (pluvial runoff) flooding along Wilmslow Road, which caused a brick wall to collapse into the watercourse.

- 2) Heaton Moor and Heatons North: Ten residential properties flooded including eight basements on Clifton Road due to a collapse of the culverted watercourse. A further two basements flooded in Stanley Road from the Heaton Moor culvert, which was recorded to have been in poor condition.

Figure 2.10 illustrates all the flood incidents by cause across the Committee Areas heavily affected.

Figure 2.10 : Flood incidents by cause of flooding



2.4 Other Impacts

In contrast to the June 2016 flood events, according to the Council the high intensity rainfall event that affected Stockport on the 13th September 2016 did not cause significant damage to highway structures, parks, greenspaces nor Public Rights of Ways.

However, the September event did result in local disruption to road users as surface water (pluvial runoff) flooding caused certain roads to become impassable, but there were no road closures as a result. There were also no reported incidents of motorway flooding.

According to newspaper reports⁹, both Stockport Station (pedestrian walkway) and Gatley Station flooded during the height of the event, the connecting line to Manchester Airport was affected, and there were circuit failures at Cheadle Hulme track during the night.

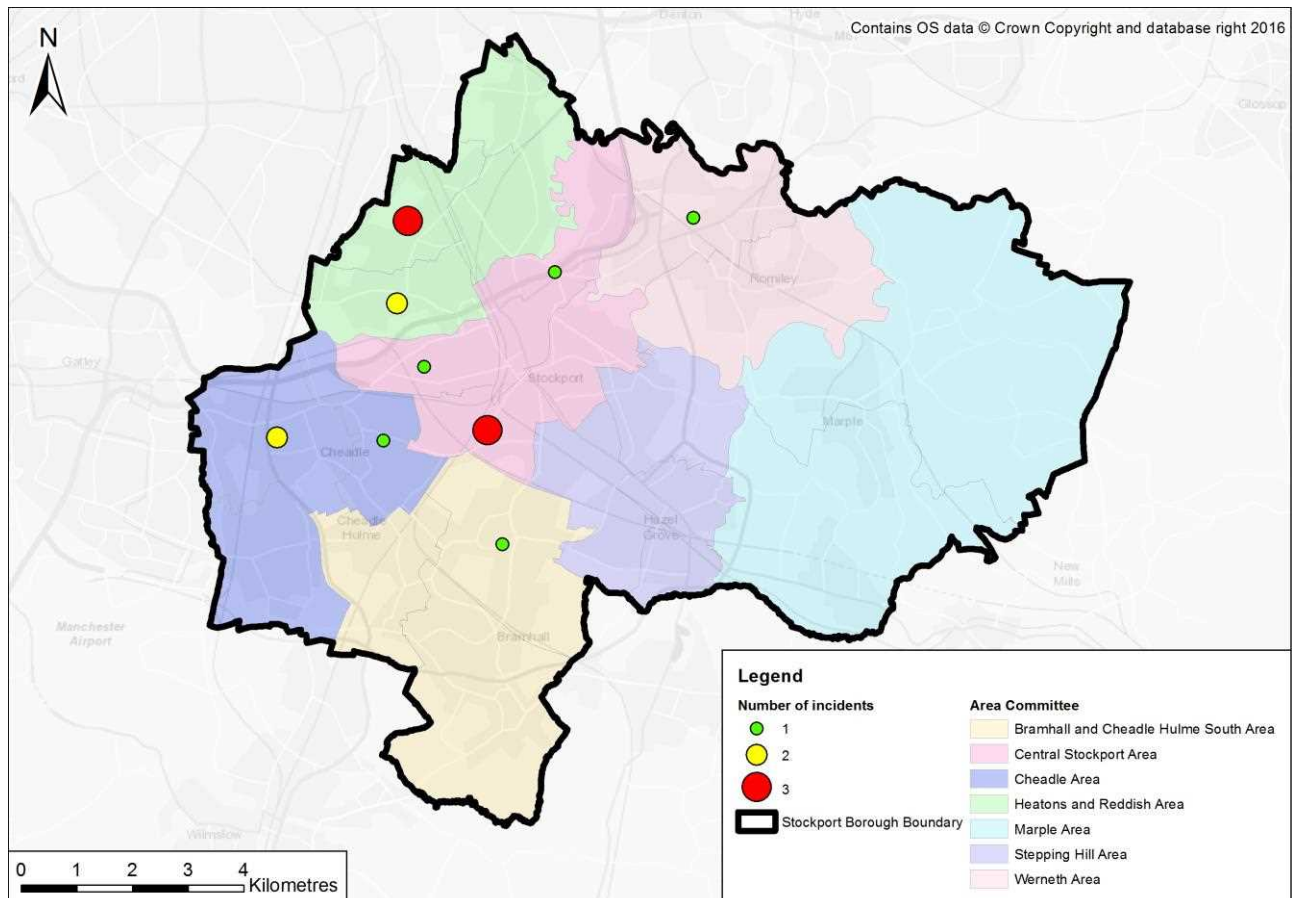
Beyond Stockport, sections of the Metrolink network were subject to flooding during the rainfall event. This affected services on the Rochdale line, where the flooding caused a points issue, and the Manchester Airport and East Didsbury lines where tracks were flooded. Flooding of the tracks at the Market Street tram stop in Manchester City Centre was heavily reported in the media, but is not reported to have affected this service. Full services on the affected lines were able to resume later in the evening when most of the track flooding had subsided.

The most significant impact to the Metrolink network and services was caused by lightning strikes from the storm, causing communications losses to electrical substations and trips on overhead power lines. This disrupted mainly the Bury and Altrincham lines, where the service was affected from 18:00 on the 13th September until the following morning. Where lightning strikes disrupted other lines, this was more temporary and Metrolink were able to quickly re-open the lines.

⁹ <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/greater-manchester-plunged-darkness-great-11883098/>

According to Greater Manchester Fire and Rescue Service (GMFRS), North West Fire Control operators (which handle emergency calls from Cumbria, Lancashire, Greater Manchester and Cheshire) received nearly 200 emergency calls about flooding incidents on the 13th September 2016¹⁰, with over a hundred calls being received in 90 minutes during the height of the storm. According to the GMFRS, they were called out to 15 incidents across Stockport to ensure the safety of occupants where electricity supplies were affected by flooding. Figure 2.11 illustrates the distribution of the incidents in Stockport in which GMFRS responded to during the flood event.

Figure 2.11 : GMFRS call out responses – 13th September 2016



¹⁰ Greater Manchester Fire and Rescue Service (2016) "Firefighters battle to protect communities after GMFRS receives 200 calls about flooding in one night". http://www.manchesterfire.gov.uk/updates/incidents/14sep2016_gmfrsreceives200floodingcallsinonenight/

3. Response and Recovery

The Council, the Environment Agency and United Utilities as Risk Management Authorities (RMAs) along with other authorities responded to the September flood event, by issuing weather and flood warnings, providing immediate assistance to those flooded and carrying out post event investigations, repairs and support.





3.1 Pre-Event Warnings

3.1.1 Weather Warnings

The Met Office issue warnings to the public and emergency responders through the National Severe Weather Warning Service of severe or hazardous weather (rain, snow, wind, fog and ice), which has the potential to cause damage, widespread disruption and/or danger to life. These warnings are given a colour (Table 3.1) relating to a combination of both the likelihood of the event happening and the impact the conditions may have.

The Met Office issued a Yellow Warning of rain for North West England at 02:10 on the 13th September, around 13 hours before the first downpour and 15 hours before the second, heavier downpour, which warned against localised flooding of homes and businesses and susceptible roads.

Table 3.1 : Met Office Weather Warning Codes¹¹

Weather Warning Code	Likelihood of Severe Weather	What it means
 No Severe Weather	Very Low	A very small risk of severe weather is possible.
 Be Aware	Low	Severe weather is possible over the next few days and could affect you. Keep an eye on the latest forecast and be aware that the weather may change or worsen, leading to disruption of your plans in the next few days.
 Be Prepared	Medium	There is an increased likelihood of bad weather affecting you, which could potentially disrupt your plans and possibly cause travel delays, road and rail closures, interruption to power and the potential risk to life and property.
 Take Action	High	Extreme weather is expected. You should take action to keep yourself and others safe from the impact of the weather. Widespread damage, travel and power disruption and risk to life is likely. You must avoid dangerous areas and follow the advice of the emergency services and local authorities.




3.1.2 Flood Warnings

The Environment Agency issue flood warnings to allow communities to prepare for fluvial flooding from Main Rivers. Three different Flood Warning codes are used depending on the severity of flooding expected (Table 3.2); these are also issued at different intervals in advance of flooding.

Flood Alert areas generally cover a large area, whilst Flood Warning areas are usually more detailed and broken down into specific locations. Locations within a Flood Alert area are also not necessarily within a Flood Warning area.

¹¹Met Office (2015) Weather Warning Guide. <http://www.metoffice.gov.uk/guide/weather/warnings>

Table 3.2 : Environment Agency Flood Warning Codes

Flood Warning Code		What it means	When it's used	What to do
	Flood Alert	Flooding is possible, be prepared	Two hours to two days in advance of flooding	<ul style="list-style-type: none"> Be prepared to act on your flood plan Prepare a flood kit of essential items Monitor local water levels and the flood forecast on the Met Office website
	Flood Warning	Flooding is expected, immediate action required	Half an hour to one day in advance of flooding	<ul style="list-style-type: none"> Move family, pets and valuables to a safe place Turn off gas, electricity and water supplies if safe to do so Put flood protection equipment in place
	Severe Flood Warning	Severe flooding, danger to life	When flooding poses a significant threat to life	<ul style="list-style-type: none"> Stay in a safe place with a means of escape Be ready should you need to evacuate from your home Co-operate with the emergency services. Call 999 if you are in immediate danger

According to the Environment Agency, one Flood Alert and three Flood Warnings were issued during the September 2016 flood event in Stockport. A Flood Alert was issued for the Middle River Mersey catchment, covering Stockport with Gatley, Cheadle Hulme and Cheadle, late in the evening on the 13 September 2016. The Flood Alert occurred two hours after the end of the rainfall. There was fluvial flooding at the surroundings of Wilmslow Road close to Micker Brook in the Cheadle Area Committee, which affected 23 properties.

Table 3.3 : Flood Alerts issued

Flood Alert Area	Alert Issued	Alert Withdrawn
Middle River Mersey catchment including areas near Bramhall, Stockport, Sale, Altrincham and Urmston	21:07 on 13 Sep 2016	09:29 on 14 Sep 2016

Chorlton Brook was the only watercourse within Stockport to receive Flood Warnings on the 13 September 2016. These flood warnings occurred around at the end of the storm, one hour later than Chorlton Brook peaked at Lavington Avenue gauge station. There were flooded properties in the flood warning area but the reason was not Chorlton Brook, it was a combination of different sources, mainly sewer flooding.

Table 3.4 : Flood Warnings issued

Flood Warning Area	Warning Issued	Warning Withdrawn
Chorlton Brook at Cheadle, Sports Field, Palmer Avenue and Cuthbert Road Areas	19:04 on 13 Sep 2016	09:15 on 14 Sep 2016
Chorlton Brook at Cheadle, Boundary, Bangor Road, Shakespeare Drive and Ashbourne avenue areas	19:54 on 13 Sep 2016	09:12 on 14 Sep 2016
Chorlton Brook at Cheadle, Carrs and Stockport Road, Cranleigh Drive, Jackson Street Areas	19:04 on 13 Sep 2016	09:21 on 14 Sep 2016

3.2 Immediate Responses

Table 3.5 outlines the responses undertaken across the borough from both RMAs and other Authorities. Table 3.6 outlines community specific responses.

Table 3.5 : Immediate responses – Stockport wide

Lead RMA	Response
Council as LLFA	Major emergency response staff available 24 hours a day (and all year round)
	Coordination with emergency services
United Utilities	Customer support and incident logging
Environment Agency	Flood support provided via incident hotline
	On-site response to provide support to residents and investigate flooding incident

Table 3.6 : Immediate responses – community specific

Non-RMA	Response	Council Ward
Network Rail	Closed and cleaned Gatley Station.	Cheadle and Gatley
Greater Manchester Fire and Rescue Service	Pumped out six properties, four properties made safe from flood impacts, gave advice and stood by without action where needed	Davenport and Cale Green, Heatons North, Heatons South, Bredbury and Woodley, Edgeley and Cheadle Heath, Cheadle and Gatley, Cheadle Hulme North, Bramhall North, Brinnington and Central

3.3 Post-Event Responses

Following the flood event, United Utilities investigated each flood incident recorded and where possible determined the source and cause of flooding; blockages were also cleared if found. In some cases, United Utilities recorded the incident to be associated with non-United Utilities assets, such as private drains (which are the responsibility of the homeowner) and surface water (pluvial runoff) and groundwater sources. United Utilities then reported these to the Council as LLFA.

The Council have provided financial assistance to those properties impacted by the September 2016 flood event in the form of grant funding and council tax freezes, where it can be demonstrated that a property was flooded internally. Over 80 flooding grants have been approved to householders during the period from the start of July to the beginning of January 2017. The applications rolled over from the June flooding events to the September flood, therefore some householders may have applied in October for a grant from the June flood, or in November for the September flood. In some cases, the properties have been flooded during both the June and September events and have been eligible for grant funding for both.

Table 3.7 outlines responses undertaken post event across the borough. Table 3.8 outlines community specific responses immediately after and in the days following the September 2016 flooding events.

Table 3.7 : Post-Event response – Stockport wide

Lead RMA	Response
Council Highways Department	Debris clearance from roads and highway structure inspections.
	All highway drainage gullies in flooded areas cleaned and known hotspots prioritised for inspection.
Council as LLFA	Recovery Coordination Group set up to manage the ongoing response to the flooding incidents, supporting local residents and businesses.
	Flood grants made available and publicised on the Council website.
	Inspection of parks, greenspaces and Public Rights of Way to identify damage and repairs required.
	Carried out extensive clean up after flooding.
	Contacted the businesses affected and site inspections carried out at the flooded properties.
	Independent review into the flooding commissioned (this report).
	Meetings with other RMAs to establish a coordinated response for the recovery and support of local residents.
	An extra phone line has been installed into the Control Room to provide additional capacity for receiving calls during periods of high traffic.
	The accessibility and usefulness of information held on the Council website has been improved.
	Data collection methods to record flooded properties have been improved.
	Maintenance programme for the drains, gullies and debris screens across the borough to be reviewed to help prevent blockages.
	Capacity of the Council's out of hour's response capability to be reviewed.
	Policy on sandbags to be reviewed.
United Utilities	Carried out extensive cleaning and investigation works on the drainage system.
	Assisted with clean-up operations and provided support to affected customers.
	All reported flooding incidents investigated.
	All blockages found on United Utilities maintained sewers cleared.
	Contacted customers eligible for discretionary payment system.
Environment Agency	Door-to-door survey and support in areas affected by fluvial flooding.
	Data gathering and follow-up investigations into fluvial flooding.

Table 3.8 : Post-event responses – community specific

Lead RMA	Response	Ward
Council Highways Department	The Highway drain in Brinnington Road has been mapped and the removal of the tree roots has been scheduled for March 2017.	Brinnington and Central
	Further investigation of possible tree root problem.	Edgeley and Cheadle Heath
	Drain cleaning and CCTV surveys.	Cheadle Hulme South
	Arranged to clean up the mud and sludge from the highway drainage manhole chamber.	Bredbury Green and Romiley
	Provide additional drainage assets also kerblines need to be increased, which is part of the TCAP scheme.	Brinnington and Central
	Arranged for 10 gullies to be replaced.	Bramhall North
Council as LLFA	Sandbags issued to householders on Brydon Avenue.	Heald Green
	Clean up after flooding of Gower Avenue, silt has now been removed.	Stepping Hill
	Investigated the section of culverted watercourse between Appleby Close and open brook downstream. Partial blockage within culvert identified and remedial works ongoing to remove blockage and restore culvert capacity. Excavation works undertaken to re-establish the watercourse channel. Site clearance works undertaken to prevent further debris entering the watercourse.	Davenport and Cale Green
	Internal condition survey of culvert is ongoing. The results will be passed to Network Rail in order that a comprehensive investigation of the culvert watercourse network can be progressed and any issues that could have been a factor in the recent flooding are identified. Remedial works to address any defects, if required, will then be programmed to restore the capacity of the culvert and minimise the risk of future flooding.	
	Advised the residents that non-return valves or closing off the drain can be used to prevent flooding in the cellar.	Edgeley and Cheadle Heath
	Visited Branksome Drive and spoke to affected residents.	Heald Green
	CCTV of the culverted watercourse along Clifton Road was carried out and a collapse identified. The collapse has been subsequently repaired. The riparian owners of the culvert have been notified of the structural issues found and issued with a notice to remedy the condition of the culvert. Further investigation has been programmed for the culvert at Clifton Road as one of the manholes is holding water. Cleaning of gullies and the road at another watercourse has also been carried out.	Heatons North
	CCTV survey was carried out of an unmapped existing drain in Epsom Close.	Hazel Grove
	Visited residents to assess extent of flooding and flooding mechanism, after the section of wall within brook has been removed.	Cheadle and Gatley
	Debris screen cleared at Gorsey Mount Street.	Manor

4. Recommended & Ongoing Actions

4.1 Recommended & Ongoing Actions across Stockport

The purpose of this report is to document the investigations carried out into the flood events that affected the communities of Stockport in September 2016 and for RMAs to consider and prioritise actions relevant to each authority. In this way, communities can be clearer on what has happened since the floods, and what each authority is planning to do to reduce or mitigate the impacts of future flooding within the borough.

As highlighted earlier in the report, the majority of flooding incidents on 13th September 2016 were caused by the exceptional rainfall event, which overwhelmed the public combined sewers. On the day of the event, the majority of the combined sewers performed as designed, draining surface water and providing a valuable function in protecting against surface water flooding up to a point. However, the public combined sewers affected were designed and built to national sewer standards, and would not be expected to deal with such an extreme rainfall event exceeding these standards.

Due to the cause and widespread nature of flooding experienced, it is not possible to identify detailed actions for each community affected. This section of the report therefore contains more general action recommendations, which apply across the whole borough of Stockport (Table 4.1) to improve the resilience of the community to flooding. Where possible, ongoing or planned actions are recommended to be taken in specific locations (Table 4.2).

Table 4.1 : Recommended and ongoing actions – Stockport wide

Lead RMA	Recommended Action	
The Council Highways Department	1.1	Maintain efficient operation of highway drains.
	1.2	Ensure necessary maintenance is carried out to local highway drains following flood events.
	1.3	Consider ways to raise awareness of damage caused by driving through floods.
The Council as LLFA	2.1	Consider provision of Property Level Protection for properties at risk.
	2.2	Ensure property owners are aware of their responsibilities as riparian owners of watercourses (whether open or culverted watercourses).
	2.3	Investigate and address issues identified as relating to private drains.
The Council as LLFA and the Environment Agency	3.1	Continue to manage flood risk from new development. Seek flood risk benefits from new development where possible.
United Utilities	4.1	Maintain efficient operation of separate surface water and combined sewers.
	4.2	Ensure effective communication with the Council regarding flooding events/ potential flood issues.
Environment Agency	5.1	Review borough-wide flood management.
	5.2	Ensure watercourses are suitably maintained.
	5.3	Review trigger levels for Flood Alerts in this area.
	5.4	Ensure effective communication with the Council regarding flooding events/ potential flood issues.
Property Owners	6.1	Consider installation of Property Level Protection.
	6.2	Check weather forecast and flood warnings regularly.

Table 4.2 : Recommended and ongoing actions – local specific

Lead RMA	Recommended Action		Where
The Council Highways Department	7.1	Review a possible tree root problem at Saint Lesmo Road.	Edgeley and Cheadle Heath
The Council as LLFA	8.1	Review Heaton Moor culvert.	Heatons North
	8.2	Review Park House culvert.	Cheadle and Gatley
	8.3	Consider options to reduce fluvial flood risk on Micker Brook Tributary.	Cheadle and Gatley

4.2 Next Steps

At this stage, the actions listed are recommendations only and their delivery is likely to depend on the RMA securing funding and on other commitments and priorities within each authority. Any major works requiring capital investment, the Council will consider through the Defra funding programme. That said, the Council, as LLFA, will continue to work proactively with the Environment Agency, United Utilities and other RMAs to engage with the communities affected to ensure that flood mitigation is a key part of their present and future programme of works.

Meanwhile, the communities need to be prepared for more similar extreme weather events in the future, such as heavy and intense downpour after a quite dry period. These kinds of event can be more common due to climate change, and their impacts can be reduced with paying attention to the weather forecast and flood warnings, and regular maintenance of the drains and watercourses.

Appendix A. Flood Incident Register Summary

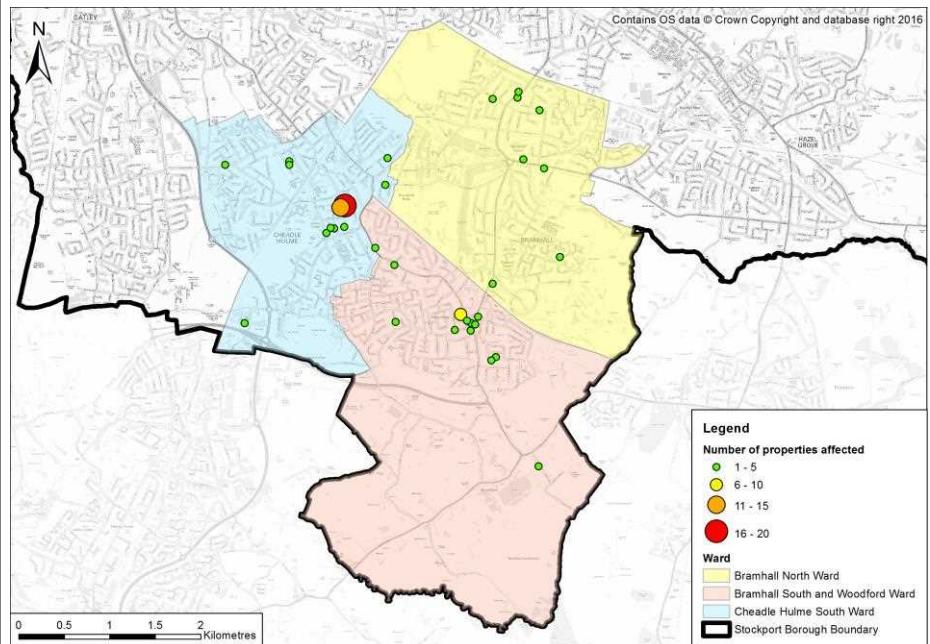
Table A.1 : Number of properties affected across Area Committees

Area Committee	Ward	Internally Flooded	Externally Flooded Only	Total
Bramhall and Cheadle Hulme South Area Committees	Bramhall North	9	5	14
	Bramhall South and Woodford	19	4	23
	Cheadle Hulme South	48	5	53
	Total	76	14	90
Central Stockport Area Committee	Brinnington and Central	6	1	7
	Davenport and Cale Green	67	13	80
	Edgeley and Cheadle Heath	52	2	54
	Manor	14	2	16
	Total	139	18	157
Cheadle Area Committee	Cheadle and Gatley	22	13	35
	Cheadle Hulme North	32	26	58
	Heald Green	21	18	39
	Total	104	74	132
Marple Area Committee	Marple North	-	-	-
	Marple South	-	-	-
	Total	-	-	-
Heatons and Reddish Area Committees	Heatons North	60	18	78
	Heatons South	34	5	39
	Reddish North	31	3	34
	Reddish South	15	1	16
	Total	140	27	167
Stepping Hill Area Committee	Hazel Grove	5	10	15
	Offerton	7	13	20
	Stepping Hill	73	5	78
	Total	85	28	113
Werneth Area Committee	Bredbury and Woodley	-	-	-
	Bredbury Green and Romiley	1	-	1
	Total	1	-	1

Appendix B. Area Committee Flood Incident Factsheets

Area Committee Flood Incident Factsheet B1 - Bramhall and Cheadle Hulme South

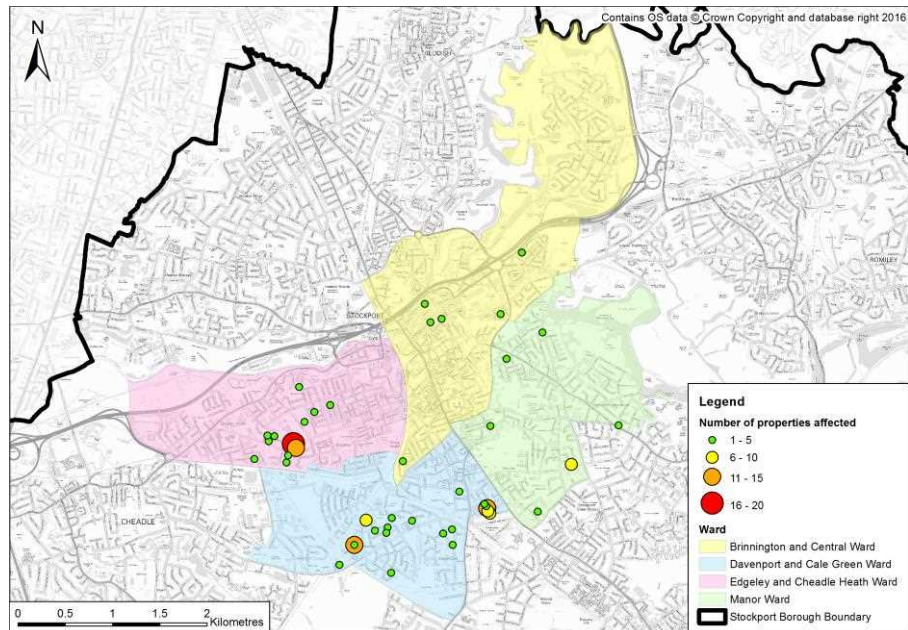
Location and magnitude of property flooding by post code



Wards in Area Committee	Bramhall North	Bramhall South and Woodford	Cheadle Hulme South
Number of properties flooded	14	23	53
Property Flooding (some internally flooded properties may also have flooded externally)			
Internal	9	19	48
External only	5	4	5
Source of Property Flooding			
Public combined sewers	14	23	51
Public surface water sewers	-	-	-
Private drain	-	-	1
Surface water (Pluvial runoff)	-	-	1
Fluvial	-	-	-
Groundwater	-	-	-
Unconfirmed	-	-	-
Cause of Property Flooding			
Exceptional weather	14	23	51
Public combined sewers blockage	-	-	-
Private drain blockage	-	-	-
Highway drain blockage	-	-	1
Watercourse blockage	-	-	-
Collapsed culvert	-	-	-
Condition of the culvert	-	-	-
Debris screen blockage	-	-	-
Unconfirmed	-	-	1

Area Committee Flood Incident Factsheet B2 - Central Stockport

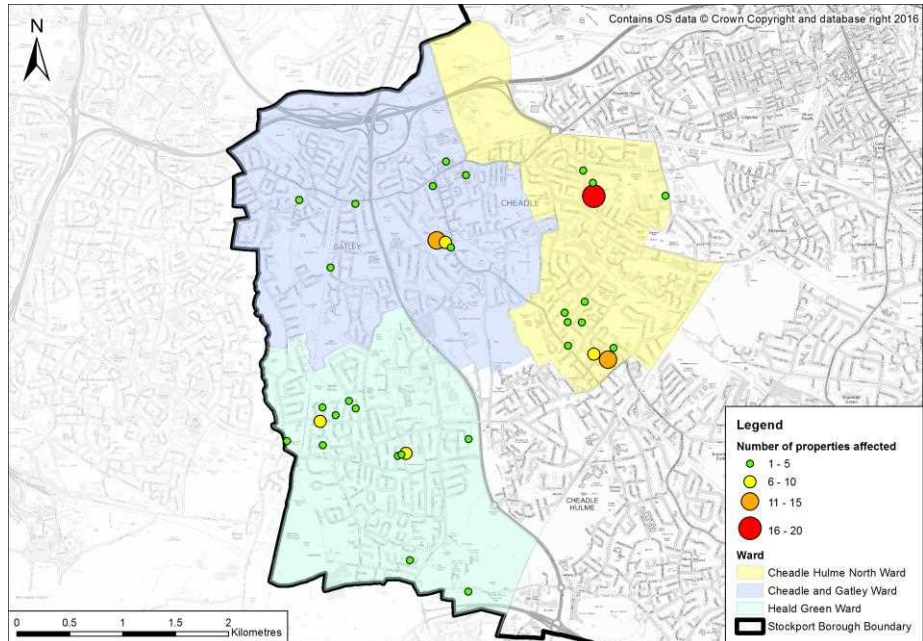
Location and magnitude of property flooding by post code



Wards in Area Committee	Brinnington and Central	Davenport and Cale Green	Edgeley and Cheadle Heath	Manor
Number of properties flooded	7	80	54	16
Property Flooding (some internally flooded properties may also have flooded externally)				
Internal	6	67	52	14
External only	1	13	2	2
Source of Property Flooding				
Public combined sewers	1	49	46	14
Public surface water sewers	-	13	-	-
Private drain	-	8	2	-
Surface water (Pluvial runoff)	2	-	4	-
Fluvial	2	-	-	2
Groundwater	1	10	2	-
Unconfirmed	1	-	-	-
Cause of Property Flooding				
Exceptional weather	2	56	48	13
Public combined sewers blockage	-	-	-	1
Private drain blockage	-	-	-	-
Highway drain blockage	1	-	4	-
Watercourse blockage	2	13	-	-
Collapsed culvert	-	-	-	-
Condition of the culvert	-	-	-	1
Debris screen blockage	0	0	0	1
Unconfirmed	2	11	2	0

Area Committee Flood Incident Factsheet B3 – Cheadle

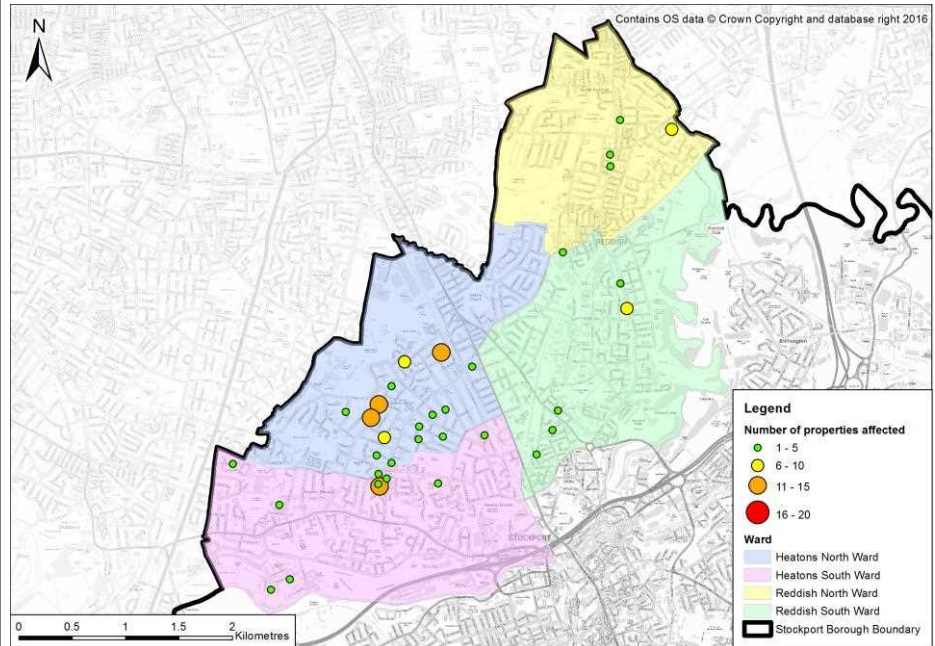
Location and magnitude of property flooding by post code



Wards in Area Committee	Cheadle and Gatley	Cheadle Hulme North	Heald Green
Number of properties flooded	35	58	39
Property Flooding (some internally flooded properties may also have flooded externally)			
Internal	22	32	21
External only	13	26	18
Source of Property Flooding			
Public combined sewers	6	58	38
Public surface water sewers	-	-	-
Private drain	6	-	-
Surface water (Pluvial runoff)	-	-	-
Fluvial	23	-	1
Groundwater	-	-	-
Unconfirmed	-	-	-
Cause of Property Flooding			
Exceptional weather	8	58	26
Public combined sewers blockage	-	-	12
Private drain blockage	-	-	-
Highway drain blockage	-	-	-
Watercourse blockage	19	-	1
Collapsed culvert	-	-	-
Condition of the culvert	-	-	-
Debris screen blockage	4	-	-
Unconfirmed	4	-	-

Area Committee Flood Incident Factsheet B4 – Heatons and Reddish

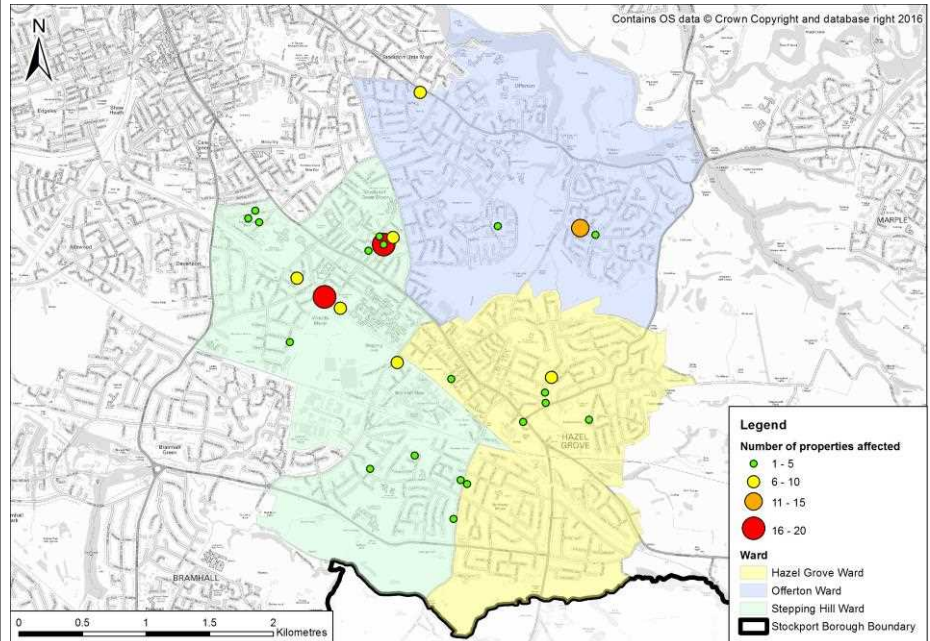
Location and magnitude of property flooding by post code



Wards in Area Committee	Heatons North	Heatons South	Reddish North	Reddish South
Number of properties flooded	78	39	34	16
Property Flooding (some internally flooded properties may also have flooded externally)				
Internal	60	34	31	15
External only	18	5	3	1
Source of Property Flooding				
Public combined sewers	67	38	32	14
Public surface water sewers	-	-	-	-
Private drain	-	1	1	2
Surface water (Pluvial runoff)	-	-	1	-
Fluvial	11	-	-	-
Groundwater	-	-	-	-
Unconfirmed	-	-	-	-
Cause of Property Flooding				
Exceptional weather	67	37	32	15
Public combined sewers blockage	-	2	-	-
Private drain blockage	-	-	1	1
Highway drain blockage	-	-	1	-
Watercourse blockage	1	-	-	-
Collapsed culvert	8	-	-	-
Condition of the culvert	2	-	-	-
Debris screen blockage	-	-	-	-
Unconfirmed	-	-	-	-

Area Committee Flood Incident Factsheet B5 – Stepping Hill

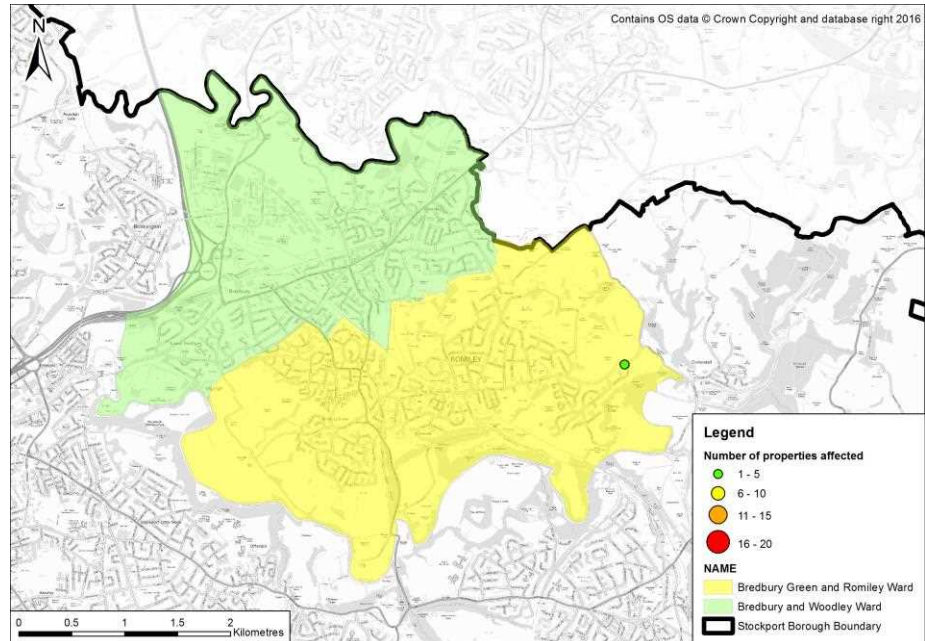
Location and magnitude of property flooding by post code



Wards in Area Committee	Hazel Grove	Offerton	Stepping Hill
Number of properties flooded	15	20	78
Property Flooding (some internally flooded properties may also have flooded externally)			
Internal	5	7	73
External only	10	13	5
Source of Property Flooding			
Public combined sewers	12	7	70
Public surface water sewers	-	13	-
Private drain	1	-	6
Surface water (Pluvial runoff)	-	-	-
Fluvial	-	-	-
Groundwater	2	-	2
Unconfirmed	-	-	-
Cause of Property Flooding			
Exceptional weather	13	20	70
Public combined sewers blockage	-	-	-
Private drain blockage	-	-	-
Highway drain blockage	-	-	-
Watercourse blockage	-	-	6
Collapsed culvert	-	-	-
Condition of the culvert	-	-	-
Debris screen blockage	-	-	-
Unconfirmed	2	-	2

Area Committee Flood Incident Factsheet B6 – Wenweth

Location and magnitude of property flooding by post code



Wards in Area Committee	Bredbury and Woodley	Bredbury Green and Romiley
Number of properties flooded	-	1
Property Flooding (some internally flooded properties may also have flooded externally)		
Internal	-	1
External only	-	-
Source of Property Flooding		
Public combined sewers	-	-
Public surface water sewers	-	-
Private drain	-	-
Surface water (Pluvial runoff)	-	1
Fluvial	-	-
Groundwater	-	-
Unconfirmed	-	-
Cause of Property Flooding		
Exceptional weather	-	-
Public combined sewers blockage	-	-
Private drain blockage	-	-
Highway drain blockage	-	1
Watercourse blockage	-	-
Collapsed culvert	-	-
Condition of the culvert	-	-
Debris screen blockage	-	-
Unconfirmed	-	-

Agenda Item 9.

STOCKPORT COUNCIL

REPORT TO EXECUTIVE MEETING – SUMMARY SHEET

Subject: Leisure Estate Investment Requirements –2017/18

Report to Executive Meeting

Date: 25 April 2017

Report of: (a) Executive Councillor (Communities & Housing)

Key Decision: (b) Y

Forward Plan ☒

General Exception ☐

Special Urgency ☐

(Mark with a Y
if applicable)

Summary:

This report seeks approval for short term investment in the Council's leisure centre portfolio in 2017/18:

- Investment of £1.545m to address priority condition issues which need to be carried out as planned works in 2017/18.
- Establishment of a contingency fund of £0.543m to facilitate the procurement of works to rectify failures which could cause problems for business continuity at leisure centres.

Comments/Views of the Executive Councillor: (c)

I support the proposals for investment.

Recommendation(s) of Executive Councillor: (d)

The Executive is asked to:

Approve investment of £1.545m to address high priority condition issues as part of the Asset Management Plan capital programme.

Approve the creation of a contingency facility of £0.543m to address risks to business continuity as part of the Asset Management Plan capital programme.

Approve that the Deputy Chief Executive, in consultation with the Executive Councillor (Communities and Housing) be authorised to agree the most appropriate funding source for this investment.

Relevant Scrutiny Committee (if decision called in): **(e)**

Environment & Economy

Background Papers (if report for publication): **(f)**

Grand Central leisure centre short and medium term investment requirements 7th February 2017.

Contact person for accessing
background papers and discussing the report

Officer: Peter Ashworth
Tel: 07891 949473

'Urgent Business': (g)

Yes/ No (Please circle)

Certification (if applicable)

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

LEISURE ESTATE INVESTMENT REQUIREMENTS –2017/18**Report of the Corporate Director for Place Management & Regeneration****1. Introduction**

- 1.1 This report seeks approval from the Executive for short term investment in the Council's leisure centre portfolio. A separate report relating to investment at Grand Central was approved by Executive in February 2017.

2. Vision and Aims

- 2.1 The Council considers that leisure plays a key part in improving the health and wellbeing of local people. It wants to ensure that an appropriate mix of leisure facilities and other participation opportunities are available which address Stockport's current and future physical activity needs and:

- enable those who are currently active to remain active
- inspire those who are currently inactive to become active
- are financially sustainable
- deliver optimum impact for investment made

- 2.2 Quality and accessibility of facilities and activities play a key role in influencing people's decision to engage in physical activity. If the Council wishes to make an impact in improving levels of physical activity in Stockport, it will need to ensure that facilities and activities are accessible to the communities where levels of physical activity are lowest and that they are of sufficient quality to inspire people to participate.

3. Background

- 3.1 With the exception of Grand Central, Life Leisure currently hold leases on 7 Council owned leisure facilities. The Council has wide ranging landlord obligations in respect of these sites, including building fabric and plant. Life Leisure are responsible for making investment which will maximise participation and income generation from these assets.
- 3.2 A programme of investment has been undertaken since 2015/16 across the leisure estate to address priority condition issues as they have arisen. In 2015/16 investment of £1.261m was made followed by further investment of £0.743m in 2016/17,
- 3.3 To inform future leisure facility provision in Stockport, the Council has commissioned a comprehensive indoor needs analysis. Initial findings suggest that the quantity of current leisure provision is sufficient to meet physical activity needs of residents in the short term. However, medium term demographic and population changes and facility lifespan issues suggest that replacement and re-provision may be a cost effective way of meeting future leisure needs. Work to develop options to address future leisure needs is being considered in the context

of the Council's emergent locality model and a joint health and leisure strategy to improve levels of physical activity and wellbeing.

4. Issues and Challenges

- 4.1 To ensure that the Council achieves full value from investment in the leisure estate, condition issues are assessed on an annual basis and prioritised according to urgency and business continuity. Consequently investment is only directed to issues requiring urgent attention in the next 12 months.
- 4.2 Condition issues falling due in 2017/18 have been assessed and categorised as follows:
- Priority condition issues which need to be carried out as planned works in 2017/18. The value of these is £1.545m
 - Items which are highly likely to need addressing in 2017/18 and whose failure could cause immediate business continuity problems. The value of these is £0.953m. Since works in relation to these items can be ordered as and when systems fail, it is suggested that a contingency facility is established so these can be effected promptly. It is suggested that the value of the contingency fund is £0.543m which represents 60% of the total value.

The results of the analysis are summarised in the table below:-

Site	Priority	Continuity	Total
	Appendix 1	Appendix 2	
Avondale	145,035	387,849	532,884
Bramhall	112,901	116,024	228,925
Cheadle	315,162	63,756	378,918
Hazel Grove	332,395	41,657	374,051
Marple	500,585	147,436	648,021
Priestnall	35,464	49,145	84,610
Romiley	103,084	147,575	250,659
Sub-total	1,544,626	953,442	2,498,068

Contingency adjustment 0 -409,976

Proposed	1,544,626	543,465	2,088,092
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Basis of works Planned Reactive

5. Proposals

- 5.1 It is proposed that this and future investment in the leisure estate is dealt with as part of the Asset Management Plan capital programme.
- 5.2 It is proposed that £1.545m is invested to facilitate works to address priority condition issues at 7 centres in 2017/18. Full listings of the proposed works by site and type are shown in Appendix 1.
- 5.3 It is proposed that a contingency facility of £0.543m is created to ensure that condition items which could lead to business continuity issues at leisure centres can be addressed promptly as and when the need arises. A full list of items whose failure in 2017/18 could cause business continuity issues is shown in Appendix 2.

6. Financial Implications

- 6.1 These investment requirements have not been previously identified as part of the Asset Management Plan capital programme for 2017/18. Consequently there is no current capital resource available to meet the cost of the above works and therefore they would require additional approval and inclusion within the Asset Management Plan capital programme.
- 6.2 It is proposed that Prudential Borrowing is used to finance this investment. The annual borrowing cost of the proposed £2.088m is approximately £0.167m p.a. and would be expected to commence in 2018/19. If the contingency facility is not fully used, the borrowing costs will be lower. The pressure on the Medium Term Financial Plan (MTFP) resulting from borrowing costs could be mitigated by any available capital receipts and available reserves. Any remaining pressure will be included within the next iteration of the MTFP.
- 6.3 The proposed works form part of the Council's landlord obligations in respect of the buildings and would not be expected to generate significant financial payback. However, the works will help to ensure that facilities remain fully operational during the year. It is expected that the investment will also lead to improvements in energy efficiency, which have been factored into discussions about reducing Life Leisure's annual management fee.

7. Legal Implications

- 7.1 The above proposals for investment are consistent with the provisions of leases and other agreements currently held between the Council and Life Leisure.

8. Risks

- 8.1 If the Council does not invest £1.545m in priority condition issues in the leisure estate, there are potential risks to the continuity of service provision for users of these leisure centres.
- 8.2 There is a minimal risk of short term unavailability of facilities at particular locations whilst works are undertaken. The Council will work with Life Leisure to ensure that customers can access alternative provision if necessary.
- 8.2 If the Council does not create a contingency facility to fund items which could affect business continuity at leisure centres, there is a risk that leisure centres and key facilities within them could be forced to close for extended periods.

9. Recommendation to the Executive Meeting

9.1 The Executive is asked to:

- 9.1 Approve investment of £1.545m to address high priority condition issues as part of the Asset Management Plan capital programme.
- 9.2 Approve the creation of a contingency facility of £0.543m to address risks to business continuity as part of the Asset Management Plan capital programme.
- 9.3 Approve that the Deputy Chief Executive, in consultation with the Executive Councillor (Communities and Housing) be authorised to agree the most appropriate funding source for this investment.

BACKGROUND PAPERS

Grand Central leisure centre short and medium term investment requirements 7th February 2017.

Anyone requiring further background information should contact Peter Ashworth, Head of Culture & Leisure on 0161 474 2392

Appendix 1 Priority Works

Priority works								
Site	Mechanical	Electrical	Asbestos	Access	Fabric			TOTAL
					Pool	Roofing	General	
Avondale	15,939	77,575		10,626	35,442		5,453	145,035
Bramhall				57,115		55,787		112,901
Cheadle	116,886	26,565		5,313	68,378	90,321	7,699	315,162
Hazel Grove	155,405	68,737			69,733	38,519		332,395
Marple	69,069	21,008	53,130	17,041	74,868	114,400	151,068	500,585
Priestnall	1,594	6,641	27,229					35,464
Romiley	43,832	28,702	25,237	5,313				103,084
Sub-total	402,725	229,228	105,596	95,408	248,422	299,027	164,220	1,544,626

Appendix 2 Business Continuity Works

Continuity								
Site	Mechanical	Electrical	Asbestos	Access	Fabric			TOTAL
					Pool	Roofing	General	
Avondale	310,811	50,474				26,565		387,849
Bramhall	72,192			43,832				116,024
Cheadle	19,924	17,267				26,565		63,756
Hazel Grove		41,657						41,657
Marple	96,962	50,474						147,436
Priestnall	15,939		5,313	27,893				49,145
Romiley	114,369	6,641				26,565		147,575
Sub-total	630,196	166,512	5,313	71,726	0	79,695	0	953,442
Contingency adjustment								-409,976
								543,465

REPORT TO EXECUTIVE MEETING – SUMMARY SHEET

Subject: Greater Manchester Air Quality Action Plan update

Report to Executive Meeting

Date: 25 April 2017

Report of: (a) Executive Councillor (Communities & Housing)

Key Decision: (b) Y

Forward Plan ☒ General Exception ☐ Special Urgency ☐ (Mark with a Y if applicable)

Summary:

This report updates Members on work regarding Air Quality in Stockport and Greater Manchester including:

- The current air quality action plan progress report and actions, which need to be undertaken, to progress the delivery of the action plan including the creation of an Air Quality Steering Group for Stockport.
- The outcomes and proposed actions in Stockport of the air quality monitoring review carried out by Transport for Greater Manchester.
- The forthcoming Manchester Air Quality Day and plans to have events in Stockport.

Comments/Views of the Executive Councillor: (c)

I support the proposed recommendations within this report and recommend that they are approved by the Executive.

Recommendation(s) of Executive Councillor: (d)

The Executive is recommended to

- support the improvements to the Air Quality Monitoring Network in the Borough set out in this report.
- authorise the Corporate Director for Place Management and Regeneration to establish a steering group and to settle the group's terms of reference in accordance with this report.
- request regular updates to the Environment and Economy Committee in regard to the progress made by the Air Quality Steering Group.
- approve the delivery of National Clean Air Day in Stockport as part of the Greater Manchester participation.

Relevant Scrutiny Committee (if decision called in): (e)

Environment & Economy

Background Papers (if report for publication): **(f)**

There are none

Contact person for accessing
background papers and discussing the report

Officer: Sue Stevenson
Tel: 0161-474-4351

'Urgent Business': **(g)**

Yes/ No (Please circle)

Certification (if applicable)

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

GREATER MANCHESTER AIR QUALITY ACTION PLAN UPDATE**Report of the Corporate Director for Place Management & Regeneration****1. PURPOSE OF REPORT**

1.1. This report updates Members on work regarding Air Quality in Stockport and Greater Manchester including:

- The current air quality action plan progress report and actions, which need to be undertaken, to progress the delivery of the action plan including the creation of an Air Quality Steering Group for Stockport.
- The outcomes and proposed actions in Stockport of the air quality monitoring review carried out by Transport for Greater Manchester.
- The forthcoming Manchester Air Quality Day and plans to have events in Stockport.

2. BACKGROUND

2.1. Authorities are responsible for maintaining good air quality or improving air quality where required so as to meet mandatory limits. The two pollutants of most concern are NO₂ and Particulate matter (PM), derived from gasoline. Transport is by far the largest source of NO₂ and PM emissions and is a major contributor to carbon emissions. Goods vehicles and buses make a disproportionate contribution to NO₂ emissions.

2.2. The Environment Act 1995 requires that Local Authorities produce periodic air quality review and assessment reports which set out whether the Government's health based emissions objective levels will be met by target dates. If the air quality review and assessment identifies areas where the objectives are not likely to be met these must be designated as 'Air Quality Management Areas' (AQMA's).

2.3. Following Supreme Court's ruling in 2016 DEFRA must now release a new draft plan for air quality by 24 April 2017 and a final report by 31 July 2017. This includes a new set of air quality modelling data which will amend the AQMA in Stockport.

2.4. As part of the improvement of air quality in Greater Manchester Transport for Greater Manchester has produced a strategy and action plan to guide the process which were approved by the Greater Manchester Combined Authority. Stockport is integral to the delivery of this plan and its success.

3. GREATER MANCHESTER STRATEGIES

3.1. In 2016 the Greater Manchester Low Emission Strategy and Air Quality Action Plan were approved.

3.2. The Greater Manchester Low Emission Strategy identifies the long term approach to reducing carbon emissions and improving Air Quality up to 2040.

3.3. The key aims of the Greater Manchester Low Emission Strategy are to:

- Support the UK Government in meeting all EU thresholds for key pollutants at the earliest date;
- Contribute to reducing Greater Manchester's carbon footprint, in line with the Greater Manchester Climate Change Strategy; and
- Reduce air pollution as a contributor to ill-health in Greater Manchester.

3.4. The Greater Manchester Air Quality Action Plan (GMAQAP) sets out measures which will reduce air pollution while supporting the sustainable economic growth of the region.

3.5. Actions in the Air Quality Action Plan have been divided into seven main areas:

- Development management and planning regulation: including standardisation of regulation and policy across Greater Manchester;
- Freight and HGVs: to reduce emissions associated with the movement of freight and goods by road;
- Buses: buses have a vital role to play in public transport. New legislation and the development of Greater Manchester's 2040 transport strategy will assist in growing bus usage and improving vehicle standards;
- Cycling: building on existing strategies and initiatives to encourage cycling as an attractive and convenient way to travel;
- Travel Choices: encouraging the public and businesses to make sustainable travel choices is essential in improving air quality;
- Cars: measures to reduce emissions from cars and reduce the number of vehicle trips can make real improvements; and
- Information and resources: education and providing information to the public, businesses and policy makers is vital in bringing air quality improvements.

3.6. The action plan continues previous work to deliver improved air quality. A range of actions have already been implemented in Stockport including:

- Encouraging the use of sustainable modes for journeys less than 5 km.
- The development of travel plans for railway stations, educational establishments and other developments either through the Council or as a result of planning requirements.
- Improving walking and cycling infrastructure both on off road routes like the Trans Pennine Trail improvements through the Cycle City Ambition Grant and on carriageway such as the work being delivered as part of the Town Centre Access Plan.
- The Quality Bus Partnership agreement which includes requirements regarding engine standards to reduce pollution.
- The monitoring of pollution in the borough and the requirements regarding mitigating potential sources of pollution through planning and other methods.
- The reduction of traffic in the town centre via restriction of traffic on and pedestrianisation of Bridgefield Street and Princes Street.

- The utilisation of the Town Centre Access Plan to direct through traffic around the town centre.
- The Councils support of relevant elements of the Stockport 23rd Public Health Annual Report including Councils support of the delivery of Managed Motorways in the Stockport area and works with Highways England to obtain the best linkages with the Strategic Road Network possible while minimising the impact of that network on the local road network.

3.7. The Action Plan will be led and coordinated by TfGM, whilst the commitment to implement the actions is undertaken jointly by TfGM and the regional stakeholders, such as Stockport Council. Where financial or staff resources are required, TfGM will coordinate the requirements and resources with the aim of achieving the action. Therefore, there is an expectation that finance and resources including political support may also be required from the boroughs. This was clarified in the 2nd December 2016 report to GM Wider Leadership Team, Delivering the GM Air Quality Action Plan at a Local Level. In the report it was proposed that each authority establishes a Local Air Quality Steering Group.

3.8. The report recommended that the Local Air Quality Steering Group should have senior manager representation, with terms of reference that drive and deliver the actions within the Air Quality Action Plan & Low Emission Strategy. Representation on the steering groups should include senior officers from Planning, Transportation and Highways, Environmental Health (Air Quality) and Public Health with other areas of the council being drawn upon as necessary to support delivery. The steering group should drive a joined up approach at local level in relation to the key policy areas listed above, deliver the actions within the GM AQAP at local level and ensure that information required by TfGM to complete the Annual Status Report (ASR) is forthcoming and in a timely manner.

3.9. The local steering group may also involve elected members to ensure that there is sufficient political support, in addition to engaging with the public. However, there is no requirement that they do so and regular updates could be taken forward to Environment and Economy Scrutiny and other relevant committees as needed. This would enable Councillor involvement without increasing the number of meetings for members. This report recommends that the Executive delegates to Corporate Director for Place Management & Regeneration responsibility for establishing a steering group and for settling the group's terms of reference to drive and deliver the actions within the Council's Air Quality Action Plan & Low Emission Strategy.

4. REVIEW OF GREATER MANCHESTER AIR QUALITY NETWORK

4.1. The "Greater Manchester Air Quality Network" (GMAQN) comprises 10 district authorities of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, and Wigan.

4.2. A review of the current air quality monitoring undertaken across the district councils has been undertaken to establish whether the needs of the individual districts are currently being met, and whether there are recommendations for future monitoring required to be considered under a joint working approach.

4.3. The review gave a full assessment of the type, age, number and location of each of the sensors in the existing network, and set out clear and concise recommendations, with full costs for changes to be considered, where gaps or opportunities were identified. Emphasis was on providing a realistic network to ensure that it is capable of providing the range of data required, across the conurbation to aid dispersion modelling, meet the requirements of LAQM and provide real-time data to inform the decision making of the general public and for supporting UK Government EU obligations.

4.4. In Stockport the following changes were recommended by the review:

- Replace out of date NOx box at Buxton Road Hazel Grove
- Replace out of date monitors for PM at A34 Kingsway Cheadle and Buxton Road Hazel Grove
- Replace the 3 diffusion tubes which were moved to provide triplicate diffusion tubes at the A34 Kingsway Cheadle while maintaining this triplicate monitoring at that site.

4.5. The first two recommendations are to be funded through TfGM the third recommendation is low cost and expected to be absorbable in current costs for the diffusion tubes and monitoring.

4.6. The review also recommended that the greatairmanchester website is modified to contain all of the continuous monitoring and diffusion tube data for the Greater Manchester area along with the appropriate public facing information. The website will become a first port of call on all matters of air quality for Greater Manchester. Improvements to the website are currently underway with a delivery date of summer 2017.

5. NATIONAL CLEAN AIR DAY

5.1. On June the 15th 2017 Stockport as part of Greater Manchester will be participating in National Clean Air Day. National Clean Air Day will enable people to act on air pollution, making UK cities cleaner, healthier and greener for us all - especially children. Children are especially vulnerable to the effects of air pollution, and action to protect them will be a particular focus on the day.

5.2. This day will be part of the delivery of the Air Quality Action Plan action 7.9 - TfGM will work with the local authorities and Public Health England to engage with communities, workplaces and schools to raise awareness of the issues in Greater Manchester and the part they can play in improving air quality.

5.3. The day is supported by over 50 health institutions, councils and universities, including the Royal College of Physicians, the British Lung Foundation, and various NHS Trusts. With DEFRA funding awarded from the Air Quality Grant Scheme 2016-17 Global Action Plan is coordinating events with councils in a network of cities including Birmingham, Derby, Leeds, Greater Manchester, Nottingham and Southampton.

5.4. TfGM anticipate that events during the day will be supported by staff from Stockport Council but that there will not be a need for financial support for the events.

5.5. Information about this event is available here <https://www.globalactionplan.org.uk> as well as on Greater Manchester websites nearer the event.

6. RECOMMENDATIONS

6.1 The Executive is recommended to

- support the improvements to the Air Quality Monitoring Network in the Borough set out in this report.
- authorise the Corporate Director for Place Management and Regeneration to establish a steering group and to settle the group's terms of reference in accordance with this report.
- request regular updates to the Environment and Economy Committee in regard to the progress made by the Air Quality Steering Group.
- approve the delivery of National Clean Air Day in Stockport as part of the Greater Manchester participation.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Sue Stevenson on Tel: 0161-474-4351 or by email on sue.stevenson@stockport.gov.uk

STOCKPORT COUNCIL REPORT TO EXECUTIVE MEETING – SUMMARY SHEET

Subject: Constitutional Review

Report to Executive Meeting

Date: 25 April 2017

Report of: (a) Executive Councillor (Reform and Governance)

Key Decision: (b) N

Forward Plan

General Exception

☐

Special Urgency

☐

(Mark with a Y
if applicable)

Summary:

The report sets out the comments of the Constitution Working Party and the Corporate, Resource Management & Governance Scrutiny Committee on a range of issues arising from the recent review of the Constitution.

The appendices to the report contain the detail of proposed changes to the Constitution, the scheme of delegation or other governance procedures.

Comments/Views of the Executive Councillor: (c)

I endorse the proposed changes to the Constitution.

Recommendation(s) of Executive Councillor: (d)

The Executive is invited to recommend that the Constitution be revised to give effect to the resolutions set out below:-

- (i) That the Leader of the Council should make arrangements for Traffic Regulation Orders required for the purpose of amending fees to be approved by the Executive Councillor (Communities & Housing).
- (ii) That the Code of Conduct for Councillors and Officers dealing with Planning and Development Matters attached to this report at Appendix C should be adopted by the Council Meeting.
- (iii) That the Constitution should be revised to give effect to the description of arrangements for property transactions set out in section 6 of the report.
- (iv) That, in the light of the Companion Guide to the Constitution attached at Appendix B, the following reports considered by the Corporate Resource and Management Scrutiny Committee are recommended for approval by the Council Meeting or the Leader of the Council as appropriate:
 - Review of Stockport Council's Scrutiny Arrangements
 - Individual Member functions
 - Review of Council Champions
 - Review of appointments to outside bodies
 - General review of the Constitution
 - Code of Conduct dealing with Planning and Development Matters
 - Financial Procedure Rules

Relevant Scrutiny Committee (if decision called in): **(e)**
Corporate, Resource Management and Governance

Background Papers (if report for publication): **(f)**

There are none.

Contact person for accessing
background papers and discussing the report

Officer: Celia Tierney
Tel : 0161 474 3230

'Urgent Business': **(g)**

Yes/ No (Please circle)

Certification (if applicable)

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

CONSTITUTIONAL REVIEW

Report of the Democratic Services Manager

1. MATTER FOR CONSIDERATION

- 1.1 To consider the comments of the Constitution Working Party held on 5 April 2017 in relation to the outstanding matters from the Constitution Working Party on 8 February 2017 and the comments of the Corporate, Resource Management and Governance Scrutiny Committee on 28 February in relation to 'Predetermination'.
- 1.2 A copy of the report to the Constitution Working Party and 'Companion Guide to the Constitution' are attached to this report.
- 1.3 The Executive Leader reported that he had circulated a report detailing the GM Scrutiny Working Group's preferred option for the GMCA and elected Mayor's new scrutiny and overview structures to Group Leaders requesting them to consult their group on the proposals and respond with their comments and views by 24 April. It was envisaged that the new GMCA and elected Mayor's new scrutiny and overview structures would be in place in June and therefore it was suggested that no changes be made to Stockport's Scrutiny arrangements in relation to GMCA at present.
- 1.4 The Leader reported that the Monitoring Officer was in discussion with the Monitoring Officer of the Greater Manchester Combined Authority (GMCA) regarding establishing a Protocol in relation to the scrutiny of GMCA business within Stockport's Scrutiny arrangements.

2. COMMENTS OF THE CONSTITUTION WORKING PARTY

2.1 CP9 – Code of Conduct for Councillors and Officers dealing with planning and development matters.

- 2.1.2 The Working Party recommended that the first sentence of paragraph 3.2 be amended as follows (amendments in bold):

"Training on planning is mandatory **every three years** for all Councillors wishing to exercise planning decisions, **however Councillors are recommended to attend the annual training provided.**"

2.2 Property Issues

- 2.2.1 The Working Party recommended that the following paragraph be included in the Companions Guide to the Constitution:

"The Deputy Chief Executive will provide ward Councillors with a list of proposed non urgent acquisitions and disposals with a value of less than £500,000 in the ward at least 5 working days before making a decision on the proposed transaction. Where a ward Councillor makes a written request to the

Deputy Chief Executive within 5 working days of the publication of the list, and the Deputy Chief Executive is satisfied that written request gives details of why the transaction is likely to be considered novel, controversial or relating to a charity or not for profit organisation, the matter will be referred to the Area Committee for comment before the Deputy Chief Executive makes a decision.

Officers should have regard to the significance of the asset to the community when considering whether to consult the appropriate area committee.”

3. CONCLUSIONS AND RECOMMENDATIONS

3.1 The Executive is requested to recommend that the Constitution be revised to give effect to the resolutions set out below:-

2 That the Leader of the Council should make arrangements for Traffic Regulation Orders required for the purpose of amending fees to be approved by the Executive Councillor (Communities and Housing).

3 That the Code of Conduct for Councillors and Officers dealing with Planning and Development Matters attached to this report at Appendix B should be adopted by the Council Meeting.

4 That the Constitution should be revised to give effect to the description of arrangements for property transactions set out in section 6 of the report.

5 That, in the light of the Companion Guide to the Constitution attached at Appendix A, the following reports considered by the Corporate Resource and Management Scrutiny Committee are recommended for approval by the Council Meeting or the Leader of the Council as appropriate:

- Review of Stockport Council's Scrutiny Arrangements
- Individual Member functions
- Review of Council Champions
- Review of appointments to outside bodies
- General review of the Constitution
- Code of Conduct dealing with Planning and Development Matters
- Financial Procedure Rules

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Craig Ainsworth on Tel: 0161474 3204 or by email on craig.ainsworth@stockport.gov.uk.

CONSTITUTIONAL REVIEW

1. BACKGROUND

- 1.1 The Leader of the Council at the Council Meeting on 30 June 2016 reported that he had requested the Monitoring Officer, in conjunction with Democratic services to undertake a constitutional review through the Constitution Working Party. The aim is to conclude the review in time for any revised arrangements to be in place for the Annual Council Meeting in May 2017 and so be operational for the 2017-18 municipal year.
- 1.1 A number of proposed changes have been identified and consulted on as follows:
- 6th September 2016 – meeting of Chairs of area committees
 - 20th October 2016 Constitution Working Party
 - 12th January 2017 Planning and Highways Regulation Committee
 - 2nd February 2017 Central Stockport Area Committee and informal consultation with all Chairs of Area Committees
 - 6th February 2017 Scrutiny Coordination Committee
 - 8th February 2017 Constitution Working Party
 - 16th February 2017 Planning and Highways Regulation Committee
 - 28th February 2017 Corporate Resource Management and Governance Scrutiny Committee
 - 14th March 2017 Executive – Area Committees report only
- 1.2 At the Corporate Resource Management and Governance Scrutiny Committee on 28th February 2017 it was agreed that certain outstanding matters would not be recommended until after a draft Companion Guide had been considered. It was also resolved that the draft Companion Guide and the proposals relating to it would be reported to the Constitution Working Party but that no further reference to the Corporate Resource Management and Governance Scrutiny Committee would be required prior to adoption by the Council.
- 1.3 This report considers the outstanding matters in the light of the draft Companion Guide attached at Appendix A to this report. Following Constitution Working Party consideration it is proposed that the following reports to CRMG on 28th February will be taken forward to the Executive on 25th April 2017:
- Greater Manchester Combined Authority Scrutiny Decision Making (report on Protocol with GMCA only)
 - Review of Stockport Council's Scrutiny Arrangements
 - Individual Member functions
 - Review of Council Champions
 - Review of appointments to outside bodies
 - General review of the Constitution
 - Code of Conduct dealing with Planning and Development Matters
 - Financial Procedure Rules
- 1.4 The Area Committees report considered by the Executive on 14th March 2017 has been called in for further scrutiny by the Corporate Resource Management and Governance Scrutiny Committee. The called in report

will be considered on 4th April 2017 and thereafter will either be referred to the Executive or full Council for reconsideration or will require no further action and proceed.

1.5 A new proposal regarding Traffic Regulation Orders is also included in this report.

1.6 APPENDICES:

- A draft Companion Guide is attached as Appendix A to this report
- A revised draft Code of Practice on Planning is attached at Appendix B
- A copy of the report entitled “General Review of the Constitution” is attached at Appendix C

1.7 BACKGROUND DOCUMENTS;

1.6.1 Area Committees Report, this has been to:

- Constitution Working Party – 8 February 2017
- Central Stockport Area Committee – 2 February 2017
- *Changes to the Scheme of Delegation to Area Committees and the Planning and Highways Regulation Committee* – Planning and Highways Regulation Committee - 16 February 2017
- CRMG Scrutiny Committee – 28 February 2017
- *Area Committee Boundaries* – Cheadle Area Committee – 7 March 2017
- *Area Committee Boundaries* – Bramhall and Cheadle Hulme south Area Committee – 9 March 2017
- Executive Meeting – 14 March 2017

1.6.2 GMCA Scrutiny Decision Making Report, this has been to:

- Scrutiny Co-ordination Committee – 6 February 2017
- Constitution Working Party – 8 February 2017
- CRMG Scrutiny Committee – 28 February 2017

1.6.3 Review of Stockport Council’s Scrutiny Arrangements Report, this has been to:

- Scrutiny Co-ordination Committee – 6 February 2017
- Constitution Working Party – 8 February 2017
- CRMG Scrutiny Committee – 28 February 2017

1.6.4 Individual Member Functions Report, this has been to:

- Constitution Working Party – 8 February 2017
- CRMG Scrutiny Committee – 28 February 2017

1.6.5 Review of the Appointment of Council Champions Report, this has been to:

- Constitution Working Party – 8 February 2017
- CRMG Scrutiny Committee – 28 February 2017

1.6.6 Review of Appointments to Outside Bodies Report, this has been to:

- Constitution Working Party – 8 February 2017
- CRMG Scrutiny Committee – 28 February 2017

1.6.7 General Review of the Constitution Report, this has been to:

- Constitution Working Party – 8 February 2017
- CRMG Scrutiny Committee – 28 February 2017

1.6.8 Code of Conduct for Councillors and Officers dealing with Planning/ Development Matters Report, this has been to:

- Planning and Highways Regulation Committee – 12 January 2017
- Constitution Working Party – 8 February 2017
- CRMG Scrutiny Committee – 28 February 2017

1.6.9 Financial Procedures Report, this has been to:

- Constitution Working Party – 8 February 2017
- CRMG Scrutiny Committee – 28 February 2017

2. RECOMMENDATIONS

2.1 The CWP recommends:

2.1.1 The Constitution should be revised to give effect to the resolutions set out below:

- a) That the Leader of the Council should make arrangements for Traffic Regulation Orders required for the purpose of amending fees to be approved by the Executive Member for Communities and Housing.
- b) That the Code of Conduct for Councillors and Officers dealing with Planning and Development Matters attached to this report at Annex B should be adopted by the Council.
- c) That the Constitution should be revised to give effect to the description of arrangements for property transactions set out at section 6 below.
- d) In the light of the Companion Guide to the Constitution attached at Appendix A, the following reports considered by Corporate Resource and Management Scrutiny are recommended for approval by the Council or the Leader of the Council as appropriate:

- Greater Manchester Combined Authority Scrutiny Decision Making (report on Protocol with GMCA only)
- Review of Stockport Council's Scrutiny Arrangements
- Individual Member functions
- Review of Council Champions
- Review of appointments to outside bodies
- General review of the Constitution
- Code of Conduct dealing with Planning and Development Matters
- Financial Procedure Rules

3. UPDATE ON AREA COMMITTEES PROPOSALS

- 3.1 The recommendations which have been considered by the Constitution Working Party and CRMG and called in for scrutiny are set out below.
 - 3.1.1 The abolition of the Town Centre Committee and the adoption of the planning decision making procedures set out in the draft Companion Guide at page 39 paragraph 1.10
 - 3.1.2 Alter the definition of strategic planning applications to include Environmental Impact Assessment applications
 - 3.1.3 Revise the delegation to Area Committees as set out in Appendix 1 to the report considered by CRMG on 28th February 2017, giving area Committees responsibility for Charitable Land in their area and review the delegations in 12 months' time in the light of health and social care integration.
 - 3.1.4 Full Council should establish the following the ward and joint Committees:
 - Brinnington and Reddish Joint Ward Committee
 - Davenport and Cale green and Edgeley and Cheadle heath Joint Ward Committee
 - Hazel Grove Ward Committee
 - Offerton Ward Committee
 - Offerton, Manor and Stepping Hill Joint Ward Committee
 - Stepping Hill Ward Committee
 - Cheadle Hulme North and Cheadle Hulme South Joint Ward Committee
 - 3.1.5 Ensure that all Area Committees make decisions about the expenditure of the Ward Flexibility Fund
 - 3.1.6 Rename the following Area Committees:
 - Marple Area committee (to become Marple and High Lane Area Committee)
 - Werneth Area Committee (to become Bredbury, Romiley and Woodley Area Committee)

3.2 These recommendations will be considered by CRMG on 4th April 2017 and may then be:

- Referred to the Executive for further consideration
- Referred to the Council for further consideration
- No further consideration and the Constitution amended in accordance with the recommendations at the Annual Meeting in May 2017.

4. FEE SETTING FOR CAR PARKING (see recommendation 2.1.1 (a) above)

- 4.1 The Constitution gives Area Committees responsibility for Traffic Regulation Orders. Stockport has chosen to make a Traffic Regulation Order to govern fees paid in its off street car parking provision. (This makes the collection of fees more easily enforceable). In order to change the amount charged for parking in a car park governed by a Traffic Regulation Order, it is necessary to go through the statutory procedures and obtain agreement from the delegated body of the Council to make sure that the fees are easily collectable. The constitution delegates the setting of fees generally to individual Executive members. Once a fee has been set by the Executive member, the function of the Area Committee is procedural only as they will have no discretion as to the amount to charge.
- 4.2 It is recommended that the delegations be amended to provide that car parking fees are set by the relevant Executive member and the Executive Member also has responsibility for approving any Traffic Regulation Orders containing parking charges (alone or in combination with other measures). This would have the following implications:
- The car parking charges across the Borough would be set consistently
 - If there were objections to the TRO, the Exec Member would consider a written report and make a decision that would then be published and available for call in but there would be no public forum for objectors to attend and make representations
- 4.3 If Constitution Working Party recommends this proposal and the Leader agrees to adopt it, the change will be adopted with effect from the Annual Meeting on 16th May 2017.

5. PREDETERMINATION

- 5.1 A request was made at CWP on 8th February 2017 and at the CRMG on 28th February 2017 that further consideration be given to the Code of Conduct on planning decisions and that an explanation of the current legal position be provided.
- 5.2 Council decisions including a decision or to adopt planning policy may be overturned by judicial review if they have been made in circumstances where a fair minded and informed observer with knowledge of the facts would conclude that there was a real possibility that the decision taker had made up his or her mind in favour of the proposed development and that s/he would approach the decision on the planning application with a closed mind and without impartial

consideration of all the relevant planning issues. (Porter v Magill 2001).

- 5.3 It is important to note that judicial review is a two stage procedure and that a Court will grant permission for judicial review to commence if there is an arguable case that the decision should be overturned. Once judicial review has started the Council will incur legal costs defending the claim and the developer will be unable to implement the planning permission until the case has concluded. This can have very significant cost implications for developers and may in some cases mean that regenerative development ceases to be cost effective.
- 5.4 The Council's planning code of conduct is aimed at ensuring not only that the decision making of the Council is lawful (i.e. the Council would win a judicial review case) but also that the risk of challenge to the Council's decision making is reduced to the extent that is reasonable while preserving the ability of Councillors to participate in debates about matters of local importance. This is important because the Nolan Principles include a duty to steward the Council's resources and a code of conduct that resulted in a high risk of legal challenge would also risk the Council's financial position.
- 5.5 Both the DCLG plain English Guide to predetermination (2011) and comments made during the passage of the Localism Act 2011 in the House of Lords make it clear that the purpose of the provision is to prevent overly cautious advice on predetermination.
- 5.6 The Explanatory Notes state that [s.25](#) of the Localism Act 2011 clarifies the application of the common law concept of predetermination, so that councillors may give a view on an issue without being taken to have a closed mind on that issue. The Explanatory Notes also state that decisions of councillors have been quashed because they have been judged to have predetermined views. See, for example, [R \(Georgiou\) v Enfield London Borough Council \[2004\] EWHC 779 \(Admin\); \[2004\] L.G.R. 497](#), where Richards J. quashed the decision of a local authority to grant listed building and planning consents because the voting patterns of councillors who were members of the conservation advisory group (which formulated advice on the application) and the planning committee (which determined the application) gave rise to a real possibility of predetermination, and [Ghadami v Harlow District Council, \[2004\] EWHC 1883 \(Admin\); \[2005\] L.G.R. 24](#), where the same judge quashed a planning decision where remarks made by the chairman of the planning committee, including that he was prepared to support a compulsory purchase order to support the development suggested a strong predisposition in favour of a planning application.
- 5.7 The *Georgiou* and *Ghadami* decisions can be contrasted with [Condron v National Assembly for Wales \[2006\] EWCA Civ 1573 ; \[2007\] L.G.R. 87](#), where the Court of Appeal held that an impromptu remark made by the chairman of the Welsh Assembly's Planning Decision Committee that he was "going to go with the Inspector's report" did not amount to predetermination of the issue.
- 5.8 The Local Government Encyclopaedia notes state:

"It is unclear what, if anything, [s.25](#) adds to the existing position, as expressed by Collins J. in [R \(Island Farm Development\) v Bridgend County BC \[2006\] EWHC 2189 \(Admin\); \[2007\] L.G.R. 60](#) at [30]-[31]:

"[30]

Councillors will inevitably be bound to have views on and may well have expressed them about issues of public interest locally. Such may, as here,

have been raised as election issues. It would be quite impossible for decisions to be made by the elected members whom the law requires to make them if their observations could disqualify them because it might appear that they had formed a view in advance...

The reality is that Councillors must be trusted to abide by the rules which the law lays down, namely that, whatever their views, they must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and be prepared to change their views if persuaded that they should...unless there is positive evidence to show that there was indeed a closed mind, I do not think that prior observations or apparent favouring of a particular decision will suffice to persuade a court to quash the decision..."

- 5.9 There has been one reported case which considered section 25. Patterson J in *IM Properties Development Ltd v Lichfield DC* [2014] EWHC 2440 (Admin) at paras [76]–[82]. Here, it was held that an email to councillors setting out a political group whip had not foreclosed deliberation at the ensuing council meeting: there was “no evidential basis to say that all or any recipients of the email were unable to weigh the whip with the material that they had been provided with and reach a different conclusion if they considered that was merited”
- 5.10 Commentary in the Local Government Encyclopaedia also doubts the Explanatory Note to the Localism Act 2011:
“The Explanatory Notes to the 2011 Act state that s.25 “makes it clear that if a councillor has given a view on an issue, this does not show that the councillor has a closed mind on that issue, so that that if a councillor has campaigned on an issue or made public statements about their approach to an item of council business, he or she will be able to participate in discussion of that issue in the council and to vote on it if it arises in an item of council business requiring a decision.” It is submitted that this is potentially misleading in that it appears to remain the case that such statements may when taken with other evidence still give rise to disqualification for bias or predetermination at common law.”
- 5.11 In the light of the above review of the current law, it is not considered that paragraph 8.10 of the draft protocol should be changed but it is considered appropriate to amend the draft protocol as follows:
- 5.11.1 Para 8.13 to be replaced with: “Where a councillor decides to participate in a community engagement exercise and the circumstances are such that a reasonable and fair minded member of the public with knowledge of what the councillor has said would be likely to conclude that the councillor has a closed mind on the application, the councillor must declare the circumstances and leave the room whilst the application is determined unless making representations in accordance with rights given to any member of the public attending the same meeting.”
- 5.11.2 Para 11.7 should be amended so that the second sentence reads “However, the expression of a settled prior view in circumstances where a reasonable and fair minded member of the public with knowledge of what the councillor has said and done would be likely to conclude that the councillor has a closed mind on the application, combined with voting in accordance with that settled view should be avoided”

6 PROPERTY ISSUES

- 6.1 The Council owns and manages a large and valuable portfolio of property. Decisions relating to major regeneration schemes such as the purchase of the Merseyway Shopping Centre will be considered by the Executive prior to commencement and recommendations on such reports will enable suitable arrangements to be made for the land transactions necessary for the ongoing management of properties connected with specific projects. These specific delegations will “trump” the arrangements in the scheme of delegation which forms part of the Constitution.
- 6.2 However, it is possible that the need for a transaction will arise that was not anticipated in the original delegation for example a tenant of a leased property may seek to terminate or renew a lease or may seek to formalise a right of way (easement) in a manner that has an effect on delivery of the wider project. In these circumstances the Constitution provides for the Deputy Chief Executive to exercise delegated decision making. The Constitution also contains a “property flow chart” which does not reflect the wording of the delegation to the Deputy Chief Executive.
- 6.3 Where land is held by the Council and is not connected with or covered by a resolution relating to a specific property or project, the scheme of delegation authorises the Deputy Chief Executive to:
“manage all land held or controlled by the Council” and
“to be responsible for all contracts between the Council and others relating to the management of land”
- 6.4 Taken together these two delegations should enable the Deputy Chief Executive to arrange for the Council’s property to be used effectively and in the interests of the Council. However, the current delegations taken as a whole do not allow the Deputy Chief Executive to authorise all the transactions which are necessary in order to properly manage the Council’s estate. Item 6 of the delegation restricts the Deputy Chief Executive’s discretion in three ways:
- a) By transaction and
 - b) By value and
 - c) By a requirement to consult
- 6.5 Transactions
- 6.5.1 Subject to a value limit, the Deputy Chief Executive can approve:
- a) transactions “relating to” leases, licences, easements, wayleaves and “other similar interests in land” and can approve consents
 - b) the acquisition and disposal of land
- 6.6 It is considered that the description of the interests covered by (a) above is unclear and does not identify transactions that are likely to be significant locally. If the significance of a transaction could be determined by its value alone, then it would be appropriate to subject all the possible transactions to a value limit, but often a low value transaction- such as the granting of a short term licence to use Council property may be highly controversial or sensitive. It is considered that it is not the type of transaction that is important but the context of the transaction that it the most appropriate indicator.
- 6.7 Value

- 6.7.1 The Deputy Chief Executive is restricted to transaction with a value of less than:
- a) Transactions with an annual value of no more than £25,000
 - b) Transactions for a one off payment of no more than £250,000 (whichever is the higher).
- 6.8 It is considered that these values are unclear. It is not clear whether the delegation requires a calculation of the total value of a long lease e.g. 125 years. Further, the limit is likely to apply to more land transactions than it did at the time the value limits were first set.
- 6.9 Consultation
- 6.9.1 The Deputy Chief Executive is required to consult before exercising her delegated responsibility:
- a) With Area Committees for all transactions in their areas
 - b) With the “appropriate” Executive member for acquisitions and disposals under £250,000 and
 - c) With the “appropriate” Executive member for acquisitions and disposals over £250,000 but under £1 million
- 6.10 It is considered that the provisions relating to consultation do not ensure that members will be alerted to the transactions that are likely to be of interest to their constituents. Further a requirement to consult may delay the Council’s ability to manage land for example where there is commercial pressure on a third party buying or selling land the opportunity for the Council to agree to buy or dispose of land is limited in time.
- 6.11 In order to simplify the Deputy Chief Executive’s delegation so that officers and members have clarity, it is proposed that:
- a) Subject to an obligation to consult Area Committees on minor transactions which are novel, controversial or relate to a charity or not for profit organisation, the Deputy Chief Executive should be able to agree any land transaction except:
 - a. The freehold acquisition of land
 - b. The disposal of a freehold
 - c. The grant of a new lease of more than 7 years
 - b) Subject to a value limit of £500,000 and consultation with the appropriate Cabinet member, the Deputy Chief Executive should be able to agree
 - a. The freehold acquisition of land
 - b. The disposal of a freehold
 - c. The grant of a new lease of more than 7 years, whose lifetime value exceeds the limit.
- (NB such transactions with a value of more than £250,000 will be advertised on the Council’s Forward Plan unless the rules on urgency apply. This will facilitate scrutiny and call in).
- c) Transactions with a value of less than £500,000 which are not novel, controversial or relating to a charity/not for profit organisation would be dealt with by the Deputy Chief Executive without consultation.
 - d) Transactions valued over £500,000 will be authorised by a decision of the Cabinet.
- 6.12 Minor transactions would be defined as:
All transactions other than:

- a) lease renewals,
 - b) the purchase of property under Housing legislation and
 - c) disposals of Council property which have been requested by third parties and which the Deputy Chief Executive considers would not be in the best interests of the Council
- which do not exceed the value limit of £500,000.

6.13 If the above changes were accepted there would no longer be a need for the Property flow chart .

7 UPDATE ON SCRUTINY MATTERS

7.1 At the Constitution Working Part on 8th February 2017 and at the CRMG on 28th February Scrutiny arrangements amendments required by law were approved and will now be incorporated into the Constitution to be adopted by the Annual Council meeting.

7.2 Arrangements to retain the Scrutiny Coordination Committee as a working group with a remit to organise the business of Scrutiny Committees will be retained.

7.3 The Monitoring Officer has consulted the Monitoring Officer for GMCA about the formation of a protocol to govern the opportunity for Stockport to scrutinise GMCA decisions. The GMCA Monitoring Officer proposes to bring forward draft arrangements for the use of concurrent powers with a view to adoption by GMCA at the June Annual meeting. The issue of arrangements for the scrutiny of GMCA decisions by Stockport has been raised with the GMCA Monitoring Officer and any response will be reported to the Constitution Working Party verbally.

8. FUTURE MATTERS

8.1 The Council is in the process of reviewing its agreement with Stockport CCG which governs the pooled budget for the integration of adult social care and health care for the over 65s. In the light of developments during 2016/17 including emerging proposals by the Provider Board for a Care Trust, further work on integrated health and social care, may result in the need for further changes to the Health and Wellbeing arrangements in 2017/18. A report on any changes needed to give effect to agreed arrangements will be brought forward through the Executive.

8.2 It is envisaged that the agreement of Protocols with GMCA in relation to scrutiny and in relation to the use of concurrent powers may result in further changes to the Constitution.

8.3 A review of the arrangements for governing SSK, Stockport Homes and Life Leisure has been requested by some elected members. The last review was held in 2013 and it is recommended that a further review occurs in 2017/18.

8.4 The Companion Guide to the Constitution will be kept under review and may be updated or expanded to cover issues that arise from the practical application of the Constitution.

9. CONCLUSION

9.1 The Constitution Working Party is asked to consider this report and its appendices and to agree the recommendations set out above.

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GUIDE TO THE CONSTITUTION

1. Introduction

- 1.1 All major Councils are required by law to prepare and keep up to date a Constitution. The Council Meeting is responsible for approving most changes to the Constitution. The Monitoring Officer has authority to make typographical changes to the Constitution as well as those changes needed to ensure it complies with legislation. Additionally, certain parts of the Constitution such as the Executive Scheme of Delegation are approved by the Leader of the Council and subsequently recorded in the Constitution without need for reference to the Council Meeting for approval.
- 1.2 The Constitution explains and regulates how the Council operates, how decisions are made, and the procedures that are followed to ensure that the Council's activities are undertaken in a way that is efficient and transparent and that Councillors remain accountable to local people. The Constitution combines all the governance provisions that the Council is required by law to adopt, together with its traditional standing orders.
- 1.3 This guide is intended to give an introduction to the issues covered by the Constitution. The Constitution brings together all of the Council's governance documents including standing orders, schemes of delegation, financial regulations, code and protocols in one place and using consistent terminology. This document cross-references to key parts of the Constitution for easy-reference where further reading may be required.
- 1.4 The Constitution is divided into 8 parts. The 19 Articles set out in Part 2 are intended to set the overall framework.
- 1.5 More detailed procedures are set out in separate Rules, Codes, Conventions and Protocols at the end of the Constitution and explains how the Articles will be brought into effect.

NOTE:

- 1.6 This document provides a general introduction and guidance. The Constitution is the authoritative document on how the Council operates. In the case of doubt as to its interpretation, you should contact the Monitoring Officer.

Decision Making Structure of the Council

SUMMARY AND EXPLANATION

2. How the Council operates

Councillors

- 2.1 The Council is composed of 63 Councillors, with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their ward constituents, including those that did not vote for them.
- 2.2 The Council has a [Code of Conduct for Councillors and Co-opted Members \[CP1, Page 301\]](#), which aims to ensure high ethical standards and increase public confidence in the integrity of their local councillors and co-opted members. All Councillors and co-opted members have to agree that they will comply with the Code of Conduct. The Council's Standards Committee advises the Council on its Code of Conduct and is responsible as a sub-committee for considering sanctions for breaches of the Code of Conduct. The Council's Monitoring Officer is responsible for receiving and investigating complaints about breaches of the Code of Conduct.

Council Meeting

- 2.3 All Councillors meet together at the Council Meeting. The law reserves certain functions to the Council meeting. The [Council Meeting \[Part 3, Section 1, Page 51\]](#) is responsible for deciding the main policies and setting the budget each year. The Council Meeting also appoints the Cabinet Leader. The Cabinet Leader appoints the Deputy Cabinet Leader and the other members of the Cabinet, and allocates responsibilities ("portfolios") within the Cabinet.

3. How decisions are made

Cabinet

- 3.1 The Cabinet is made up of the Cabinet Leader and between 2 and 9 other Councillors. It is responsible for implementing the policies of the Council Meeting in accordance with the agreed budget. Most decisions in relation to Council services are taken by the Cabinet or, in the case of day to day operational decisions, by officers.
- 3.2 When major decisions ([Key Decisions](#)) *[Article 15, Page 41]* are to be taken or considered they are published in advance in the Cabinet's Forward Plan, in so far as they can be anticipated. If these major decisions are to be considered at a meeting by the Cabinet that meeting will generally be open to the public, unless personal or confidential matters are to be discussed.

- 3.3 If the Cabinet wishes to make a decision that is outside the Policy Framework or Budget this must be referred to the Council Meeting to decide.

4. Ordinary Committees

- 4.1 Certain Council functions, notably regulatory functions and those which involve dealing with applications from individuals e.g. development control and licensing, are not the responsibility of the Cabinet and are dealt with by Ordinary Committees.

5. Scrutiny

- 5.1 There are 5 [Scrutiny Committees](#) (plus a scrutiny co-ordination committee) *[Article 6, Page 16]* that support and monitor the work of the Cabinet and the Council as a whole. Scrutiny Committees are not allowed to make decisions but they can ask the decision making body of the Council to reconsider a decision and express views on Council decisions.
- 5.2 They can allow Stockport citizens to have a greater say in Council matters by holding public inquiries into areas of concern. They commission reports and undertake reviews which advise the Cabinet and the Council Meeting on specific aspects of policy and its implementation. They monitor the decisions of the Cabinet and may hold hearings to investigate specific issues. They can also 'call-in' a decision made by or on behalf of the Cabinet, but not yet implemented, and may require that the Cabinet reconsiders it or refers it for a debate at a Council Meeting. In Stockport it is the practice to refer proposed Executive decisions to a scrutiny committee in advance of the decision being taken.
- 5.3 The role of the Scrutiny Co-ordination Committee is to co-ordinate all of the scrutiny, review and related activity throughout the Council including the preparation, for approval by the Council Meeting of an annual Scrutiny Work Programme.

6. Area Committees and Ward Committees

- 6.1 In order to ensure that the Council stays in touch with local issues the Council has 7 [Area Committees](#) *[Article 12, Page 33]* made up of ward Councillors for those areas. Area Committees can be authorised by the Cabinet to make decisions on and deliver a number of locally based services, and they also decide some categories of planning applications and generally monitor the effect of council services in their areas. They also contribute a "local dimension" to the development of the Council's policies.

- 6.2 [Ward Committees](#) [Article 12, Page 33] aim to provide people who live and work within a Ward with an opportunity to meet with their local Councillors to raise issues of concern to them, to allow Councillors to respond to local circumstances, and to generally enhance the participation of residents in the decision-making process of the Council.
- 6.3 Ward Committees seek to develop an effective partnership between local people and the Council through their local Councillors on matters in the Ward with a view to ensure that the needs of the Ward and local people are identified that these brought to the attention of the relevant Council Directorate, Cabinet Councillor or other public body.

7. The Council's Staff

- 7.1 The Council employs officers to give advice to all parts of the Council, support Councillors in their work, implement decisions and undertake the day to day planning and management of the wide range of functions undertaken. Certain senior officers have special roles and duties to ensure that the Council acts within the law and uses its resources wisely. The law provides special procedures for the appointment and dismissal of these officers see Part 5 PR8.
- 7.2 The Local Government Act 1972 and other legislation requires local authorities to make specific statutory appointments which carry specific responsibilities including roles performed by the Chief Executive, Borough Treasurer and Monitoring Officer. These roles are defined in full in the [Proper Officer Appointments](#) [Part 4, Page 190].
- 7.3 A [Protocol](#) governs the relationships between Councillors and officers [CP3, Page 325].

8. Citizens' Rights

- 8.1 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in [Article 3](#) [Page 11]. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Structure of the Constitution

PARTS OF THE CONSTITUTION

PART 1 [Summary and Explanation](#) *[Page 4]*

This section summarises what is in the Constitution, and contains the overall aims and objectives of the Council. It also highlights how decisions are made and what rights citizens have when participating in decision making and the democratic processes.

PART 2 **Articles of the Constitution** *[Page 7]*

These are the main articles of the Constitution which describe how the Council works. Article 1 explains the purpose of the Constitution and Articles 2- 19 explain the rights of citizens and how key parts of the Council operate.

PART 3 [Scheme of Delegation](#) *[Page 49]*

This section sets out the purpose of key decision making and scrutiny bodies, how they operate and what responsibilities they have.

PART 4 [Proper Officer Appointments](#) *[Page 190]*

This part identifies which posts have been designated to fulfil the various functions of the Statutory and Proper Officers under the Local Government Act 1972.

PART 5 **Procedure Rules** *[Page 200]*

This section contains the rules for important Council procedures, such as Full Council and Cabinet.

PART 6 **Codes and Protocols** *[Page 301]*

This section contains codes of conduct for both Elected Members and Council officers. The codes of conduct are sets of rules which specify how members and officers should act in their professional capacity, and what rules they need to adhere to. It also contains other protocols such as the whistleblowing policy, public question time procedure and protocol for executive decisions.

PART 7 [Members' Allowances Scheme](#) *[Page 382]*

The Members Allowances Scheme sets out how Elected and Co-opted Members are remunerated for specific duties undertaken for the Council.

PART 8 [Management Structure](#) *[Page 388]*

This is a structure diagram which shows the way the Council and its departments are organised.

ARTICLES OF THE CONSTITUTION AND LINKS TO THE WIDER CONSTITUTION

ARTICLE 1 [The Constitution](#)

Explains the purpose and role of the Constitution.

ARTICLE 2 [Councillors](#)

This describes the role of Elected Members of the Council

ARTICLE 3 [Citizens and the Council](#)

This details the rights of citizens and how they are able to participate in local democracy

ARTICLE 4 [The Council Meeting](#)

The role of the Full Council meeting.

[Part 3, Section 1](#) [Page 51] sets out matters reserved to the Council Meeting.
[Part 4, PR1](#) [Page 200] sets out of the rules for the conduct of business at the Council Meeting including rights of members to speak.

ARTICLE 5 [Mayor and Deputy Mayor](#)

The role and function of the Mayor and Deputy Mayor

ARTICLE 6 [Scrutiny Committees](#)

Description of the scrutiny committees that exist within the Council, and their terms of reference, which details what they do and how they operate.

[Part 3, Section 7](#) [Page 75] sets out the Terms of Reference for each scrutiny committee.
[Part 5, PR4](#) [Page 227] sets out the rules for the conduct of scrutiny meetings.

ARTICLE 7 [The Cabinet](#)

The role and composition of the Councils Cabinet – which is the decision making body made up of Elected Members of the controlling group.

[Part 3, Section 2](#) [Page 55] sets out the business to be undertaken at the Cabinet.
[Part 5, PR3](#) [Page 222] sets out the rules on the conduct of Cabinet meetings.

ARTICLE 8 **Ordinary Committees**

Description of the regulatory and other committees, that deal with planning, licensing, audit and appeals.

[Part 3, Section 5](#) [Page 61] sets out the rules of procedure at ordinary committees which are largely the same those for the Council Meeting. However [Part 5, PR1](#) [Page 200] Rule 26 disapplies some rules.

ARTICLE 9 **Health & Wellbeing Arrangements**

How the Health and Wellbeing Board and the Health & Care Integrated Commissioning Board operate.

[Part 3, Section 9](#) sets out the rules and procedures for the Boards.

ARTICLE 10 **Solutions Sk Contributors Committee/ Stockport Homes Member Committee/ The Funding Committee**

The role and terms of reference of the Solutions SK Contributors Committee, Stockport Homes Member Committee and the Funding Committee.

[Part 3, Section 10](#) [Page 27] sets out the rules of procedure at these bodies which are largely the same those for the Council Meeting. However [Part 5, PR1](#) [Page 200] Rule 26 disapplies some rules.

ARTICLE 11 **The Standards Committee**

Description of how the Standards Committee operates, including the terms of reference.

[Part 3, Section 6](#) [Page 74] sets out the terms of reference of the Standards Committee. The rules of procedure are largely the same those for the Council Meeting. However [Part 5, PR1](#) [Page 200] Rule 26 disapplies some rules.

ARTICLE 12 **Area Committees**

Describes the area governance arrangements including those area committees that exist within the Council, and their terms of reference, which details what they do and how they operate.

[Part 3, Section 4](#) [Page 58] sets out the functions of the area and ward committees. The rules of procedure are largely the same those for the Council Meeting. However [Part 5, PR1](#) [Page 200] Rule 26 disapplies some rules.

ARTICLE 13 [Joint Arrangements](#)

Describes the process for the entering into of joint arrangements with other authorities by the Cabinet and the Council Meeting and a list of any such arrangements currently entered into.

[Part 3, Section 10](#) describes their functions. The terms of reference for each joint committee are also included as subsections within this section.

ARTICLE 14 [Officers](#)

The management structure of the Council including descriptions of the functions of chief officers which are provided in further detail in [Part 3, Section 8 \[Page 146\]](#).

[Part 8 \[Page 388\]](#) includes the current Management Structure.

ARTICLE 15 [Decision-Making](#)

How decisions are made and who is responsible for making them. This section includes the Council's definition of a key decision.

ARTICLE 16 [Finance, Contracts And Legal Matters](#)

How the Council conducts its financial, procurement and legal affairs.

[Part 3, Section 5 \[Page 61\]](#) includes the remit of the Audit Committee.

[Part 3, Section 8 \[Page 146\]](#) includes the delegation to the Monitoring Officer

[Part 5, PR5 \[Page 238\]](#) are the Financial Procedure Rules

[Part 5, PR6 \[Page 260\]](#) are the Contract Procedure Rules

ARTICLE 17 [Review And Revision Of The Constitution](#)

How and how often the Constitution is revised.

[Part 3, Section 8 \[Page 146\]](#) includes the delegation to the Monitoring Officer

ARTICLE 18 [Suspension, Interpretation and Publication of Constitution](#)

How the Constitution is made available to the public.

ARTICLE 19 [Partnership Working](#)

Details the purpose and operation of the Stockport Partnership Board.

Introduction to decision making

EXECUTIVE DECISIONS

Introduction

1. The law divides the Council's decisions into Executive and non Executive decisions. Executive decision may only be made by:

- i) The Leader
- ii) The Cabinet
- iii) A sub Committee of the Cabinet
- iv) An individual Cabinet Member
- v) An area Committee
- vi) An officer

The [scheme of delegation](#) in the Constitution [Part 3] sets out who is allowed to make Executive decisions. It also deals with non Executive decisions.

2. Members of the Cabinet will be collectively responsible for decisions made by the Cabinet. Individual Cabinet Councillors and officers will be responsible for the decisions that they make individually. Area Committees will be responsible for Executive Decisions made at area committees.
3. The high degree of personal visibility of the system makes it essential that the processes by which decisions are made are transparent, robust, clearly documented, and otherwise in accordance with the law.
4. Where an officer has delegated responsibility for executive decisions set out in the Scheme of Delegation[Part 3 Section 8] , and the Cabinet Leader or the Cabinet make a specific delegation which then conflicts with the Scheme of Delegation, the specific delegation will take precedence.

Principles of Decision-Making

5. Article 13 of the Constitution states:

All decisions of the Council Meeting, Committees, the Cabinet, and Officers, will be taken in accordance with the following principles:

Principles of decision-making

- Clarity of aims and desired outcomes;
- Presumption in favour of openness;
- Proportionality (meaning the action must be proportionate to the results to be achieved) and reasonableness;
- Consideration of relevant professional advice;
- Appropriate consultation with stakeholders and those persons or organisations likely to be affected;
- Respect for human rights;
- Timeliness;

- Due diligence and financial prudence.
6. In the general public interest, and specifically to guard against the possibility of a successful legal challenge to decisions made by or on behalf of the Cabinet, the Council will also need to be able to demonstrate:
 - that relevant matters were taken into consideration and that nothing irrelevant was taken into account;
 - that financial procedure rules and, where relevant, contract procedure rules, have been complied with;
 - that any issues relating to conflicts of interests were dealt with properly in accordance with the relevant Code of Conduct;
 - that the decision was taken at the right time, and by a body or an individual authorised in the Scheme of Delegation to do so;
 - that the Access to Information Rules were complied with, particularly regarding the Forward Plan and the recording and publishing of the decision.
 7. The Chief Executive, assisted by the Head of Legal & Democratic Governance, advises Councillors and officers on these issues, ensuring that the decision-making processes meet the requirements of the law. They have primary responsibility for the implementation of the procedures that follow.

The Organisation of Cabinet Business

8. Advised by the Chief Executive, the Cabinet Leader will Chair meetings of the Cabinet and oversee the preparation of business for its consideration, ensuring that agendas are not overloaded and that the appearance of major items on the agenda is planned and provided for in advance, as far as this is practicable. The legal requirement for the publication of notice of Key Decisions in a Forward Plan at least 28 days in advance of the decision will assist this process of agenda management.
9. Officers working on the plans and strategies included in the Policy Framework, or other plans and strategies which will require Cabinet approval, will need to be aware of the timing of the appearance of these documents on the Cabinet agenda.
10. Other reports will come to the Cabinet via individual Cabinet Councillors, or following work done by Scrutiny Committees or Review Panels, or on the initiative of officers. Officers who become aware that a report is being generated that may need to be considered by the Cabinet should, at the earliest stage, inform the Chief Executive, so that he can agree with the Cabinet Leader if, when, and how the matter should be progressed, and arrange for the matter to be included in the Forward Plan, if necessary.
11. Reports requiring an Cabinet decision will normally appear in the name of the Cabinet Councillor within whose portfolio the matter under consideration falls. The originator of a report should ensure that draft reports are submitted, as appropriate, to the Corporate Leadership Team and, in all cases, to the Chief

Executive and the Borough Treasurer, no later than 10 working days before the relevant meeting or 5 working days before the submission of the report to the individual decision-maker, as the case may be.

Decision-making by the Cabinet and by Individual Cabinet Councillors.

Written Reports

12. The fundamental principle is that, before a decision is made in the discharge of an executive function, the Councillor, Councillors or officers being asked to make the decision, **will receive a written report** identifying:
 - (a) the officer making the recommendation or request for a decision;
 - (b) the issue to be decided;
 - (c) whether the report contains confidential or exempt information (justifying the exclusion of the press and public) confirming that 28 days' notice of this has been published for the case of decisions taken at meetings;
 - (d) the justification for any recommendations and details of any other options available;
 - (e) whether the decision is a "key decision" as defined in the Council's procedures and, if it is, whether and how the **Forward Plan** requirements have been complied with;
 - (f) which decision making body or individual is responsible for making the decision, according to the Scheme of Delegation;
 - (g) any other relevant legal (including human rights and crime and disorder) or procedural issues;
 - (h) any comments from the Corporate Leadership Team;
 - (i) any relevant Council policy and whether the proposed decision is consistent with the Policy Framework and wholly in accordance with the budget;
 - (j) any relevant national or regional guidance;
 - (k) staffing and financial implications;
 - (l) whether the matter is urgent business and should therefore be exempted from call-in (in which case the full reasons should be given and the agreement of the relevant Cabinet Councillor, the Corporate Director in whose name the report is presented, and either the Chief Executive, the Borough Treasurer, or the Monitoring Officer will be required). Corporate Directors will be under a duty not intentionally to delay matters so that the urgent business procedure has to be used. Breach of this duty will

constitute maladministration;

- (m) details of any public, partner organisation, or other consultations carried out;
 - (n) the implications for other Council activities/Services;
 - (o) the wards affected and, for matters which are not delegated to Area Committees, confirmation that the relevant Area Committee or, alternatively, the local ward members have been consulted; (the presumption is that Corporate Directors, in formulating proposals, will consult the Area Committee or ward members);
 - (p) for reports which do not solely contain confidential or exempt information, a list of Background Papers and where they can be inspected and copied;
 - (q) the relevant Scrutiny Committee for the purposes of call-in and review of the decision.
13. Reports must contain recommendations and where a delegation is proposed to an officer to undertake further action that officer should be clearly identified. Best practice is to nominate a single Corporate Director and it should be identified who will be consulted prior to the exercise of that power. Where legal transactions are required to give effect to the resolution, a further delegation should be made to the Head of Legal and Democratic Governance to complete the decision.
14. The Corporate Director of the service from which the report originates will, at an early stage, discuss the contents in draft with the relevant Cabinet Councillor and/or, as appropriate, the Chair of the decision-making Area Committee, and will ensure that their views are taken into account in the final version of the report. Early discussion will assist in identifying those reports which will be dealt with by an individual Cabinet Councillor and those reports which, because of their significance, political sensitivity or public interest, will be referred to a meeting of the Cabinet for a decision.
15. Substitutes are not permitted for Cabinet Councillors. If a Cabinet Councillor is unavailable, has an interest in the matter under consideration, or is otherwise unable to act, the issue will be referred either to the Cabinet Leader or to a meeting of the Cabinet for decision.

Cabinet Meetings

16. The agenda and papers for all Cabinet meetings will be dispatched by the Chief Executive, at least 5 clear working days before the meeting, in accordance with the Access to Information Rules.
17. Cabinet meetings will take place at regular intervals throughout the municipal year on a programme agreed by the Council Meeting.

18. Meetings at which key decisions are to be taken or discussed, other than briefing meetings, will be held in public in accordance with the Access to Information Rules, subject to the restrictions relating to the disclosure of confidential and exempt information.

Record and Publication of Decisions

19. All decisions taken by the Cabinet, by individual Cabinet Councillors, certain decisions taken by officers, and Executive decisions taken by Area Committees will need, by law, to be properly recorded and publicised as required by the Access to Information Rules. A standard **Executive Decision Record** form is to be used for this purpose, and this must be delivered to Democratic Services as soon as is practicable following the taking of the particular decision, to enable the publication and call-in procedures to be implemented. The Executive Decision Form will indicate the date on which the decision will take effect, if it is not called-in for scrutiny.
20. No later than the second day following a meeting of the Cabinet or receipt of notification of an Executive decision, the Democratic Services will publish details of the decision(s) taken to enable all Councillors to consider whether they wish to invoke the call-in procedures. Formal minutes of Cabinet meetings will be published for the next Cabinet meeting.

Call-in of Executive Decisions

21. When an executive decision is made, whether by the Cabinet, an individual member of the Cabinet, an Cabinet Committee, or an Area Committee, or a key decision is made by an officer, the decision will be published in accordance with the [Access to Information Rules](#) (Part 5 PR7) [Page 285] on the Council's website normally within 2 working days. All councillors will be sent a link to the records of all such Executive decisions within the same time scale by Democratic Services.
22. That record will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 4 working days after the publication of the decision, unless it is called in, in accordance with the following procedures.
23. During that period, any **3 Councillors* including 1 from the relevant Scrutiny Committee** may **call-in** the decision, by signed notice in writing to the Chief Executive, and require that officer to refer the decision to the next available meeting of the Scrutiny Committee. A relevant Scrutiny Committee is one within whose remit the scrutiny of the decision falls. Councillors wishing to call-in a decision for scrutiny must do so by 4 p.m. on the day of the call-in deadline shown on the Executive Decision Record i.e. within 4 days of the decision being published. Emails or Faxes, but not telephone calls, will be accepted by the Chief Executive, but the prescribed form containing the signatures of the 3 Councillors calling in the decision should support these and be received by Democratic Services before the Scrutiny Committee considers the decision. (Signatures need not all be on one form).

* The Church and Parent Governor voting representatives on the Children & Young People Scrutiny Committee will be permitted to participate in call-ins as if

they were Councillors decisions relating to Education functions, which are defined in Part 4 PR4.

- 24 A decision may only be called in once, and the Chief Executive will include an item on the agenda for the next available meeting of the Scrutiny Committee within whose remit the scrutiny of the decision falls. Once a decision has been called-in, the decision cannot be implemented until it has been through the call-in process.
- 25 Executive decisions taken by officers, other than key decisions as defined in the Constitution, are not capable of being called in, although they may be reviewed as part of any review of service plans or during the best value process.
- 26 On occasions it may be helpful for Councillors, officers, members of the public or others to be invited to assist the Scrutiny Committee during the call-in process, to ensure that it has all the information necessary to evaluate the decision that is being scrutinised. Invitees may attend personally or nominate someone else or decline to attend. Officers, other than Corporate Directors, should either not be invited or, if they are, should only attend with the consent of their Corporate Director. Because of the short time scale, all requests for persons to attend should be channelled through Democratic Services to the Scrutiny Committee Chair who will be asked to act, at his or her entire discretion, on behalf of the Committee. Full details of who is to be invited to attend, and why, should be provided to Democratic Services. The Democratic Services will contact the individual/organisation concerned and prepare a note for members of the Scrutiny Committee, providing details of those invited.
- 27 Corporate Directors and Cabinet Councillors can be "summoned" i.e. placed under a legal obligation to attend, but this can only be done by decision of the Scrutiny Committee. The Scrutiny Committee Chair may "invite in lieu of summons". Those summoned may seek to nominate a suitable representative and the Scrutiny Committee Chair should be consulted on this. If the Committee subsequently insists on the attendance of a named person, then the person summoned has a duty to attend at a reasonably convenient date.
- 28 The Chair of the decision-making body or his or her nominee, or the decision-making person, (i.e. Cabinet Leader, Cabinet Councillor, Chair of Area Committee, Corporate Director, or their nominee) and, in the case of member decisions, the Corporate Director who commissioned the decision as the case may be, have the right to attend and speak at the meeting of the Scrutiny Committee which is examining a decision in accordance with these procedures. Therefore as a matter of course, Democratic Services will invite such persons to attend and address the Scrutiny Committee.
- 29 Democratic Services will also invite those Councillors who have called-in the decision to attend and address the Committee when considering the item. Only members of the Scrutiny Committee will be entitled to vote.

GUIDANCE ON REPORT WRITING

- 1.1 All reports to bodies of which councillors are members must be submitted using the Report Management system, sometimes referred to as 'Modern.gov'. The system can be accessed via the Council's intranet homepage.
- 1.2 Reports that will be considered by the Cabinet must be first considered by the appropriate scrutiny committee, and any report to be considered by a scrutiny committee, Cabinet or the Council Meeting must be considered by the Corporate Leadership Team prior to submission and publication. Reports may also need to be considered by the relevant directorate management team. All reports submitted via the Report Management system will include the relevant bodies at which the report will need to be considered.
- 1.3 Where reports and decisions are due to be taken at a public meeting of either the Cabinet or area committees and they include information that needs to be kept private or is exempt from publication, a notice of the intention to consider the matter in private must be published 28 days in advance of the meeting, setting out the reasons for the matter being private and allowing members of the public the opportunity to make representations. The grounds for exempting reports from publication are set out in the Access to Information Procedure Rules (Part 5, PR7) of the Constitution. Advice should be sought from Democratic Services at the earliest opportunity about any report that may contain exempt information.
- 1.3 In drafting reports, authors should ensure that relevant officers have received appropriate input into report. The Report Management system includes facilities for circulating reports for comments to other officers. Furthermore, prior to submission for publication all reports to scrutiny, Cabinet or the Council Meeting must be considered by the Council's Legal Services and Finance Services departments for an assessment of the Legal and financial implications of the report.
- 1.4 Reports should be in plain English and factually accurate. Every report must include:
 - A brief statement of the purpose of the report
 - Recommendations which clearly identify any specific delegations
 - The background to the report, including background papers
 - Information to support and justify the recommendations, including the social economic and environmental impact of the recommendations
 - The risks and benefits of any proposals
 - Where the proposals may impact on people with protected characteristics under the Equality Act 2010, an Equality Impact Assessment
 - The legal implications of the report

- The financial implications of the report
- Conclusions

DECISIONS BY OFFICERS

- 1.1 Please note that under the Scheme of Delegation, functions are delegated only to Corporate Directors. A Corporate Director may subsequently authorise officers in their line of management to carry out functions on behalf of the Corporate Director, however that authorisation must be expressed in writing and the Corporate Director remains responsible for such decisions.
- 1.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 require Councils to publish Executive decisions made by officers. The Openness of Local Government Bodies Regulations 2014/2095 require the Council to publish all decisions which meet the following criteria:

The decision is made :

- (a) under a specific express authorisation from the Cabinet or a Committee or
- (b) under a general authorisation to officers to take such decisions and, the effect of the decision is to—
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects the Council's financial position

- 1.2 Where a Corporate Director takes an Executive decision which:

- (a) does not fall within the criteria set out above, and
- (b) meets one or more of the criteria below,

Council policy is that it must be published but other Executive decisions made by officers are not required to be published.

- Entering into a contract for goods or services the value of which is in excess of £100k
Except where the value is in excess of £250k and the quotation/tender to be accepted is more than 20% lower (for payments made by the Council) or higher (where payment is received by the Council)
- The extension of a contract where the existing contract has a provision to extend, and where the value of the extension exceeds £100k The approval of the taking of, or the grant, renewal, assignment, transfer, surrender, taking of surrenders, review, variation and termination of any leases, licenses easements and wayleaves, consents and rights in land for a consideration of more than £25k per annum or a premium of £250k
- The approval of the acquisition and disposal of land, buildings or other property interests for a consideration of between £100-£250k

- Agreeing fees, charges and concessions where authorised to do so by the Executive
 - Agreeing the use of parks where this is not exercised by the relevant area committee
 - Agreeing to submit applications for external grant funding
 - Making any decision expressly delegated to the Corporate Director by the Executive Meeting
 - Taking of any urgent action otherwise to be exercised by the Executive, Executive Councillor, or Area Committee (where this is an executive function)
- 1.4 In each case, a report needs to be provided to the Corporate Director setting out the background to the decision being requested, including alternative options.
- 1.5 The report will be published for inspection by councillors AND members of the public. Only such information as is required to make a decision should be included and careful consideration should be given whether the information included in the report should be exempt from publication. Every effort should be made to keep exempt information to a minimum and as far as possible to have this contained in an appendix to the report.
- 1.5 As soon as possible after the decision has been taken, a record of the decision needs to be completed and sent to Democratic Services for publication, along with a copy of the report. The Decision Record should contain details of the decision, including the reasons for making the decision, together with reference of any consultation undertaken, including any undertaken with an Executive Councillor.
- 1.6 The written statement produced following the decision must include:
- the title of the officer and the date of the decision
 - a record of the decision and the reasons for it;
 - details of any alternative options considered and rejected;
 - a record of any conflict of interest declared by any Cabinet member who was consulted by the officer who made the decision and any dispensations granted to the member being consulted;
 - in respect of any declared conflict of interest, a note of any dispensation granted.

and send a copy of that written statement to Democratic Services together with any report or background papers.

URGENCY IN DECISION MAKING

KEY DECISIONS

1. GENERAL EXCEPTION - 'The 5 Day Notice Procedure'

1.1 If a matter which would be a key decision cannot be included in the Forward Plan or 28 days notices cannot be given then, subject to the Special Urgency provisions below, the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision to ensure that notice has been published (in the Forward Plan or any supplement to it) within 28 clear days of the proposed meeting; and
- (b) the Proper Officer has informed each member of the relevant Scrutiny Committee by notice in writing, of the matter in relation to which a decision is to be made, including reasons why compliance with the requirement to provide at least 28 clear days' notice was not practical in that case; and
- (c) the Proper Officer has made copies of that notice available to the public at the Town Hall and on the Council website; and
- (d) at least 5 clear days have elapsed since the Proper Officer complied with (b) and (c).

2. SPECIAL URGENCY - 'The Shorter Notice Procedure'

2.1 If compliance with the General Exception process is impracticable by virtue of the date by which a decision must be taken, then the key decision can only be taken if the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of a relevant Scrutiny Committee that the taking of the decision is urgent and cannot reasonably be deferred.

2.2 If there is no Chair of a relevant Scrutiny Committee, or if the Chair of each relevant Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his absence the Deputy Mayor will suffice.

2.3 As soon as practicable after agreement has been obtained, a notice must be published, to all members of the relevant Scrutiny Committee and available to the public at the Town Hall and on the Council website, setting out the reasons for urgency and why the decision cannot reasonably be deferred.

NON-KEY DECISIONS

3, URGENT ACTION

- 3.1 Urgent action may be taken by the Chief Executive or the appropriate Corporate Director, with the agreement (as appropriate) of the Mayor, Cabinet Leader or the relevant Cabinet Councillor or Committee Chair. All such action must be reported to the next available meeting of the Council, Cabinet or the relevant Committee as appropriate. [see Part 3 Section8 – Officer functions]
- 3.2 In taking urgent action under this provision officers should ensure that they comply, as necessary, with the requirements of the Policy Framework and Budget Procedure Rules (urgent departures.
- 3.3 A form must be completed detailing the action being taken and the reasons for urgency in addition to obtaining the signatures of the decision-maker. The form is available from Democratic Services.

PROPERTY DECISIONS

The Council owns and manages a large and valuable portfolio of property. Decisions relating to major property based projects will be considered by the Cabinet prior to commencement and recommendations on such reports will enable suitable arrangements to be made for the land transactions necessary for the ongoing management of properties connected with specific projects. These specific delegations will usually arrange for a senior officer in consultation with a Cabinet member to manage the land transactions. These delegations will “trump” the arrangements in the scheme of delegation which forms part of the Constitution. Where land is held by the Council and is not connected with or covered by a resolution relating to a specific property or project, the scheme of delegation in [Part 3 Section 8](#) authorises the Deputy Chief Executive to:

- (i) Subject to certain limitations, manage all land held or controlled by the Council and
 - (ii) to be responsible for all contracts between the Council and others relating to the management of land (e.g. the Council’s contracts for estate management services from Carillion and CBRE)
- (a) Subject to an obligation to consult Area Committees on minor transactions which are novel, controversial or relate to a charity or not for profit organisation, the Deputy Chief Executive may agree any land transaction except:
- The freehold acquisition of land
 - The disposal of a freehold
 - The grant of a new lease of more than 7 years
- (b) Subject to a value limit of £500,000 and consultation with the appropriate Cabinet member, the Deputy Chief Executive may agree to:
- The freehold acquisition of land
 - The disposal of a freehold
 - The grant of a new lease of more than 7 years, whose lifetime value does not exceed £500,000.
- (c) Transactions with a value of less than £500,000 which are not novel, controversial or relating to a charity/not for profit organisation would be dealt with by the Deputy Chief Executive without consultation. Where the value of the land transaction exceeds £250,000 and advance publication will not prejudice the financial or business affairs of the parties to the transaction, these proposed decisions will be published in accordance with the Access to Information Procedure Rules at Part 5 PR7 giving an opportunity for scrutiny.
- (d) Transactions valued over £500,000 will be authorised by a decision of the Cabinet.

Minor transactions are defined as:

All transactions other than:

- lease renewals,
- the purchase of property under Housing legislation and
- disposals of Council property which have been requested by third parties and which the Deputy Chief Executive considers would not be in the best interests of the Council

which do not exceed the value limit of £500,000.

The Deputy Chief Executive will provide ward Councillors with a list of proposed non urgent acquisitions and disposals with a value of less than £500,000 in the ward at least working days 5 days before making a decision on the proposed transaction. Where a ward Councillor makes a written request to the Deputy Chief Executive within 5 working days publication of the list, and the Deputy Chief Executive is satisfied that written request gives details of why the transaction is likely to be considered novel, controversial or relating to a charity or not for profit organisation, the matter will be referred to the Area Committee for comment before the Deputy Chief Executive makes a decision.

Public Participation

PUBLIC ENGAGEMENT

Members of the public have the right to participate in the Council's question time and Open Forum procedures. There are additional public speaking rights in respect of planning applications.

In addition to these rights, the Mayor or Chair of a committee may exercise their discretion and allow public speaking on other items of business as they deem appropriate.

1. Open Forum *[Part 6, CP6, Page 353]*

- 1.1 Area Committees and Ward Committees are authorised to hold Open Forums, as part of ordinary business of the Committee, to enable discussion with representatives of non-party political voluntary organisations active in the area of the Committee, and with members of the public participating, any matters affecting the area and relating to the activities of the Council.
- 1.2 An Open Forum will be arranged:-
 - (a) at the request of the Area Committee or Ward Committee on any issue it considers appropriate; and
 - (b) where notice in writing has been given by the organisation to the Democratic Services Manager not less than seven clear days prior to the meeting.
- 1.3 Discussion relating to quasi judicial matters, e.g. (a) specific legal proceedings, licensing applications, planning applications, appeals and (b) confidential business will not be permitted.
- 1.4 The conduct of the open forum and admissibility of matters raised by organisations will be at the absolute discretion of the Chair.
- 1.5 Subject to above, any person present at the meeting may participate in the discussion at the Open Forum.
- 1.6 **For further information and full details of the Open Forum Procedure, you should refer to 'CP6 - Open Forum Procedure' in the Constitution.**

2. Public Questions at Committees *[Part 6, CP5, Page 351]*

- 2.1 An item “Public Question Time” is included on the agenda for all meetings of the Cabinet, Cabinet Committees, Ordinary Committees and Area Committees, permitting members of the public to ask questions.
- 2.2 There is no opportunity to ask questions at scrutiny committees save that the Chair may exercise their discretion to allow public speaking.
- 2.3 Questions are restricted to matters within the powers and duties of the Cabinet or the particular Committee or Area Committee and related to the activities of the Council.
- 2.4 Questions shall not be permitted if the Chair deems that the question
- relates to quasi-judicial matters e.g. (current or potential legal proceedings, licensing applications, planning applications and appeals, Traffic Regulation Orders where public consultation has been authorised or undertaken);
 - relates to confidential or exempt matters or where the disclosure of this information would be required;
 - is defamatory, frivolous or offensive;
 - is substantially the same as a question which has been put at to the Cabinet, Committee or Area Committee in the past six months; or
 - is directly about party political matters.
- 2.5 The Chair will have absolute discretion as to whether to allow any particular question to be asked at the meeting.
- 2.6 At meetings other than Area and Ward Committees, questions must be submitted at least 30 minutes in advance of the meeting.
- 2.7 One supplementary question will be allowed.
- 2.8 For further information and full details of the Public Question Time Procedure, you should refer to the [Procedure for Question Time at Cabinet and Committee Meetings](#) [Part 6, CP5, Page 350] in the Constitution.

3. Public Questions at the Council Meeting [Part 5, PR1, Page 200]

- 3.1 Registered voters of the Stockport area, or persons living or working in the Borough, may ask questions of Councillors at ordinary Council Meetings.
- 3.2 No person may submit more than two questions, and no more than three questions may be asked on behalf of one organisation.
- 3.3 Questions shall not be permitted if the Mayor deems that the question:-
- is not about a matter for which the Council either has a responsibility or which affects the Borough;
 - is defamatory, frivolous or offensive;
 - relates to a quasi-judicial matter;

- is substantially the same as a question which has been put at a Council Meeting in the past six months; or
- would be likely to require the disclosure of confidential or exempt information.

- 3.4 Questions must be submitted at least 30 minutes in advance of the meeting.
- 3.5 In the event that the need to clarify the original question or response becomes apparent, the questioner or member responding will be given an opportunity to clarify his / her question or response. Supplementary questions are not permitted.
- 3.6 For further information and full details of the Public Question Time Procedure, you should refer to 'PR1 – Council Meeting Procedure Rules' in the Constitution.**

4. Public Speaking on Planning Applications at Area Committees *[Part 6, CP8, Page 355]*

- 4.1 If you wish to speak on a planning application you should tell the democratic services officer as soon as you arrive at the meeting.
- 4.2 Please tell the democratic services officer if there is a special reason why you need the application that you are interested in to be considered early.
- 4.3 The Committee will consider first those applications upon which people wish to speak.
- 4.4 The Committee has a report on each application that sets out all material considerations and the officer's recommendation. Committee members are therefore already aware of the issues. You may obtain a copy of the report from the Democratic Services Officer.
- 4.5 The planning officer will report any matters that have arisen since the publication of the report, e.g. the receipt of further letters.
- 4.6 Members of the Committee may ask questions of the planning officer.
- 4.7 The Chair of the Committee will invite anyone opposing the application to speak.

NOTE: Normally only one person is allowed to speak for the objectors, but the Chair may allow others to speak if they have additional points not covered by the first speaker.

- 4.8 Members of the Committee may ask questions of the objector to clarify any points that have been made.
- 4.9 The applicant or the applicant's representative will be invited to speak in support of the application and on issues raised by objectors. In the absence of

the applicant any other person wishing to speak in support of the application may do so.

- 4.10 Members of the Committee may ask the applicant/applicant's representative questions to clarify the proposals or their response to objections.
- 4.11 Each speaker is allowed three minutes. Speakers should be succinct and avoid repetition to ensure that they do not run out of time before they have made all their points.
- 4.12 The planning officer will be invited to comment on issues raised by speakers.
- 4.13 The Committee will then debate the issues and make a decision on the application (but see below).

Additional information

- You may only speak on the application on the first occasion upon which it is considered by the Area Committee. If the Committee defers consideration of the application, you will not be allowed to speak at any subsequent meeting when it is considered unless the application has been materially altered.
- Members of the public are not allowed to take part in the debate, and may not question officers, members, or applicants whilst the Committee is considering the application.
- Anyone arriving after an application has been dealt with will not be allowed to speak on that application.
- The Area Committee will decide whether to grant or refuse most of the applications being considered. However, some of the applications considered by Area Committees (generally larger development proposals) will be decided by the Planning and Highways Regulation Committee; the Area Committee may only make a recommendation or pass its views on these applications to the Planning and Highways Regulation Committee. The Planning Officer who presents each application will state whether the final decision will be made by the Area Committee or the Planning and Highways Regulation Committee.
- If the Area Committee decides that councillors need to visit the application site, they will state the reason. Where a site visit is recommended by an Area Committee, the site visit will be by a group of members of the Planning and Highway Regulation Committee who will make their recommendations to the next meeting of that Committee. The application will normally be decided at that meeting.
- You may attend meetings of the Planning and Highway Regulation Committee only as an observer. Public speaking is not allowed at the Planning and Highways Regulation Committee but a note of the views of speakers at Area Committee will be taken and reported to the Committee.
- If the Committee determines an application contrary to the recommendation of the planning officer, the reasons will be given and minuted.

5. Petitions

- 5.1 There are additional public speaking rights in relation to the submission of petitions. These are covered in more detail in the Petition Scheme below.

PETITION SCHEME

The petitions process allows members of the public to have direct influence on the political process and to raise concerns that are important to them.

Members of the public can submit petitions on the following

- Issues relating to the Council's responsibilities.
- Issues which affect the borough of Stockport or its communities, as long as the Council is in a position to exercise some degree of influence.
- Anything relating to an improvement in the economic, social or environmental well-being of the borough to which any of the Council's partners could contribute.

The Council will respond to all the petitions it receives. We will be as flexible as we can when handling your petition so that it is considered quickly and in the most appropriate way.

Petitions must be signed by at least 50 people but the Council will use its discretion where there are fewer than 50 signatories in cases where there is clear local support for action (e.g. where the residents of a small community have petitioned for traffic calming measures)

1. How do I submit a petition?

Petitions can be sent or presented to the council. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

A petition is defined as a communication in writing which is signed by the appropriate number of qualifying persons. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to the:

Democratic Services Manager
Democratic Services
Town Hall
Stockport
SK1 3XE

If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services on

0161 474 3216 at least 10 working days before the meeting and they will talk you through the process.

Petitions submitted to the council must include a clear and concise statement covering the subject of the petition. It should state:

- What action the petitioners wish the council to take
- The name and address and signature of any person supporting the petition (the address can be an address where a signatory lives, works or studies)

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact the first signatories to the petition to agree who should act as the petition organiser.

Petitions must include a signature and the signatory's name and address. This can be an address where the signatory lives, works or studies.

Before submitting a petition you should first check with your local councillor or with the Council so see if the Council is already acting on your concerns and that the Council is the most appropriate body to receive your petition as sometimes your petition may be more appropriate for another public body.

2. Who can submit a petition?

Anyone who lives, works or studies in Stockport, including under 18s, can sign or organise a petition.

3. Are there any petitions which the Council cannot accept?

We believe that the vast majority of petitions we receive will be accepted but in certain circumstances petitions may not be accepted, including:-

- If the petition applies to a planning application, certain licensing matters, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal or a separate complaints process. These petitions will be dealt with through existing procedures and petitioners will be informed of this.
- Any petition which we consider to be vexatious, abusive or otherwise inappropriate. We will explain the reasons for this in our acknowledgement of the petition.
- Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same as one submitted within the previous 12 months

If we decide that a petition is not acceptable then we will let the petition organiser know our reasons.

If a petition relates to the responsibilities of one of our partners then, within 10 working days of its receipt, the petition will be forwarded to that authority for them to deal with, unless the petition relates to an improvement in the economic, social or environmental well-being of the borough. In those cases the petitions will be considered under the Council's scheme.

It may be inappropriate for the council to deal with certain petitions during periods when it is subject to restrictions immediately before elections or referendums. In these circumstances, the petition organiser will be informed of the date when the petition will be considered, or when material relating to it will be published on the council's website.

4. What will the council do when it receives my petition?

We will acknowledge the petition within 10 working days of receiving it and let the petition organiser know what we plan to do with the petition and when they can expect to hear from us again. The Petition will also be published on our website.

If the petition needs more investigation, we will tell you the steps we plan to take.

In the majority of cases your petition will be submitted to one of the Council's formal member meetings where elected councillors will decide how to respond to the petition. These meetings will be held in public and petitioners are welcome to attend the meeting to observe the proceedings. The petition organiser will be entitled briefly to address the meeting.

Depending on the subject matter your petition may be submitted to the Council, the Cabinet, one of the Area Committees or one of the Council's Scrutiny Committees.

5. How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- undertaking research into the matter
- writing to the petition organiser setting out our views about the request in the petition

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number

of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

6. Is there anything else I can do to have my say?

As a Council we try to identify and solve problems at an early stage. We are committed to receiving feedback as this helps us to develop and review services. We recognise that petitions are just one way in which people can let us know about their concerns. There are a number of other ways in which you can have your say including

- Writing to the appropriate Head of Service, Service/ Corporate Director
- Attending one of the Council's Area Committees to raise an issue of local concern
- Contacting your local councillor
- Making a complaint through the Council's complaints system

Guides and Protocols

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

1. Substitutes are permitted for all Ordinary Committees, Scrutiny Committees, and the Scrutiny Co-ordination Committee. The Licensing Act 2003 requires that substitutes for the Licensing, Environment and Safety Sub Committee must be drawn from the membership of the Licensing, Environment and Safety Committee.
2. Members can appoint their own substitute from within their group, provided that they inform Democratic Services prior to the commencement of the meeting.
3. A member who wishes Democratic Services to arrange a substitute is required to give notice to Democratic Services by 4.00 p.m. two working days prior to the meeting.
4. Agenda papers will be sent to those substitute members called upon to attend.
5. A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.
6. A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).
7. The Chief Executive will inform the Chair and Opposition Group Spokespersons of substitutions made, before the meeting.

THE COUNCIL'S PLANNING RESPONSIBILITIES

(i) Legal Framework

- 1.1 The government sets the legislative framework under which local planning authorities exercise planning functions and establishes the national and regional policy framework within which local planning authorities have to formulate their own policies and exercise the development control function.

(ii) Policy Formulation – the Policy Framework

- 1.2 The law requires formal planning documents (the Local Plan) to be adopted by the Council Meeting. The Local Plan is part of the Council's Policy Framework and as such is the responsibility of the Council Meeting. The Cabinet is responsible for preparing, reviewing and presenting the Local Plan.

Executive Functions

- 1.3 All other planning policies which the Council may wish to introduce in accordance with the local development framework are the responsibility of the Cabinet. This includes policies such as supplementary planning documents and the declaration of conservation areas. The Scrutiny Committee also has an opportunity to consider these matters.

Officer Roles

- 1.4 Officers formulate planning policies (policies to which regard must be had in making planning decisions) and may consult Cabinet councillors, Planning and Highways Regulation Committee and area committees so that the Cabinet is better informed when considering a proposed policy, but none have power to introduce planning policies themselves. Once adopted, the policies are those of the Council and must be taken into account in planning decisions whenever they are relevant.

Planning and Highways Regulation Committee

- 1.5 Planning and Highways Regulation Committee (PHRC) may introduce procedures concerning the process to be followed in exercising functions for which it is responsible, but this does not extend to issues that are material considerations in the determination of planning applications or other planning

decisions. Area committees and officers will also be required to follow those procedures in exercising planning functions.

Area Committees

- 1.6 Area Committees have no power to introduce planning policies or procedures but may be consulted on policy and procedure changes.

Procedures for administering the system

- 1.7 The Corporate Director for Place Management and Regeneration may establish procedures for administering the planning system and making decisions that are delegated to the Corporate Director including arrangements for other officers in the Directorate to exercise those functions.

(iii) Development Control

- 1.8 Development control functions must be exercised by an Ordinary Committee (area committees, Planning & Highways Regulation Committee or the Council Meeting). Cabinet, Cabinet councillors, and Scrutiny Committees have no powers in respect of individual planning applications
- 1.9 It is important that councillors who take planning decisions have an awareness of policy formulation in order to understand the strategic planning context. It is considered to be good practice for the Cabinet Member responsible for planning policy formulation to be a member of PHRC in order to ensure this link.
- 1.10 Responsibility for the determination of planning and similar applications within the Council is as follows:
- a) The Area Committees will determine applications within their areas that are not strategic applications:
- which have been called up (see below); or
 - where the Council has received four or more representations which do not accord with the officer recommendation
- b) Area Committees will comment on:-
- strategic applications
 - departures from the development plan where the Officer recommendation is to approve and the Area Committee are minded to support the recommendation (note Area Committee can refuse applications which are departures)
 - applications which the Area Committee has declined to determine
 - Applications where a site visit is requested.
 - Applications which straddle area boundaries which have a significant

implication by reason of traffic, noise, pollution or which have a substantial environmental or visual effect.

c) Planning and Highways Regulatory Committee will determine:-

- strategic applications
- departures from the development plan which have not been determined by Area Committee
- applications which are Environmental Impact Assessment development
- applications which the Area Committee has declined to determine
- applications where a site visit is needed
- applications which straddle area boundaries which have a significant implication by reason of traffic, noise, pollution or which have a substantial environmental or visual effect.

d) All other planning applications will be determined by officers under the delegation to the Corporate Director for Place Management and Regeneration

An application is a strategic application if it exceeds the following thresholds:

- a) Residential development of 100 dwelling units
- b) Development of 5,000 square metres of floor space
- c) Development of a site of 3 hectares
- d) Applications requiring an Environment Impact Assessment

2. "Call-Up" Procedure for Delegated Applications

2.1 All applications for planning permission, approval, consent and certificates except those matters referred to in Part 3 below will be referred to area committee for comment.

2.2 This procedure must be followed if a member is to require an application, which is delegated to be determined by the Corporate Director for Place Management & Regeneration, to be referred to an area committee for determination.

- A dated weekly list of all planning applications received will be published on the Council's website, including the delegation level for each application.
- A member may only call up an application if it is within the boundary of the area committee on which he/she serves, or within the boundary of an adjoining area committee and the application has planning implications for the area committee on which the member serves.
- Where a member requires a delegated application to be decided by an area committee, the Head of Service or appropriate Development Management Officer at Fred Perry House, must be notified in writing of the request, within 14 days of the date on the weekly list.

- The information required to call up an application is the application number, the address of the development site, the name of the member calling up the application, the planning reason for call-up and the date of call up.
- Call-ups may be made by letter, fax transmission or by e-mail message. Letters and faxes should be signed and the [call up sheet](#) (which accompanies the weekly list) may be used.
- It is the responsibility of the calling up member to ensure receipt of the call up request and it is recommended that a returnable electronic receipt should accompany e-mail call-ups.
- Call up notifications will be date stamped on receipt and placed on the working application file.
- When a call up is received outside the call up period, the member will be notified that the call up is invalid. If there has been no valid call up within the call up period, the application will be decided by the Corporate Director for Place Management and Regeneration.
- All applications validly called up will not be determined by the Corporate Director for Place Management and Regeneration, unless subsequently agreed otherwise, with the call up member or appropriate committee.
- Called up applications will be reported to the first available area committee.
- Called up applications will be decided by the area committee or the Planning and Highways Regulation Committee.

NOTE:

- (1) Call ups should be kept to a minimum, as they increase costs and processing times.
- (2) Once an application has been determined it cannot be reconsidered.
- (3) Fully delegated applications cannot be called up to a committee.

3. - Matters not subject to “Call Up” procedure

The following applications and matters are delegated to the Corporate Director for Place Management and Regeneration and the procedure for Councillors to require the matter to be determined by the appropriate Area Committee does not apply:-

- (a) the determination of the validity of applications;
- (b) the refusal of planning applications for insufficient information;
- (c) declining to accept repeat applications which have previously been refused and raise no significant new issues;
- (d) determination of whether variations and amendments to existing permissions may be treated as working amendments and the determination of those amendments and variations where a planning application is not required;
- (e) matters submitted for approval in accordance with a condition of a planning permission;

- (f) All applications and notifications where the time period for determination is less than 56 days (including those where prior approval is not required);
- (g) certificates of lawfulness of existing or proposed uses or development;
- (h) determination of whether an environmental statement is required, the adoption of screening opinions and scoping opinions under the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011;
- (i) enforcement action, service of breach of condition notices, tree replacement notices, and untidy land notices under the Town and Country Planning 1990;
- (j) enforcement action, service of repair, urgent works, and building preservation notices under the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (k) the carrying out of work where notices have not complied with and the recovery of the costs incurred;
- (l) service of planning contravention notices and consideration of any offers and representations pursuant to such notices;
- (m) service of discontinuance notices under the Town and Country Planning (Control of Advertisements) Regulations;
- (n) notices and action under the Building Act 1984;
- (o) injunction proceedings;
- (p) responses to hedgerow removal notices and the giving of notices under the Hedgerow Regulations 1997;
- (q) determination of whether claims for deemed hazardous substances consent are invalid;
- (r) authorising the prosecution of offenders for offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Building Act 1984, and Regulations made under those Acts;
- (s) the settlement of the amount of costs awarded to or against the Council on appeal;
- (t) the imposition of conditions on planning permissions and consents and the determination of reasons for imposing conditions.
- (u) the determination of reasons for refusal;
- (v) responses to consultations from other local planning authorities on applications other than strategic applications;
- (w) completion of section 106 agreements for planning applications.
- (x) the making of tree preservation orders and the confirmation of tree preservation orders where no objections have been received.
- (y) consent to fell, lop or top protected trees.

PROTOCOL ON MEMBER CHAMPIONS

1. Introduction

- 1.1 Member champions are Councillors who act as an advocate or spokesperson for a specific area of the Council's business and activities. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent.
- 1.2 Member champions have evolved in this Council as a result of:
 - (a) legislation and national initiatives in relation to the development of services, and
 - (b) initiatives undertaken by the Council in wishing to focus member activity on certain aspects of the Council's business and functions.

2. Appointment of Member Champions

- 2.1 Each May, prior to the Annual Council Meeting, Councillors notify the Democratic Services Manager of their expression of interest in being appointed as the Council's Champion for any of the positions included below above or any suggested new 'Champion' position. The Democratic Services will discuss these with Group Leaders and invite the appropriate Group to comment on the proposed nomination based on this Protocol on Council Champions and the Role of Member Champions
 - Cycling
 - LGBT
 - Equality
 - Mental Health Provision
 - Older People
 - Armed Forces (Community Covenant)
 - Domestic Abuse
 - Armed Forces Veterans
 - Safeguarding
 - Disabilities
- 2.3 The Cabinet Leader, having considered the comments of group Leaders, will appoint Member Champions. Cabinet Members shall not be appointed as Champions.

- 2.4 Champions will remain in position (assuming they remain Councillors) until a new appointment is made.
- 2.5 Although there is no legal requirement to apply the political balance rules to the appointments, there will be an expectation that the roles will normally be shared proportionately to reflect the political balance of the Council. However, any appointment should have due regard to the suitability for the role and relevant national and local guidance.
- 2.6 A member champion may be removed from office at any time by the Cabinet Leader by written notice to the Democratic Services Manager following consultation with the party group leaders.
- 2.7 Any member champion may resign from office by giving written notice to the Democratic Services Manager.

3. Role of Member Champions

- 3.1 All member champions will have a job description setting out their respective roles. These will be developed by the relevant Head of Service in consultation with the appropriate Cabinet Member and the champion concerned.

4. The Parameters of the Member Champion Role

- 4.1 All member champions must act reasonably in their role and recognise and work effectively within the political management and working arrangements adopted by the Council.
- 4.2 A champion cannot make decisions and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may, however, confirm a position as stated in a published policy.
- 4.3 A champion may only be a recognised media contact with the prior approval of the Leader. In all other circumstances, the champion must make it clear when communicating with the media that he/she is speaking on behalf of a political group (if affiliated to a group) or in a personal capacity and not as the Council's champion. Member champions should be consulted on any press release relevant to their particular area of interest.

5. Cabinet Leader and Cabinet Members – Working Relationship

- 5.1 The Cabinet Leader and Cabinet Members will normally:
 - (a) acknowledge the right of champions to be consulted on matters relating to their area of interest;
 - (b) take full account of any views offered by champions prior to any decision taken on matters within their area of interest;

- (c) co-operate with champions in the formulation of action plans they have agreed with the relevant Head of Service; and
- (d) consider nominating the relevant champion to represent the Council at a relevant conference/seminar on the subject matter of the champions' interest.

6. Support to Member Champions

- 6.1 The member champions play an important role in promoting their area of interest on behalf of the Council. In recognition of the importance of the respective roles of champions, officer support will be provided at a senior level.
- 6.2 Each member champion will be advised by an appropriate Head of Service, who will meet with the relevant member champion on a regular basis to discuss action plans, current activities, national developments or any other matters relating to the interest being championed.
- 6.3 The Head of Service concerned will give reasonable support to the member champion, including the provision of Council information, government communications and national publications within their remit.

Role of Member Champions

The following examples of roles for member champions may be appropriate to include in a job description:

- (a) To promote their area of interest both within and outside the Council;
- (b) To contribute to the review and development of policies pertaining to the area of interest;
- (c) To challenge and question the Council, the Leader and Cabinet members on issues affecting their area of interest;
- (d) To act as a catalyst for change and improvement in service delivery;
- (e) To monitor the Cabinet Forward Plan and seek information from the Leader, Cabinet Members and officers about forthcoming business and exert influence on behalf of the interest;
- (f) To keep other Councillors up-to-date with activities relevant to the area of interest;
- (g) To network with member champions from other local authorities with the same interest to keep up-to-date with current developments;
- (h) To provide positive support, and on occasions, constructive challenge to officers in driving forward the Council's agenda on relevant issues; and
- (i) To act as the Council's representative on relevant external bodies where appointed to by the Council.

OUTSIDE BODIES

1. Introduction

- 1.1 The Council is often invited, and in some instances has a right, to be represented on other bodies, both statutory and voluntary. The contributions councillors make are generally much appreciated by the organisation concerned and the Council has the benefit of the additional knowledge and expertise which councillors gain through membership of the bodies.
- 1.2 The categories of outside bodies to which councillors are appointed include voluntary organisations, clubs, limited liability companies, industrial and provident societies, trusts and statutory bodies. Councillors can exercise community leadership by representing the Council and constituents on outside bodies and can also facilitate partnership working at local level with other public and voluntary agencies.

2. How Are Appointments Made?

- 2.1 The appointments are made each municipal year at either the Annual Council Meeting, the Cabinet or Area Committee and ordinarily any vacancies arising throughout the year are filled by the appointing/nominating body as soon as possible after they occur.
- 2.2 When the Council has appointed you as a representative on an outside body, Democratic Services will write to inform that body. Councillors are entitled to all reasonable assistance from officers to support them in their membership of outside bodies to which they have been appointed by the Council but, in general, the practice is that the Secretary of the outside body will contact you and provide you with terms of reference, agendas, minutes, meeting dates, etc. The role to be exercised by you as a representative on an outside body will depend upon the terms of your appointment.

3. Councillor's Role on Outside Bodies

- 3.1 The following issues should be considered by councillors before accepting nominations or appointments. These apply no matter what kind of organisation is involved and the Monitoring Officer can give further advice in these areas:-
 - a) Is the outside body properly constituted?
 - b) Is the outside body properly financed and solvent?
 - c) What is expected of you in your role in the outside body?
 - d) Is there appropriate insurance in place?
 - e) Would any conflicts of interest apply?
- 3.2 In your role as a Council representative on an outside body, you should:-
 - familiarise yourself with the duties you will assume and any potential liabilities you may face. The Council may be able to give you an indemnity

but each case will have to be considered individually and independent advice sought if necessary. Generally, the Council does not give an indemnity and you should check with the Secretary of the outside body if they have taken out liability insurance cover for you/the organisation

- throughout your appointment you should keep in mind that the body has to act in accordance with its own constitution and procedural rules. You should ensure that the duties asked of you are in accordance with that constitution and with the role as it was explained to you prior to your appointment. Councillors should also be alert to the possibility of legal liability and conflicts of interest. You should be aware of how to deal with any conflicts of interest that may arise.
- you should provide a two-way communication between the organisation and the Council encourage the outside body concerned to take professional advice where needed and ensure that the advice is accepted and acted upon. You are there to represent the Council but you will often also be under a legal duty to act in the best interests of the organisation, so you have a difficult balancing exercise at times. If there is a conflict of interest between the Council and the organisation, take advice.
- use reasonable skill and care when making decisions. If decisions are taken which you as a councillor you strongly disagree with or feel are unlawful or unconstitutional, you should ensure that your dissent is formally recorded in the minutes of the meeting. You may also wish to follow that up with a letter to the Chair or the Secretary or other responsible officer to put that dissent on record
- ensure that you have access to all documents, reports, accounts and advice to enable you to make informed decisions. You should attend meetings regularly and keep your own records of what happens at meetings. After the meeting, minutes should be examined, checked, questioned if necessary, and retained for future reference

- 3.3 Members are expected to complete the form overleaf at the conclusion of their appointment to assist the Council in evaluating the role and value of the outside body and to assist in future appointments.

Outside Bodies Consultation with councillors

Your Name	
1	Outside Body/ies of which you are a member (and have been appointed by the Council).
2	Has the organisation met in the last 12 months and did you receive any meeting papers or information in a timely manner?
3	How much of your time is occupied with attending outside body meetings or getting involved in their activity?
4	Are in invited/ expected to get involved in the wider activity of the organisation? If so, what kind of activity is this?
5 (a)	Do you believe that you have appropriate skills and experience to contribute?
5 (b)	If not, what training and support could the organisation or the Council provide to assist you in the role?
7	Do you believe that having a Council appointed representative adds value to the organisation? Please give reasons for your answer.

8	Do you have any other comments that you wish to make?

Please return the completed questionnaire to Democratic Services at
democratic.services@stockport.gov.uk

WARD FLEXIBILITY FUNDING

Each of the 21 wards currently receive £3,000 per year to support activities of local community or voluntary groups, small projects or individuals that contribute positively to the environmental, economic or social wellbeing of people within the particular ward.

What applications will be considered?

- One off projects or events
- Local small projects
- Minor start-up costs (get new idea/project 'off the ground')
- Purchasing equipment
- Purchasing of services from departments within Stockport Council

Applications for annual running costs for an organisation or service will not normally be supported.

How much can be applied for?

The minimum size of grant that will be considered is £50 and grants above £1,000 will not normally be made. The decision of the Area Committee will be final.

How often can funding be applied for?

The Ward Flexibility Grant Fund is not designed to fund the same activity year on year. No more than one application will be considered in any twelve month period and applications will not normally be supported from the same organisation in consecutive years. The granting of an application will not imply future support for funding of recurring expenditure.

What can be funded?

Our key priority is given to projects or activities that:

- Are from non-commercial organisations in respect of events or other community activities.
- Are run by local volunteers who wish to improve communities in economically/socially excluded and/ or deprived areas.
- Encourage involvement of local residents in improving, designing, identifying and implementing community activities.
- Promote voluntary participation and social inclusion as well as community involvement and self-help.
- Are consistent with the priorities in Stockport's Sustainable Community Strategy.
- Involve the purchase of services from departments within Stockport Council.
- Do not duplicate an existing provision or service. (If the project resembles an existing provision, the applicant will be asked to explain why their services are needed in addition to existing provisions or clarify how they are different)

Who and what cannot be funded:

- Organisations and projects outside of the borough of Stockport.
- Organisations trading for profit or intending to redistribute grant awards.
- Major capital requests, i.e. building and construction work.
- ongoing Revenue costs.
- Organisations that prevent access on the grounds of race, disability, religious belief or sexuality.
- Organisations whose aims are contrary to Stockport Council Policies.
- Retrospective Grants – (projects/activities that have already taken place unless there are exceptional circumstances for the delaying in applying)

Downloading a form and help with my application

You can download a copy of the form:-

[Ward Flexibility Funding form in a Microsoft Word format \(311kb\)](#)

[Ward Flexibility Funding form in a PDF format \(500kb\)](#)

The Grant Fund is administered by the Democratic Services Manager in consultation with the appropriate Ward Councillors/ Area Committee. If you need advice or support to complete your application form, please contact Democratic Services on telephone number 0161 474 3216 or email democratic.services@stockport.gov.uk
Completed application forms should be returned to:

Democratic Services
Stockport Council Town Hall
Stockport
SK1 3XE

Frequently Asked Questions

1. What are Executive and non-Executive functions?

- 1.1 The general rule is that most matters are executive functions unless legislation provides otherwise. There are some complex regulations that categorise these functions. You need to refer to Part 3 of the Constitution to check how functions are categorised.
- 1.2 The non-executive functions are broadly planning, regulatory, licensing, employment and elections. But it is always important that you check the Part 3 because there are some anomalies. For instance, granting conservation area consent is non-executive but designating conservation areas is executive.
- 1.3 Why does this matter? It matters because this categorisation is the way business is allocated between the Cabinet and non-executive committees.

'Ordinary' (or Non-Executive) Committees

- 1.4 Ordinary committees can only deal with non-executive matters and the Cabinet cannot deal with non-executive matters. The Council's ordinary committees are listed in [Article 8 \[Page 22\]](#) of the Constitution. The powers of these committees are also set out there. You must ensure that you refer the matter to the right Committee and not to the Cabinet.

Cabinet

- 1.5 Cabinet deals with executive matters. Details of the Cabinet are set out in [Part 3, Section 2 \[Page 55\]](#) of the Constitution. You must not refer these matters to a non-executive committee.

There are two important restrictions on the powers of Cabinet –

- **Decisions not in accordance with the budget and policy framework**

Except in special circumstances, the Cabinet cannot make decisions that are not in accordance with the budget and policy framework set by the Council Meeting. Such decisions have to be referred to the Council Meeting.

- **Key decisions and the Forward Plan**

At the beginning of each month a Forward Plan is published which will come into force at the beginning of the next month. The Forward Plan should include details of all key decisions that will be made in the following four months.

The Forward Plan process is useful in identifying significant issues in itself as well as its legal purpose under the Constitution.

Why is this important? Because generally executive decisions cannot be made unless details are included in the current Forward Plan. It is directorates' responsibility to identify key decisions for inclusion in the Forward Plan. It means that you must plan in advance the key decisions that you wish to make.

There are exceptions to this which are dealt with under the 'Urgency in Decision-Making' section of this Guide.

Area Committees

- 1.6 Area Committees have both executive and non-executive business powers which are set out in [Part 3, Section 4 \[Page 58\]](#). However, it is still important to understand whether the matter being referred is an executive or non-executive function, as this will determine whether the decision, once made, will be subject to the call-in procedure.

Summary

- 1.7 In respect of any decision, you need to decide –
- Whether the decision is a Council only matter, an executive matter or a non-executive matter;
 - In the case of executive matters whether the decision is the responsibility of Cabinet, a Cabinet Member or an Area Committee or in the case of non-executive matters which non-executive committee, sub-committee or Area Committee is responsible.
 - In the case of executive matters whether the matter is in accordance with the budget and policy framework. If not, it must be referred to full Council. In the case of executive matters whether the matter is a key decision. If it is a key decision, you need to check whether it was included in the current forward plan. If not, the decision can only be made under the urgency provisions outlined in the Urgency in Decision-Making section of this Guide.

Appendix B

CP9 - CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING AND DEVELOPMENT MATTERS

1. Introduction

- 1.1 This Planning code of conduct applies to all councillors and officers who have an involvement in planning policy formulation, development promotion, pre-application advice and the consideration of planning applications.

1.2 Why we have a protocol for planning

This Planning code of conduct governs the conduct of officers and councillors and applies the Code of Conduct for Councillors and Co-opted Members (Part 5 CP1) and the Code of Conduct for Officers (Part 5 CP2) to planning. The aim of this additional Code of Conduct is to ensure the integrity of the planning system is preserved, and that it is, and is seen to be, open and fair to all parties. While this Code is advisory it is important that it is followed as it will be taken into account in any investigation under the Council's complaints procedure and in any investigation by the Local Government Ombudsman.

- 1.3 In dealing with planning and development matters the reputation of the Council depends upon how councillors, the public, and developers are dealt with and their perception of the way in which applications are determined and decisions made

- 1.4 Determining a planning application is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that the Council will act reasonably and fairly. Those involved should always be alert to the possibility that perceived failures in the planning process may result in the following risks to the Council:

- a) Judicial review of the way the decision was arrived at;
- b) Complaint to the Ombudsman on grounds of maladministration; and/or
- c) Complaint to the Monitoring Officer that a councillor has breached the Code of Conduct.

- 1.5 The Code of Conduct applies at all Council, Executive, and Committee meetings, to all decisions by councillors and officers, and all business when planning and policy decisions are made, as well as to occasions when informal advice and guidance is provided.

- 1.6 The successful operation of the planning system relies on mutual trust and an understanding of the roles and responsibilities of those involved in the process. Compliance with the Code should ensure that councillors and officers act in a way that is not only fair and impartial but is clearly seen to be so.

2. Officer Roles

- 2.1 The function of officers is to advise and assist Councillors in matters of planning policy and in their determination of planning applications and enforcement issues by:

- a) providing impartial and professional advice
- b) making sure that the information relevant to the decision to be made is set out in a report for councillors
- c) providing analysis of the issues

- d) giving a clear recommendation in any report to councillors
- e) carrying out the decisions of the Council made in Committees
- f) disclosing to the Council their direct or indirect pecuniary interests under section 117 of the Local Government Act 1972
- g) acting in accordance with the Code of Conduct for Officers at Part 5 CP2
- h) Complying with the Code of Professional Conduct maintained by the Royal Town Planning Institute and any other applicable professional code of conduct.

3. Councillors' Role

- 3.1 All Councillors are expected to comply in all respects with:-
- The Code of Conduct for Councillors and Co-opted Members at Part 5 CP1
 - The Council's Constitution and the procedure rules, codes and protocols that it contains.
- This Planning Code of Conduct
- 3.2 Training on planning is mandatory for all Councillors wishing to exercise planning decisions. Only councillors who have received appropriate training will be permitted to sit on the Planning & Highways Regulation Committee or to take part in the determination of planning matters at Area Committees. The Corporate Director for Place Management and Regeneration is responsible for determining the frequency and content of any such training.
- 3.3 Councillors set the Council's planning policy and (except where such responsibility is delegated to officers) determine planning applications and enforcement issues within the context of that policy. Councillors must not use their position as a Councillor improperly to confer on or secure for themselves or any other person an advantage or disadvantage.
- 3.4 When Councillors come to make a decision on a planning matter, they must:
- a) Act fairly and openly
 - b) Approach each case with an open mind
 - c) Refer to the Development Plan and material considerations in decision making
 - d) Carefully weigh up relevant issues
 - e) Determine each case on its own merits
 - f) Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated
- 3.5 Whilst councillors represent those who live in the wards for which they have been elected, including those who did not vote for them, their overriding duty is to the whole community.
- 3.6 Councillors alone have the responsibility to decide what view to take; they should vote in the interests of the whole community and not favour of any individuals or groups nor put themselves in a position where they appear to do so.
- 3.7 Whilst Area Committees have particular responsibilities for part of the Borough, they should exercise their powers and duties in the interests of the whole community, they should consider all planning policies and material considerations which apply to the particular application and disregard all matters that are not relevant planning considerations in coming to a reasoned judgement.

4. The Conduct of Councillors

- 4.1 Councillors have a variety of legitimate and important roles to play in the planning and development process. However, it is necessary that they understand the extent to which it is appropriate for them to be involved in any situation so as to avoid conflicts of interest, or the appearance of impropriety. For example it will be inappropriate for a councillor to promote a development, and take part in the determination of a related planning application. Issues that are likely to arise are addressed below:-

Policy Formulation

- 4.2 All councillors have a legitimate role to play in the consultation stages of policy formulation. This entitles councillors to make representations (individually or as members of committees) and these will be considered in the policy making process. As the **Development Plan** is part of the Council's Policy Framework all councillors are involved in **the adoption of planning policy**. Executive councillors have particular responsibilities for formulating planning policies. A conflict of interest will not subsequently arise when councillors have regard to those policies in determining planning applications.
- 4.3 However, councillors may need to consider their position when a planning application falls for consideration at a time when a site or area specific policy is being formulated or reviewed with the intention of addressing the particular type of development which is the subject of the application. Greater care will be needed when the policy formulation or review is instigated after the planning application was made and will depend upon the councillor's involvement in promoting the policy as it could be construed that the councillor has predetermined the planning application. In such a situation, **councillors should consider whether it would be appropriate to declare an interest in the particular application and not take part in its determination.**

Development Promotion and the determination of planning applications

- 4.4 Executive Councillors have a legitimate role to play in the promotion of development, and this will arise through its regeneration activities. Development promotion may take the form of providing grant aid, developing its own land, use of CPO powers, involvement in partnership arrangements, and by the production of planning and development briefs. Care must be exercised in subsequently determining planning applications so as to avoid any suggestion of pre-determination of the application.
- 4.5 It is important to recognise that this role may give the impression that the particular development has both the approval of the Council and the councillor involved. Executive councillors should therefore take care to exercise any promotional activity in a manner consistent with planning policies and that where they have been involved with promotional activity of a particular scheme they should not take part in the determination of a planning application for the development. The main points on each aspect of promotion are:-

(i) Grant Aid

If grant aid is awarded for a particular development that requires planning permission, Any Councillor who has participated in the decision to award the grant should declare an interest in the subsequent application and not take part in its determination. No interest arises on an application for grant aid to

carry out a development in accordance with a previously determined planning application even if the member concerned took part in its determination.

(ii) Developing Council Land

It is a statutory requirement that the officer or committee responsible for managing land cannot determine a planning application concerning that land. This mainly affects officer delegations and to a very limited extent area committees (in respect of highways for which the relevant area committee is responsible). The Planning and Highways Regulation Committee has no responsibility for managing land. An Executive Councillor responsible for managing the land should declare an interest and not take part in the planning decision. Where the Corporate Director for Place Management and Regeneration manages the land, that fact must be stated in the committee report, the officer making any recommendation must be identified and it must be made clear that the recommendation is the personal recommendation of that officer.

(iii) CPO

There is no need for a Councillor to declare an interest in a decision to make a Compulsory Purchase Order to enable development in accordance with planning permission. However, an Executive councillor having taken part in the decision to make a CPO for a particular development should not take part in the determination of a subsequent planning application for that development as he/she could be construed as having pre-determined the planning application.

(iv) Partnership Arrangements

An executive councillor who has been involved in approving a partnership arrangement for the carrying out of a particular development should not take part in the determination of the subsequent planning application but an interest need not be declared on considering a partnership arrangement to carry out a development in accordance with a previously granted planning permission.

(v) Planning and Development Briefs

Executive councillors are involved in approving planning and development briefs and the relevant area committee may be consulted upon the brief. This would not normally prevent any councillor taking part in the determination of a subsequent planning application, unless the councillor concerned made comments specifically about the type of development the subject of the application and those comments could be construed as pre-determining the planning application.

- 4.6 Once a planning application has been determined, this conflict would no longer exist and promotional activity would be acceptable.

Compulsory Purchase

- 4.7 The compulsory acquisition of land and buildings may be undertaken to secure the proper planning of an area. This process may provide councillors with particular information (sometimes confidential) which could be used to personal advantage. For

example advance warning of potential CPO action could lead an interested party to sell or acquire property due to the future implications for its value. Councillors dealing with such matters should therefore ensure that at all times, they maintain strictest confidentiality until it is in the public arena. If a councillor **owns land which is affected** by a proposal, that councillor has a **disclosable pecuniary** interest and must not be involved in any way with the CPO, must declare the interest at any meeting attended, leave the room whilst the matter is considered, and must not attempt to influence the decision in any way.

Planning Applications

- 4.8 Planning applications should be determined in accordance with the development plan, unless there are very good reasons, which should be stated in the decision. Such reasons must be defensible and reasonable. It is important that all councillors involved in determining planning applications do so impartially and without any appearance of impropriety. Applications which do not accord with the development plan may only be granted by Planning and Highways Regulation Committee.
- 4.9 Councillors may give their views to officers on planning applications in the same way as consultees, and any representations will be dealt with in the same way as other representations. However, any councillor who submits representations in this way will have formed a view on the application before hearing all the evidence and the representation is likely to be construed as prejudging the planning application. The councillor should consider whether to declare the interest and if declared, leave the room when the matter is considered by the Committee. The Councillor may make representations in accordance with rights given to members of the public attending the same committee.
- 4.10 Instructions may only be given to officers by a decision of the Planning and Highways Regulation Committee or an Area Committee within the scope of the powers delegated to them. Councillors must not attempt in any way to instruct officers or influence the content of the officer's report or any recommendations. Councillors are free to express any views they hold about an application through the open and accountable channels within the planning process (see section 11 on lobbying) and should not do so until all the evidence has been reported at the committee meeting, if they intend to take part in the decision.

Delegation of decisions

- 4.11 Decisions on planning applications cannot in law be delegated to individual councillors, but may be delegated to officers, either unconditionally or after consultation with the Chair of the Committee, or particular councillors identified in the Committee decision. In these circumstances, the decision is made by the officer concerned, but if there is a difference of opinion between any of the councillors consulted and the officer, the officer will refer the matter to the next meeting of the committee concerned.

5. Gifts and hospitality

- 5.1 **The Code of Conduct at Part 5 CP1 obliges all Councillors to register with the Monitoring Officer gifts or hospitality within the previous twelve months with an estimated value of at least £25.00 (individually or in total) by written or email notification. However, Councillors dealing with planning matters (this would include planning proposals, potential development, compulsory purchase orders or from someone who is actively promoting a policy change) should be particularly alert to**

the possibility that they may be called upon to determine, or make representations on, a planning application submitted by someone who has offered them a gift or hospitality, even if an application has not yet been submitted. If a gift or hospitality is received from an actual or potential planning applicant, even if its receipt is registered or its value does not exceed £25.00, the recipient should still consider what the public perception might be. All gifts of whatever value should be refused if there is any reason to suspect that the person offering them is an actual or potential planning applicant.

- 5.2 If a gift is accepted from an actual or potential planning applicant, whatever its value, Councillors are advised to notify the Monitoring Officer. If acceptance of a degree of hospitality by Councillors and/or officers is unavoidable, it should be ensured that this is at a minimum and that its receipt is notified. Councillors and officers should also consider whether it would be appropriate in a particular case to notify instances where gifts or hospitality have been offered, but refused. If it is, written notification should be sent to the Monitoring Officer.

6. Prejudicial Interests in Planning Matters

- 6.1 Councillors who have substantial property interests, or other interests that would prevent them, on a frequent basis from voting, should avoid serving on the Planning and Highways Regulation Committee and are likely to find that their ability to participate on planning matters at Area Committees is significantly restricted.
- 6.2 If a Councillor has a prejudicial interest, he/she must declare it and leave the meeting whilst that application is being considered but will be allowed to be present in order to make representations, answer questions, or give evidence on the application under the Council's procedures for public speaking at area committees. Such a councillor may also make written representations on the application as a member of the public, but must not attempt to improperly influence the decision. The guiding rule is that councillors must not use their position to further a private, or personal interest, rather than the general public interest, or give grounds for such suspicion. The test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the member's judgement of the public interest.
- 6.3 Advice is available on individual circumstances from the Council's Monitoring Officer or Deputy Monitoring Officer, although ultimate responsibility remains with the councillor.

7. Canvassing opinion

- 7.1 It is perfectly proper for councillors to consult the public in order to ascertain their views on any matter and such action need not be declared at the Committee meeting when the matter is considered. However, councillors should be careful not to conduct the consultation in a way that promotes a particular outcome; if they do, they should declare their interest and not take part in the decision.

8. Preliminary Enquiries and Community Engagement

- 8.1 Pre-application discussion of development proposals is considered to be good practice and is likely to increase in frequency. In some cases, these discussions may need to be held in confidence with officers, for example when a developer has an

option on acquiring land, or is in competition to acquire it and disclosure of proposals could prejudice a negotiating position. The role of the officer in these discussions is without prejudice to any decision of the Council, to explain and interpret the relevant policies which will apply to a proposal.

- 8.2 In many cases, developers will be able to share their proposals with the public and the Council before making an application. This allows developers to inform the public at the earliest opportunity and undertake meaningful community engagement to inform and shape the development to meet community aspirations and address the policy requirements.
- 8.3 Early discussions with officers and in appropriate circumstances with relevant councillors about significant future development proposals are therefore encouraged, provided that they do not become or are seen to be part of the lobbying process. In order to avoid such problems the following requirements will apply to pre-application discussions about development proposals (but not general enquiries):-
- 8.4 It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are provisional and not those of the Council. It is unlikely that all relevant information will be available, and formal consultations with interested parties may not have taken place. Officers and councillors involved with pre-application meetings should clearly explain their position and roles in the process.
- 8.5 Any advice by officers must be impartial, should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies by planning officers.
- 8.6 A written note should be made of a significant meeting where specific proposals are discussed in detail, which should be retained on the pre-application file. Two or more officers should attend potentially contentious meetings. The officer should send a follow up note to the (potential) applicant, recording the matters discussed and any documentary material which has been left with the Council. A note should be taken and retained on file of similarly potentially contentious and significant telephone discussions. Where the developer prepares a note, this should be checked for accuracy and retained on file and the developer should be informed of any material inaccuracies.
- 8.7 Care will be taken to ensure that advice is **impartial** so as to avoid the appearance that any subsequent committee report is advocating **biased** advice. No indication should be given at the pre-application stage as to what recommendation will be made when the application is submitted.
- 8.8 Where councillors are involved in meetings with developers the following additional requirements will apply:-
 - (a) **The Corporate Director, or their nominated representative** should be present at the meeting to advise councillors whenever possible;
 - (b) Councillors involved with such discussions should notify the planning officer in writing so that their involvement can be recorded on the relevant file.
- 8.9 Community engagement about a specific development proposal is often best undertaken by the prospective developer at the pre-application stage. This will generally be considered when a developer is certain of making an application and

wishes to inform the community and canvass opinions about the proposals, so that they can be taken into account. It is not normally the role of the Council or councillor to organise this engagement. However, if the councillor did decide to organise a meeting, the developer should be invited as well as the public and the purpose should be clear, that it is to obtain information and views from all sides.

- 8.10 It is important that Councillors should be able to fulfil their role as a community representative during the community engagement stage of a planning application. If a Councillor wishes to participate in the determination of the planning application, care should be taken to ensure that the Councillor facilitates an exchange of views between the developer and the community without taking steps that could be seen as pre-judging the outcome of the application. If the Councillor articulates views held by the community, it should be made clear that they are not necessarily the views of the Councillor and that they will only make a decision when the application is presented to the committee for consideration along with the accompanying officer advice and information.
- 8.11 This would allow councillors to play an important and constructive role within the pre-application process, which respects their position as community representatives, whilst preserving their essential impartiality when deciding upon a planning application.
- 8.12 When councillors take an active part in preliminary discussions/community engagement exercises, it is recommended that they provide a note setting out their involvement for the Head of Development & Control to retain on the file.
- 8.13 Where a councillor decides to participate in a community engagement exercise and the circumstances are such that a reasonable and fair minded member of the public with knowledge of what the councillor has said would be likely to conclude that the councillor has a closed mind on the application, the councillor must declare the circumstances and leave the room whilst the application is determined unless making representations in accordance with rights given to any member of the public attending the same meeting.
- 8.14 Telecommunication companies have a code of good practice for mast proposals, which includes consultation with local councillors at the site identification stage. Care needs to be exercised by councillors in responding to these consultations, so that they are not seen to have pre-judged an application. Responses should therefore be suitably qualified and expressed in terms that set out relative preferences, rather than absolute or categorical opinions, unless it is intended to declare an interest and not take part in any decision on the proposal. For example, a particular proposal should not be considered either acceptable or unacceptable, but comments, suitably qualified as being without prejudice to a future decision, might express a view on the relative merits and possibility of alternative sites.

9. The Conduct of Officers

Impartiality

- 9.1 Officers dealing with planning and development matters must always act impartially and comply with the Code of Conduct for Officers at Part 5 CP1. Officers whose posts are politically restricted under the Local Government and Housing Act 1989 may not be a councillor on Stockport Council or another council.

- 9.2 Officers dealing with planning matters generally have specific roles, which reflect the split of functions between the Executive and non-Executive functions. The principles of the code which apply to councillors, also apply to officers so that an officer who is involved with the promotion of a development should not also provide advice to the officer or committee that may influence the decision

Compliance with RTPI Code, Standing Orders and Conventions

- 9.3 Officers providing planning advice (whether Chartered Town Planners or not) shall comply with the Royal Town Planning Institute's Code of Professional Conduct and with the Council's Constitution governing the conduct of the Council's business.

Officers' Declaration of interest

- 9.5 Officers dealing with planning and development matters, should declare an interest in any application in which the officer has an interest which would be regarded as disclosable pecuniary interest, a personal or prejudicial interest, or in respect of which the officer has objected, expressed views, or been consulted in any capacity other than as an officer of the Council. Where an officer has an interest in an application, he/she should have no involvement with its processing and must notify the Council's Monitoring Officer who will register the interest. The interest should also be declared at any committee meeting at which the application is considered. All interests declared will be recorded in the minutes of the committee meeting.

10. Council Development and Applications by Councillors and Officers.

Duty not to act as agent for an applicant

- 10.1 Councillors and officers should never act as agent for applicants to the Council for planning permission, except in respect of the Council's own planning applications. Officers involved in processing planning applications should not act for the Council in its capacity as applicant, or in promoting the development. Applications and objections to applications by councillors and officers are to be registered with the Monitoring Officer.
- 10.2 Councillors and those officers who deal with planning matters must, when submitting their own planning applications notify the Council's Monitoring Officer, who keeps a register of such applications. They should also notify the Head of Development and Control who will ensure that the applicant takes no part in the processing, consideration or determination of the application.
- 10.3 Applications by councillors, chief officers, and service directors, and applications by officers who deal with planning matters, will not be dealt with under powers delegated to officers but will be determined by the Planning and Highways Regulation Committee or the appropriate Area Committee.

The Council's planning applications

- 10.4 Planning applications submitted by or on behalf of the Council and applications affecting land in which the Council has an interest, should be treated in the same way as those submitted by private developers, in accordance with national practice planning guidance. Such applications will be determined having regard only to material planning considerations and all other matters will be disregarded.

11. Lobbying of and by Councillors regarding planning applications Councillors' response to lobbyists

- 11.1 Lobbying by both applicants and objectors is a normal and perfectly proper part of the political process but can lead to the impartiality and integrity of a councillor being called into question. When being lobbied, councillors, and councillors of the committee which would determine the application in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments. They should restrict themselves to giving procedural advice, and suggest to those who are lobbying, that they should speak or write to the relevant officer so that their opinions can be included in the officer's committee report and advise them that there is an opportunity for public speaking at the Area Committee. If councillors do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all relevant evidence and arguments at committee.
- 11.2 Planning applications must be processed and determined in a transparently open and fair manner, taking account of all material evidence presented, before arriving at a decision. **Councillors who commit themselves before hearing all the arguments and evidence are at risk of being perceived to be biased.** Whilst councillors may begin to form a judgement about an application early in the planning process, they should not openly declare which way they intend to vote in advance of hearing the evidence and arguments at the committee meeting.

Group meetings

- 11.3 Whilst it can be expected that discussions about particular applications will take place at political group meetings, councillors are required to exercise their own judgement on the basis of the information before them when the vote is taken. Political group meetings should not be used to decide how councillors should vote. The use of political whips is contrary to the Code of Conduct and constitutes maladministration.

Lobbying and requirements relating to public meetings

- 11.4 Unless councillors have decided to declare an interest in an application and not take part in the decision, they should avoid organising support for or opposition to a planning application and avoid lobbying other councillors.

Declarations of intentions and campaigning

- 11.5 **As a general principle, and taking account of the need to make decisions impartially, Councillors involved in decision making on planning should not organise support or opposition to a proposal, lobby other Councillors, act as an advocate, or put pressure on officers for a particular recommendation.** It is recognised that a councillor whose ward is affected by a controversial application that is the subject of much lobbying is in a difficult position. He or she needs to find the right balance between the duty to be an active ward representative and the duty, as a councillor, to the whole community. If a committee councillor responds to lobbying by publicly declaring support for a particular outcome, or campaigns for it, although not amounting to a prejudicial interest, the councillor should make an open declaration at the committee meeting and not be present during consideration of the application. Before adopting such a high profile, or actively lobbying for a particular outcome, councillors should consider carefully the severe restrictions that such action would place on the councillor's

duties to represent the views of the electorate as a whole and to take part in making the decision.

Lesser forms of support for a particular outcome

- 11.6 Councillors may of course empathise with a particular body of opinion short of the circumstances outlined in paragraph 11.8, whilst waiting until the determining committee and hearing all the evidence before making a decision. The striking of the balance is entirely the responsibility of the councillor concerned, and whilst a councillor may be strongly influenced by the views of others and of his/her party in particular. It is the councillor's responsibility alone to decide what view to take on any question which councillors have to decide. A councillor should never do anything as a councillor which he/she could not justify to the public.
- 11.7 Section 25(2) of the Localism Act 2011 provides that, when a court is considering the validity of the Council's decision as a result of allegations of bias or predetermination, a decision maker is not to be taken to have had a closed mind just because they have previously done anything that directly or indirectly indicated what view they took, or would or might take, in relation to a matter that was relevant to the decision. However, the expression of a settled prior view in circumstances where a reasonable and fair minded member of the public with knowledge of what the councillor has said and done would be likely to conclude that the councillor has a closed mind on the application, combined with voting in accordance with that settled view should be avoided.
- 11.8 Councillors who are unsure whether an interest should be declared should seek the advice of the Monitoring officer, Deputy Monitoring officer or committee managers, although the decision rests with the individual councillor.
- 11.9 Public meetings concerning planning applications are sometimes organised by objectors or community groups. Officers will not normally attend public meetings of this type, except on the instruction of the Planning and Highways Regulation Committee, but may meet a small representative group if requested. Councillors who attend public meetings of this type should comply with the Code of Conduct and treat the attendance as being lobbied. This is different from pre-application community engagement meetings, about which advice is given above in section 8.

12. Officer Reports and Records of Decisions

Committee Reports on Planning Applications

- 12.1 Written reports will be provided on all applications considered by committees. Committee reports on planning applications should be accurate and include a clear and succinct exposition of the appropriate matters listed below:
-
- Description of the proposed development.
 - Description of the application site and surrounding area.
 - Relevant Development Plan policies. Applications not in accordance with the Development Plan should be identified.
 - Relevant planning history of the site and lawful use where appropriate.
 - The substance of objections and a summary of the views of those who have been consulted.
 - The main planning issues/considerations and a professional appraisal.
 - A written recommendation based on the appraisal of the issues wherever possible. If

the recommendation is contrary to the provisions of the development plan, the material considerations that justify overriding the policy should be clearly stated.

- Where a section 106 agreement is proposed, the matters to be controlled.
- Reasons for refusal or significant conditions as appropriate.
- Committee comments and recommendations will be added to the reports on those applications that are submitted to the Planning and Highways Regulation Committee for determination.

12.2 If the Area Committee or the Planning and Highways Regulation Committee decide that a team of councillors should visit the site (see Section 14) a succinct report of the recommendations of the visiting team will be submitted to the following meeting of the Planning and Highways Regulation Committee by the next meeting of that Committee

12.3 Oral reports will not normally be submitted except to summarise or update a written report. Significant oral reports by officers will be minuted.

Planning conditions and reasons

12.4 The planning officer is authorised to determine the conditions to be imposed on planning permissions even where the application is determined by committee. Conditions will, where appropriate, be in the Council's standard form. Significant non-standard conditions should be drafted by the planning officer and referred to in the committee report. Where the committee decides to add or amend conditions, it should provide the reasons for so doing. The officer will draft the conditions in accordance with the committee's instructions. All decisions, including reasons for refusal and conditions imposed on planning permissions granted will be posted on the Council web site.

Reasons for deferral

12.5 Where a committee decides to defer the consideration of an application, the reasons should be given and minuted.

Written record of decisions by officers

12.6 Decisions on planning applications determined by officers will appear on the Council web site. A written note must be placed on the application file of the planning considerations, the decision, and the reasons for it.

13. Decisions contrary to officer recommendations and/or the development plan

13.1 Section 54A of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning decisions be taken in accordance with the development plan unless material considerations indicate otherwise.

13.2 If the committee makes a decision contrary to the officer's recommendation (whether grant or refusal), a detailed minute of the committee's reasons should be made and a copy placed on the application file. The reasons should be clear and convincing. The officer should also be given the opportunity to explain the implications of the contrary decision.

- 13.3 The personal circumstances of an applicant will rarely provide sufficient grounds for not following policy unless planning policy allows this, e.g. a dwelling in the green belt needed for the accommodation of an agricultural worker.
- 13.4 An experienced legal officer should attend committee meetings where sensitive or complex applications are under consideration or where legal issues may arise to ensure that procedures are properly followed and that the committee receives appropriate professional advice.

14. Visiting Team Inspections

Area Committees and Planning & Highways Regulation Committee

- 14.1 Site visits are useful in cases of uncertainty in enabling members to acquire the fullest appreciation of the nature of the site and the impact of the proposed development upon it and adjoining properties. They are also valuable in helping to clarify thought where an application is of a controversial nature. They may however prolong the decision making process and should therefore be agreed to only for the most substantial of reasons.
- 14.2 Area Committees may recommend site visits having regard to the following criteria;
- (i) Applications which require the judgement of members based on site characteristics or visual interpretation – e.g. impact of amenity, effect on highway safety and traffic flows, effect on the character of an area, effect on the character or setting of a listed building or conservation area, effect on townscape, landscape, vegetation or other aspect of environment etc;
 - (ii) Proposals which relate to new or novel forms of development and which may require a visit to an existing establishment as well as to the site of the proposal in order to appreciate the potential planning implications; and
 - (iii) Developments which have been commenced or completed, which if refused permission would normally require enforcement action to remedy the breach of planning control and a site inspection would assist in determining the expediency of such action, and should state the reasons for the recommendation.
- 14.3 The Planning and Highways Regulation Committee may also decide that a site visit should take place having regard to the above criteria.
- 14.4 Site visits are held after the area committee and prior to the meeting of the Planning and Highways Regulation Committee at which the application will be considered and should state the reasons for the recommendation.
- 14.5 In consultation with the Chair of the Planning and Highways Regulation Committee the Corporate Director for Place Management and Regeneration, will:-
- (i) Set the dates and times of site visits at the conclusion of the meeting of the Committee. The date of the visit will be between the next meetings of the Area Committee and the Planning and Highways Regulation Committee;
 - (ii) Determine sites to be visited by teams at the conclusion of each area committee cycle of meetings in the light of the reasons specified by the Area

Committee and the criteria set out in paragraph 1 above.

- 14.6 Applicants or their site agents will be notified by letter of the date, approximate time and purpose of the site visit and informed that representations in support of the application will not be heard at the visit.
- 14.7 Members of the visiting team will meet at the Town Hall and with the planning officer and administration assistant to be transported to each site to be inspected by minibus. On arrival at each site the planning officer will introduce himself and the visiting team to the applicant and, if present, the agent. Members are asked to bring with them to the site visit their copy of the written report where this has been circulated to members of the Planning and Highways Regulation Committee.
- 14.8 At each site the planning officer will describe the application, identify the material considerations, report any objections and the comments of the Area Committee and may make recommendations as to how the application should be determined.
- 14.9. Site visits are not formal committee meetings and generally take place on private land. Members of the public are therefore not entitled to be present and the visiting team may enter the land only with the owner's consent.
- 14.10 The purpose of site visits is to enable members of the visiting team to see at first hand the nature and physical characteristics of the site and adjoining premises, to assess the impact of the development and to make recommendations to the Planning and Highways Regulation Committee as to how the application should be determined. Site visits are not an opportunity for objectors to present their views in person to members of the visiting team or for the applicant to promote the development.
- 14.11 Councillors should be mindful of the need to remain with the visiting team group to avoid any appearance of impropriety of being lobbied.
- 14.1. As a visiting team will generally have to enter private land it is not possible to prevent the applicant from being present but the applicant or agent should be discouraged from making representations to members of the visiting team. The applicant may answer questions on the proposed development but will not be allowed to address members of the visiting team on the merits or benefits of the application.
- 14.13 Objectors will not be notified of the date and time of the proposed visit but this information will be released in response to enquiries, in which case they will also be informed of the restrictions on their attendance. Should any objectors be present at the site visit they will not be allowed to address the members, their presence will be pointed out to the applicant and it will be entirely at the applicant's discretion whether or not they will be allowed to enter the property.
- 14.14 Council members who are not members of the visiting team may attend the site visit in the same capacity as an objector but may not, without the consent of the visiting team, speak and may not be present when the visiting team formulate their recommendations.
- 14.15 Democratic Services will prepare a report of the observations of the visiting team which will be submitted to the following meeting of the Planning and Highways Regulation Committee. This report will be dispatched with the next Committee agenda papers but if, due to the timing of the visit, this cannot be done it will be made

available to all members of the Planning and Highways Regulation Committee as soon as possible.

14.16. The visiting team's report will be released to any enquirers following the team's visit.

15. Scrutiny of Decisions (The Review of Outcomes Tour)

15.1 The Planning and Highways Regulation Committee will annually inspect sites in each of the area committee areas of the Borough where developments have been carried out following the grant of planning permission in order to assess the quality of the decision.

15.2 The Corporate Director for Place Management and Regeneration will, after consulting Area Committees, submit to the Planning & Highways Regulation Committee each municipal year a list of sites recommended for visit. The list will include examples from a range of developments, to reflect the nature of activity within the borough. The Director will circulate briefing notes on the sites to be visited.

15.3 Following the annual visit the Corporate Director for Place Management and Regeneration will submit a report to the next meeting of the Planning and Highways Regulation Committee (and then to Area Committees) on issues raised at the annual visit to assist the Committee in deciding whether policies or practices need to be reviewed.

15.4 In addition, the visiting team shall whenever practical, inspect one completed development each cycle and report to the Planning and Highways Regulation Committee on the quality of the decision and any matters which should be addressed.

16. Arrangements for Public Speaking at Area Committees

Procedure for considering applications

16.1. Ordinarily the Chair of an Area Committee considering a planning application should follow the procedure set out below unless there are compelling reasons for altering the procedure:

16.2 The Committee will consider first those applications upon which members of the public wish to speak.

16.3 The Committee has a report on each application that sets out all material considerations and the officer's recommendation.

16.4 The planning officer will report any matters that have arisen since the publication of the report, e.g. the receipt of further letters.

16.5 Councillors of the Committee may ask questions of the planning officer.

16.6 The Chair of the Committee will invite anyone opposing the application to speak

16.7 Normally only one person is allowed to speak for the objectors, but the Chair may allow others to speak if they have additional points not covered by the first speaker.

- 16.8 Members of the Committee may ask questions of the objector to clarify any points that have been made.
- 16.9 The applicant or the applicant's representative will be invited to speak in support of the application and on issues raised by objectors. In the absence of the applicant any other person wishing to speak in support of the application may do so.
- 16.10 Members of the Committee may ask the applicant/applicant's representative questions to clarify the proposals or their response to objections.
- 16.11 Each speaker is allowed three minutes.
- 16.12 The planning officer will be invited to comment on issues raised by speakers.
- 16.13 The Committee will debate the issues and make a decision on the application
- 16.14 Objections/applicants can only speak on the first application and not at any subsequent meeting when it is considered unless the application has been materially altered.
- 16.15 Members of the public are not allowed to take part in the debate, and may not question officers, members, or applicants whilst the Committee is considering the application.
- 16.16 Anyone arriving after an application has been dealt with will not be allowed to speak on that application.

17. Complaints and Record Keeping

- 17.1 Compliance with this Code should reduce the likelihood of complaints arising. However, anyone wishing to make a formal complaint about an officer or the processing of a planning application should write to the Head of Development Management, Place Directorate, Fred Perry House, Edward Street, Stockport SK1 3XE (emma.curle@stockport.gov.uk). Any complaint that a councillor has not complied with the Code of conduct for Local Authority Members should be sent to the Council's Monitoring Officer celia.tierney@stockport.gov.uk. A copy of the Council's complaints procedure may be obtained from the Council web site www.stockport.gov.uk) or from any Council offices or Information and Advice Centres, or by telephoning 474 3617
- 18.2 The Corporate Director for Place Management and Regeneration will so far as possible ensure that every planning file (including enforcement and development plan files) contains an accurate account of events and an easily understood explanation of the decision and how and why it was reached. This applies equally to decisions taken by Committees and officers and to enforcement and development plan matters.

CONSTITUTIONAL REVIEW – GENERAL REVIEW OF THE CONSTITUTION

Report of the Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Council is required by section 9P of the Local Government Act 2000 to prepare and keep up to date a document which contains:
- A copy of the Council's standing orders
 - A copy of the Council's Code of Conduct under section 28 of the Localism Act 2011
 - Such information as the Secretary of State may direct and
 - Such other information as the Council considers appropriate
- 1.2 The Secretary of State has not issued any directions under section 9P of the Local Government Act 2000. The Local Government Act 2000 (constitutions) (England) Direction 2000 was issued under section 37 of the 2000 Act and is therefore no longer applicable. This means that the Council has significant discretion as to what it should include in its Constitution.
- 1.3 The Leader of the Council at the Council Meeting on 30 June 2016 reported that he had requested the Monitoring Officer in conjunction with Democratic Services to undertake a democratic and constitutional review through the Constitution Working Party. The aim is to conclude the review in time for any revised arrangements to be in place for the Annual Council Meeting in May 2017 and so be operational for the 2017-18 municipal year.
- 1.4 There are a number of reports on the same agenda that relate to thematic reviews of elements of the Constitution. This report looks at the Constitution as a whole with a view to:
- A) ensuring consistency between the various parts of the Constitution
 - B) reducing the size of the Constitution while ensuring that it meets legal requirements
 - C) improving the quality of the drafting so that it is clear and comprehensible
 - D) creating a companion guide to the constitution that can quickly and easily be amended to assist elected members and staff to understand the Council's constitution.
- 1.5 The purpose of the report is to seek agreement to the proposals set out below being put forward to the full Council or to the Leader of the Council (in relation to Executive functions) for approval.
- 1.6 The Constitution Working Party at its meeting held on 8 February 2017 recommended that:-

- none of the proposed changes to the Constitution being implemented prior to the proposed companion document to the Constitution being prepared for consideration by the Working Party, particular the process for dealing with land transactions would operate.
- from the start of the 2017/18 Municipal Year the 'Executive' should be known as the 'Cabinet'.
- that any individual delegations agreed by the Executive Meeting would override the general delegations in the Constitution.

2. REMOVAL OF UNNECESSARY TEXT

- 2.1 Part 5 CP16 is drafted in the style of a public information leaflet, addressing members of the public directly. The Local Democracy, Economic Development and Construction Act 2009 introduced an obligation on Councils to publish a scheme setting out how it would respond to petitions. The provisions were repealed by the Localism Act 2011 on 1st April 2012. As there is no longer a legal requirement to adopt a scheme it is considered that the maintenance of information for the public on the Council's website will offer the public more accessible information and enable the Council to alter its arrangements quickly and flexibly. The rules (Part 4 PR1 item 2.1.(b)) allowing petitions to be received by the full Council will remain in place as will arrangements for responding to petitions.
- 2.2 The general law now provides that smoking is prohibited in buildings to which the public have access. It is therefore considered that references to the prohibition of smoking in the Council and Executive procedure rules can be removed.
- 2.3 Part 5 CP 8 contains a "Protocol for Executive Decisions". It is a descriptive document with general guidance on report writing. Much of it is out of date or repeated in other parts of the Constitution. It is proposed that the protocol be removed and that guidance on report writing is maintained by Democratic Services.

3. CLARIFICATION AND IMPROVED DRAFTING

- 3.1 The Council refers to its Executive decision making body as "the Executive". This term could be replaced by "Cabinet" and Executive members could be referred to as "Cabinet members" if this is agreed by full Council. It is proposed that the term "Cabinet" is substituted for "Executive" throughout the constitution to reduce confusion.
- 3.2 The Council is required to maintain a members' allowance scheme. Part 6 of the Constitution sets out the scheme. Schedule 1 contains a link to an electronic version of the amounts of the allowances. This link has not been reliable and it is therefore proposed that the amounts of the allowances will be included in the text of the document.
- 3.3 The Council operates a system of electronic voting at full Council meetings. Rule 17 at Part 4 PR1 – Council Meeting Procedure Rules does not recognise the electronic

system. It is therefore proposed that the rules be amended to alter references to a “show of hands” to include the options of using “an electronic voting system” and to show that the names of Councillors voting on the approval of the budget or setting of Council tax will be recorded in the minutes of the meeting as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

- 3.4 The current draft of Article 6 of the Constitution covers the procedures for Scrutiny Committee meetings. Article 6.07 covers the annual programme of meetings but is inconsistent with the provisions at item 5 of the Scrutiny Procedure rules. It is proposed that Article 6.07 is amended to read “The programme of Scrutiny Committees meetings will be held in accordance with the Scrutiny Procedure Rules (Part 4 PR4).
- 3.5 The quorum for meetings of the Scrutiny and Executive meetings is mentioned in the procedure rules but not in the relevant Article whereas quorum is set out in the Articles relating to Ordinary Committees, Health and Well Being Board, Standards Committee, Area and Ward Committees. It is therefore proposed that reference to quorum for all meetings will be in the Procedure Rule but not the Article.
- 3.6 The Constitution currently contains a Protocol relating to the appointment of substitutes (Part 5 CP 17). It is not consistent with the provisions of Article 11.10 regarding the Standards Committee. Substitutes are mentioned in Article 11 (Standards) and 12 (Area Committees) but not elsewhere. It is proposed that the ability of members to appoint substitutes should be mentioned in each of the Articles 6 to 12 inclusive as these describe the establishment of each of the decision making bodies. Where appropriate this will enable the provisions about mandatory training for planning and licensing matters to be reflected. Article 2 (Councillors) will include provisions reflecting the ability of Councillors to appoint their own substitutes and the time scale for notification of the use of a substitute. Democratic Services will maintain an overarching guidance note on substitutes within the companion guide. This change will ensure that the right to appoint a substitute forms part of the Council’s “standing orders” and will therefore be upheld if challenged in a Court.
- 3.7 Public questions are allowed at full Council meetings (PART 2 PR2 rule 10) and at Executive, Executive Committees, Ordinary, Area and Ward Committees. There is an inconsistency in the provision of information about public questions at the various meetings of the Council. A cross reference to the Code of Practice on public meetings will be incorporated into the Articles relating to these meetings (Articles 7 and 8) for consistency with Article 12 which covers Area and Ward Committees.
- 3.8 Part 8 of the Constitution includes a list of people who have been appointed to carry out specified roles set out in legislation. This list will be updated to remove repealed legislation. Where officers with delegations set out in Part 3 have been appointed as proper officers, the delegation in Part 3 will cross reference to Part 8. Part 8 will be moved so that it forms part of Part 3.
- 3.9 On 21st November 2016 the Standards Committee considered a report which drew on the experience of investigating a breach of the Council’s Code of Conduct and amended the procedure for investigating reported breaches. The Monitoring Officer Protocol will be amended to accord with the newly adopted procedure.

- 3.10 To ensure the functions in the Protocol are delegated, Part 3 – Appendix 9 Scheme of Delegation – Head of Legal and Democratic Services (Monitoring Officer) be amended to insert at paragraph 28. “To do all things necessary and incidental to their carrying out functions as the Monitoring Officer as set out in the Monitoring Officer Protocol at CP14 of the Constitution”.
- 3.11 The current draft of the Constitution refers in many places to a “Proper Officer” for the purpose of e.g. calling meetings or maintaining the constitution. It is clear from the context that “proper officer” does not always refer to the same person. Therefore the expression will be substituted throughout the document with the title of the officer of the Council with responsibility. (e.g. Chief Executive, Monitoring Officer).
- 3.12 The post of Corporate Director for Corporate and Support Services has been disestablished. References to the post will be replaced by references to the Borough Treasurer or Deputy Chief Executive as appropriate.
- 3.13 An initial draft of the companion guide will be available for consideration by the Constitution Working Party on 8th February 2017.

4. LEGAL REQUIREMENTS

- 4.1 The Local Authorities (Standing Orders) England Regulations 2001/3384 make provision for the procedures to be followed if the full Council invites the Executive to amend a development plan of the Council’s budget. A series of amendments to ensure that the Constitution complies with these regulations will be included.
- 4.2 Part 3 – Scheme of Delegation Appendix 5 –In order to enable the efficient discharge of licensing functions, it is proposed that
- 4.2.1 Item 1 be inserted above the existing Item 1 to read “The functions set out below may be exercised by a Committee or sub-committee of members who have received training approved by the Director for Place”. This will replace Item 4 which will be removed (Only members who have received appropriate training (as agreed by the Corporate Director or his representative) in licensing law will be permitted to sit on the Licensing, Environment & Safety Committee)
- 4.2.2 Item 1 be amended to read Item 2 “ To discharge the functions of the Council as licensing authority under the Licensing Act 2003, with the exception of the functions relating to a statement of licensing policy under Section 5 of the Act”.
- 4.2.3 After the new item 2 of the delegation to the Licensing, Environment & Safety Committee, the Constitution will provide for the Committee to establish sub-committees and the matters that can be delegated to those sub-committees or officers under the Licensing Act 2003 and Gambling Act 2005.
- 4.2.4 The current delegation to the Licensing, Environment and Safety Committee to have the power to resolve not to issue a casino premises licence be amended to read “section 163 Gambling Act 2005” rather than “section 166”.

- 4.3 The Council is required to appoint a person with responsibility for designating places where marriage ceremonies can be performed. This will be CSS Manager - Events and Registrars Service following a service review of the Registrars and Event management functions of the Council. This will be reflected in Part 8 of the Constitution (Proper officer appointments) and in a new delegation to the post holder. Similarly a delegation to the Head of Democratic Services will reflect his appointment as Scrutiny Officer. Where legislation relating to the functions of Proper Officer's has been amended or repealed, this has been updated. A cross reference will be included between officers' existing delegations and their appointments as Proper Officers.
- 4.4 Part 3 – Scheme of Delegation Appendix 9 – Officer Functions - TO THE CORPORATE DIRECTOR OF PLACE MANAGEMENT & REGENERATION, in order to enable the efficient discharge of Housing Matters, Paragraph 83 is to be amended to remove "Housing Act 1996" and insert " Anti-social Behaviour, Crime and Policing Act 2014, Housing Act 1985 and Housing Act 1988".
- 4.5 Part 3 – Scheme of Delegation Appendix 9 – Officer Functions – The Head of Legal and Democratic Services (Monitoring Officer) amend paragraph 25 to remove "Housing Act 1996" and insert " Anti-social Beha

5. CHANGES TO OFFICER DELEGATIONS

5.1 Chief Executive

- 5.1.1 to add authority to agree indemnity payments to officers acting as directors on behalf of the Council or otherwise covered by the policy on indemnification of officers.

5.2 Deputy Chief Executive

- 5.2.1 To add responsibility for Information Governance this will include information asset management and the ability to award IT contracts for use across all service areas. At present the contract award arrangements relate to service areas and are therefore unclear in relation to IT contracts.
- 5.2.2 Amend to clarify that the Deputy Chief Executive can determine the appropriation of land following the receipt of representations (at present the delegation only refers to the determination of advertised disposals)

5.3 Head of Legal & Democratic Governance

- 5.3.1 To remove the financial limit for the settlement of claims and to provide for consultation with the S151 officer and Chief Executive for claims over £20,000 so as to make the settlement of claims valued over £5,000 possible and private and to protect the Council's interests by ensuring timely settlement

5.4 Monitoring Officer

- 5.4.1 To include authority to make typographical changes to the Constitution as well as changes to ensure it complies with legislation.

6. REMOVAL OF UNNECESSARY TEXT

- 6.1 The Property Transaction flow chart is currently at Annex 2 to the officer delegation. This will be removed and reproduced in the companion guide.

7. LAND TRANSACTIONS

- 7.1 The Council is now a major land owner with significant commercial interests in the Merseyway Shopping Centre, Redrock, Aurora site and the Stockport Exchange development. Further land values in Stockport have risen over the last few years. It is therefore considered that the day to day management of land holdings should be carried out under the delegations to the Deputy Chief Executive in order to ensure that the Council can respond efficiently as the owner of this type of asset. Novel, controversial and sensitive transactions will continue to be referred to Area Committees for comment. The delegations in relation to land transactions will be amended to require the Deputy Chief Executive to consult with an Executive Member only when the transaction is valued at over £500,000 and is an acquisition or disposal of a land interest. The obligation to publicise key decision (ie land transactions valued in excess of £250,000) will remain to facilitate scrutiny and call-in.

8. CLARIFICATION AND IMPROVED DRAFTING

- 8.1 In relation to the Standards' Committee, there will be a clarification of the Committee's existing role in reviewing and revising the Monitoring Officer's procedure for investigation complaints and to enable the formation of an ad hoc sub committee to consider the issue of whether to investigate complaints in exceptional circumstances.
- 8.2 Throughout the document the accuracy and frequency of cross referencing will be improved.

9. CONCLUSIONS AND RECOMMENDATIONS

- 9.1 The changes set out in this report taken together with the changes set out in reports on other parts of the agenda will result in a shorter, accurate and up to date constitution. Explanatory material and guidance will be kept up to date and supplemented when needed in a companion guide.
- 9.2 The Scrutiny Committee is invited to comment on the proposed changes in the light of the comments of the Constitution Working Party referred to in paragraph 1.6 of the report.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Celia Tierney on Tel: 0161 474 3230 or by email on Celia.Tierney@stockport.gov.uk

DRAFT REVIEW OF STOCKPORT COUNCIL'S SCRUTINY ARRANGEMENTS:

Report of the Statutory Scrutiny Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To outline changes required to the Constitution in relation to Scrutiny.
- 1.2 To propose changes to the remit of the Scrutiny Coordination Committee.
- 1.3 At the meeting of the Scrutiny Co-ordination Committee held on 6 February 2017 it was agreed that that this Committee welcome the proposals to expand the remit of the Scrutiny Co-ordination Committee and the Constitution Working Party be recommended to support the changes as set out in this report and any consequential amendments required to give effect to the changes.
- 1.4 At the meeting of the Constitution Working Party held on 8 February 2017 it was agreed that the proposal to broaden the remit of the Scrutiny Co-ordination Committee be not supported and the Scrutiny Co-ordination Committee retains its original purpose as a co-ordinating committee not a scrutiny committee.

2. BACKGROUND

- 2.1 Currently the Constitution provides at Article 6 (details of the Scrutiny Committees) that the Council will appoint Scrutiny Committees to discharge the functions conferred by section 21 of the Local Government Act 2000. Since March 27 2012, the relevant provisions for English local authorities are found at s9F, 9FA, 9FB, 9FC, 9FD, 9FE, 9FF, 9FG, 9FH and 9FI and at Schedule A1 paragraphs 6 to 13 of the Local Government Act 2000. In addition, section 19 of the Police and Justice Act 2006 provides that Councils must appoint crime and disorder committees. It is therefore proposed that Article 6 is removed and replaced with the updated Article set out in Annex 1 to this report.
- 2.2 In 2000 the Government issued guidance on the operation of overview and scrutiny committees. That guidance covers the provisions of section 21 of the LGA 2000 and is therefore of limited relevance to the current statutory provisions. It is proposed that the reference to this guidance should be removed.
- 2.3 Part 3 Appendix 7 sets out the detailed terms of reference for each of the Scrutiny Committees to be appointed by the Council.
- 2.4 Paragraph 1 describes the Scrutiny Co-ordination Committee. At present this comprises only the Chairs of the Scrutiny Committees and carries out a coordinating role. The proposal set out below would require the Committee to become politically balanced pursuant to formal scrutiny functions of its own.
- 2.5 In May 2017, the GMCA will assume new powers under an elected Mayor and decisions of significance to Stockport will be made by the GMCA cabinet. On 21st March 2016 Scrutiny Coordination Committee considered a report on

AGMA/GMCA decision making arrangements and requested clarification on the call in procedure rules. Further on 21st March 2016 the Scrutiny Coordination Committee considered a report on integrating health and social care and requested that further consideration be given as to how to best scrutinise reports containing information relevant to two or more Scrutiny Committees. A separate report recommends expansion of the remit of the Scrutiny Coordination Committee to include prior consideration of certain GMCA matters. In relation to matters falling within the remit of more than one scrutiny committee, the recommendations in this report in relation to legal requirements should ensure that there will be greater clarity in relation to crime and disorder, health, education and flood risk management. In relation to other matters that fall within more than one scrutiny committee remit, it is considered that the Scrutiny Coordination Committee should have responsibility for scrutinising any such matter as an alternative to assigning it to scrutiny committees. This would enable a swifter response to such matters where appropriate. It is recommended that the name is changed to “Scrutiny and Co-ordination Committee” to avoid confusion and that its membership is expanded to include members of the majority party in order to ensure political balance.

2.6 Paragraph 7 Joint arrangements – these joint scrutiny committees should be set out in Article 6 and the terms of reference which are currently missing should be included in Part 3 Appendix 7.

2.7 Part 3 Appendix 7 needs to be revised to include the designation (required by law) of specific scrutiny committees with responsibility for:

- Flood risk management scrutiny
- Crime and disorder
- Health

2.8 It should also make it clear that one scrutiny committee is responsible for the scrutiny of education functions. This scrutiny committee must include the co-opted Church and Parent Governor members required by paragraphs 7 and 8 of the Schedule A1 to the LGA 2000 who may vote on education function matters only. The voting rights need to be set out in Part 4 PR4 procedure rules

2.9 Annex 2 sets out the changes required in the procedure rules.

3. CONCLUSIONS AND RECOMMENDATIONS

3.1 That the Scrutiny Committee considers the changes set out in this report in the light of the comments of the Scrutiny Co-ordination Committee and the Constitution Working Party.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Craig Ainsworth on Tel: 0161474 3204 or by email on craig.ainsworth@stockport.gov.uk

ARTICLE 6 – SCRUTINY COMMITTEES

6.01 Establishment of scrutiny committees

The Council will establish the scrutiny committees set out below to discharge the functions conferred by sections 9F and 9FA to 9FI of the Local Government Act 2000, section 19 of the Police and Justice Act 2006 and any functions conferred on an overview and scrutiny committee by regulations under section 244 (2ZE) of the National Health Service Act 2006.

Committee

Scrutiny and Coordination Committee

Corporate, Resource Management and Governance

Economy and Regeneration

Children and Families

Adult Social Care and Health

Communities and Housing

The specific remit and terms of reference of the above Committees are set out in Part 3 Appendix [Section] 7 of this Constitution.

Scrutiny Committees may appoint one or more sub-committees from their membership to discharge any of the functions of the scrutiny committee.

The Council will agree arrangements for the joint scrutiny of Health Services as follows:

- a) Joint Mental Health Overview and Scrutiny Committee for Pennine Care NHS Trust
- b) Greater Manchester Health Scrutiny Committee (strategic, conurbation wide and cross boundary health services).

6.02 General Role

Within their terms of reference, scrutiny committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council and/or the Executive and/or any joint or area committee in connection with the discharge of any functions;
- (iii) make reports and/or recommendations to the full Council and/or the Executive on any matter affecting the area or its inhabitants;

- (iv) exercise (**subject to the Scrutiny Procedure Rules at Part 4 PR4**) the right to call in decisions made but not yet implemented by the executive or by an officer (**where the officer has made an executive key decision**) and to recommend that the decision be reconsidered by the **Executive or officer** who made it;
- (v) arrange for its function under (i) above as regards any decision to be exercised by the full Council;
- (vi) require members of the Executive or officers of the authority to attend before it to answer questions, and invite other persons to attend;
- (vii) appoint one or more sub-committees and arrange for the discharge of any of its functions by such a sub-committee.
- (viii) consider matters referred to it by any member of the authority in accordance with [state cross ref to procedures for references pursuant to section 9FC LGA 2000 and S19 Police and Justice Act 2006]
- (ix) require the Council or the Executive to respond to any report or recommendation made by the Committee

6.03 Specific functions

(a) Policy development and review.

Scrutiny committees may:

- (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Executive and/or committees and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny.

Scrutiny committees may:

- (i) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;

- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make reports or recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance, and question and gather evidence from any person (with their consent).

(c) Reporting.

Scrutiny committees **will report annually to the Council** on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 Crime and Disorder Committee

(a) The Communities and Housing Scrutiny Committee will be designated as the Crime and Disorder Committee. Its responsibilities will include:-

- to review or scrutinise decisions or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
- to make reports and recommendations to the Council or Executive with respect to the discharge of those functions.

(b) **“Responsible authorities” include:-**

- Stockport Metropolitan Borough Council;
- every provider of probation services operating within Stockport in pursuance of arrangements under Section 3 of the Offender Management Act 2007 which provide for it to co-operate with responsible authorities;
- the Chief Constable of Greater Manchester Police;
- the Greater Manchester Fire and **Rescue** Authority;
- every Clinical Commissioning Group (CCG), the whole or any part of whose area lies within the area of Stockport.

(c) “Crime and Disorder Functions” are:-

- reducing crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
- combating the misuse of drugs, alcohol and other substances in the area and reduction of re-offending in the area.

6.05 Health Scrutiny Committee

The Adult Social Care and Health Scrutiny committee will be designated as the Health Scrutiny Committee to discharge the health scrutiny functions of the Council under Regulations 21 to 23, 26 and 27 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Its responsibilities will include:-

- to review and scrutinise any matter relating to the planning, provision and operation of the health service in the Council's area;
- to make reports and recommendations to relevant NHS bodies and health service providers.

6.06 Flood risk management

The Economy and Regeneration scrutiny committee will be designated as the Flood Risk Management scrutiny committee. Its responsibilities will include:-

- to review or scrutinize the exercise of the Council's flood risk management functions arising as a result of section 6(7) of the Flood and Water Management Act 2010 and
- to make reports and recommendations to the Council or Executive with respect to the discharge of those functions

6.07 Education functions

The Children and Families Scrutiny Committee will designated as the Education Functions scrutiny committee. Its responsibilities will include:-

- to review or scrutinize the exercise of the Council's education functions
- to make reports and recommendations to the Council or Executive with respect to the discharge of those functions

6.08 Proceedings of scrutiny committees

Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 PR4 of this Constitution.

6.09 Scrutiny Officer

The Council will designate one of their officers to act as the Council's Scrutiny Officer who will discharge the following functions:

- (a) to promote the role of the Council's scrutiny committees;
- (b) to provide support for the Council's scrutiny committees and the members of those committees;
- (c) to provide support and guidance to –
 - (i) members of the Council;
 - (ii) members of the Executive; and
 - (iii) officers of the Councilin relation to the functions of the Council's scrutiny committees.

Revisions to Part 4 PR4 Scrutiny Procedure Rules

Current rule	Proposed change	reason
1	Remove reference to the appointment of sub committees	This has been moved to Article 6
1	Add “The terms of reference of each scrutiny committee will be as set out at Article 6 of Part 2 and Appendix 7 of Part 3 of this constitution”	To ensure that the document is clear and useable.
4	<p>Delete “education matters” and replace with “education functions”.</p> <p>Define education functions as those functions set out in schedule 36 A of the Education Act 1996 and insert a table of those functions.</p> <p>Delete from “These voting representatives...” to “discretion of the chair” and replace with</p> <p>“When the Children and Families Scrutiny Committee deals with matters that are not related to “Education Functions” in whole or in part then the voting representatives shall not be entitled to vote, but may remain in the meeting and speak at the discretion of the Chair”.</p>	To comply with the law
5	Add “municipal” before “year” in the first sentence.	
7	Remove reference to the Scrutiny Coordination Committee	It is not a scrutiny committee and does not need to be politically balanced.

ANNEX 3

Revisions to Part 3 Appendix 7 – Scrutiny Committees

Current Rule	Proposed change	Reason
1 Scrutiny Coordination Committee	<p>Alter name to “Scrutiny and Coordination Committee”</p> <p>Alter membership to read “Chairs of other Scrutiny Committees and Councillors”</p> <p>Add to terms of reference</p> <p>“ To undertake all the statutory powers and duties of an Overview and Scrutiny Committee in relation to consent given by the Leader of the Council in connection with the discharge of functions which are the responsibility of the executive at meetings of the GMCA”</p> <p>and</p> <p>“To undertake all the statutory powers and duties of an Overview and Scrutiny Committee in relation to functions or activities of the Council which fall within the remit of two or more scrutiny committees as an alternative to determining which of those committees will assume responsibility for a particular issue”</p>	<p>To ensure pre scrutiny of matters requiring the consent of Stockport to be considered by the GMCA and to enable the scrutiny of cross cutting matters in a single forum.</p>
7	Remove the reference to Joint Health Scrutiny Committees	This will be reproduced in Article 6

CONSTITUTIONAL REVIEW – INDIVIDUAL MEMBER FUNCTIONS

Report of the Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Leader of the Council at the Council Meeting on 30 June 2016 reported that he had requested the Monitoring Officer in conjunction with Democratic Services to undertake a democratic and constitutional review through the Constitution Working Party. The aim is to conclude the review in time for any revised arrangements to be in place for the Annual Council Meeting in May 2017 and so be operational for the 2017-18 municipal year.
- 1.2 On 1st November 2016 the Executive were briefed on the current delegations to individual members and on some changes aimed at increasing the clarity of the delegation.
- 1.3 Schedule 2 to this report sets out the proposed revised delegation. Schedule 1 sets out the current drafting.
- 1.4 The Constitution Working Party at its meeting held on 8 February 2017 supported the proposed changes and the Monitoring Officer's intention to seek the Leader's approval to the revisions in time for inclusion in the Constitution for 2017/18.

2. SCHEME OF DELEGATION: PART 3 INDIVIDUAL MEMBER FUNCTIONS

- 2.1 Part 3 Appendix 3 of the Council's Constitution sets out the delegations to Executive members. A copy is attached as schedule 1.
- 2.2 A number of issues have arisen in relation to the delegation and it is considered appropriate to revise the functions with effect from the start of the municipal year 2017/18 to ensure that the delegations are clear and up to date.
- 2.3 The note at the start of Part 3 Appendix 3 does not appear to assist in clarifying the document. It is proposed that the note is revised to read:
"Executive members may decline to exercise their delegated functions and refer the matter to the Executive [Cabinet] collectively for consideration. When Executive members are exercising their delegated functions, officers will prepare a written report and recommendation for the Executive member to sign as a record of the decision."
- 2.4 Item 1 as currently drafted is vague and overlaps with the functions of Chief Officers. For example, the Executive Member for Health may be able to make a decision to place a vulnerable adult in a residential care setting under this delegation. This function also sits with the Director for People.
- 2.5 It is proposed that the delegation ought to reflect the principle that Executive members are responsible for general direction and policy within their portfolio area and that Officers are responsible for day to day operational decisions and

that specific Executive decision e.g to authorise an officer to conclude negotiations for a regeneration project, take precedence over the delegation to individual members. The suggested drafting (set out in bold below) achieves this by preserving the specific delegations and removing the broad reference to "decisions in relation to the discharge of executive functions and expenditure on services".

- 2.6 Item 1 currently covers expenditure on services and grants to outside bodies. The drafting of this could be clarified to show that Executive members' delegations are to be exercised within the constraints of the Council's budget.
- 2.7 Expenditure on services is determined in the Council's budget and managed by budget holding officers. Expenditure on externally provided services is governed by the Contract Procedure Rules which set out how contracts are to be awarded. There is no current provision within the constitution for elected members to award contracts, so contract award decisions are excluded from the current delegation. It is not therefore clear what is intended to be covered by a delegation in respect of the "provision of services".
- 2.8 Proposed revised text to replace item 1:

Note: "Executive [Cabinet] member delegations are to be exercised in relation to Executive functions only, consistently with the approved Policy Framework and Budget and subject to any written direction of the Leader of the Council, any delegation to officers or any resolution of the Executive [Cabinet] which conflicts with the member delegations set out below. Executive members shall not take key decisions or contract award decisions."

Individual members of the Executive [Cabinet] are authorised to make the following executive decisions within the areas of responsibility allocated to them by the Leader of the Council (portfolios) from time to time:
To authorise the giving of grants to outside bodies. etc"

3. ITEM 3

- 3.1 Currently includes responsibility for setting fees and charges to be levied by the Council. The function of setting fees for approvals, consents, licences permits and registrations which are not issued by the Executive is a non executive function which the law reserves to the full Council. The setting of fees for applications for licences under the Scrap Metal Dealers Act 2013 is an example of an executive fee setting function. Therefore item 13 could be deleted as the function of setting scrap metal dealers' fees would fall within the portfolio of the Executive member with responsibility for public safety and protection.
- 3.2 The Council's discretion in relation to the setting of fees for scrap metal dealers' licences is substantially constrained by the requirement at Schedule 1 Article 6 of the Act which requires the Council to have regard to Secretary of State guidance in setting the fee. That guidance notes that an EU Directive requires that Councils should not set fees at a rate higher than that required to recover the cost of providing the service of determining the licence applications. Recent LGA guidance also notes a 2013 Court of Appeal decision challenge to local authority fee setting and advises on a transparent fee setting process.

4. ITEM 11

- 4.1 Section 31(2) of the Anti- Social Behaviour Act 2003 was repealed on 20th October 2014. This delegation should therefore be deleted.

5. ITEM 12

- 5.1 The regulations governing the appointment of school governors changed in 2014 and the Council may now only nominate governors. This function is covered by item 14. Item 12 can be deleted.

6. CONCLUSIONS AND RECOMMENDATIONS

- 6.1 The Scrutiny Committee is invited to comment on and note the proposed changes and of the Monitoring Officer's intention to seek the Leader's approval to the revisions in time for inclusion in the Constitution for 2017/18.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Celia Tierney on Tel: 0161 474 3230 or by email on Celia.Tierney@stockport.gov.uk

APPENDIX 3 - INDIVIDUAL MEMBER FUNCTIONS

Note: In some respects the Executive and Individual Executive Councillors share common delegations, enabling Individual Member Functions to be referred to the Executive to be discharged collectively.

Individual members of the Executive are authorised to deal with the following matters, within the areas of responsibility ("portfolios") allocated to them by the Leader of the Council:

1. To take decisions (other than key decisions as defined in the Constitution and contract award decisions as set out in the Scheme of Delegation to Officers) in relation to the discharge of executive functions and expenditure on services, including the payment of grants to outside bodies.
2. To monitor the budget for particular services, and report as necessary to the Executive.
3. To determine policies, plans and strategies for particular services, and the fees and charges to be levied by the Council, consistent with the Policy Framework and Budget.
4. To consider draft reports to the Executive with the relevant Corporate Director.
5. To approve service plans, monitor service performance, and agree organisational changes and service adjustments that are consistent with the Policy Framework and Budget.
6. To consider Review reports prepared by Scrutiny Committees, and make recommendations to the Executive for any consequent action.
7. To respond to requests from Scrutiny Committees for information relating to the discharge of Executive functions and the performance of the Executive.
8. The determination of the Council's response to consultation exercises carried out by Government or other external agencies or organisations.

9. The exercise of virement between budget heads in accordance with virement rules set out in the Financial Procedure Rules.
10. To represent the Council's views on matters of corporate or strategic policy and any other matters within their respective 'portfolios'.
11. The Executive Councillor with responsibility for community safety is authorised to give consent to the making of authorisations under s.31(2) Anti Social Behaviour Act 2003 in relation to the dispersal of groups etc.
12. The Executive Councillor with responsibility for school management/ governance is authorised to make appointments to School Governing Bodies in accordance with the Council's agreed protocol (Annex 2 to this Scheme of Delegation).
13. The Executive Councillor with responsibility for public protection is authorised to set fees associated with applications for licenses under the Scrap Metal Dealers Act 2013.
14. The Executive Councillor with responsibility for school management/ governance is authorised to nominate individuals for appointment to School Governing Bodies and when permitted by law to appoint such nominees after consultation with Governor Representative Group.

**THIS IS THE DELEGATION TO EXECUTIVE MEMBERS WITH CHANGES SET OUT IN THE BRIEFING NOTE
DATED 1ST NOVEMBER 2016**

APPENDIX 3 - INDIVIDUAL MEMBER FUNCTIONS

Executive members may decline to exercise their delegated functions and refer the matter to the Executive (Cabinet) collectively for consideration. When Executive members are exercising their delegated functions, officers will prepare a written report and recommendation for the Executive member to sign as a record of the decision.

Executive (Cabinet) member delegations are to be exercised in relation to Executive functions only, consistently with the approved Policy framework and Budget and subject to any written direction of the Leader of the Council, any delegation to officers or any resolution of the Executive (Cabinet) which conflicts with the member delegations set out below.

Executive members shall not take key decisions or contract award decisions.

Individual members of the Executive (Cabinet) are authorised to make the following executive decisions within the areas of responsibility allocated to them by the Leader of the Council (portfolios) from time to time:

1. To authorise the giving of grants to outside bodies within the Council's Budget and Policy Framework.
2. To monitor the budget for particular services, and report as necessary to the Executive.
3. To determine policies, plans and strategies for particular services, and the fees and charges to be levied by the Council, consistent with the Policy Framework and Budget.
4. To consider draft reports to the Executive with the relevant Corporate Director.
5. To approve service plans, monitor service performance, and agree organisational changes and service adjustments that are consistent with the Policy Framework and Budget.
6. To consider Review reports prepared by Scrutiny Committees, and make recommendations to the Executive for any consequent action.
7. To respond to requests from Scrutiny Committees for information relating to the discharge of Executive functions and the performance of the Executive.

8. The determination of the Council's response to consultation exercises carried out by Government or other external agencies or organisations.
9. The exercise of virement between budget heads in accordance with virement rules set out in the Financial Procedure Rules.
10. To represent the Council's views on matters of corporate or strategic policy and any other matters within their respective 'portfolios'.
11. The Executive Councillor with responsibility for school management/ governance is authorised to nominate individuals for appointment to School Governing Bodies and when permitted by law to appoint such nominees after consultation with Governor Representative Group.

REVIEW OF THE APPOINTMENT OF COUNCIL CHAMPIONS

Report of the Democratic Services Manager

1. MATTER FOR CONSIDERATION

- 1.1 To review the appointment of Council Champions for the 2017/2018 Municipal Year.
- 1.2 The Leader of the Council at the Council Meeting on 30 June 2016 reported that he had requested the Monitoring Officer in conjunction with Democratic Services to undertake a democratic and constitutional review through the Constitution Working Party. The aim is to conclude the review in time for any revised arrangements to be in place for the Annual Council Meeting in May 2017 and so be operational for the 2017-18 municipal year.
- 1.3 The Labour Group have suggested that the Council agree a process for agreeing Council Champions and the appointment of members to such positions.
- 1.4 At the meeting of the Constitution Working Party held on 20 October 2016, the following comments were made/issues raised:-
 - support was given to the principle to the principle of having Council Champions.
 - checks should be made with existing Council Champions to see if they wished to continue in the role.
 - consideration should be given to advertising the position of Council Champions.
 - there was a need to be transparent about the process by which Council Champions were appointed. Representatives from the appropriate community should be involved in the appointment of the Council Champion, for example representatives of the Older Person's Network should be involved in the appointment of the Older People's Champion. This was a practice which had been adopted by a number of Welsh local authorities.
 - the period of appointment of the Council Champions should be reviewed.
- 1,5 At the meeting of the Constitution Working Party held on 8 February 2017, Members supported the proposals in the report, subject to:-
 - Executive Councillors not being appointed as Council Champions if the subject area falls within their portfolio.
 - the promotion of Council Champions on the Council's website.
 - the Leader of the Council being authorised to agree any additional Council Champions during the course of a Municipal Year.

2. Council Champions

2.1 List of current Council Champions

Title	Champion
Cycling	Cllr Geoff Abell
LGBT/Equality	Cllr David Sedgwick
Mental Health Provision	Cllr Tom McGee Hayley McGowan
Older People	Cllr June Somekh
Armed Forces (Community Covenant)	Sue Williams
Domestic Abuse	Cllr Wendy Meikle
Armed Forces Veterans	Laureen Donnan
Safeguarding	Cllr Richard Coaton/Cllr Colin Foster
Disabilities	Cllr Chris Gordon/Cllr Dean Fitzpatrick

3. Proposed process

- 3.1 It is suggested that each May, prior to the Annual Council Meeting, Councillors notify the Democratic Services Manager of their expression of interest in being appointed as the Council's Champion for any of the positions included in the table in paragraph 2.1 above or any suggested new 'Champion' position.
- 3.2 The Democratic Services Manager will discuss these with Group Leaders and nominations and representatives from the appropriate community should be involved in the appointment of the Council Champion, and invited to comment on the proposed nomination based on the Protocol on Council Champions (Appendix 1) and the Role of Member Champions (Appendix 2)
- 3.3 A list of appointments made by the Leader of the Council will be reported to the Annual Council Meeting.

4. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 The Scrutiny Committee is asked to consider:
- The proposed process for appointing 'Champions' as set out in section 3 above.
 - The proposed 'Protocol on Member Champions' as set out in Appendix 1
 - The proposed 'Role of Member Champions' as set out in Appendix 2

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Craig Ainsworth on Tel: 0161474 3204 or by email on craig.ainsworth@stockport.gov.uk

Protocol on Member Champions

1. Introduction

- 1.1 Member champions are Councillors who act as an advocate or spokesperson for a specific area of the Council's business and activities. The main responsibility of each member champion is to encourage communication and positive action over the issue they represent.
- 1.2 Member champions have evolved in this Council as a result of:
- (a) legislation and national initiatives in relation to the development of services, and
 - (b) initiatives undertaken by the Council in wishing to focus member activity on certain aspects of the Council's business and functions.

2. Appointment of Member Champions

- 2.1 Each May, prior to the Annual Council Meeting, Councillors notify the Democratic Services Manager of their expression of interest in being appointed as the Council's Champion for any of the positions included below above or any suggested new 'Champion' position. The Democratic Services will discuss these with Group Leaders and nominations and invite the appropriate Group to comment on the proposed nomination based on this Protocol on Council Champions and the Role of Member Champions
- Cycling
 - LGBT/Equality
 - Mental Health Provision
 - Older People
 - Armed Forces (Community Covenant)
 - Domestic Abuse
 - Armed Forces Veterans
 - Safeguarding
 - Disabilities
- 2.2 Champions will remain in position (assuming they remain Councillors) until a new appointment is made.
- 2.3 Although there is no legal requirement to apply the political balance rules to the appointments, there will be an expectation that the roles will normally be shared proportionately to reflect the political balance of the Council. However, any appointment should have due regard to the suitability for the role and relevant national and local guidance.
- 2.4 A member champion may be removed from office at any time by resolution of the Council Meeting (in the case of a Council function), or by the leader (in the

case of an executive function) by written notice to the Democratic Services Manager following consultation with the party group leaders.

- 2.5 Any member champion may resign from office by giving written notice to the Democratic Services Manager.

3. Role of Member Champions

- 3.1 All member champions will have a job description setting out their respective roles. These will be developed by the relevant Head of Service in consultation with the appropriate Executive Member and the champion concerned.

4. The Parameters of the Member Champion Role

- 4.1 All member champions must act reasonably in their role and recognise and work effectively within the political management and working arrangements adopted by the Council.
- 4.2 A champion cannot make decisions (unless they otherwise have executive responsibilities) and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may, however, confirm a position as stated in a published policy.
- 4.3 A champion may only be a recognised media contact with the prior approval of the leader. In all other circumstances, the champion must make it clear when communicating with the media that he/she is speaking on behalf of a political group (if affiliated to a group) or in a personal capacity and not as the Council's champion. Member champions should be consulted on any press release relevant to their particular area of interest.

5. Leader and Executive Members – Working Relationship

- 5.1 The Leader and Executive Members will normally:
- (a) acknowledge the right of champions to be consulted on matters relating to their area of interest;
 - (b) take full account of any views offered by champions prior to any decision taken on matters within their area of interest;
 - (c) co-operate with champions in the formulation of action plans they have agreed with the relevant Head of Service; and
 - (d) consider nominating the relevant champion to represent the Council at a relevant conference/seminar on the subject matter of the champions' interest.

6. Support to Member Champions

- 6.1 The member champions play an important role in promoting their area of interest on behalf of the Council. In recognition of the importance of the

respective roles of champions, officer support will be provided at a senior level.

- 6.2 Each member champion will be advised by an appropriate Head of Service, who will meet with the relevant member champion on a regular basis to discuss action plans, current activities, national developments or any other matters relating to the interest being championed.
- 6.3 The Head of Service concerned will give reasonable support to the member champion, including the provision of Council information, government communications and national publications within their remit.

Role of Member Champions

The following examples of roles for member champions may be appropriate to include in a job description:

- (a) To promote their area of interest both within and outside the Council;
- (b) To contribute to the review and development of policies pertaining to the area of interest;
- (c) To challenge and question the Council, the Leader and executive members on issues affecting their area of responsibility;
- (d) To act as a catalyst for change and improvement in service delivery;
- (e) To monitor the Executive Forward Plan and seek information from the Leader, Executive Members and officers about forthcoming business and exert influence on behalf of the interest;
- (f) To keep other Councillors up-to-date with activities relevant to the area of interest;
- (g) To network with member champions from other local authorities with the same interest to keep up-to-date with current developments;
- (h) To provide positive support, and on occasions, constructive challenge to officers in driving forward the Council's agenda on relevant issues; and
- (i) To act as the Council's representative on relevant external bodies where appointed to by the Council.

REVIEW OF APPOINTMENTS TO OUTSIDE BODIES

Report of the Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To consider the current process for the nomination of councillors and officers to outside bodies.
- 1.2 To consider the bodies current being nominated to.
- 1.3 The Constitution Working Party at its meeting held on 8 February 2017 supported the proposals, subject to the Democratic Services Manager being requested to prepare a template for each Member who is appointed to an outside body to complete at the end of the Municipal Year in order to provide feedback on their work undertaken whilst serving the outside body.

2. BACKGROUND

- 2.1 The Leader of the Council, as part of the wider review of Council governance, asked that this include the current bodies the Council appoints to, to be confident that these were appropriate.
- 2.2 As part of the Review, the views of Councillors were sought on bodies they had been appointed to this year, and in past years.
- 2.3 The views of the some of the organisations and bodies were also sought.

3. NOMINATION PROCESS

- 3.1 Nominations are formally made by either the Council Meeting or the Executive, and in some cases by Area Committees.
- 3.2 The Council meeting is responsible for making nominations to the Greater Manchester Joint Committees such as the Transport for Greater Manchester Committee but the appointment of the Leader of the Council results in automatic qualification for membership of AGMA and the GMCA. GMCA related arrangements for scrutiny and for committees to cover new GMCA functions such as Fire and Waste are emerging and a further report on the arrangements will be brought forward in due course. Since arrangements for the appointment of Stockport councillors to the new bodies will be determined by statutory provisions relating to Combined Authorities or the GMCA, the report will be made to the Executive and to full Council for noting
- 3.3 The remaining nominations are made by the Executive.
- 3.4 In seeking nomination, Political Groups are invited to put forward nominations for outside bodies for the upcoming municipal year. This takes places immediately following local elections, or the equivalent time during a fallow year.

- 3.5 The presumption is that the largest group on the Council will be entitled to nominate to the majority the bodies, since in most cases only one nomination is sought. Additionally, many of these bodies are executive in nature and so the group who holds the executive would be most appropriately placed to make such nominations.
- 3.6 Groups are provided with details of which bodies they are entitled to make a nomination to.
- 3.7 Following consideration by the Council Meeting and Executive, the organisations are then provided with the details of the nominated councillor or officer

4. COUNCILLOR FEEDBACK

- 4.1 All councillors were invited to provide feedback on bodies on which they had served, including whether they believed this nomination had been worthwhile for the Council, themselves as councillors and for the organisation itself.
- 4.2 In total 6 responses were received.
- 4.3 The feedback received was unanimously in positive about the value of their involvement and the benefits of continuing Council involvement.
- 4.4 Any additional specific feedback on an organisation has been incorporated into the schedule of bodies attached to this report.
- 4.5 One area of concern highlighted was the need for a mechanism for councillors to feedback from the organisations they were nominated to.

5. ORGANISATIONAL FEEDBACK

- 5.1 Some of the organisations in the schedule have been contacted to seek their views about the appropriateness of Council nominations. In all cases representatives of those organisations expressed the view that continued councillor involvement was either required by their governance arrangements or was beneficial.
- 5.2 Many organisations, when asked about the appropriateness of the representation commented that having a nominee who was interested in the subject matter was of more importance than having an executive councillor or other councillor with specific Council responsibilities.

6. SCHEDULE

- 6.1 Attached to this report is a schedule of current outside body nominations that includes information about any requirements or qualification for nomination; the meeting arrangements and commitment; other useful information, and a recommendation about whether further consideration need be given to the Council's continued participation.

- 6.2 Given the evolving situation in Greater Manchester, and the coming Mayoral election, it is not proposed to change any arrangements in relation to AGMA and GMCA. These may well change following decisions taken by those bodies during the remainder of 2016/17 and 2017/18 and the Council may be invited to nominee to fewer or reconfigured bodies.
- 6.3 There are bodies currently listed which are legacy appointments and either the body has changed its name or has ceased to meet but this information has not been provided to the Council. These are highlighted in the schedule for removal from next year's list.

7. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 That the Scrutiny Committee comment on the schedule.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Jonathan Vali on Tel: 0161 474 3201 or by email on jonathan.vali@stockport.gov.uk

Nomination to Outside Bodies 2016/17

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
AGMA/ GMCA	AGMA Executive Board	Cllr Alexander Ganotis <i>Substitutes: Cllrs Wendy Wild Kate Butler</i>	Must be the Leader and Deputy Leader plus one other Exec Cllr as subs	Monthly	AGMA may change following May 2017	No change
	AGMA Planning & Housing Commission	Cllr Sheila Bailey	Must be a member of the Exec, portfolio holder	Quarterly	Political balance rules – AGMA to make final decision AGMA may change following May 2017	No change
	AGMA Statutory Functions Committee	Cllr Tom McGee Substitute: Cllr Wendy Wild	Must be a member of the Exec	Quarterly	AGMA may change following May 2017	No change
	Greater Manchester Combined Authority	Cllr Alexander Ganotis <i>Substitute: Cllr Wendy Wild</i>	Must be Leader and Deputy as sub	Monthly		No change
	Health and Social Care Strategic Partnership Board	Cllr Alexander Ganotis <i>Substitute: Wendy Wild</i>	Must be Leader	Monthly		No change

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
	GMCA & AGMA Audit Committee	Cllr Wendy Wild	Must be Deputy Leader, sub member of AGMA exec, or member of Scrutiny Pool	Quarterly	Political Balance applies. AGMA to make final decision.	No change
	Greater Manchester Health & Wellbeing Board	Cllr Tom McGee	Portfolio lead or member of local HWB Board	Quarterly	AGMA Decision on final make-up. Not all LAs represented. Political Balance rules apply	No change
	Greater Manchester Police and Crime Steering Group	Cllr Sheila Bailey	Must be Exec portfolio lead	Bi-monthly		No change
	GM Reform Committee	Cllr David Sedgwick	Portfolio lead	New this year		No change
AGMA/ GMCA Outside Bodies (nominations subject to decision of GMCA /	Asylum Seekers Executive Board	Cllr Sheila Bailey	Should be portfolio lead	Quarterly	Nomination to GMCA – no guarantee of seat	No change
	North West European Programmes Local Management Committee	Cllr Kate Butler	Nominations sought from Leader or economic development portfolio holder	Quarterly	Nomination to GMCA – no guarantee of seat	No change

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
AGMA Executive)	North West Regional Flood and Costal Committee	Cllr Sheila Bailey	Portfolio holder	Quarterly	Nomination to GMCA – no guarantee of seat	No change
	Peoples History Museum	Cllr Philip Harding		Quarterly	Nomination to GMCA – no guarantee of seat	No change
	Christie Hospital NHS Foundation Trust – Council of Governors	Cllr Tom McGee	3 year term		Nomination to GMCA – no guarantee of seat	No change
National	Association for Public Service Excellence	Cllr David Sedgwick		Annual Meetings and quarterly sub meetings if member.	Term runs from September after AGM Subject to Council subscription to the organisation	
	LGA General Assembly	Cllr Kate Butler Alexander Ganotis (5 votes) Mark Hunter Iain Roberts	Convention is that the Leader of the Council, and Leader of main opposition Group, plus two others	Annual	Due to cost, attendance is sporadic	No change
	Special Interest Group of Metropolitan Authorities	Cllr Tom McGee	Usually an Exec cllr	Quarterly, plus AGM at the LGA	Subject to Council	No change

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
	(SIGOMA)			Annual Meeting	subscription to the organisation	
	General Assembly of the University of Manchester	Cllr Colin Foster	Usually an exec cllr	Twice yearly	3 Year Term of Office	No change
Regional	Greater Manchester Council for Voluntary Organisations	Cllr Colin Foster Deputy: Cllr Wendy Wild	Request from organisation for a member who has understanding of 3 rd sector	2-3 meetings per year and various events through the year.		No change
	Greater Manchester Forest Partnership	Cllr Sheila Bailey			CURRENTLY SEEKING CLARIFICATION	
	Manchester Airport Consultative Committee	Cllrs Roy Driver John Taylor John Pantall <i>Substitute: Cllr Stuart Corris</i>	Political balance	Quarterly		No change
	Manchester Airport Consultative Committee Trust Fund – Nominated	Cllr John Taylor	Member of the MACC	Quarterly		No change
	Manchester Airport Consultative Committee Technical Advisory Group – Nominated	Cllr John Taylor	Member of the MACC	Quarterly		No change
	Manchester Airport Consultative Committee User Advisory Group – Nominated	Cllr John Pantall	Member of the MACC	Quarterly		No change

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
	North West Employers	Cllr Kate Butler	Usually an Exec Cllr		Duplication of North Western Local Authorities' Employers Organisation	Remove
	North Western Local Authorities' Employers Organisation	Cllr Kate Butler Deputy: Cllr Wendy Wild	Usually an Exec Cllr Each authority entitled to elect a representative Should not be an employee of an organisation within the scope of the organisation.	Annual Meeting in June/July, possible other committee meetings dependent on appointment	Membership organisation	No change
	Pennine Care NHS Foundation Trust Council of Members (3 years)	Cllr June Somekh (appointed until May 2017)		Quarterly	Part of FT constitution	No change
	Reserve Forces and Cadets Association for North-West England and the Isle of Man	Cllr Maureen Rowles	Would usually expect this to be the Council's Armed Forces Champion	At least the AGM, but other events as invited.		No change. Align with Champion role
	Trans Pennine Trail Members' Group	Cllrs Geoff Abell Stuart Bodsworth		Annual Meeting, plus local events		No change

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
		Tom Grundy				
	West Coast Rail 250	Cllr Kate Butler	Usually portfolio lead	Approx. quarterly at locations along the route	Useful forum for collaboration and information sharing	No change
	"Ring and Ride" Steering Group	Cllr Tom Grundy		Quarterly		No change
	Plaza Trust Board (Observer)	Corporate Director for Place Management & Regeneration (or her representative)		Quarterly	Officer will attend, although often to provide an update on Town Centre activity.	No change
	Staying Put Advisory Committee	Cllrs Laura Booth Wendy Wild			Informal group – used as a 'sounding board'	No change
	Stockport Disability Forum	Cllr Dean Fitzpatrick	Usually expect this to be the Council 'Disability Champion'	Quarterly. Would usually chair the forum	Engagement with other members/ portfolio holders on specific issues	No Change

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
	Stockport NHS Foundation Trust Board of Governors	Cllr Tom McGee		Quarterly	Requirement of FT constitution	No change
Statutory	Fostering Panel	Cllr John Taylor		Monthly Meetings	Good practice to have cllr	No change
	Adoption Panel	Cllr Richard Coaton		Monthly Meetings	Good practice to have cllr	No change
	Local Safeguarding Board	Cllr Colin Foster	Exec portfolio lead			No change
	Safer Stockport Partnership	Cllrs Sheila Bailey Mark Weldon Chief Executive	Exec portfolio lead plus member of main opposition group			
	Stockport Local Access Forum	Cllr Tom Grundy		Quarterly	Council appointment.	No change
Non-Statutory	Stockport Skills and Employment Partnership	Cllr Dean Fitzpatrick	Usually portfolio lead	Currently in abeyance		Remove
	Health and Care Integrated Commissioning Board	Cllrs Alexander Wendy Wild Tom McGee			Joint Committee with CCG	To be removed from this list
	Stockport Partnership Board	Cllr Alexander Ganotis Chief Executive <i>Substitutes: Cllr Iain Roberts</i>	Leader of the Council and leader of main opposition group is the sub	Meets no more than annually		

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
		<i>Deputy Chief Executive</i>				
	Stockport Economic Alliance	Cllr Kate Butler Chief Executive Substitute: Cllr Alexander Ganotis	Usually the portfolio lead and Leader	Bi-monthly Breakfast meetings		No change
	Stockport Children's Trust Board	Cllr Dean Fitzpatrick Cllr Colin Foster Corporate Director for People	Portfolio leads	Quarterly		No change
	Valuing People Partnership Board	Cllr Dean Fitzpatrick Cllr Paul Porgess	People	Quarterly		No change
	Stockport District Citizens Advice Bureau	Cllr Kate Butler Cllr Richard Coaton Cllr June Somekh	Political balance	Trustee Board meets bi-monthly meetings, plus AGM and ad hoc meetings as required. Evening meetings	Trustee/ Director role	No change
Formal	Board of Manchester Solutions	Cllr Kate Butler <i>Substitute: Chief Executive</i>			Now Manchester Growth Company. GMCA/AGMA no longer inviting nominations	Remove

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
Shared Services	Armed Forces Covenant Group	Cllrs Christine Corris Maureen Rowles Linda Holt	One from each of the main groups			No change
Informal	Stockport Community Advice and Information Network	Cllr Elise Wilson		Quarterly		No change
	Town Team	Cllr Kate Butler	Portfolio lead		No longer needed	Remove

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
Council Meeting Appointments	Greater Manchester Fire and Rescue Authority	Cllrs Walter Brett Daniel Hawthorne Mike Hurleston	Three largest groups nominated	Monthly, plus sub-committees		No change
	Greater Manchester Waste Disposal Authority	Cllrs Roy Driver Lisa Smart		Bi-monthly meetings, plus sub committees		No change
	Greater Manchester Police and Crime Panel	Cllr Alexander Ganotis <i>Substitute:</i> <i>Cllrs Wendy Wild</i> <i>Sheila Bailey</i>	Leader of the Council	Three times per year		No change
	Transport for Greater Manchester Committee	Cllrs Geoff Abell Annette Finnie Tom Grundy John Taylor	Political Balance Rules apply to nominations	Monthly plus sub committees as required		No change
	Greater Manchester Pension Fund Advisory Committee	Cllr John Pantall	Usually an Exec Member	Quarterly, plus sub-groups as required		No change
	GM Health Joint Scrutiny Committee	Cllr Laura Booth <i>Sub: Cllr John Taylor</i>	Non Exec members. Ideally Chair of local Scrutiny Committee	Quarterly		No change
	GMCA/AGMA/ TfGMC Scrutiny Pool	Cllrs Yvonne Guariento John McGahan Iain Roberts	<ul style="list-style-type: none"> Political Balance Gender balance 	Monthly plus sub-groups	GMCA Scrutiny arrangement subject to	No change

	Outside Body	2016/17 Nomination	Qualification/ Restrictions	Meeting Requirements	Comment	Recommendation
			required <ul style="list-style-type: none"> • Cannot be member of TfGM 		review	
	Pennine Care NHS Trust Joint Overview & Scrutiny Committee	Cllrs Laura Booth Chris Murphy John Wright	Three largest groups nominated. Non-Exec members. Ideally members of the local Scrutiny committee	Quarterly		No change

CONSTITUTIONAL REVIEW – GENERAL REVIEW OF THE CONSTITUTION

Report of the Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Council is required by section 9P of the Local Government Act 2000 to prepare and keep up to date a document which contains:
- A copy of the Council's standing orders
 - A copy of the Council's Code of Conduct under section 28 of the Localism Act 2011
 - Such information as the Secretary of State may direct and
 - Such other information as the Council considers appropriate
- 1.2 The Secretary of State has not issued any directions under section 9P of the Local Government Act 2000. The Local Government Act 2000 (constitutions) (England) Direction 2000 was issued under section 37 of the 2000 Act and is therefore no longer applicable. This means that the Council has significant discretion as to what it should include in its Constitution.
- 1.3 The Leader of the Council at the Council Meeting on 30 June 2016 reported that he had requested the Monitoring Officer in conjunction with Democratic Services to undertake a democratic and constitutional review through the Constitution Working Party. The aim is to conclude the review in time for any revised arrangements to be in place for the Annual Council Meeting in May 2017 and so be operational for the 2017-18 municipal year.
- 1.4 There are a number of reports on the same agenda that relate to thematic reviews of elements of the Constitution. This report looks at the Constitution as a whole with a view to:
- A) ensuring consistency between the various parts of the Constitution
 - B) reducing the size of the Constitution while ensuring that it meets legal requirements
 - C) improving the quality of the drafting so that it is clear and comprehensible
 - D) creating a companion guide to the constitution that can quickly and easily be amended to assist elected members and staff to understand the Council's constitution.
- 1.5 The purpose of the report is to seek agreement to the proposals set out below being put forward to the full Council or to the Leader of the Council (in relation to Executive functions) for approval.
- 1.6 The Constitution Working Party at its meeting held on 8 February 2017 recommended that:-

- none of the proposed changes to the Constitution being implemented prior to the proposed companion document to the Constitution being prepared for consideration by the Working Party, particular the process for dealing with land transactions would operate.
- from the start of the 2017/18 Municipal Year the 'Executive' should be known as the 'Cabinet'.
- that any individual delegations agreed by the Executive Meeting would override the general delegations in the Constitution.

2. REMOVAL OF UNNECESSARY TEXT

- 2.1 Part 5 CP16 is drafted in the style of a public information leaflet, addressing members of the public directly. The Local Democracy, Economic Development and Construction Act 2009 introduced an obligation on Councils to publish a scheme setting out how it would respond to petitions. The provisions were repealed by the Localism Act 2011 on 1st April 2012. As there is no longer a legal requirement to adopt a scheme it is considered that the maintenance of information for the public on the Council's website will offer the public more accessible information and enable the Council to alter its arrangements quickly and flexibly. The rules (Part 4 PR1 item 2.1.(b)) allowing petitions to be received by the full Council will remain in place as will arrangements for responding to petitions.
- 2.2 The general law now provides that smoking is prohibited in buildings to which the public have access. It is therefore considered that references to the prohibition of smoking in the Council and Executive procedure rules can be removed.
- 2.3 Part 5 CP 8 contains a "Protocol for Executive Decisions". It is a descriptive document with general guidance on report writing. Much of it is out of date or repeated in other parts of the Constitution. It is proposed that the protocol be removed and that guidance on report writing is maintained by Democratic Services.

3. CLARIFICATION AND IMPROVED DRAFTING

- 3.1 The Council refers to its Executive decision making body as "the Executive". This term could be replaced by "Cabinet" and Executive members could be referred to as "Cabinet members" if this is agreed by full Council. It is proposed that the term "Cabinet" is substituted for "Executive" throughout the constitution to reduce confusion.
- 3.2 The Council is required to maintain a members' allowance scheme. Part 6 of the Constitution sets out the scheme. Schedule 1 contains a link to an electronic version of the amounts of the allowances. This link has not been reliable and it is therefore proposed that the amounts of the allowances will be included in the text of the document.
- 3.3 The Council operates a system of electronic voting at full Council meetings. Rule 17 at Part 4 PR1 – Council Meeting Procedure Rules does not recognise the electronic

system. It is therefore proposed that the rules be amended to alter references to a “show of hands” to include the options of using “an electronic voting system” and to show that the names of Councillors voting on the approval of the budget or setting of Council tax will be recorded in the minutes of the meeting as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

- 3.4 The current draft of Article 6 of the Constitution covers the procedures for Scrutiny Committee meetings. Article 6.07 covers the annual programme of meetings but is inconsistent with the provisions at item 5 of the Scrutiny Procedure rules. It is proposed that Article 6.07 is amended to read “The programme of Scrutiny Committees meetings will be held in accordance with the Scrutiny Procedure Rules (Part 4 PR4).
- 3.5 The quorum for meetings of the Scrutiny and Executive meetings is mentioned in the procedure rules but not in the relevant Article whereas quorum is set out in the Articles relating to Ordinary Committees, Health and Well Being Board, Standards Committee, Area and Ward Committees. It is therefore proposed that reference to quorum for all meetings will be in the Procedure Rule but not the Article.
- 3.6 The Constitution currently contains a Protocol relating to the appointment of substitutes (Part 5 CP 17). It is not consistent with the provisions of Article 11.10 regarding the Standards Committee. Substitutes are mentioned in Article 11 (Standards) and 12 (Area Committees) but not elsewhere. It is proposed that the ability of members to appoint substitutes should be mentioned in each of the Articles 6 to 12 inclusive as these describe the establishment of each of the decision making bodies. Where appropriate this will enable the provisions about mandatory training for planning and licensing matters to be reflected. Article 2 (Councillors) will include provisions reflecting the ability of Councillors to appoint their own substitutes and the time scale for notification of the use of a substitute. Democratic Services will maintain an overarching guidance note on substitutes within the companion guide. This change will ensure that the right to appoint a substitute forms part of the Council’s “standing orders” and will therefore be upheld if challenged in a Court.
- 3.7 Public questions are allowed at full Council meetings (PART 2 PR2 rule 10) and at Executive, Executive Committees, Ordinary, Area and Ward Committees. There is an inconsistency in the provision of information about public questions at the various meetings of the Council. A cross reference to the Code of Practice on public meetings will be incorporated into the Articles relating to these meetings (Articles 7 and 8) for consistency with Article 12 which covers Area and Ward Committees.
- 3.8 Part 8 of the Constitution includes a list of people who have been appointed to carry out specified roles set out in legislation. This list will be updated to remove repealed legislation. Where officers with delegations set out in Part 3 have been appointed as proper officers, the delegation in Part 3 will cross reference to Part 8. Part 8 will be moved so that it forms part of Part 3.
- 3.9 On 21st November 2016 the Standards Committee considered a report which drew on the experience of investigating a breach of the Council’s Code of Conduct and amended the procedure for investigating reported breaches. The Monitoring Officer Protocol will be amended to accord with the newly adopted procedure.

- 3.10 To ensure the functions in the Protocol are delegated, Part 3 – Appendix 9 Scheme of Delegation – Head of Legal and Democratic Services (Monitoring Officer) be amended to insert at paragraph 28. “To do all things necessary and incidental to their carrying out functions as the Monitoring Officer as set out in the Monitoring Officer Protocol at CP14 of the Constitution”.
- 3.11 The current draft of the Constitution refers in many places to a “Proper Officer” for the purpose of e.g. calling meetings or maintaining the constitution. It is clear from the context that “proper officer” does not always refer to the same person. Therefore the expression will be substituted throughout the document with the title of the officer of the Council with responsibility. (e.g. Chief Executive, Monitoring Officer).
- 3.12 The post of Corporate Director for Corporate and Support Services has been disestablished. References to the post will be replaced by references to the Borough Treasurer or Deputy Chief Executive as appropriate.
- 3.13 An initial draft of the companion guide will be available for consideration by the Constitution Working Party on 8th February 2017.

4. LEGAL REQUIREMENTS

- 4.1 The Local Authorities (Standing Orders) England Regulations 2001/3384 make provision for the procedures to be followed if the full Council invites the Executive to amend a development plan of the Council’s budget. A series of amendments to ensure that the Constitution complies with these regulations will be included.
- 4.2 Part 3 – Scheme of Delegation Appendix 5 –In order to enable the efficient discharge of licensing functions, it is proposed that
- 4.2.1 Item 1 be inserted above the existing Item 1 to read “The functions set out below may be exercised by a Committee or sub-committee of members who have received training approved by the Director for Place”. This will replace Item 4 which will be removed (Only members who have received appropriate training (as agreed by the Corporate Director or his representative) in licensing law will be permitted to sit on the Licensing, Environment & Safety Committee)
- 4.2.2 Item 1 be amended to read Item 2 “ To discharge the functions of the Council as licensing authority under the Licensing Act 2003, with the exception of the functions relating to a statement of licensing policy under Section 5 of the Act”.
- 4.2.3 After the new item 2 of the delegation to the Licensing, Environment & Safety Committee, the Constitution will provide for the Committee to establish sub-committees and the matters that can be delegated to those sub-committees or officers under the Licensing Act 2003 and Gambling Act 2005.
- 4.2.4 The current delegation to the Licensing, Environment and Safety Committee to have the power to resolve not to issue a casino premises licence be amended to read “section 163 Gambling Act 2005” rather than “section 166”.

- 4.3 The Council is required to appoint a person with responsibility for designating places where marriage ceremonies can be performed. This will be CSS Manager - Events and Registrars Service following a service review of the Registrars and Event management functions of the Council. This will be reflected in Part 8 of the Constitution (Proper officer appointments) and in a new delegation to the post holder. Similarly a delegation to the Head of Democratic Services will reflect his appointment as Scrutiny Officer. Where legislation relating to the functions of Proper Officer's has been amended or repealed, this has been updated. A cross reference will be included between officers' existing delegations and their appointments as Proper Officers.
- 4.4 Part 3 – Scheme of Delegation Appendix 9 – Officer Functions - TO THE CORPORATE DIRECTOR OF PLACE MANAGEMENT & REGENERATION, in order to enable the efficient discharge of Housing Matters, Paragraph 83 is to be amended to remove "Housing Act 1996" and insert " Anti-social Behaviour, Crime and Policing Act 2014, Housing Act 1985 and Housing Act 1988".
- 4.5 Part 3 – Scheme of Delegation Appendix 9 – Officer Functions – The Head of Legal and Democratic Services (Monitoring Officer) amend paragraph 25 to remove "Housing Act 1996" and insert " Anti-social Beha

5. CHANGES TO OFFICER DELEGATIONS

5.1 Chief Executive

- 5.1.1 to add authority to agree indemnity payments to officers acting as directors on behalf of the Council or otherwise covered by the policy on indemnification of officers.

5.2 Deputy Chief Executive

- 5.2.1 To add responsibility for Information Governance this will include information asset management and the ability to award IT contracts for use across all service areas. At present the contract award arrangements relate to service areas and are therefore unclear in relation to IT contracts.
- 5.2.2 Amend to clarify that the Deputy Chief Executive can determine the appropriation of land following the receipt of representations (at present the delegation only refers to the determination of advertised disposals)

5.3 Head of Legal & Democratic Governance

- 5.3.1 To remove the financial limit for the settlement of claims and to provide for consultation with the S151 officer and Chief Executive for claims over £20,000 so as to make the settlement of claims valued over £5,000 possible and private and to protect the Council's interests by ensuring timely settlement

5.4 Monitoring Officer

- 5.4.1 To include authority to make typographical changes to the Constitution as well as changes to ensure it complies with legislation.

6. REMOVAL OF UNNECESSARY TEXT

- 6.1 The Property Transaction flow chart is currently at Annex 2 to the officer delegation. This will be removed and reproduced in the companion guide.

7. LAND TRANSACTIONS

- 7.1 The Council is now a major land owner with significant commercial interests in the Merseyway Shopping Centre, Redrock, Aurora site and the Stockport Exchange development. Further land values in Stockport have risen over the last few years. It is therefore considered that the day to day management of land holdings should be carried out under the delegations to the Deputy Chief Executive in order to ensure that the Council can respond efficiently as the owner of this type of asset. Novel, controversial and sensitive transactions will continue to be referred to Area Committees for comment. The delegations in relation to land transactions will be amended to require the Deputy Chief Executive to consult with an Executive Member only when the transaction is valued at over £500,000 and is an acquisition or disposal of a land interest. The obligation to publicise key decision (ie land transactions valued in excess of £250,000) will remain to facilitate scrutiny and call-in.

8. CLARIFICATION AND IMPROVED DRAFTING

- 8.1 In relation to the Standards' Committee, there will be a clarification of the Committee's existing role in reviewing and revising the Monitoring Officer's procedure for investigation complaints and to enable the formation of an ad hoc sub committee to consider the issue of whether to investigate complaints in exceptional circumstances.
- 8.2 Throughout the document the accuracy and frequency of cross referencing will be improved.

9. CONCLUSIONS AND RECOMMENDATIONS

- 9.1 The changes set out in this report taken together with the changes set out in reports on other parts of the agenda will result in a shorter, accurate and up to date constitution. Explanatory material and guidance will be kept up to date and supplemented when needed in a companion guide.
- 9.2 The Scrutiny Committee is invited to comment on the proposed changes in the light of the comments of the Constitution Working Party referred to in paragraph 1.6 of the report.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Celia Tierney on Tel: 0161 474 3230 or by email on Celia.Tierney@stockport.gov.uk

**CONSTITUTIONAL REVIEW – CODE OF CONDUCT FOR COUNCILLORS AND
OFFICERS DEALING WITH PLANNING AND DEVELOPMENT MATTERS**

Report of the Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

1.1 The Leader of the Council at the Council Meeting on 30 June 2016 reported that he had requested the Monitoring Officer in conjunction with Democratic Services to undertake a democratic and constitutional review through the Constitution Working Party. The aim is to conclude the review in time for any revised arrangements to be in place for the Annual Council Meeting in May 2017 and so be operational for the 2017- 18 municipal year.

1.2 The Planning and Highways Regulation Committee at its meeting held on 12 January 2017 made the following comments:-

- A member stated that they did not agree with any proposal to disestablish the Town Centre Committee and the return of decision-making relating to strategic planning applications in the town centre to the Central Stockport Area Committee on the basis that such decisions had a wider borough-wide impact should be taken on a cross-party basis.
- In response, another member commented that the creation of the Town Centre Committee had created a disparity in decision-making and local accountability whereby councillors representing the Brinnington and Central ward were the only three members on the Council who had no say at any stage in the determination of planning applications that fell within their ward.

1.3 The Constitution Working Party at its meeting held on 8 February expressed concern about paragraph 11.7 of the Code of Conduct and its interpretation of Section 25(2) of the Localism Act 2011 and having an 'open' or 'closed' mind and a 'settled mind' on a particular development application. Members requested to comment on an amended version of the Code of the Conduct prior to its approval by the Council Meeting.

1.2.1 The report has two Appendices:

- **Appendix 1** Draft Revised Code of Conduct for Councillors and Officers dealing with Planning and development Matters
- **Appendix 2** Explanatory table showing the proposed changes to the constitution.

**2. CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH
PLANNING AND DEVELOPMENT MATTERS**

2.1 The Council's constitution includes a Code of Conduct for Councillors and Officers dealing with Planning and Development Matters at Part 5 CP9. It applies to all councillors and officers who have involvement in planning policy

formulation, development promotion, pre-application advice and the consideration of planning applications. In addition Part 5 CP10 Code of Practice – Visiting Team Inspections provides a protocol for site visits relating to planning matters and Part 5 CP11 reproduces a leaflet for members of the public attending area committees.

- 2.2 This report proposes that CP9, CP10 and CP 11 should be merged into a single document covering all elements of Council conduct which specifically relate to planning matters. It is considered that this approach would increase the likelihood of both Councillors and member of the public finding the information about conduct relating to Planning.
- 2.3 Appendix 2 sets out a number of proposed changes and gives reasons for them. The overall aim of the review is to ensure that the document is consistent with the current law, the rest of the Constitution and is clear and up to date, minimising unnecessary repetition.
- 2.4 In requesting a review of the role of Area Committees, the Leader has requested that consideration be given to placing all Area Committees on an equal footing and removing the arrangements for a Town Centre Committee. The draft revised Code of Conduct for Councillors and Officers dealing with Planning and development Matters (appendix 1) has also been amended to remove any references to the town centre committee but these amendments may be reinstated if the proposal to abolish the Town Centre Committee is not approved. Further consultation on changes relating to Area Committees will be carried out through Area Committee Chairs before being considered at the Constitution Working Party.
- 2.4 All the suggested amendments have been agreed by the Head of Legal and Democratic Governance and by the Chief Planning Officer.

3. CONCLUSIONS AND RECOMMENDATIONS

The Scrutiny Committee is invited to consider the proposed amendments to the Code of Conduct for councillors and officers dealing with planning and development matters and having one consolidated arrangement for the determining of planning applications.

BACKGROUND PAPERS

The Council's Constitution

Anyone wishing to inspect the above background papers or requiring further information should contact Celia Tierney by email celia.tierney@stockport.gov.uk

Appendix 1

CP9 - CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING AND DEVELOPMENT MATTERS

1. Introduction

- 1.1 This Planning code of conduct applies to all councillors and officers who have an involvement in planning policy formulation, development promotion, pre-application advice and the consideration of planning applications.

1.2 Why we have a protocol for planning

This Planning code of conduct governs the conduct of officers and councillors and applies the Code of Conduct for Councillors and Co-opted Members (Part 5 CP1) and the Code of Conduct for Officers (Part 5 CP2) to planning. The aim of this additional Code of Conduct is to ensure the integrity of the planning system is preserved, and that it is, and is seen to be, open and fair to all parties. While this Code is advisory it is important that it is followed as it will be taken into account in any investigation under the Council's complaints procedure and in any investigation by the Local Government Ombudsman.

- 1.3 In dealing with planning and development matters the reputation of the Council depends upon how councillors, the public, and developers are dealt with and their perception of the way in which applications are determined and decisions made

- 1.4 Determining a planning application is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that the Council will act reasonably and fairly. Those involved should always be alert to the possibility that perceived failures in the planning process may result in the following risks to the Council:

- a) Judicial review of the way the decision was arrived at;
- b) Complaint to the Ombudsman on grounds of maladministration; and/or
- c) Complaint to the Monitoring Officer that a councillor has breached the Code of Conduct.

- 1.5 The Code of Conduct applies at all Council, Executive, and Committee meetings, to all decisions by councillors and officers, and all business when planning and policy decisions are made, as well as to occasions when informal advice and guidance is provided.

- 1.6 The successful operation of the planning system relies on mutual trust and an understanding of the roles and responsibilities of those involved in the process. Compliance with the Code should ensure that councillors and officers act in a way that is not only fair and impartial but is clearly seen to be so.

2. Officer Roles

- 2.1 The function of officers is to advise and assist Councillors in matters of planning policy and in their determination of planning applications and enforcement issues by:

- a) providing impartial and professional advice
- b) making sure that the information relevant to the decision to be made is set out in a report for councillors
- c) providing analysis of the issues

- d) giving a clear recommendation in any report to councillors
- e) carrying out the decisions of the Council made in Committees
- f) disclosing to the Council their direct or indirect pecuniary interests under section 117 of the Local Government Act 1972
- g) acting in accordance with the Code of Conduct for Officers at Part 5 CP2
- h) Complying with the Code of Professional Conduct maintained by the Royal Town Planning Institute and any other applicable professional code of conduct.

3. Councillors' Role

- 3.1 All Councillors are expected to comply in all respects with:-
- The Code of Conduct for Councillors and Co-opted Members at Part 5 CP1
 - The Council's Constitution and the procedure rules, codes and protocols that it contains.
- This Planning Code of Conduct
- 3.2 Training on planning is mandatory for all Councillors wishing to exercise planning decisions. Only councillors who have received appropriate training will be permitted to sit on the Planning & Highways Regulation Committee or to take part in the determination of planning matters at Area Committees. The Corporate Director for Place Management and Regeneration is responsible for determining the frequency and content of any such training.
- 3.3 Councillors set the Council's planning policy and (except where such responsibility is delegated to officers) determine planning applications and enforcement issues within the context of that policy. Councillors must not use their position as a Councillor improperly to confer on or secure for themselves or any other person an advantage or disadvantage.
- 3.4 When Councillors come to make a decision on a planning matter, they must:
- a) Act fairly and openly
 - b) Approach each case with an open mind
 - c) Refer to the Development Plan and material considerations in decision making
 - d) Carefully weigh up relevant issues
 - e) Determine each case on its own merits
 - f) Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated
- 3.5 Whilst councillors represent those who live in the wards for which they have been elected, including those who did not vote for them, their overriding duty is to the whole community.
- 3.6 Councillors alone have the responsibility to decide what view to take; they should vote in the interests of the whole community and not favour of any individuals or groups nor put themselves in a position where they appear to do so.
- 3.7 Whilst Area Committees have particular responsibilities for part of the Borough, they should exercise their powers and duties in the interests of the whole community, they should consider all planning policies and material considerations which apply to the particular application and disregard all matters that are not relevant planning considerations in coming to a reasoned judgement.

4. The Conduct of Councillors

- 4.1 Councillors have a variety of legitimate and important roles to play in the planning and development process. However, it is necessary that they understand the extent to which it is appropriate for them to be involved in any situation so as to avoid conflicts of interest, or the appearance of impropriety. For example it will be inappropriate for a councillor to promote a development, and take part in the determination of a related planning application. Issues that are likely to arise are addressed below:-

Policy Formulation

- 4.2 All councillors have a legitimate role to play in the consultation stages of policy formulation. This entitles councillors to make representations (individually or as members of committees) and these will be considered in the policy making process. As the **Development Plan** is part of the Council's Policy Framework all councillors are involved in **the adoption of planning policy**. Executive councillors have particular responsibilities for formulating planning policies. A conflict of interest will not subsequently arise when councillors have regard to those policies in determining planning applications.
- 4.3 However, councillors may need to consider their position when a planning application falls for consideration at a time when a site or area specific policy is being formulated or reviewed with the intention of addressing the particular type of development which is the subject of the application. Greater care will be needed when the policy formulation or review is instigated after the planning application was made and will depend upon the councillor's involvement in promoting the policy as it could be construed that the councillor has predetermined the planning application. In such a situation, **councillors should consider whether it would be appropriate to declare an interest in the particular application and not take part in its determination.**

Development Promotion and the determination of planning applications

- 4.4 Executive Councillors have a legitimate role to play in the promotion of development, and this will arise through its regeneration activities. Development promotion may take the form of providing grant aid, developing its own land, use of CPO powers, involvement in partnership arrangements, and by the production of planning and development briefs. Care must be exercised in subsequently determining planning applications so as to avoid any suggestion of pre-determination of the application.
- 4.5 It is important to recognise that this role may give the impression that the particular development has both the approval of the Council and the councillor involved. Executive councillors should therefore take care to exercise any promotional activity in a manner consistent with planning policies and that where they have been involved with promotional activity of a particular scheme they should not take part in the determination of a planning application for the development. The main points on each aspect of promotion are:-

(i) Grant Aid

If grant aid is awarded for a particular development that requires planning permission, Any Councillor who has participated in the decision to award the grant should declare an interest in the subsequent application and not take part in its determination. No interest arises on an application for grant aid to

carry out a development in accordance with a previously determined planning application even if the member concerned took part in its determination.

(ii) Developing Council Land

It is a statutory requirement that the officer or committee responsible for managing land cannot determine a planning application concerning that land. This mainly affects officer delegations and to a very limited extent area committees (in respect of highways for which the relevant area committee is responsible). The Planning and Highways Regulation Committee has no responsibility for managing land. An Executive Councillor responsible for managing the land should declare an interest and not take part in the planning decision. Where the Corporate Director for Place Management and Regeneration manages the land, that fact must be stated in the committee report, the officer making any recommendation must be identified and it must be made clear that the recommendation is the personal recommendation of that officer.

(iii) CPO

There is no need for a Councillor to declare an interest in a decision to make a Compulsory Purchase Order to enable development in accordance with planning permission. However, an Executive councillor having taken part in the decision to make a CPO for a particular development should not take part in the determination of a subsequent planning application for that development as he/she could be construed as having pre-determined the planning application.

(iv) Partnership Arrangements

An executive councillor who has been involved in approving a partnership arrangement for the carrying out of a particular development should not take part in the determination of the subsequent planning application but an interest need not be declared on considering a partnership arrangement to carry out a development in accordance with a previously granted planning permission.

(v) Planning and Development Briefs

Executive councillors are involved in approving planning and development briefs and the relevant area committee may be consulted upon the brief. This would not normally prevent any councillor taking part in the determination of a subsequent planning application, unless the councillor concerned made comments specifically about the type of development the subject of the application and those comments could be construed as pre-determining the planning application.

- 4.6 Once a planning application has been determined, this conflict would no longer exist and promotional activity would be acceptable.

Compulsory Purchase

- 4.7 The compulsory acquisition of land and buildings may be undertaken to secure the proper planning of an area. This process may provide councillors with particular information (sometimes confidential) which could be used to personal advantage. For

example advance warning of potential CPO action could lead an interested party to sell or acquire property due to the future implications for its value. Councillors dealing with such matters should therefore ensure that at all times, they maintain strictest confidentiality until it is in the public arena. If a councillor **owns land which is affected** by a proposal, that councillor has a **disclosable pecuniary** interest and must not be involved in any way with the CPO, must declare the interest at any meeting attended, leave the room whilst the matter is considered, and must not attempt to influence the decision in any way.

Planning Applications

- 4.8 Planning applications should be determined in accordance with the development plan, unless there are very good reasons, which should be stated in the decision. Such reasons must be defensible and reasonable. It is important that all councillors involved in determining planning applications do so impartially and without any appearance of impropriety. Applications which do not accord with the development plan may only be granted by Planning and Highways Regulation Committee.
- 4.9 Councillors may give their views to officers on planning applications in the same way as consultees, and any representations will be dealt with in the same way as other representations. However, any councillor who submits representations in this way will have formed a view on the application before hearing all the evidence and the representation is likely to be construed as prejudging the planning application. The councillor should consider whether to declare the interest and if declared, leave the room when the matter is considered by the Committee. The Councillor may make representations in accordance with rights given to members of the public attending the same committee.
- 4.10 Instructions may only be given to officers by a decision of the Planning and Highways Regulation Committee or an Area Committee within the scope of the powers delegated to them. Councillors must not attempt in any way to instruct officers or influence the content of the officer's report or any recommendations. Councillors are free to express any views they hold about an application through the open and accountable channels within the planning process (see section 11 on lobbying) and should not do so until all the evidence has been reported at the committee meeting, if they intend to take part in the decision.

Delegation of decisions

- 4.11 Decisions on planning applications cannot in law be delegated to individual councillors, but may be delegated to officers, either unconditionally or after consultation with the Chair of the Committee, or particular councillors identified in the Committee decision. In these circumstances, the decision is made by the officer concerned, but if there is a difference of opinion between any of the councillors consulted and the officer, the officer will refer the matter to the next meeting of the committee concerned.

5. Gifts and hospitality

- 5.1 **The Code of Conduct at Part 5 CP1 obliges all Councillors to register with the Monitoring Officer gifts or hospitality within the previous twelve months with an estimated value of at least £25.00 (individually or in total) by written or email notification. However, Councillors dealing with planning matters (this would include planning proposals, potential development, compulsory purchase orders or from someone who is actively promoting a policy change) should be particularly alert to**

the possibility that they may be called upon to determine, or make representations on, a planning application submitted by someone who has offered them a gift or hospitality, even if an application has not yet been submitted. If a gift or hospitality is received from an actual or potential planning applicant, even if its receipt is registered or its value does not exceed £25.00, the recipient should still consider what the public perception might be. All gifts of whatever value should be refused if there is any reason to suspect that the person offering them is an actual or potential planning applicant.

- 5.2 If a gift is accepted from an actual or potential planning applicant, whatever its value, Councillors are advised to notify the Monitoring Officer. If acceptance of a degree of hospitality by Councillors and/or officers is unavoidable, it should be ensured that this is at a minimum and that its receipt is notified. Councillors and officers should also consider whether it would be appropriate in a particular case to notify instances where gifts or hospitality have been offered, but refused. If it is, written notification should be sent to the Monitoring Officer.

6. Prejudicial Interests in Planning Matters

- 6.1 Councillors who have substantial property interests, or other interests that would prevent them, on a frequent basis from voting, should avoid serving on the Planning and Highways Regulation Committee and are likely to find that their ability to participate on planning matters at Area Committees is significantly restricted.
- 6.2 If a Councillor has a prejudicial interest, he/she must declare it and leave the meeting whilst that application is being considered but will be allowed to be present in order to make representations, answer questions, or give evidence on the application under the Council's procedures for public speaking at area committees. Such a councillor may also make written representations on the application as a member of the public, but must not attempt to improperly influence the decision. The guiding rule is that councillors must not use their position to further a private, or personal interest, rather than the general public interest, or give grounds for such suspicion. The test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the member's judgement of the public interest.
- 6.3 Advice is available on individual circumstances from the Council's Monitoring Officer or Deputy Monitoring Officer, although ultimate responsibility remains with the councillor.

7. Canvassing opinion

- 7.1 It is perfectly proper for councillors to consult the public in order to ascertain their views on any matter and such action need not be declared at the Committee meeting when the matter is considered. However, councillors should be careful not to conduct the consultation in a way that promotes a particular outcome; if they do, they should declare their interest and not take part in the decision.

8. Preliminary Enquiries and Community Engagement

- 8.1 Pre-application discussion of development proposals is considered to be good practice and is likely to increase in frequency. In some cases, these discussions may need to be held in confidence with officers, for example when a developer has an

option on acquiring land, or is in competition to acquire it and disclosure of proposals could prejudice a negotiating position. The role of the officer in these discussions is without prejudice to any decision of the Council, to explain and interpret the relevant policies which will apply to a proposal.

- 8.2 In many cases, developers will be able to share their proposals with the public and the Council before making an application. This allows developers to inform the public at the earliest opportunity and undertake meaningful community engagement to inform and shape the development to meet community aspirations and address the policy requirements.
- 8.3 Early discussions with officers and in appropriate circumstances with relevant councillors about significant future development proposals are therefore encouraged, provided that they do not become or are seen to be part of the lobbying process. In order to avoid such problems the following requirements will apply to pre-application discussions about development proposals (but not general enquiries):-
- 8.4 It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are provisional and not those of the Council. It is unlikely that all relevant information will be available, and formal consultations with interested parties may not have taken place. Officers and councillors involved with pre-application meetings should clearly explain their position and roles in the process.
- 8.5 Any advice by officers must be impartial, should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies by planning officers.
- 8.6 A written note should be made of a significant meeting where specific proposals are discussed in detail, which should be retained on the pre-application file. Two or more officers should attend potentially contentious meetings. The officer should send a follow up note to the (potential) applicant, recording the matters discussed and any documentary material which has been left with the Council. A note should be taken and retained on file of similarly potentially contentious and significant telephone discussions. Where the developer prepares a note, this should be checked for accuracy and retained on file and the developer should be informed of any material inaccuracies.
- 8.7 Care will be taken to ensure that advice is **impartial** so as to avoid the appearance that any subsequent committee report is advocating **biased** advice. No indication should be given at the pre-application stage as to what recommendation will be made when the application is submitted.
- 8.8 Where councillors are involved in meetings with developers the following additional requirements will apply:-
 - (a) **The Corporate Director, or their nominated representative** should be present at the meeting to advise councillors whenever possible;
 - (b) Councillors involved with such discussions should notify the planning officer in writing so that their involvement can be recorded on the relevant file.
- 8.9 Community engagement about a specific development proposal is often best undertaken by the prospective developer at the pre-application stage. This will generally be considered when a developer is certain of making an application and

wishes to inform the community and canvass opinions about the proposals, so that they can be taken into account. It is not normally the role of the Council or councillor to organise this engagement. However, if the councillor did decide to organise a meeting, the developer should be invited as well as the public and the purpose should be clear, that it is to obtain information and views from all sides.

- 8.10 It is important that Councillors should be able to fulfil their role as a community representative during the community engagement stage of a planning application. If a Councillor wishes to participate in the determination of the planning application, care should be taken to ensure that the Councillor facilitates an exchange of views between the developer and the community without taking steps that could be seen as pre-judging the outcome of the application. If the Councillor articulates views held by the community, it should be made clear that they are not necessarily the views of the Councillor and that they will only make a decision when the application is presented to the committee for consideration along with the accompanying officer advice and information.
- 8.11 This would allow councillors to play an important and constructive role within the pre-application process, which respects their position as community representatives, whilst preserving their essential impartiality when deciding upon a planning application.
- 8.12 When councillors take an active part in preliminary discussions/community engagement exercises, it is recommended that they provide a note setting out their involvement for the Head of Development & Control to retain on the file.
- 8.13 Where a councillor decides to participate in a community engagement exercise, and has expressed a particular viewpoint, which could be seen as prejudicial or having formed a view on the application, the councillor must declare the personal and prejudicial interest and leave the room whilst the application is determined unless making representations in accordance with rights given to any member of the public attending the same meeting.
- 8.14 Telecommunication companies have a code of good practice for mast proposals, which includes consultation with local councillors at the site identification stage. Care needs to be exercised by councillors in responding to these consultations, so that they are not seen to have pre-judged an application. Responses should therefore be suitably qualified and expressed in terms that set out relative preferences, rather than absolute or categorical opinions, unless it is intended to declare an interest and not take part in any decision on the proposal. For example, a particular proposal should not be considered either acceptable or unacceptable, but comments, suitably qualified as being without prejudice to a future decision, might express a view on the relative merits and possibility of alternative sites.

9. The Conduct of Officers

Impartiality

- 9.1 Officers dealing with planning and development matters must always act impartially and comply with the Code of Conduct for Officers at Part 5 CP1. Officers whose posts are politically restricted under the Local Government and Housing Act 1989 may not be a councillor on Stockport Council or another council.
- 9.2 Officers dealing with planning matters generally have specific roles, which reflect the split of functions between the Executive and non-Executive functions. The principles

of the code which apply to councillors, also apply to officers so that an officer who is involved with the promotion of a development should not also provide advice to the officer or committee that may influence the decision

Compliance with RTPI Code, Standing Orders and Conventions

- 9.3 Officers providing planning advice (whether Chartered Town Planners or not) shall comply with the Royal Town Planning Institute's Code of Professional Conduct **and** with the Council's Constitution governing the conduct of the Council's business.

Officers' Declaration of interest

- 9.5 Officers dealing with planning and development matters, should declare an interest in any application in which the officer has an interest which would be regarded as disclosable pecuniary interest, a personal or prejudicial interest, or in respect of which the officer has objected, expressed views, or been consulted in any capacity other than as an officer of the Council. Where an officer has an interest in an application, he/she should have no involvement with its processing and must notify the Council's Monitoring Officer who will register the interest. The interest should also be declared at any committee meeting at which the application is considered. All interests declared will be recorded in the minutes of the committee meeting.

10. Council Development and Applications by Councillors and Officers.

Duty not to act as agent for an applicant

- 10.1 Councillors and officers should never act as agent for applicants to the Council for planning permission, except in respect of the Council's own planning applications. Officers involved in processing planning applications should not act for the Council in its capacity as applicant, or in promoting the development. Applications and objections to applications by councillors and officers are to be registered with the Monitoring Officer.
- 10.2 Councillors and those officers who deal with planning matters must, when submitting their own planning applications notify the Council's Monitoring Officer, who keeps a register of such applications. They should also notify the Head of Development and Control who will ensure that the applicant takes no part in the processing, consideration or determination of the application.
- 10.3 Applications by councillors, chief officers, and service directors, and applications by officers who deal with planning matters, will not be dealt with under powers delegated to officers but will be determined by the Planning and Highways Regulation Committee or the appropriate Area Committee.

The Council's planning applications

- 10.4 Planning applications submitted by or on behalf of the Council and applications affecting land in which the Council has an interest, should be treated in the same way as those submitted by private developers, in accordance with national practice planning guidance. Such applications will be determined having regard only to material planning considerations and all other matters will be disregarded.

11. Lobbying of and by Councillors regarding planning applications Councillors' response to lobbyists

- 11.1 Lobbying by both applicants and objectors is a normal and perfectly proper part of the political process but can lead to the impartiality and integrity of a councillor being called into question. When being lobbied, councillors, and councillors of the committee which would determine the application in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments. They should restrict themselves to giving procedural advice, and suggest to those who are lobbying, that they should speak or write to the relevant officer so that their opinions can be included in the officer's committee report and advise them that there is an opportunity for public speaking at the Area Committee. If councillors do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all relevant evidence and arguments at committee.
- 11.2 Planning applications must be processed and determined in a transparently open and fair manner, taking account of all material evidence presented, before arriving at a decision. **Councillors who commit themselves before hearing all the arguments and evidence are at risk of being perceived to be biased.** Whilst councillors may begin to form a judgement about an application early in the planning process, they should not openly declare which way they intend to vote in advance of hearing the evidence and arguments at the committee meeting.

Group meetings

- 11.3 Whilst it can be expected that discussions about particular applications will take place at political group meetings, councillors are required to exercise their own judgement on the basis of the information before them when the vote is taken. Political group meetings should not be used to decide how councillors should vote. The use of political whips is contrary to the Code of Conduct and constitutes maladministration.

Lobbying and requirements relating to public meetings

- 11.4 Unless councillors have decided to declare an interest in an application and not take part in the decision, they should avoid organising support for or opposition to a planning application and avoid lobbying other councillors.

Declarations of intentions and campaigning

- 11.5 **As a general principle, and taking account of the need to make decisions impartially, Councillors involved in decision making on planning should not organise support or opposition to a proposal, lobby other Councillors, act as an advocate, or put pressure on officers for a particular recommendation.** It is recognised that a councillor whose ward is affected by a controversial application that is the subject of much lobbying is in a difficult position. He or she needs to find the right balance between the duty to be an active ward representative and the duty, as a councillor, to the whole community. If a committee councillor responds to lobbying by publicly declaring support for a particular outcome, or campaigns for it, although not amounting to a prejudicial interest, the councillor should make an open declaration at the committee meeting and not be present during consideration of the application. Before adopting such a high profile, or actively lobbying for a particular outcome, councillors should consider carefully the severe restrictions that such action would place on the councillor's

duties to represent the views of the electorate as a whole and to take part in making the decision.

Lesser forms of support for a particular outcome

- 11.6 Councillors may of course empathise with a particular body of opinion short of the circumstances outlined in paragraph 11.8, whilst waiting until the determining committee and hearing all the evidence before making a decision. The striking of the balance is entirely the responsibility of the councillor concerned, and whilst a councillor may be strongly influenced by the views of others and of his/her party in particular. It is the councillor's responsibility alone to decide what view to take on any question which councillors have to decide. A councillor should never do anything as a councillor which he/she could not justify to the public.
- 11.7 Section 25(2) of the Localism Act 2011 provides that, when a court is considering the validity of the Council's decision as a result of allegations of bias or predetermination, a decision maker is not to be taken to have had a closed mind just because they have previously done anything that directly or indirectly indicated what view they took, or would or might take, in relation to a matter that was relevant to the decision. However the expression of a settled prior view combined with voting in accordance with that view is likely to create a public perception of prejudging the application and should be avoided '
- 11.8 Councillors who are unsure whether an interest should be declared should seek the advice of the Monitoring officer, Deputy Monitoring officer or committee managers, although the decision rests with the individual councillor.
- 11.9 Public meetings concerning planning applications are sometimes organised by objectors or community groups. Officers will not normally attend public meetings of this type, except on the instruction of the Planning and Highways Regulation Committee, but may meet a small representative group if requested. Councillors who attend public meetings of this type should comply with the Code of Conduct and treat the attendance as being lobbied. This is different from pre-application community engagement meetings, about which advice is given above in section 8.

12. Officer Reports and Records of Decisions

Committee Reports on Planning Applications

- 12.1 Written reports will be provided on all applications considered by committees. Committee reports on planning applications should be accurate and include a clear and succinct exposition of the appropriate matters listed below:
- ☐
- Description of the proposed development.
 - Description of the application site and surrounding area.
 - Relevant Development Plan policies. Applications not in accordance with the Development Plan should be identified.
 - Relevant planning history of the site and lawful use where appropriate.
 - The substance of objections and a summary of the views of those who have been consulted.
 - The main planning issues/considerations and a professional appraisal.
 - A written recommendation based on the appraisal of the issues wherever possible. If the recommendation is contrary to the provisions of the development plan, the material considerations that justify overriding the policy should be clearly stated.

- Where a section 106 agreement is proposed, the matters to be controlled.
- Reasons for refusal or significant conditions as appropriate.
- Committee comments and recommendations will be added to the reports on those applications that are submitted to the Planning and Highways Regulation Committee for determination.

- 12.2 If the Area Committee or the Planning and Highways Regulation Committee decide that a team of councillors should visit the site (see Section 14) a succinct report of the recommendations of the visiting team will be submitted to the following meeting of the Planning and Highways Regulation Committee by the next meeting of that Committee
- 12.3 Oral reports will not normally be submitted except to summarise or update a written report. Significant oral reports by officers will be minuted.

Planning conditions and reasons

- 12.4 The planning officer is authorised to determine the conditions to be imposed on planning permissions even where the application is determined by committee. Conditions will, where appropriate, be in the Council's standard form. Significant non-standard conditions should be drafted by the planning officer and referred to in the committee report. Where the committee decides to add or amend conditions, it should provide the reasons for so doing. The officer will draft the conditions in accordance with the committee's instructions. All decisions, including reasons for refusal and conditions imposed on planning permissions granted will be posted on the Council web site.

Reasons for deferral

- 12.5 Where a committee decides to defer the consideration of an application, the reasons should be given and minuted.

Written record of decisions by officers

- 12.6 Decisions on planning applications determined by officers will appear on the Council web site. A written note must be placed on the application file of the planning considerations, the decision, and the reasons for it.

13. Decisions contrary to officer recommendations and/or the development plan

- 13.1 Section 54A of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning decisions be taken in accordance with the development plan unless material considerations indicate otherwise.
- 13.2 If the committee makes a decision contrary to the officer's recommendation (whether grant or refusal), a detailed minute of the committee's reasons should be made and a copy placed on the application file. The reasons should be clear and convincing. The officer should also be given the opportunity to explain the implications of the contrary decision.
- 13.3 The personal circumstances of an applicant will rarely provide sufficient grounds for not following policy unless planning policy allows this, e.g. a dwelling in the green belt needed for the accommodation of an agricultural worker.

- 13.4 An experienced legal officer should attend committee meetings where sensitive or complex applications are under consideration or where legal issues may arise to ensure that procedures are properly followed and that the committee receives appropriate professional advice.

14. Visiting Team Inspections

Area Committees and Planning & Highways Regulation Committee

- 14.1 Site visits are useful in cases of uncertainty in enabling members to acquire the fullest appreciation of the nature of the site and the impact of the proposed development upon it and adjoining properties. They are also valuable in helping to clarify thought where an application is of a controversial nature. They may however prolong the decision making process and should therefore be agreed to only for the most substantial of reasons.
- 14.2 Area Committees may recommend site visits having regard to the following criteria;
- (i) Applications which require the judgement of members based on site characteristics or visual interpretation – e.g. impact of amenity, effect on highway safety and traffic flows, effect on the character of an area, effect on the character or setting of a listed building or conservation area, effect on townscape, landscape, vegetation or other aspect of environment etc;
 - (ii) Proposals which relate to new or novel forms of development and which may require a visit to an existing establishment as well as to the site of the proposal in order to appreciate the potential planning implications; and
 - (iii) Developments which have been commenced or completed, which if refused permission would normally require enforcement action to remedy the breach of planning control and a site inspection would assist in determining the expediency of such action, and should state the reasons for the recommendation.
- 14.3 The Planning and Highways Regulation Committee may also decide that a site visit should take place having regard to the above criteria.
- 14.4 Site visits are held after the area committee and prior to the meeting of the Planning and Highways Regulation Committee at which the application will be considered and should state the reasons for the recommendation.
- 14.5 In consultation with the Chair of the Planning and Highways Regulation Committee the Corporate Director for Place Management and Regeneration, will:-
- (i) Set the dates and times of site visits at the conclusion of the meeting of the Committee. The date of the visit will be between the next meetings of the Area Committee and the Planning and Highways Regulation Committee;
 - (ii) Determine sites to be visited by teams at the conclusion of each area committee cycle of meetings in the light of the reasons specified by the Area Committee and the criteria set out in paragraph 1 above.
- 14.6 Applicants or their site agents will be notified by letter of the date, approximate time

and purpose of the site visit and informed that representations in support of the application will not be heard at the visit.

- 14.7 Members of the visiting team will meet at the Town Hall and with the planning officer and administration assistant to be transported to each site to be inspected by minibus. On arrival at each site the planning officer will introduce himself and the visiting team to the applicant and, if present, the agent. Members are asked to bring with them to the site visit their copy of the written report where this has been circulated to members of the Planning and Highways Regulation Committee.
- 14.8 At each site the planning officer will describe the application, identify the material considerations, report any objections and the comments of the Area Committee and may make recommendations as to how the application should be determined.
- 14.9. Site visits are not formal committee meetings and generally take place on private land. Members of the public are therefore not entitled to be present and the visiting team may enter the land only with the owner's consent.
- 14.10 The purpose of site visits is to enable members of the visiting team to see at first hand the nature and physical characteristics of the site and adjoining premises, to assess the impact of the development and to make recommendations to the Planning and Highways Regulation Committee as to how the application should be determined. Site visits are not an opportunity for objectors to present their views in person to members of the visiting team or for the applicant to promote the development.
- 14.11 Councillors should be mindful of the need to remain with the visiting team group to avoid any appearance of impropriety of being lobbied.
- 14.1. As a visiting team will generally have to enter private land it is not possible to prevent the applicant from being present but the applicant or agent should be discouraged from making representations to members of the visiting team. The applicant may answer questions on the proposed development but will not be allowed to address members of the visiting team on the merits or benefits of the application.
- 14.13 Objectors will not be notified of the date and time of the proposed visit but this information will be released in response to enquiries, in which case they will also be informed of the restrictions on their attendance. Should any objectors be present at the site visit they will not be allowed to address the members, their presence will be pointed out to the applicant and it will be entirely at the applicant's discretion whether or not they will be allowed to enter the property.
- 14.14 Council members who are not members of the visiting team may attend the site visit in the same capacity as an objector but may not, without the consent of the visiting team, speak and may not be present when the visiting team formulate their recommendations.
- 14.15 Democratic Services will prepare a report of the observations of the visiting team which will be submitted to the following meeting of the Planning and Highways Regulation Committee. This report will be dispatched with the next Committee agenda papers but if, due to the timing of the visit, this cannot be done it will be made available to all members of the Planning and Highways Regulation Committee as soon as possible.
- 14.16. The visiting team's report will be released to any enquirers following the team's visit.

15. Scrutiny of Decisions (The Review of Outcomes Tour)

- 15.1 The Planning and Highways Regulation Committee will annually inspect sites in each of the area committee areas of the Borough where developments have been carried out following the grant of planning permission in order to assess the quality of the decision.
- 15.2 The Corporate Director for Place Management and Regeneration will, after consulting Area Committees, submit to the Planning & Highways Regulation Committee each municipal year a list of sites recommended for visit. The list will include examples from a range of developments, to reflect the nature of activity within the borough. The Director will circulate briefing notes on the sites to be visited.
- 15.3 Following the annual visit the Corporate Director for Place Management and Regeneration will submit a report to the next meeting of the Planning and Highways Regulation Committee (and then to Area Committees) on issues raised at the annual visit to assist the Committee in deciding whether policies or practices need to be reviewed.
- 15.4 In addition, the visiting team shall whenever practical, inspect one completed development each cycle and report to the Planning and Highways Regulation Committee on the quality of the decision and any matters which should be addressed.

16. Arrangements for Public Speaking at Area Committees

Procedure for considering applications

- 16.1. Ordinarily the Chair of an Area Committee considering a planning application should follow the procedure set out below unless there are compelling reasons for altering the procedure:
- 16.2 The Committee will consider first those applications upon which members of the public wish to speak.
- 16.3 The Committee has a report on each application that sets out all material considerations and the officer's recommendation.
- 16.4 The planning officer will report any matters that have arisen since the publication of the report, e.g. the receipt of further letters.
- 16.5 Councillors of the Committee may ask questions of the planning officer.
- 16.6 The Chair of the Committee will invite anyone opposing the application to speak
- 16.7 Normally only one person is allowed to speak for the objectors, but the Chair may allow others to speak if they have additional points not covered by the first speaker.
- 16.8 Members of the Committee may ask questions of the objector to clarify any points that have been made.
- 16.9 The applicant or the applicant's representative will be invited to speak in support of the application and on issues raised by objectors. In the absence of the applicant any

other person wishing to speak in support of the application may do so.

- 16.10 Members of the Committee may ask the applicant/applicant's representative questions to clarify the proposals or their response to objections.
- 16.11 Each speaker is allowed three minutes.
- 16.12 The planning officer will be invited to comment on issues raised by speakers.
- 16.13 The Committee will debate the issues and make a decision on the application
- 16.14 Objections/applicants can only speak on the first application and not at any subsequent meeting when it is considered unless the application has been materially altered.
- 16.15 Members of the public are not allowed to take part in the debate, and may not question officers, members, or applicants whilst the Committee is considering the application.
- 16.16 Anyone arriving after an application has been dealt with will not be allowed to speak on that application.

17. Complaints and Record Keeping

- 17.1 Compliance with this Code should reduce the likelihood of complaints arising. However, anyone wishing to make a formal complaint about an officer or the processing of a planning application should write to the Head of Development Management, Place Directorate, Fred Perry House, Edward Street, Stockport SK1 3XE (emma.curle@stockport.gov.uk). Any complaint that a councillor has not complied with the Code of conduct for Local Authority Members should be sent to the Council's Monitoring Officer celia.tierney@stockport.gov.uk. A copy of the Council's complaints procedure may be obtained from the Council web site www.stockport.gov.uk) or from any Council offices or Information and Advice Centres, or by telephoning 474 3617
- 18.2 The Corporate Director for Place Management and Regeneration will so far as possible ensure that every planning file (including enforcement and development plan files) contains an accurate account of events and an easily understood explanation of the decision and how and why it was reached. This applies equally to decisions taken by Committees and officers and to enforcement and development plan matters.

Appendix 2

CP9 Code of Conduct P309-323	Proposed Change	Reason For Proposed Change
1.1 (p.309)	<p>After 1.1 new 1.2 ‘why we have a protocol for planning’</p> <p>This Planning code of conduct governs the conduct of officers and councillors and applies the Code of Conduct for Councillors and Co-opted Members (Part 5 CP1) and the Code of Conduct for Officers (Part 5 CP2) to planning. The aim of this additional Code of Conduct is to ensure the integrity of the planning system is preserved, and that it is, and is seen to be, open and fair to all parties. While this Code is advisory it is important that it is followed as it will be taken into account in any investigation under the Council’s complaints procedure and in any investigation by the Local Government Ombudsman.</p>	To provide clarity on the applicability and importance of the planning code of conduct.
1.2	<p>Now 1.3. After 1.3 a proposed a new 1.4 ‘determining a planning application is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that the Council will act reasonably and fairly. Those involved should always be alert to the possibility that perceived failures in the planning process may result in the following risks to the Council:</p> <ul style="list-style-type: none"> a) judicial review of the way the decision was arrived at; and/or b) Complaint to the ombudsman on grounds of maladministration c) Complaint to the Monitoring Officer that a councillor has breached the Code of Conduct’ 	To provide clarity on the risks to the Council
1.5	Moved to paragraph 1.2	For clarity
New 2.1	<p>Insert a new officer role. ‘The function of officers is to advise and assist Councillors in matters of planning policy and in their determination of planning applications and enforcement issues by:</p> <ul style="list-style-type: none"> a) providing impartial and professional advice 	Clarity –and to ensure that planning officer role is undertaken in accordance with the Code of Conduct

	<ul style="list-style-type: none"> b) making sure that the information relevant to the decision to be made is set out in a report for councillors c) providing analysis of the issues d) giving a clear recommendation in any report to councillors e) carrying out the decisions of the Council made in Committees f) disclosing to the Council their direct or indirect pecuniary interests under section 117 of the Local Government Act 1972 g) acting in accordance with the Code of Conduct for Officers at Part 5 CP2 h) Complying with the Code of Professional Conduct maintained by the Royal Town Planning Institute and any other applicable professional code of conduct. 	
3.2	Insert new paragraph	To include the requirement for Councillors to complete training on planning matters before sitting on the Planning Committee.
3.3	<p>After new 3.2 insert a new 3.3 'The general role of councillors'. 3.2 becomes 3.3</p> <p><i>Councillors set the Council's planning policy and (except where such responsibility is delegated to officers) determine planning applications and enforcement issues within the context of that policy. councillors must not use their position as a councillor improperly to confer on or secure for themselves of any other person and advantage or disadvantage.</i></p> <p><i>When councillors come to make a decision on a planning matter, they must:</i></p> <ul style="list-style-type: none"> a) <i>Act fairly and openly</i> b) <i>Approach each case with an open mind</i> c) <i>Refer to the development plan and material considerations in decision making</i> d) <i>Carefully weigh up relevant issues</i> e) <i>Determine each case on its own merits</i> 	Clarity on Councillors' role when making a decision

	f) <i>Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated</i>	
4.2	Change to reflect current law of the adoption of the development plan. Remove reference to Unitary Development plan and reflect role of Executive in proposing and full Council in adopting formal planning policy	For consistency with the law and with the rest of the Constitution
4.3	Final sentence which reads ;' in such a situation it would be appropriate to declare an interest in the particular application and not take part in its determination' to "In such a situation councillors should consider whether it would be appropriate to declare an interest in the particular application and not take part in its determination"	Clarity – it is a matter for the councillor to consider its position.
4.4	Remove " This is mainly a matter for"	Edit to reduce length and repetition
4.5.(i)	Remove "executive" and Add "Any Councillor who has participated in the decision to award the grant	To make it clear that all Councillors involved in grant aid decisions are covered by this part of the Code.
4.5 (ii)	Remove "The planning delegation arrangements also deal with this	Edit to reduce length and repetition
4.5 (iii)	Replace current para with "There is no need for a Councillor to declare an interests in a decision to make a Compulsory Purchase Order to enable development in accordance with planning permission."	Edit to improve clarity
4.7	Amend reference to prejudicial interests to read as follows: "The compulsory acquisition of land and buildings may be undertaken to secure the proper planning of an area. This process may provide councillors with particular information (sometimes confidential) which could be used to personal advantage. For example advance warning of potential CPO action could lead an interested party to sell or acquire property due to the future implications for its value. Councillors dealing with such matters should therefore ensure that at all times, they maintain strictest confidentiality until it is in the public arena. If a councillor is owns land which is affected by a proposal, that councillor has a disclosable pecuniary	

	<p>interest and must not be involved in any way with the CPO, must declare the interest at any meeting attended, leave the room whilst the matter is considered, and must not attempt to influence the decision in any way.”</p>	
4.8	Replace “Planning framework” with “development plan”	To accord with the law
4.9	<p>Replace “will be prevented from taking part in the determination of the application” with “the representation could be construed as prejudging the planning application. If the Councillor has formed a view in advance of the Committee the representation is likely to be construed as prejudging the application. The councillor should consider whether to declare the interest and if declared, leave the room when the matter is considered by the Committee. The Councillor may make representations in accordance with rights given to members of the public attending the same committee.</p>	To accord with the law and the principle that it is for councillors to decide on their interests.
5 (p.314)	<p>Gifts and hospitality. Insert new 5.1 and 5.2</p> <p><i>a) The code of conduct at Part 5 CP1 obliges all councillors to register with the monitor officer gifts or hospitality within the previous twelve months with an estimated value of at least £25.00 (individually or in total) by written or email notification. However, councillors dealing with planning matters (this would include planning proposals, potential development, compulsory purchase orders or from someone who is actively promoting a policy change) should be particularly alert to the possibility that they may be called upon to determine, or make representations on, a planning application submitted by someone who has offered them a gift or hospitality is received from an actual or potential planning applicant, even if its receipt is registered or its value does not exceed £25.00, the recipient should still consider what the public perception might be. All gifts of whatever value should be refused if there is any reason to suspect that the person offering</i></p>	Provide more clarity on the information provided

	<p><i>them is an actual or potential planning applicant.</i></p> <p><i>b) If a gift is accepted from an actual or potential planning applicant, whatever its value, councillors are advised to notify the monitoring officer. If acceptance of a degree of hospitality by councillors and/or officers is unavoidable, it should be ensured that this is at a minimum and that its receipt is notified, Councillors and officers should also consider whether it would be appropriate in a particular case to notify instances where gifts or hospitality have been offered, but refused. If it is, written notification should be sent to the monitoring officer.</i></p> <p>and remove old 5.1;</p>	
6.1 to 6.3 First sentence of 6.5 6.8 and 6.9	remove	repeats text and reproduces from the Code of Conduct at Part 5 CP1
8.7	Correct use of word “partial” and replace with “impartial” and “biased” as appropriate.	For clarity
8.8	(a) remove The Director, Service Directors, Town Centre Project Director, Head of Regeneration, Head of Policy as well as the Head of DC and insert ‘ <i>Corporate Director and or their appointed representative should be present at the meeting to advise councillors whenever possible</i> ’	Clarity and remove reference to town centre committee
8.10, 8.11	Replace existing text “However, it is important that as community representatives, Councillors should be able to take part and meaningfully contribute at this stage of the process, when developments are being formulated. Care will however need to be taken so that a participating councillor is not seen to have prejudged a proposal, which he/she is intending to be involved with when the resulting application is submitted for determination. Any consultation process undertaken by a councillor should be transparent and maintain the probity of the process.	Clarity

	<p>The role of the councillor, who wishes to take part in any future debate on an application is different from that of community leader, in that it is more passive and independent, due to the constraints of the planning process and the need to maintain probity. The role is considered to be one of facilitation, rather than mediation, but that does not undermine its importance in bringing the community and developer together to exchange information and views. The councillor could even articulate the views of the community, without being prejudiced by them, providing it was made clear that he/she did not necessarily hold those views. If the councillor decides to take a more active role in promoting or opposing a development, an interest should be declared.</p> <p>8.11 Councillors should therefore be able to act as conduits for information flow between the developer, officers and the community. Councillors may articulate community concerns and aspirations, providing that they make it clear that the views are not necessarily their own and that they would only make a judgement as and when an application is presented to the committee for consideration, along with all the accompanying officer advice and information.”</p> <p>With “It is important that Councillors should be able to fulfil their role as a community representative during the community engagement stage of a planning application. If a Councillor wishes to participate in the determination of the planning application, care should be taken to ensure that the Councillor facilitates an exchange of views between the developer and the community without taking steps that could be seen as pre judging the outcome of the application. If the Councillor articulates views held by the community, it should be made clear that they are not necessarily the views of the Councillor and that they will only make a decision when the application is presented to the committee for</p>	
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	consideration along with the accompanying officer advice and information.”	
8.13	Replace “ under public speaking set out at section 6.2 with “ in accordance with rights given to any member of the public attending the same meeting ”	clarity
9.5 (p.318)	Insert ‘Officers’ before Declaration of interest and add “ has an interest which would be regarded as disclosable pecuniary interest, “	Clarity and to update with law and current Code of Conduct
10.4	Remove with Circular 19/92 and insert ‘ with national planning and practice guidance	This DoE circular was cancelled by the national planning practice guidance 6/3/14
11.2	Replace “For councillors to commit themselves before hearing all the arguments and evidence makes them vulnerable to accusations of partiality” with “ Councillors who commit themselves before hearing all the arguments and evidence are at risk of being perceived to be biased	For clarity
11.5	A new sentence insert at the beginning of first paragraph ‘ <i>As a general principle, and taking account of the need to make decisions impartially, councillors involved in decision making on planning should not organise support or opposition to a proposal, lobby other councillors, act as an advocate, or put pressure on officers for a particular recommendation</i> ’	clarity
11.6 (p.320)	Insert a new second paragraph ‘ <i>Section 25(2) of the Localism Act 2011 provides that, when a court is considering the validity of the Council’s decision as a result of allegations of bias or predetermination, a decision maker is not to be taken to have had a closed mind just because they have previously done anything that directly or indirectly indicated what view they took, or would or might take, in relation to a matter that was relevant to the decision. However the expression of a settled prior view combined with voting in accordance with that view is likely to create a public perception of prejudging the application and should be avoided</i> ’	Clarity on closed mind and having a view
12.1	Final paragraph remove ‘ <i>in relation to applications considered by the Town Centre Committee, the comments of Ward Councillors will be included within the officer report</i> ’	To be reinstated if proposals to abolish the Town Centre committee are not approved
12.2	Remove Town Centre Committee from line 1 and line 5 Amend on line two (see section 15 to 14)	Town centre abolished

		Typographical error To be reinstated if proposals to abolish the Town Centre committee are not approved
12.4	Remove “The planning officer is authorised to determine the conditions to be imposed on planning permission even where the application is determined by committee”	An amendment to the delegation to the Corporate Director for Place Management and regeneration covers this and will be brought forward for adoption as follows “ Jointly with the Planning and Highways regulation Committee to determine applications for planning permission subject to conditions pursuant to section 70 Town and Country planning Act 1990.
14	Remove Site visits 14.1 and insert CP10 procedure	To have one complete planning protocol document
15	After the title Scrutiny of Decisions insert (The Outcomes Tour)	This is what it is known as.
16 (new)	Insert the new CP11 arrangements for public speaking	To have one complete planning protocol document
16	Renumber 17	Inserted other sections

CP10 – code of practice – visiting team inspections

This will now form part of the new draft CP9 the Planning Protocol and is inserted at 14.

9.	New sentence to be inserted. <i>‘Councillors should be mindful of the need to remain with the visiting team group to avoid the appearance of impropriety of being lobbied’</i>	To avoid any risk of allegation that a councillor has been lobbied at a site visit
11.	Remove ‘recommendation’ on last sentence and replace with <i>‘observations’</i>	Councillors should not be making recommendations but having a view/observation
12.	Either remove <u>or</u> could state in the second sentence ‘councillor observations will not be discussed in the presence of the applicant or objectors	As above
13.	On the first line – Replace The Chief Executive with Democratic Services On first line – replace <i>‘recommendations’</i> to <i>‘observations’</i>	The report is drafted by democratic services
14	Replace <i>‘recommendations’</i> with <i>‘report’</i>	Councillors should not be making recommendations before the committee date

CP11 – Arrangements for Public Speaking at Area Committees

This was drafted for members of the public and was inserted into the constitution. It has been amended to show that it is guidance for Chairs of Area Committees in the conduct of the planning part of Area Committee business.

title	Remove CP11 and <i>'on planning applications and the town centre committee'</i> to read <i>'arrangements for public speaking at area committees'</i>	To be reinstated if proposals to abolish the Town Centre Committee are not approved.
2.	Remove final sentence <i>'you may obtain a copy of the report from the Democratic Services Officer'</i>	This is not relevant for councillors or officers only the public so removed
Additional information	First paragraph. Amend to read <i>'objectors/applicants can only speak on the first application and not at any subsequent meeting when it is considered unless the application has been materially altered'</i>	To remove town centre committee as (To be reinstated if proposals to abolish the Town Centre Committee are not approved) and amended so it is relevant for councillors rather than the public
"	Fourth to seventh paragraph - remove	Not relevant for councillors or officers
"	Make paragraph one, two and three into 12,13 and 14 on Procedure for considering applications	

CONSTITUTIONAL REVIEW – FINANCIAL PROCEDURE RULES

Report of the Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Leader of the Council at the Council Meeting on 30 June 2016 reported that he had requested the Monitoring Officer in conjunction with Democratic Services to undertake a democratic and constitutional review through the Constitution Working Party. The aim is to conclude the review in time for any revised arrangements to be in place for the Annual Council Meeting in May 2017 and so be operational for the 2017/18 municipal year.
- 1.2 The review of the arrangements for the proper administration of the Council's financial affairs is the responsibility of the Chief Finance Officer. This report sets out the proposed updates to the Financial Procedure Rules (FPR) as a result of a review undertaken during autumn 2016.
- 1.3 The Constitution Working Party at its meeting held on 8 February 2017 recommended that the proposed changes to the Financial Procedure Rules be adopted by the Council Meeting as part of the Council's Constitution.

2. REASON FOR THE CHANGES

- 2.1 A project was established early in 2016/17 to undertake a review of the Council's Purchase to Pay process. The project is being undertaken by colleagues from Corporate and Support Services and is linked with the Council's Digital by Design Programme. The aim of the project is to improve the automation, efficiency and effectiveness of the Council's Purchase to Pay process. This will offer a number of benefits to the Council:
 - Improved Financial Management
 - Faster payments to suppliers
 - Prompt and efficient invoice processing
 - Improved compliance with Contract Procedure Rules (CPR)
 - Improved compliance with Financial Procedure Rules (FPR)
 - Fraud and error prevention
- 2.2 In order to support this work it is necessary to review and update both the FPR and also the Council's Purchase to Pay Policy. The proposed changes to the FPR are focused around sections seven and eight, Purchasing and Payment.
- 2.3 Whilst completing the review, the opportunity has also been taken to reflect some other minor drafting and presentational updates to further enhance the document.
- 2.4 The key themes emerging from the review and update of the FPR and Purchase to Pay Policy are:

- To mandate the use of purchase orders through the Council's official ordering systems, unless the expenditure falls within a given approved list of exemptions.
- To operate a 'No Purchase Order No Payment' (No PO No Pay) Policy whereby the Council would not accept invoices or payment demands from suppliers who fail to quote a valid purchase order number (unless the supplier is included on the exemption list). This is a Policy which is used widely by many organisations across the Public Sector.
- To further automate the processing and flows of information through the Procure to Pay process and reduce manual interventions where appropriate.

2.5 The Purchase to Pay Policy will aid compliance with both the Council's FPR and also the CPR. It will draw together into one document all of the appropriate behaviours and proper practice that will help to deliver value for money and prevent fraud with regard to purchasing activity. Implementing this Policy will mean the Council is adopting 'best practice' processes in relation to Procure to Pay.

2.6 The new proposed Policy will be taken through the necessary governance procedure arrangements in early 2017/18.

3. SUMMARY OF THE FPR CHANGES

4. The following table sets out the proposed changes to the FPR:

Section	Section Name	Commentary / Proposed Revision
7	Purchasing	<p>The overarching theme to the changes made is to provide clarification to the wording to support the proposed changes to the Purchase to Pay policy.</p> <p><u>Para 7.3</u> There have been two changes to the wording in this paragraph:</p> <p>To support automation and use of Council purchasing systems the reference to the use of forms has been removed and replaced with the word processes.</p> <p>The wording has been updated to name the process for ordering, receiving and paying for goods as the 'Purchase to Pay Policy'</p> <p><u>Para 7.6</u> The wording has been updated to emphasise the need for Authorised Finance Officers to utilise the expertise of STAR Procurement and to ensure Authorised Finance Officers are aware of the Contracts Register.</p> <p><u>Para 7.7</u> There have been two changes made to the</p>

		<p>wording in this paragraph;</p> <p>The wording has been updated to mandate the need for a Purchase Order to be placed using an official Council ordering system. This will reduce the use of unofficial orders and will be necessary for all expenditure items unless covered by the authorised exemptions list.</p> <p>This supports the No PO No Pay Policy.</p> <p>It should be noted that the Policy will provide for emergency situations where it is not possible to place an order.</p> <p>An additional sentence has been added to the paragraph to place responsibility with budget holders to manage the relationship with suppliers to ensure that purchase order numbers are quoted on invoices.</p> <p><u>Para 7.9</u> Additional wording has been added to set out the minimum information requirements which must be present on supplier invoices. This is to support automated processes, efficient allocation to budget codes and prompt payment of invoices.</p> <p><u>Para 7.12</u> The wording has been updated to reflect the need to 'promptly' undertake the goods receipting process. This is to support efficient processing and prompt payment of invoices.</p>
8	Payments	<p><u>Para 8.1</u> The paragraph refers to purchase orders 'if provided' this wording has been removed as it will be expected that purchase orders will be provided (unless exempt). This supports the No PO No Pay Policy.</p> <p>The paragraph refers to the limited circumstances where the supplier requires payment with purchase order. Additional wording has been added to ensure that in such circumstances authorisation is sought from the Chief Finance Officer. This is to support value for money and to safeguard the Council against Fraud.</p> <p><u>Para 8.16</u> Additional paragraph included to provide further clarification around the monitoring of expenditure</p>

		incurred using a Corporate Purchasing Card. Authorised Finance Officers will be responsible for monitoring spend on the Cards they assigned. This is a fraud prevention measure.
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5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 The Scrutiny Committee is invited to agree that the revisions shall be recommended for adoption by the Council Meeting as part of the Council's Constitution.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Celia Tierney by email celia.tierney@stockport.gov.uk

PR 5 - FINANCIAL PROCEDURES RULES

I N D E X

- 1 Introduction
- 2 Definitions
- 3 Role of the Chief Finance Officer
- 4 Financial Management
- 5 Closure of Accounts/Statutory and Statistical Financial Returns
- 6 Income
- 7 Purchasing
- 8 Payments
- 9 Banking and Financing Arrangements
- 10 Stores
- 11 Insurance
- 12 Inventories
- 13 Security
- 14 Salaries, Wages and Pensions
- 15 Travelling, Subsistence and Other Allowances
- 16 Taxation
- 17 Voluntary and Unofficial Funds
- 18 Internal Audit
- 19 Retention of Financial Records

PR 5 - FINANCIAL PROCEDURE RULES

*References:
Chapter 2 DETR Guidance*

1. INTRODUCTION

- 1.1. *The purpose of these rules (formerly referred to as Financial Regulations) is to advise Councillors and employees of Stockport Council of the required standards to be complied with in the management of the Council's financial affairs. They are the rules referred to in Article 16 of the Council's constitution.*
- 1.2. These rules set out those financial matters that are delegated to Chief Officers under the scheme of delegation or under statute and are to be managed by officers and agents of the Council.
- 1.3. All officers and agents responsible for the financial matters covered by these rules are required to maintain and promote the highest standards of financial management, integrity and administration. Chief Officers are responsible for ensuring that all relevant officers in their departments understand their responsibility for taking reasonable action to provide for the security of any assets under their control, and for ensuring that the use of these resources is legal, properly authorised and provides value for money.
- 1.4. All account keeping arrangements and financial systems operated by the Council shall be subject to standards, controls and protocols determined by the Chief Finance Officer. Any proposed departure from using corporate financial systems must be justified on value for money and service grounds and subsequently approved by the Chief Finance Officer.
- 1.5. These rules should also be read in conjunction with other relevant parts of the Constitution including:

Article 4 (Para. 4.01) – Definition of Policy Framework and Budget
Article 14 – Definition and Functions of the Chief Finance Officer
Article 15 – Principles of Decision Making and Definition of 'Key Decision'
Article 16 – Finance, Contracts and Legal Matters
Part 3 – The Scheme of Delegation
Part 4 (PR2) – Policy Framework and Budget Procedure Rules
Part 4 (PR6) – Contract Procedure Rules
- 1.6. The Stockport Scheme for Financing Schools sets out the financial relationship between the Council and the maintained schools that it funds and takes precedence over similar provisions within these rules.

2. DEFINITIONS

In these Rules the words and phrases below have the following meanings:

Authorised Finance Officer means officers or posts that have been nominated in writing by Chief Officers as being responsible for the duties and activities set out in these Financial Procedure Rules.

Budget Holder means officers or posts responsible for discharging the relevant duties and activities set out in these Financial Procedure Rules.

CIPFA means The Chartered Institute of Public Finance and Accountancy.

Chief Finance Officer means the officer responsible for the proper administration of the

financial affairs of the Council pursuant to Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 or suitably qualified and experienced officers nominated by the Chief Finance Officer as being able to deputise for this role in the context of these Financial Procedure Rules.

Chief Internal Auditor means the officer nominated by the Chief Finance Officer as being responsible for the Council's internal audit arrangements.

Chief Officer means Corporate Directors, the Chief Finance Officer and Head Teachers and Chairs of Governors of schools covered by the Stockport Scheme for Financing Schools.

Capital Financing means borrowing, capital receipts, grants, third party contributions, commuted sums, revenue contributions or any other source that is earmarked to finance capital expenditure.

Financial Records means receipts, invoices, claim forms, income and expenditure records, or any other document supporting or relating to a financial transaction, contract or prospective contract.

Stockport Scheme for Financing Schools means the approved scheme published on the Council's website which defines the financial relationship between the Council and the schools in its area. The scheme contains requirements relating to financial management and associated issues, which are binding on both the Council and on the schools. The scheme is subject to specific statutory arrangements and governance arrangements whereby any changes to the scheme are subject to consultation with school governing bodies and must be approved by the Schools Forum.

Transparency Code means the Local Government Transparency Code covering the publication of expenditure and other information.

3. ROLE OF THE CHIEF FINANCE OFFICER

3.1. To support the Chief Finance Officer in the fulfilment of their duties, the Council will comply with the CIPFA Statement on the Role of the Chief Financial Officer in Local Government. In particular, the Council will ensure that the Chief Finance Officer:

- Is a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest;
- Must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the authority's financial strategy; and
- Must lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

3.2. To deliver these responsibilities the Chief Finance Officer must:

- Lead and direct a finance function that is resourced to be fit for purpose; and
- Be professionally qualified and suitably experienced.

4. FINANCIAL MANAGEMENT

- 4.1. Chief Officers shall in writing nominate which officers or posts within their service are authorised to:
- Carry out the role of Authorised Finance Officer;
 - Carry out the role of Budget Holder; and
 - Process debit or credit card transactions (by telephone, internet or point of sale) from clients or customers on behalf of the Council.
- 4.2. Chief Officers shall determine which income, expenditure, assets, liabilities, services and/or projects each of the above are responsible for managing (both revenue and capital). The Chief Finance Officer shall be notified in writing of these details and promptly informed of any changes to the authorisations. All officers who are given specific financial responsibilities must familiarise themselves with these rules and ensure proper financial controls are maintained.
- 4.3. Authorised Finance Officers shall approve suitable access to financial systems to enable:
- Budget Holders and those officers supporting Budget Holders to carry out their duties under these rules;
 - Officers authorised to process debit or credit card transactions from clients or customers to carry out their duties under these rules.
- 4.4. Budget Holders shall notify their Authorised Finance Officer and the Chief Finance Officer as soon as possible of any matter within their area of responsibility which may lead to a material budget deficit or loss. The Chief Finance Officer will provide guidance or advice on request with regard to materiality levels. Notification shall be given whether or not the matter is to come before a committee, the Executive or an Executive Councillor. Budget deficits or losses include significant potential liabilities, projected variations against revenue budgets and capital scheme allocations, instances of non-compliance with laws or regulations which could affect the finances of the Council, significant pending legislation and instances of known irregularities arising from fraud, error or corruption.
- 4.5. Budget Holders are responsible and accountable for the following activities that fall within their span of control:
- Developing detailed and robust financial plans including the development of savings plans and proposals to redesign service provision as and when required by Chief Officers and Authorised Financial Officers;
 - The regular monitoring of expenditure and income generation against financial plans taking account of any approved virements, budget realignment, the re-phasing of expenditure and transfers to or from reserves;
 - Taking action to mitigate and reduce a forecast deficit or delays to expenditure plans;
 - Preparing and reporting forecast and final outturn positions and providing an explanation of any forecast surpluses or deficits against budget in accordance with standards and timescales determined by the Chief Finance Officer;
 - Ensuring material items of income and expenditure are accounted for (coded) correctly and recognised in the correct financial year;
 - Ensuring that proper financial controls are maintained and appropriate separation of duties is enforced to mitigate the risk of fraud, error or corruption;
 - Promptly authorising or rejecting purchase order requests, changes to purchase orders, departmental recharges and payments which support activities within their span of control;
 - Ensuring income from all sources is collected in a timely manner by preparing grant claims to the required standard in accordance with official deadlines, ensuring income

is collected at the point services are requested wherever possible and by raising bills/following up sundry debtors promptly to minimise the risk of accruing bad or doubtful debts.

- 4.6. Authorised Finance Officers shall ensure another officer within the service at an appropriate level of seniority can act as a substitute for carrying out Budget Holder duties in the event of absence or a vacancy.
- 4.7. Authorised Finance Officers shall approve appropriate access to financial systems, reports and other information for officers occupying Budget Holder Positions and other officers or agents required to support Budget Holders in the discharge of their duties.
- 4.8. Authorised Finance Officers and Budget Holders shall undertake their activities using corporate financial systems, methodologies, protocols and guidance determined by the Chief Finance Officer.
- 4.9. Budget holders shall also adhere to any standards and timescales specified by The Chief Finance Officer.
- 4.10. The Chief Finance Officer will make arrangements to support budget holders in these endeavours by:
 - Providing training, support and advice that is focused on improving standards of financial management and that encourages a 'self-service' approach to dealing with regular or routine financial matters;
 - Providing financial advice and support commensurate with risk assessments of spending and income generating activity;
 - Providing advice on technical financial matters; particularly with regard to the interpretation of accounting codes of practice and the local government finance framework;
 - Providing support for complex costing/financial modelling activities and any associated profiling of expenditure linked to the achievement of milestones;
 - Assisting with the procurement of specialist financial advice where required.

Financial Planning Framework

- 4.11. It is a legal requirement for the Council to ring-fence and separately manage the following financial resources and expenditure.
 - Housing Revenue Account income and expenditure;
 - Income and expenditure which falls within the remit of the Stockport Scheme for Financing Schools;
 - Capital expenditure and its financing;
 - The Collection Fund;
 - Any trust fund being managed on behalf of their trustees;
 - Any other ring-fenced budget coming into effect after the publication of these rules.
- 4.12. The Council may also be required to earmark specific or ring-fenced grants, contributions or other resources to particular activities.
- 4.13. Any income or expenditure which does not fall within the categories set out at paragraph 4.11 is deemed to fall within General Fund (non-schools).
- 4.14. Having regard to all statutory arrangements, the Chief Finance Officer, after consulting the Executive and other Chief Officers, shall be responsible for designing and implementing the annual budget and medium term financial planning The Chief Finance Officer is

responsible for the preparation of a Medium Term Financial Plan, Capital Strategy, Corporate Revenue Budget, Capital Programme and to provide advice on the setting of a Council Tax.

Budgetary Control

- 4.15. Chief Officers, Authorised Finance Officers and Budget Holders shall:
- Not take steps intended to exceed the overall revenue budget and/ or capital programme resources allocated to them;
 - Not allocate ring-fenced funding to activities that fall outside of the relevant statutory arrangements or the conditions imposed by the relevant funding body;
 - Ensure borrowing, capital receipts or capital grants are not used to finance revenue expenditure unless prior approval has been obtained from the relevant Government Minister or Secretary of State;
 - Take all reasonable steps to mitigate the impact of events that may cause net expenditure to exceed budgeted amounts for a given financial year.
- 4.16. The re-phasing of planned expenditure between financial years is only permitted if:
- Resources can also be brought forward or carried forward to avoid creating 'in year' deficits or surpluses;
 - The overall approved budget for the relevant service, project or scheme is not exceeded.

Budget Monitoring

- 4.17. The Chief Finance Officer (in consultation with the Executive and other Chief Officers) shall from time to time specify the reporting framework for disclosing forecast or outturn expenditure compared to budgets, total revenue and capital expenditure and the financial arrangements of major policies, schemes and projects presented for approval to the Council meeting or the Executive. Budget Holders shall supply the information necessary to undertake these tasks in compliance with the format, standards and timescales specified by the Chief Finance Officer.
- 4.18. Budget Holders shall be responsible for revenue budget and capital programme management within the totals allocated to them. Revenue and capital budgets and financial resource transfers must comply with the Virement and Budget Realignment Rules set out below.
- 4.19. Authorised Finance Officers shall ensure financial monitoring and governance arrangements are put in place that are commensurate with the size, risk, complexity and volatility associated with particular revenue budgets and capital schemes. Regular 'in year' reports will be prepared by the Chief Finance Officer for the Executive and individual Executive Councillors comparing actual net expenditure to budget for which the relevant Executive Councillor is accountable.
- 4.20. Where either a deficit or the re-phasing of expenditure is anticipated, Budget Holders shall identify why the deficit or re-phasing has arisen, specify what steps are being taken to ensure it will not be repeated and how the impact on revenue budgets and/or capital programme allocations will be mitigated.
- 4.21. Where one-off surpluses are carried forward to a future financial year, they may be used to fund existing commitments on a temporary basis. However, they must not be used solely to commit the Council to new or additional services that result in permanent ongoing expenditure that will require continued funding in subsequent years.

- 4.22. Authorised Finance Officers are responsible for ensuring 'exit strategies' are in place to support, for example the winding-up of any service provision that is financed from time limited specific grants or third party contributions.
- 4.23. Where any monitoring information is referred to Scrutiny Committees, Authorised Finance Officers, or members of the Executive shall make arrangements to supply such further information as is requested by the relevant Scrutiny Committee provided the request falls within the relevant Committee's Terms of Reference.

Virement

- 4.24. Virement is the transfer of financial resources from one activity area to another. Virement between revenue budgets and between capital schemes is only permitted within the rules set out below.
- 4.25. Either the Executive collectively, or the appropriate Executive Member in respect of budgets within their area of responsibility (portfolio), may authorise virement, provided that such virement does not conflict with the Policy Framework determined by the Council Meeting.
- 4.26. Chief Officers, Authorised Finance Officers and Budget Holders may exercise virement between services and budget items within their span of control, provided that such virement does not:
- Conflict Policy Framework or with any other policy or strategy adopted by the Executive or an ordinary Committee of the Council;
 - Conflict with a decision taken previously by the Council Meeting, the Executive or an Ordinary Committee or Area Committee;
 - Create greater permanent spending commitments than would otherwise exist, or
 - Commit the Council to additional spending in future years;
 - Create or increase a deficit against any individual budget item;
 - Change the revenue budget or capital programme resources allocated to individual Executive Member portfolios (such virements must be approved by the appropriate Executive Member(s) or the Executive).
- 4.27. Budget Holders must keep a record of all virements affecting their revenue budget or capital programme allocations, including the reasons for the virement. The Chief Financial Officer will report regularly to the Executive in respect of virements that result in transfers between the portfolios of individual Executive Members.
- 4.28. Where budgets are delegated to Area Committees, virement may only be undertaken within the constraints, if any, determined by the Executive.

Budget Realignment

- 4.29. Budget Realignment means the transfer of activities and their associated budgets, reserves or spending allocations from one area of the Council to another. Budget realignment is normally necessary after the restructuring of council services or changes to individual Executive Member (portfolio) responsibilities.
- 4.30. The Chief Finance Officer will sanction Budget Realignment to keep pace with changes in organisational structure or changes to individual Executive Member (portfolio) responsibilities. The Chief Financial Officer will report regularly to the Executive in respect of Budget Realignment that results in transfers of revenue budget or capital scheme allocations between the portfolios of individual Executive Members.

Bids for additional external funding

- 4.31. Where third parties invite the Council to bid for additional resources (e.g. capital grants), care should be taken to ensure that the costs and risks associated with preparing a bid do not outweigh the benefits of receiving additional funding. All costs associated with bidding should be financed from the relevant service budget unless the Executive has specifically approved alternative financing arrangements. Successful bids typically require the Council to deliver specific outcomes or provide additional matched funding. Failure to meet these obligations could result in the clawback of funding from the donor organisation. Any decision to bid for external funding must take account of the costs, risks and obligations associated with the bid being accepted by the provider of the funding.
- 4.32. The Chief Finance Officer shall be notified by Budget Holders of all external bids for additional resources and any additional confirmed funding. Copies of original correspondence confirming funding allocations shall also be forwarded by Budget Holders to the Chief Finance Officer.

Capital Expenditure and Financing

- 4.33. Capital expenditure shall be accounted for in accordance with the relevant statutory definition. The Chief Finance Officer will provide guidance or advice on request as to whether an item can be treated as expenditure for capital purposes. Budget Holders should develop plans to support capital investment commensurate with the value, risks and complexity associated with the activity. Where those plans include phases or milestones, Budget Holders should forecast:
- The expected date each phase or milestone will be achieved;
 - The expenditure incurred at the completion of each phase or milestone.
- 4.34. Decisions to approve new schemes or variations to existing schemes must consider:
- The value, risks and complexity associated with delivering new investment;
 - Capital Financing Requirements;
 - Any additional revenue expenditure commitments arising from proposed new capital expenditure such as additional maintenance costs or additional capital financing costs.
 - The governance arrangements for managing and monitoring progress against plans.
- 4.35. Decisions to earmark uncommitted Capital Financing to particular programme areas, service areas or Executive portfolios must consider:
- The type of funding to be earmarked including the amount, its purpose, timescales for spending, and any ring-fencing or other conditions associated with the funding;
 - whether there are alternative options for deploying funding elsewhere;
 - The process for allocating earmarked funding to specific schemes or projects and which councillors and officers will be responsible for making those decisions.
- 4.36. Projects which are financed from Prudential Borrowing shall comply with the Prudential Code for Capital Finance in Local Authorities (published by CIPFA). Furthermore, Head Teachers shall ensure that they comply with the Prudential Borrowing and Leasing Scheme for Schools as agreed by and updated from time to time by the Schools' Forum.

5. CLOSURE OF ACCOUNTS/STATUTORY AND STATISTICAL FINANCIAL RETURNS

- 5.1. The Chief Finance Officer shall prepare and publish the Councils annual Statement of Accounts in accordance with the relevant statutory requirements and accounting codes of practise.
- 5.2. Budget Holders shall supply working papers and supporting information to assist the preparation of the Statement of Accounts. This information shall comply with the format, standards and timescales specified by the Chief Finance Officer.
- 5.3. Budget Holders shall also supply to the Chief Finance Officer such information to complete corporate statutory financial and statistical returns, meeting the format, standards and timescales determined by the Chief Finance Officer.
- 5.4. Arrangements for the completion of all other statutory statistical returns will be the responsibility of the relevant Chief Officer.

6. INCOME

Charging for Services (Fees and Charges)

- 6.1. The Chief Finance Officer shall publish guidance from time to time setting out the process for reviewing the scale and scope of discretionary Fees and Charges. Budget Holders shall ensure that up to date fees and charges are published on the relevant service web pages of the Council's website.

The Collection of Income

- 6.2. The Chief Finance Officer shall be responsible for the collection of Council Tax and Non-Domestic Rates.
- 6.3. Income may only be collected using methods and channels approved by the Chief Finance Officer. Officers responsible for the collection of income shall utilise and promote the most cost-effective approved means of collection including electronic payments. Where it is reasonable to do so, income should be collected at the point a service is requested. Budget Holders shall be responsible for the prompt collection of all income due to their budget area whether grants, contributions, commuted sums, sales, fees, charges or rents, in a cash or credit form. Value Added Tax must be added to charges where statutorily required and must be shown separately on bills and receipts under the circumstances specified by HMRC.
- 6.4. Officers who collect income on behalf of the Council shall, where possible issue receipts for all 'customer present' transactions showing the full amount received. Receipts will be issued for postal remittances that are sent to the correct address if requested by the payee and if a stamped addressed envelope is enclosed with the remittance. Where it is not possible to issue a receipt for a 'customer present' transaction, additional controls shall be put in place by the relevant Budget Holder to prevent fraud and ensure all such takings are justified and accounted for correctly.
- 6.5. The form of receipt issued in respect of income shall be approved in guidance issued by the Chief Finance officer from time to time. Where a receipt is given officers must only use machine-printed or receipt forms approved by the Chief Finance Officer.
- 6.6. Officers or posts are only permitted to process debit/credit card transactions (by telephone, internet or point of sale) if authorised to do so by Chief Officers. Officers who process debit/credit card transactions must:

- Be trained to correctly use the Council's income processing system and must only use their own unique ID to access the system;
 - Uphold the quality and security standards laid down by the Payment Card Industry;
 - Comply with the Council's Payment Card Security Policy and any supporting guidance.
- 6.7. Debit/credit card transactions must only be processed in a secure office environment where ID badges are worn at all times. Debit/credit card transactions cannot be processed by homeworkers where security procedures cannot be monitored effectively.
- 6.8. Whenever possible, refunds of debit/credit card payments back to clients or customers should be processed against the card used to make the original payment. Officers who processed a debit/credit card payment that is now being refunded should either:
- Ensure the refund is processed by a different officer that is authorised to process debit/credit card transactions; or
 - Ensure the refund is supervised and checked by an officer independent of the transaction while it is carried out.
- 6.9. All requests for the provision of Chip and PIN devices must be approved by the Chief Finance Officer. The location of Chip and PIN devices and their use must comply with Payment Card Industry Standards and the Council's Payment Card Security Policy (including supporting guidance issued by the Chief Finance Officer from time to time). Whenever possible, Chip and PIN devices and other channels for card payments should be interfaced/linked to the council's corporate income processing system.
- 6.10. Where the Council is supplying goods or services, any payment by cheque at the point of supply shall be supported wherever possible by a cheque guarantee card subject to the conditions imposed by such cards.
- 6.11. All cash, cheques and postal orders received shall be deposited promptly into the Council bank account specified by the Chief Finance Officer. The frequency of bankings should be commensurate with the amounts collected relative to the cost of making a deposit (either in person at locations specified by the Chief Finance Officer or by an authorised secure courier). Cash, cheques and postal orders must be stored securely between bankings.
- 6.12. Every officer who prepares bankings/deposits on behalf of the council shall complete separate paying-in slips for cash and cheque deposits. Postal orders should be included on the same paying in slip as cheques. Officers must also promptly complete and submit an income analysis sheet and email it to deposits@stockport.gov.uk to accompany each paying in slip. The form of the income analysis sheet and instructions for submission will be specified by the Chief Finance Officer.

Reconciliation

- 6.13. All income collected shall be reconciled daily to till rolls and receipts/tickets or certificates issued and any other daily income records. Bankings shall be reconciled to total income collected.
- 6.14. A check shall be carried out by an officer independent of the person undertaking the bankings to prevent fraud and ensure that bankings are properly credited to the Council's bank and recorded correctly in the ledger.
- 6.15. Budget Holders shall arrange for periodic reviews to be undertaken throughout the year to ensure that these reconciliations and checks are being carried out appropriately.

- 6.16. Officers shall ensure that their own monies, any unofficial funds (e.g. school funds) and Council monies are kept separate. Officers must never borrow Council funds or unofficial funds nor use Council funds or unofficial funds to cash personal cheques. Sums due to the Council shall not be paid into personal or non-Council bank accounts.
- 6.17. Whenever any transfer of Council or unofficial fund money is made from one officer to another, the officer receiving the money must sign for it and date and record the receipt. The officer passing the money on shall retain the record bearing the receiving officer's signature and the date of the transfer.
- 6.18. Authorised Finance Officers shall establish adequate procedures and controls to ensure that all officers entrusted with Council money are properly trained and familiar with these rules.

Debt Recovery

- 6.19. The Chief Finance Officer is responsible for determining the procedures to be followed in relation to debt recovery.
- 6.20. Budget Holders shall ensure that there is documentary evidence to support the raising of an invoice. This is essential if the debt has to be pursued at a later date because it is unpaid. Invoices should only be raised where there is sufficient evidence that the recipient of the invoice is responsible for the debt.
- 6.21. Budget Holders shall enforce recovery in relation to debts due that have been raised against their budget. Enforcement shall be carried out in accordance with the Corporate Recovery Code Policy Statement. Where statute requires a specific form of debt recovery, those procedures must be followed e.g. for rent collection or Council Tax collection.
- 6.22. The circumstances in which debt should be considered for write off are covered in the Council's Corporate Recovery Code Policy Statement. Where debts are deemed to be irrecoverable, write off shall be approved in accordance with the limits set out in the following table:

Debt Value	Approved By:
Up to £500	The Budget Holder for the service area against which the debt was raised. Also see paragraph 6.23 below.
£500 up to £5,000	An Authorised Finance Officer or the Head of Revenues and Benefits in the case of centrally managed debts.
£5,000 to £10,000	Chief Finance Officer
£10,000 to £50,000	Executive Councillor, Support and Governance
£50,000 or above	The Executive

- 6.23. It is not legally possible to recover debts that are cancelled as a result of liquidation or bankruptcy proceedings. Where debts are cancelled as a result of liquidation or bankruptcy proceedings, write off shall be approved as follows:

Debt Value	Approved By:
Up to £5,000	The Head of Revenues and Benefits or such other officer as the Chief Finance Officer may nominate from time to time.
Over £5,000	The Chief Finance Officer

- 6.24. Periodically, officers from the Revenues and Benefits service will undertake a data cleansing exercise to maintain the quality of information held regarding debtors and outstanding balances. Officers undertaking this work will be permitted to write off uncollectable residual debts worth up to £20.
- 6.25. The above amounts are exclusive of any value added tax where it is charged.
- 6.26. Multiple invoices shall not be raised nor write-offs made in several stages to circumvent the above-mentioned approval levels.

7. PURCHASING

Procurement, Commissioning and Purchasing

- 7.1. Purchases shall only be made when a need has been established and a budget is identified as available. The decision to purchase shall only be made by Chief Officers, Authorised Finance Officers or Budget Holders.
- 7.2. All purchases shall be lawful, made in accordance with the Council's Contract Procedure Rules (PR6) and based on a clear need in relation to the provision of Council services.
- 7.3. The Chief Finance Officer shall from time to time determine the processes to be followed and for all purchase to payment activity. In this regard, the Chief Finance Officer shall issue policies or guidance covering:
- The provision of access to financial systems;
 - Roles and Authorisation Limits;
 - Supplier Verification and Set up;
 - The Process for ordering, receiving and paying for goods and services, known as the Purchase to Pay Policy.
- 7.4. Budget Holders shall make arrangements for managing supplier relationships and shall resolve supplier queries, mismatches between orders; goods receipt notes and invoices and deal with disputes including their resolution. In the event of absence, Authorised Finance Officers shall ensure another (substitute) officer is nominated to manage the supplier relationship.

Choice of Supplier

- 7.5. Officers and agents responsible for purchasing goods and services on behalf of the Council shall ensure that value for money is obtained, and be able to provide evidence that this has been achieved by complying with the Council's Contract Procedure Rules. Prior to placing orders, officers responsible for awarding contracts or approving the use of a particular supplier must ensure the supplier's details are accurately recorded in the Council's financial systems in accordance with procedures specified by the Chief Finance Officer. To prevent fraud, supplier details (including bank details) must be independently verified as part of this process.
- 7.6. Authorised Finance Officers shall ensure that officers utilise the expertise of the STAR procurement service to support all procurement and commissioning activity and in addition are aware of the Corporate Contracts Register.

Ordering

- 7.7. To support value for money objectives and facilitate prompt and efficient invoice processing, a purchase order must be placed for all good or services unless the goods

and services are covered by the Purchase to Pay exemptions issued by the Chief Finance Officer. Orders provided to suppliers must be placed using the Council's ordering systems as set out in the Procure to Pay Policy issued by the Chief Finance Officer. All orders should be clear, unambiguous and must quote an official purchase order number. Purchase orders shall include the name and contact details of the Officer duly authorised to manage the supplier relationship. Orders should normally be priced, and where appropriate make reference to the quotation, tender or contract concerned. Budget Holders authorised to manage the supplier relationship must ensure that supplier invoices reference the purchase order number.

- 7.8. To prevent fraud and minimise the risk of duplicate supply or payment, confirmation, copy or replacement orders shall only be issued in accordance with guidance issued from time to time by the Chief Finance Officer.
- 7.9. Additional monitoring arrangements shall be put in place for goods and services that are purchased without quoting an official purchase order number (e.g. those items that are included on exemptions list which is part of the purchase to pay). As a minimum supplier invoices should quote the Officers full name, and the cost centre and general ledger code of the budget the invoice will be coded against. The purpose of these additional arrangements is fraud prevention and to ensure that goods or services supplied are in accordance with the terms and conditions associated with any agreement or contract.
- 7.10. Officers shall not attempt to bypass Standing Orders or European Union Procurement Directives by deliberately breaking up or staging purchases or phasing of work so that they remain below any threshold or limits specified in the Contract Procedure Rules.
- 7.11. Where it is identified prior to the order or before the goods are received that they are to be leased, this shall be recorded on the copy order. The Chief Finance Officer shall be notified of all requests to lease equipment prior to entering into a leasing arrangement. All requests to lease equipment shall be subject to approval by the Chief Finance Officer.

Receipt of Goods and Services

- 7.12. The 'goods receipting' process shall be carried out promptly in accordance with guidance issued from time to time by the Chief Finance Officer. The correct receipt of goods shall be acknowledged by an appropriate officer who checks for quantity and quality to the details set out on the delivery note to validate the receipt of goods or services. Delivery notes shall be matched and checked to the appropriate copy order and retained. Budget Holders shall establish clear procedures for the treatment of part or incorrect deliveries.
- 7.13. Goods shall be held with appropriate security and entered into stores or an inventory if appropriate (see sections 10 and 12). Permanent valuable items shall be marked as the property of Stockport Metropolitan Borough Council. This does not apply to equipment leased by the Council which shall be marked to indicate the equipment is leased in such a way as not to deface the equipment.

8. PAYMEMNTS

- 8.1. All payments shall be made in accordance with guidance issued from time to time by the Chief Finance Officer. Payments shall only be made in respect of goods or services properly received on receipt of an official invoice quoting an official purchase order number sent by the supplier. In limited circumstances where the supplier insists on payment with order, authorisation must first be sought from the Chief Finance Officer. Invoice prices should be checked for accuracy against the related purchase order and/or goods receipt note. Copy invoices shall not be paid until a thorough check has been made that the invoice has not already been paid and the appropriate officer should certify that this is the case. To facilitate prompt and efficient payment, suppliers should be instructed to send

invoices to the correspondence address specified by the Chief Finance Officer.

- 8.2. Payments shall not be made against statements sent by suppliers. Duplicate invoices and copy orders shall be marked as such to mitigate the risk of making duplicate orders or payments. Payments to settle invoices should be made by BACS transfer unless the Chief Finance Officer specifies that an alternative payment method may be used in specific circumstances.
- 8.3. Credit notes shall be checked to the original order and payment. Where a credit note cannot be deducted from current or future payments, a refund shall be requested from the Supplier. All credit notes and refunds shall be credited to the budget code(s) used to fund the original payment.
- 8.4. Payments shall be coded to valid and accurate accounting codes which are appropriate to the goods or service provided. Budget Holders shall ensure sufficient budget is made available to finance the payment.
- 8.5. Budget Holders shall ensure that the treatment of value added tax and the contractor's tax deduction scheme has been considered and undertaken correctly.
- 8.6. Any discounts e.g. for early payment shall be deducted when payments are made within the required terms.
- 8.7. Payments shall be authorised or rejected by the relevant Budget Holder using systems and protocols determined by the Chief Finance Officer.
- 8.8. No one Officer shall alone be responsible for all stages of the purchasing and payment process, i.e. ordering, receipt, checking to the original order and authorisation.
- 8.9. Authorised Finance Officers shall ensure efficient and prompt payment by following the procedures set out in these rules and in policies or guidance issued by the Chief Finance Officer. Where possible, advantage should be taken of early payment discounts and payments should be made in accordance with specified terms of trade but never more than 30 days from receipt of the goods or service or receipt of invoice whichever is the later. (Payment should only be made later than 30 days if specifically included in the contract terms). Failure to achieve these deadlines may lead to the Council incurring a financial penalty in accordance with relevant legislation which will be charged against the relevant budget.

Payments without an Invoice

- 8.10. Payments relating to Salaries, Wages, Pensions, Travelling, Subsistence and Other Employee Allowances are covered in sections 14 and 15 below. Requests to make other payments without an invoice (including the transfer of funds to bank imprest accounts and prepaid or top up cards) must be made using systems and protocols determined by the Chief Finance Officer.

Payment Methods

- 8.11. Where practical, officers should support all efforts to process payments by BACS. For most transactions, BACS is the most cost-effective method of payment. The use of alternative payment methods must be justified on value for money grounds and is only permitted if approved in writing by the Chief Finance Officer.

Payment Disputes

- 8.12. Budget Holders shall be responsible for liaising with suppliers, clients, customers and other third parties in order to resolve payment disputes. In the event of absence, Authorised Finance Officers shall ensure another (substitute) officer is nominated to deal with such matters.

Corporate Purchasing Cards/ Credit Cards

- 8.13. The Council shall operate a Corporate Purchasing Card Scheme. The definition of Purchasing Cards shall also include Credit Cards. The terms of the Corporate Purchasing Card Scheme shall be determined by the Chief Finance Officer and the card provider. The Chief Finance Officer shall issue guidance relating to the operation of the scheme which cardholders and their managers/supervisors must comply with. All requests for a purchasing card should be justified by a suitable business case and signed off by the appropriate Authorised Finance Officer.
- 8.14. Officers should not seek to obtain a Corporate Purchasing Card in order to circumvent the Council's purchasing and procurement rules. Use of a purchasing card does not change an officer's obligation to follow financial and contract procedure rules. Officers continue to have an obligation to secure value for money for purchasing card expenditure. All purchasing card expenditure that has been incurred must be checked/verified by an Officer who is not the cardholder.
- 8.15. Officers who use a Corporate Purchasing Card must retain copies of all receipts for expenditure to facilitate the monitoring and auditing of card expenditure and to enable the council to legitimately reclaim VAT on expenditure incurred. Copies of receipts must be retained for a period of six years. Purchasing cardholders must also submit monthly spend analysis returns on request in the form determined by the Chief Finance Officer to facilitate accurate recording of expenditure in the ledger and to enable the council to meet its obligations regarding the publication of expenditure under the Transparency Code.
- 8.16. Officers who hold a Corporate Purchasing Card will have an Authorised Finance Officer assigned to them. Authorised Finance Officers are responsible for monitoring spend on the Purchasing Cards they have been assigned to ensure the above requirements are met and assist with the prevention of fraudulent spend.

9. BANKING AND FINANCIAL ARRANGEMENTS

Treasury Management

- 9.1. The Chief Finance Officer shall be responsible for the management of the Council's cash flow, lending and borrowing in accordance with the Treasury Management Policy Statement approved by the Council meeting.
- 9.2. The Chief Finance Officer shall approve the opening of all bank accounts (including imprest accounts), funds and similar arrangements (except for bank accounts held by schools under the Stockport Scheme for Financing Schools). Signatories and Authorisers for all council operated bank accounts must be approved by the Chief Finance Officer.
- 9.3. The Chief Finance Officer shall be responsible for all external financing arrangements for borrowing and leasing, including those for schools exercising delegation under the Stockport Scheme for Financing Schools.

- 9.4. The Council must not offer any type of consumer credit which would require specific registration with the Financial Conduct Authority.

Payments from Bank Accounts

- 9.5. The Chief Finance Officer in consultation with the Council's provider of banking services shall approve the design of all cheques and shall be responsible for the ordering, issuing and safe keeping of cheques. All cheques issued shall be crossed 'account payee only'. The opening of cheques payable to 'cash' is prohibited.
- 9.6. Council cheques for the main bank accounts shall bear the facsimile or actual signature of the Chief Finance Officer or be signed by an Officer authorised by the Chief Finance Officer.
- 9.7. Cheques drawn against other bank accounts shall be signed by at least two officers of the Council. Cheques drawn against other bank accounts must not be pre-signed before issue.
- 9.8. If a school exercises its legal right to operate its own bank account, the account must be operated within the terms of the Stockport Scheme for Financing Schools.

Cash Floats, Petty Cash and Imprest Bank Accounts

- 9.9. The effective operation and control of cash floats, petty cash and imprest bank accounts is the responsibility of the appropriate Budget Holder. Budget Holders shall arrange for records to be kept of holders, locations, amounts and signatories acknowledging receipt of the cash and any subsequent variations. The holding of and operation of such accounts shall be subject to annual review by the Chief Finance Officer.
- 9.10. All petty cash payments shall be supported by relevant receipts and by VAT invoices where appropriate.
- 9.11. A record of expenditure and reimbursements shall be maintained. This shall be reconciled at least at each reimbursement to ensure that the sum of the payments to be reimbursed and the cash in hand or at the bank equals the total of the imprest.
- 9.12. Budget Holders shall arrange for an independent reconciliation of the imprest to be carried out no less than annually.
- 9.13. Income received on behalf of the Council other than for the reimbursement of payments from the account shall not be paid into a petty cash float or imprest bank account. It shall be paid into the Council's bank account in accordance with PR5 section 6 'Income'.
- 9.14. A cash float, petty cash or imprest bank account holder shall provide full details of the account to the Chief Finance Officer on request. Budget Holders shall provide on request to the Chief Finance Officer a list of all float, petty cash and bank imprest account holders, locations and balances.
- 9.15. Prior to leaving Council employment or otherwise ceasing to hold a cash float, petty cash or bank imprest account, the officer shall account for the advanced amount to the appropriate Budget Holder or Authorised Finance Officer.
- 9.16. Imprest bank account holders shall not cause an account to become overdrawn. Banks shall be requested by the Chief Finance Officer not to allow any formal or authorised overdraft facilities on such accounts.

10. STORES

- 10.1. Budget Holders shall be responsible for the custody, security, control and recording of stores and stock items and shall provide the Chief Finance Officer with such information as required. Stores shall not be misapplied and must be held securely and free from possible damage.
- 10.2. Budget Holders shall ensure stocks are managed and maintained at appropriate levels and shall operate a form of continuous stocktaking so that all items are checked at least once a year in all stores or stocks held under their control. They should retain evidence of these and make such regular stocktaking returns as determined by the Chief Finance Officer. All discrepancies should be investigated and pursued to a satisfactory conclusion, including where appropriate the removal from the council's records (i.e. write-off). Budget Holders shall be responsible for approving the write-off of stocks.
- 10.3. Budget Holders shall ensure that obsolete or surplus very slow moving items are disposed of at the best price possible.
- 10.4. Budget Holders should keep under review the need for stocking items, which should take into account options available for alternative provisioning methods.

11. INSURANCE

- 11.1. The Chief Finance Officer shall arrange all insurance cover and negotiate any claims in consultation with appropriate officers and outside claims agencies. The exceptions to this are schools which may arrange insurance cover, personal accident and sickness schemes and balance of risks under the Stockport Scheme for Financing Schools.
- 11.2. Authorised Finance Officers shall inform the Chief Finance Officer promptly of all new risks, properties or vehicles requiring insurance and of any alterations affecting existing policies.
- 11.3. Authorised Finance Officers shall inform the Chief Finance Officer of any new scheme, working practice, or programme that entails potential risk or possible loss or legal action.
- 11.4. The Chief Finance Officer shall inform Authorised Finance Officers of any conditions of the policies affecting insured risks. Authorised Finance Officers shall be responsible for ensuring that such conditions are met and that the actions of officers do not invalidate any claims.
- 11.5. Authorised Finance Officers shall immediately inform the Chief Finance Officer of any loss, damage or liability, actual or potential, which is likely to lead to a claim by or against the Council. Where appropriate the Police shall be informed of the incident.
- 11.6. The Chief Finance Officer shall review all insurances in consultation with appropriate Authorised Finance Officers, at least annually.
- 11.7. The Chief Finance Officer shall be responsible for administering any self-funding arrangements set up either to run alongside or replace conventional, externally provided insurance. Exceptions to this relate to the internal funds for balance of risks, personal accident and sickness cover.
- 11.8. Authorised Finance Officers shall consult the Chief Finance Officer about any indemnity requested from the Council, by an outside body. *An indemnity is an agreement between*

an outside body and the Council in which the Council is required to make good a loss sustained by the outside body by means of a monetary payment.

12. INVENTORIES

- 12.1. Budget Holders shall keep an inventory of assets within their control. This shall include adequate descriptions of furniture, fittings, equipment, plant and machinery. Items that are not material in value may be ignored unless collectively they make up a substantial asset. The Chief Finance Officer will provide guidance or advice on request with regard to materiality levels for inventories.
- 12.2. Budget Holders shall be responsible for ensuring that a physical check of items against their inventories is carried out at least annually. This shall be evidenced on the inventory by date and signature of the officer undertaking the check. Any deletions from or amendments to inventories shall be approved by Authorised Finance Officers.
- 12.3. The Council's property shall not be removed except in the ordinary course of the Council's business, or used for non-Council purposes unless the Authorised Finance Officer concerned has issued written specific authorisation. All such removals shall be recorded.

13. SECURITY

- 13.1. Officers shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc. under their control.
- 13.2. Cash kept in a safe shall not, except in exceptional circumstances, exceed the value of the limit as recommended by the Chief Finance Officer. *Guidance on limits for safes will be included in the insurance guide.*
- 13.3. Keys to safes etc. shall always be carried by the person responsible and not left on premises overnight. Lost keys shall immediately be reported to the appropriate Authorised Finance Officer who shall take appropriate action to ensure the continuing security of the cash etc. held. Duplicate keys shall be kept to a minimum. Safes and cupboards etc. used for holding cash shall be kept locked unless the key holder(s) is present.

14. SALARIES, WAGES AND PENSIONS

- 14.1. All salaries, wages, and other associated payments to employees or former employees of the Council shall be made in accordance with arrangements approved by the Chief Finance Officer.
- 14.2. All timesheet records or other pay documents shall be in a form approved by the Chief Finance Officer and must be certified by the appropriate line manager as determined in the Council's establishment structure. The Chief Finance Officer may specify that additional authorisation is required for certain items including some employee benefits.
- 14.3. The Chief Finance Officer shall approve the form of authorisation required for data that is input to the computerised payroll/HR system.
- 14.4. Budget Holders shall ensure that all appointments are made in accordance with HR Recruitment Policies, approved establishments, grades and scale of pay and that adequate budget provision is available.
- 14.5. Budget Holders shall notify the Chief Finance Officer of all matters affecting such payroll payments as soon as possible, or by agreed deadlines and in the required manner. In particular:

- Appointments, resignations, dismissals, suspensions affecting pay, secondments and transfers;
- Absences for sickness or other reason, apart from approved leave with pay;
- Changes in pay rates, other than national pay awards and other general agreements;
- Information necessary to maintain records of service for superannuation, income tax, national insurance and other deductions;
- Information necessary to ensure an officer's salary and other payroll related costs are charged to the correct budget code;
- Approved changes to the establishment.

14.6. Budget Holders shall ensure that effective systems and procedures are operated so that:

- Payments are only to authorised bonafide employees;
- Payments are only made where there is a valid entitlement;
- Conditions and contracts of employment are correctly applied;
- Employees names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

14.7. Budget Holders should ensure that pay transactions are only processed through the payroll. Careful consideration should be given to the employment status of individuals employed on a self-employed or sub-contract basis. HMRC applies a tight definition for employee status and in cases of doubt, advice should be sought from the Chief Finance Officer.

14.8. Budget Holders should notify the Chief Finance Officer of any benefits in kind, to enable full and complete reporting within the income tax self-assessment system. *E.g. long service awards below 20 years.*

14.9. If a local authority maintained school decides to use a different payroll/HR system supplied in accordance with the Stockport Scheme for Financing Schools, such information will need to be provided to the appropriate service provider or maintained by the school if returns to HMRC and other Government departments are required.

15. TRAVELLING, SUBSISTENCE AND OTHER ALLOWANCES

15.1. All claims by Officers for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be duly authorised by the appropriate line manager as specified in the Council's approved establishment.

15.2. The certifying officer must be satisfied that the journeys, expenses and/or overtime were pre-approved, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.

15.3. Councillors who are entitled to claim travel or other expenses, including co-opted members of committees, shall make their claims promptly and regularly in the manner specified by the Chief Finance Officer. Payment shall be made by the Chief Finance Officer when authorised forms have been received.

15.4. Allowances and expenses shall be paid at approved rates and in accordance with appropriate National or Local Conditions of Service.

15.5. All claims for financial year ending 31st March shall be submitted before the 7th of April.

15.6. Claims submitted more than six months after the expenses were incurred shall not be paid unless there are exceptional circumstances.

16. TAXATION

- 16.1. The Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.
- 16.2. The Chief Finance Officer shall make arrangements for the completion of all returns regarding PAYE and the Construction Industry Scheme and monthly returns of VAT inputs and outputs to HM Revenue and Customs.
- 16.3. The Chief Finance Officer shall make arrangements for the provision of up-to-date guidance on employer responsibilities relating to the taxation of employees.
- 16.4. Budget Holders shall ensure that:
 - All account keeping / record keeping obligations are complied with;
 - All taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
 - Records are maintained in accordance with transactions;
 - Returns are made to the appropriate authorities within the stipulated timescales.
- 16.5. Budget Holders shall ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.
- 16.6. Budget Holders shall ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- 16.7. Budget Holders shall ensure that all persons employed by the Council are added to the Council's payroll and tax deducted where appropriate from any payments, except where the individuals are bonafide self-employed or are employed by a recognised staffing agency.
- 16.8. Authorised Finance Officers shall ensure that guidance on taxation issued by the Chief Finance Officer is followed.

17. VOLUNTARY AND UNOFFICIAL FUNDS

- 17.1. *The term "voluntary" or "unofficial" fund refers to any fund, other than an official fund of the Council, which is controlled wholly or partly by an officer or teacher employed by the Council, or by the managers or governors of a school funded by the Council and is related to the activities operated by such teacher or officer and is a consequence of the employment by the Council.*
- 17.2. Officers operating any voluntary or unofficial fund shall notify their Authorised Finance Officer of the details of the fund.
- 17.3. All such unofficial or voluntary funds shall be held and operated according to accounting requirements set by the Chief Finance Officer. There shall be at least two signatories to any bank/building society account or investment.
- 17.4. The accounts of voluntary and unofficial funds shall be completed each year and an annual statement of income and expenditure or receipts and payment account produced. This statement shall be published on the notice board of the building or school and included in

a report to the managers or governors where considered appropriate by the appropriate Authorised Finance Officer and the Chief Finance Officer. Wherever possible these statements should be supplied in any annual report to parents.

- 17.5. Authorised Finance Officers shall ensure that arrangements for auditing these funds have been made.

18. INTERNAL AUDIT

- 18.1. The objective of the Internal Audit Service is to provide an independent appraisal function that provides an independent and objective opinion to the Council on the control environment, by evaluating its effectiveness in achieving its objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.
- 18.2. It is the responsibility of Chief Officers to implement and maintain adequate and effective controls and to ensure the efficient and effective use of Council resources.
- 18.3. The role of Internal Audit is to carry out independent reviews to provide assurance that the control framework is operating effectively.
- 18.4. The Council has delegated to the Chief Finance Officer the responsibility for maintaining an effective system of Internal Audit so as to comply with Regulation 5 of the Accounts and Audit Regulations 2015. The Internal Audit Service will also assist the Chief Finance Officer in ensuring that his responsibilities under Section 151 of the Local Government Act 1972 are met in that there is in place a proper administration of the Authority's financial affairs.
- 18.5. The Chief Internal Auditor shall determine the priorities of the Internal Audit Service. Chief Officers shall ensure that the Internal Audit Service is given unrestricted access to all parts of the Council's operations as required.
- 18.6. The Chief Internal Auditor shall have direct access to the member of the Executive whose portfolio includes Internal Audit activities, Chief Officers and Governing Bodies, on matters determined by the Chief Internal Auditor.
- 18.7. The Chief Internal Auditor, in the proper pursuit of their duties,
- Shall have access on request, to all Council premises or land;
 - Shall have access on request, to all records, documents and correspondence relating to any Internal Audit enquiry;
 - Shall be given on request, any explanations, by any employee, officer or member, concerning any matter being examined;
 - Shall have produced to them on request, by an employee, cash, stores or any other Council property.
- 18.8. Authorised Finance Officers shall notify the Chief Finance Officer and, in consultation, decide what action to take whenever there is any suspected irregularity involving financial records, cash, stores, other Council property or the functioning of the Council. Any officer may also follow the Council's whistleblowing Policy as set out in section CP4 of the Constitution.
- 18.9. When initial evidence suggests that a criminal offence has been committed, the Chief Internal Auditor shall consult the appropriate Authorised Finance Officer, the Council's Monitoring Officer, and the Head of People and Organisational Development before involving the Police unless to do so would be likely to impede the prevention or detection of crime. The Chief Internal Auditor shall be the final determinant on what is referred to the Police and shall inform the Authorised Finance Officer and the Chief Finance Officer

of the reasons for the decision in accordance with the Council's Anti-Fraud, Bribery and Corruption Policy.

- 18.10. At the completion of each audit, the Internal Audit Service will issue a draft report outlining any issues where improvements in controls or procedures are required to address risks. After receipt of comments and any timescales for improvements, a final report will be sent to the Authorised Finance Officer. Authorised Finance Officers shall respond to Internal Audit Service reports within the timescales laid down.

19. RETENTION OF FINANCIAL RECORDS

Budget Holders shall ensure that financial records, i.e. documents supporting a payment or an item of income received, are retained for six years or the periods specified by statute if longer.

REPORT TO EXECUTIVE MEETING – SUMMARY SHEET**Subject:** Award of MDD Mechanical & Electrical Framework Contract**Report to Executive Meeting****Date:** 25 April 2017**Report of:** (a) Executive Councillor (Reform & Governance)**Key Decision:** (b) N

Forward Plan ☒ General Exception ☐ Special Urgency ☐ (Mark with a Y if applicable)

Summary:

The purpose of this report is to invite the Executive to approve a proposal to appoint a framework of suppliers to deliver Mechanical and Electrical projects, which will be submitted to the Executive for approval at their meeting on 25 April 2017.

Comments/Views of the Executive Councillor: (c)

The appointment of contractors to this framework will provide the Council with an efficient route to engage contractors with the required capability and capacity to deliver. The contractors to be appointed have been evaluated and are considered to offer the most economically advantageous tender.

Recommendation(s) of Executive Councillor: (d)

The Executive is recommended to authorise:

- Awarding of a two year contract (plus two optional one year extensions) to the suppliers identified in this report for the provision of both Multi-Disciplinary Design (MDD) and single discipline projects on behalf of Stockport Council in relation to Mechanical and Electrical works;
- Should any of the proposed suppliers fail to enter into a contract with the Council, it is recommended to award to the next highest bidder in sequence attaining the minimum quality score threshold as identified at 5.4 above;
- Authority be delegated to the Borough Treasurer to finalise and agree the frameworks following consultation with Executive Councillor (Reform & Governance);
- Authority be delegated to the Deputy Chief Executive or Borough Treasurer in consultation with the Executive Councillor (Reform & Governance) of subsequent call-off contracts under the frameworks;

Relevant Scrutiny Committee (if decision called in): (e)

Corporate, Resource Management & Governance

Background Papers (if report for publication): **(f)**

There are none.

Contact person for accessing
background papers and discussing the report

Officer: Paul Edgeworth
Tel:0161 218 1934

'Urgent Business': **(g)** / **No**

Certification (if applicable)

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

AWARD OF MDD MECHANICAL & ELECTRICAL FRAMEWORK CONTRACT

Report of the Deputy Chief Executive

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The purpose of this report is to invite the Scrutiny Committee to comment upon the proposal to appoint a framework of suppliers to deliver Mechanical and Electrical projects, which will be submitted to the Executive for approval at their meeting on 25 April 2017.
- 1.2 The framework of suppliers will be to deliver both Multi-Disciplinary Design (MDD) and single discipline projects on behalf of Stockport Council in relation to Mechanical and Electrical works.

2. BACKGROUND

- 2.1 Revised Contract Procedure Rules (CPRs) were introduced in July 2015, with the requirement for all projects to be openly advertised via the Council's chosen electronic portal(s). Stockport Council, together with the Stockport Property Alliance (SPA), Carillion Stockport Property Services (CSPS), Rochdale Council and Stockport, Trafford And Rochdale Procurement (STAR), have collaborated to design and initiate frameworks for works relating to Prefabricated Buildings; Mechanical and Electrical (M&E); and, General Building Works.
- 2.2 It was concluded with STAR that the most appropriate option was to procure multiple frameworks across different lots and value bands as below:

Framework	Framework Value (p.a.)	Framework Value (Total)	LOT & Band Value
1 Building	£9,000,000	£36,000,000	LOT 1 Building General: Band 1 – Up to £99,999 Band 2 - £100,000 to £749,999 Band 3 - £750,000 to £2,000,000 LOT 2 Building (Design & Build): Band 1 – Up to £99,999 Band 2 - £100,000 to £2,000,000 LOT 3 Roofing: Band 1 – Up to £99,999 Band 2 - £100,000 to £750,000
2 Mechanical & Electrical	£2,500,000	£10,000,000	LOT 1 Mechanical: Band 1 – Up to £99,999 Band 2 - £100,000 to £500,000 LOT 2 Electrical: Band 1 – Up to £99,999 Band 2 – £100,000 to £500,000
3 Prefabricated Buildings	£6,000,000	£24,000,000	LOT 1 Prefabricated Buildings: Band 1 – Up to £2,000,000

- 2.3 The use of the frameworks will not be mandatory and values identified do not commit or guarantee works / volumes in any way. The use of the proposed frameworks does not discount the use of the North West Construction Hub (NWCH) frameworks where specific projects may benefit from its use. There is also acknowledgment that there are circumstances when there is a requirement to utilise other procurement routes and in these circumstances the CPRs and Public Contract Regulations 2015 will be adhered to.
- a. The proposal to procure these framework agreements was considered by the Executive at their meeting on 16 August 2016. It was resolved that in relation to the Multi-Disciplinary Design Frameworks:-
- The progression of the procurement in conjunction with STAR be approved;
 - the award of each of the three framework contracts be reported to the Executive with a recommendation to delegate authority to the Borough Treasurer to finalise and agree the frameworks following consultation with Executive Councillor (Reform & Governance);
 - authority be delegated to the Deputy Chief Executive or Borough Treasurer in consultation with the Executive Councillor (Reform & Governance) of subsequent call-off contracts under the frameworks; and
 - Officers be requested to submit a further update report to the Executive prior to final appointments to the frameworks.

3. SCOPE

- 3.1 This report concerns Stockport Council's intention to establish a framework of contractors in relation to Mechanical and Electrical projects up to a maximum project value of £500,000. For projects greater than £500,000, either an open tender process will be conducted or other existing routes will be utilised - such as the North West Construction Hub or Scape frameworks.
- 3.2 The framework will be accessible to all directorates including schools and also open to other Association of Greater Manchester Authorities (AGMA) to utilise. This framework is best suited to ensure compliance with the new CPR rules, deliver value for money, deliver consistent social value commitments and support local and regional Small and Medium-Sized Enterprises (SME) through consistent pipelines of works.
- 3.3 The Framework Agreement is estimated to commence on 10 April 2017 and run for a 2 year period. There is also an option to extend the framework agreement by a further two 12 month periods.

4. PROCUREMENT PROCESS

- 4.1 This tender opportunity was advertised via the Official Journal of the European Union (OJEU) and via the online tendering portal The Chest using the open procedure, with the intention to award a maximum of 8 contractors to the framework. The process involved the following Invitation to Tender (ITT) elements:
- ITT Part 1 - Instructions for Tendering, General Information & Tender Evaluation

- ITT Part 2 - Response Document
- ITT Appendix A - Framework Agreement/Contract
- ITT Appendix B - Suitability Assessment Questionnaire
- ITT Appendix C – Specification
- ITT Appendix D - Pricing Schedule
- ITT Appendix E - Framework Process
- ITT Appendix F - GMCA Social Value Policy
- ITT Appendix G - Parent Company Guarantee

4.2 The above documents set out the nature and extent of the requirement and the conditions upon which the works were to be provided under the framework agreement.

4.3 The procurement timetable is outlined below:

Activity	Start Date	Duration	End Date
ITT Period	01/12/2016	46	16/01/2017
Evaluation Period (Quality Questions)	16/01/2017	36	21/02/2017
Evaluation Moderation Meeting(s)	27/02/2017	4	03/03/2017
Selection of Successful Tenderer(s)	03/03/2017	5	06/01/2017
CLT (Report to Be Submitted Thurs)	09/03/2017	5	14/03/2017
CMRG	22/03/2017	13	04/04/2017
Executive Approval	12/04/2017	13	25/04/2017
Notification of Award/Unsuccessful	25/04/2017	0	25/04/2017
Alcatel Period	25/04/2017	10	05/05/2017
Contract Award	08/05/2017	0	08/05/2017
Contract Commencement (TBC)	15/05/2017	0	15/05/2017

4.4 It was also considered that appointing a range of contractors to the framework from across the North-West is considered a robust approach to ensure AGMA-wide localities are covered.

5. EVALUATION OF TENDERS

5.1 Bid submissions were evaluated on the basis of the Most Economically Advantageous Tender (MEAT) offer to the Council with a full quality / price evaluation assessment carried out involving officers from Stockport Council, Rochdale Council, CSPS and STAR Procurement. A moderated scoring approach was undertaken against criteria as follows;

Criterion	Weighting	Cumulative Weighting
Health & Safety	10%	10%
Quality Control	10%	20%
Cost Control	10%	30%
Change Control	10%	40%
Project Risk	10%	50%

Social Value	10%	60%
Key Risks & Challenges	5%	65%
Team Structure	5%	70%
Price	30%	100%

- 5.2 10 submissions were received for Band 1 of the Mechanical Framework and 10 for Band 2, each submission has been subject to detailed evaluation.
- 5.3 10 submissions were received for Band 1 of the Electrical Framework and 11 for Band 2 with each submission subject to detailed evaluation.
- 5.4 Pricing was based on a hypothetical scenario of a typical project. Please see the attached confidential appendix which provides a breakdown of the scoring against the criteria.
- 5.5 The tender documentation identified minimum quality score thresholds for individual and overall quality scores being required to be considered for framework qualification. The evaluation team reserved the ability to undertake clarification interviews with any bidder failing to meet any of the minimum standards in order to make further determinations and scoring moderation.
- 5.6 The appointment to the framework is subject to completion of all necessary financial and reference validation.

6. FINANCIAL INFORMATION

- 6.1 Calling off from the framework will be by mini competition either by Request for Quote (RfQ) (Price Only) or by MEAT. Where the RfQ process is utilised, the suppliers shall submit charges for the proposed works and/or indicate compliance to a small number of requirements specified. This method will be restricted to simple / standard projects. Detailed quality assessments will be added as required by specific projects.
- 6.2 The estimated annual value of the framework for Stockport Council is £6m which totals £24m if both 12 month extensions are initiated. However, since the framework is open to all AGMA authorities and Rochdale Council have indicated they intend to call off from the framework, the OJEU notice has included an estimated total value of £72m.
- 6.3 As identified at 2.3 above, values / volumes of works are not committed or guaranteed in any way and will vary in accordance with requirements over the period of the framework.
- 6.4 It is therefore recommended that the following bidders represent best value to the Council for appointment to the Framework and in no particular order are:

Band 1 Mechanical (up to £99,999)

- Truline Construction & Interior Services
- Dodd Group (Midlands) Limited
- CPL Heating and Plumbing Ltd

- Seddon Construction Ltd
- J C Mills & Sons Ltd
- Ford-mainwaring Ltd
- WH Good Ltd
- Alternative Heat Ltd

Band 2 Mechanical (£100,000 to £500,000)

- Dodd Group (Midlands) Limited
- CPL Heating and Plumbing Ltd
- Saunders & Taylor
- Seddon Construction Ltd
- J C Mills & Sons Ltd
- Ford-mainwaring Ltd
- WH Good Ltd
- Alternative Heat Ltd

Band 1 Electrical (up to £99,999)

- Dodd Group (Midlands) Limited
- Seddon Construction Ltd
- G R Bailey
- INS Sudlows Limited
- Copeland Group Ltd
- GTM Electrical Services Ltd
- KDE limited
- New Charter Building Company Limited

Band 2 Electrical (£100,000- £500,000)

- Dodd Group (Midlands) Limited
- Seddon Construction Ltd
- Herbert T Forrest
- G R Bailey
- INS Sudlows Limited
- Copeland Group Ltd
- GTM Electrical Services Ltd

7. RECOMMENDATIONS

7.1 The Executive is invited to authorise:

- Awarding of a two year contract (plus two optional one year extensions) to the suppliers identified in this report for the provision of both Multi-Disciplinary Design (MDD) and single discipline projects on behalf of Stockport Council in relation to Mechanical and Electrical works;
- Should any of the proposed suppliers fail to enter into a contract with the Council, it is recommended to award to the next highest bidder in sequence attaining the minimum quality score threshold as identified at 5.4 above;

- Authority be delegated to the Borough Treasurer to finalise and agree the frameworks following consultation with Executive Councillor (Reform & Governance);
- Authority be delegated to the Deputy Chief Executive or Borough Treasurer in consultation with the Executive Councillor (Reform & Governance) of subsequent call-off contracts under the frameworks;

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Paul Edgeworth on Tel: 0161 218 1934 or by email on paul.edgeworth@stockport.gov.uk

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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STOCKPORT COUNCIL
REPORT TO EXECUTIVE MEETING – SUMMARY SHEET

Subject: GMCA, AGMA and TfGM Decisions – March 2017

Report to Executive Meeting

Date: 25 April 2017

Report of: (a) Leader of the Council (Policy, Finance & Devolution)

Key Decision: (b) **NO / YES** (Please circle)

Forward Plan ☐ General Exception ☐ Special Urgency ☐ (Tick box)

Summary:

Attached are the Minutes from the following Greater Manchester meetings

- [Transport for Greater Manchester Committee on 17 March 2017](#)
- [Greater Manchester Combined Authority on 31 March 2017](#)
- [Joint AGMA/GMCA Meeting on 31 March 2017](#)

The reports from the meetings (where published) can be accessed on the Council's website, or via the hyperlink in the list above.

(Note: the links are to external websites. The Council accepts no responsibility for the content of those webpages)

Comments/Views of the Executive Councillor: (c)

N/A

Recommendation(s) of Executive Councillor: (d)

The Executive is invited to note the decisions of the Transport for Greater Manchester Committee held on 17 March and the Greater Manchester Combined Authority and Joint AGMA/GMCA meetings held on 31 March 2017.

Relevant Scrutiny Committee (if decision called in): (e)

N/A

Background Papers (if report for publication): (f)

There are none.

Contact person for accessing background papers and discussing the report

Officer: Jonathan Vali
Tel: 0161 474 3201

'Urgent Business': (g) **YES / NO** (please circle)

Certification (if applicable)

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/Borough Treasurer for the decision to be treated as 'urgent business' was obtained on _____ /will be obtained before the decision is implemented.

DECISIONS AGREED AT THE MEETING OF THE TRANSPORT FOR GREATER MANCHESTER COMMITTEE, HELD ON 17 MARCH 2017 AT MANCHESTER TOWN HALL

PRESENT

Councillor David Chadwick	Bolton
Councillor Guy Harkin	Bolton
Councillor Stuart Haslam	Bolton
Councillor Noel Bayley	Bury
Councillor Azra Ali	Manchester
Councillor Andrew Fender	Manchester (in the Chair)
Councillor Naeem Hassan	Manchester
Councillor Dzidra Noor	Manchester
Councillor Chris Paul	Manchester
Councillor Mohon Ali	Oldham
Councillor Norman Briggs	Oldham
Councillor Phil Burke	Rochdale
Councillor Ian Duckworth	Rochdale
Councillor Shah Wazir	Rochdale
Councillor Roger Jones	Salford
Councillor Barry Warner	Salford
Councillor Geoff Abell	Stockport
Councillor Annette Finnie	Stockport
Councillor Tom Grundy	Stockport
Councillor John Taylor	Stockport
Councillor Warren Bray	Tameside
Councillor Doreen Dickinson	Tameside
Councillor Peter Robinson	Tameside
Councillor Michael Cordingley	Trafford
Councillor David Hopps	Trafford
Councillor June Reilly	Trafford
Councillor Mark Aldred	Wigan
Councillor James Grundy	Wigan
Councillor Lynne Holland	Wigan
Councillor Eunice Smethurst	Wigan

OFFICERS IN ATTENDANCE

Jon Lamonte	Chief Executive, TfGM
Steve Warrener	Finance and Corporate Services Director, TfGM
Peter Cushing	Metrolink Director, TfGM
Stephen Rhodes	Customer Operations Director, TfGM
Amanda White	Head of Rail, TfGM

Howard Hartley	Head of Bus, TfGM
Daniel Vaughan	Head of Metrolink, TfGM
Alex Cropper	Head of Capital Group, TfGM
Graham Jones	TfGM Highways
Rod Fawcett	Policy Manager, TfGM
Paul Harris	GMIST

TfGMC16/68 APOLOGIES FOR ABSENCE

Apologies for absence were received and noted from Councillors Robin Garrido (Salford), Howard Sykes (Oldham) and Jamie Walker (Bury).

TfGMC16/69 DECLARATIONS OF INTEREST

There were no declarations of interest made by any Member in relation to any item on the agenda.

TfGMC16/70 CHAIR'S ANNOUNCEMENTS AND URGENT BUSINESS

a) GMATL

Members were reminded that following TfGMC, a meeting of the Greater Manchester Accessible Transport Ltd (GMATL) Board was to take place.

b) Rail Update

Members noted that at the rise of the TfGMC meeting, an update on rail matters was to be provided by TfGM officers.

c) Peter Cushing

The Chair informed Members that this was to be the last meeting attended by Peter Cushing in his capacity of Metrolink Director. Members noted that during Peter's time in this role he had overseen the expansion of the Metrolink Network, a monumental capital programme, and had significantly increased Metrolink patronage which continues to carry record numbers of passengers. It was noted that Peter would now be overseeing the transition to a new Metrolink operator and that Daniel Vaughan as Head of Metrolink and Alex Cropper as Head of Capital Group would be taking over respective Metrolink operational and capital programme roles.

Members offered thanks to Peter for the significant contribution that he had made to the work of the Committee and to the travelling public and wished him well for the future. In response, Peter offered thanks to Members for their help and support.

Resolved/-

To thank Peter Cushing for the significant contribution he had made to the work of the Committee and to the Greater Manchester travelling public.

TfGMC16/71 MINUTES

The Minutes of the TfGMC meeting that took place on 13 January 2017 were submitted.

Resolved/-

To approve the minutes of the TfGMC meeting that took place on 13 January 2017 as a correct record.

TfGMC16/72 MINUTES FROM SUB COMMITTEES

a) Bus Network and TfGM Services – 20 January 2017

The minutes of the Bus Network and TfGM Services Sub Committee that took place on 20 January 2017 were submitted.

Resolved/-

To note the minutes of the Bus Network and TfGM Services Sub Committee, held on 20 January 2017.

b) Metrolink and Rail Networks - 3 February 2017

The minutes of the Metrolink and Rail Networks Sub Committee that took place on 3 February 2017 were submitted.

Resolved/-

To note the minutes of the Metrolink and Rail Networks Sub Committee, held on 3 February 2017.

c) Capital Projects and Policy - 10 February 2017

The minutes of the Capital Projects and Policy Sub Committee that took place on 10 February 2017 were submitted.

Resolved/-

To note the minutes of the Capital Projects and Policy Sub Committee, held on 10 February 2017.

d) Bus Network and TfGM Services– 10 March 2017

The minutes of the Bus Network and TfGM Services Sub Committee that took place on 10 March 2017 were submitted.

Resolved/-

To note the minutes of the Bus Network and TfGM Services Sub Committee, held on 10 March 2017.

TfGMC16/73 FORWARD LOOK

Members considered a report which set out those key work streams requiring decisions from the Joint Committee over the next four months. Members also noted those significant elements of the Committee's work programme, where further updates on progress and activity are anticipated over a longer period of time.

Resolved/-

To note the Forward Look.

Section 2

TfGMC Recommendations for Further Approval by GMCA

There were no items requiring further approval by GMCA.

Section 3

Item for Resolution by TfGMC

TfGMC16/74 2017/2018 TRANSPORT LEVY BUDGET

A report was presented which provided Members with an update on the Transport Levy Budget following the approval of the 2017 /18 Transport Levy by the Greater Manchester Combined Authority (GMCA) on 27 January 2017. The report also included an update on the latest outturn position for TfGM for 2016/17.

Members noted that prior to the approval by GMCA, the transport budget was the subject of a scrutiny process involving the Leaders and Treasurers of Bury and Wigan Councils and the GMCA Portfolio Lead for Investment Strategy and Finance.

Members also noted that the Levy budget represented a cash standstill position, after accounting for the usage of reserves, when compared to 2016/17 and that the Budget presented in the report relates to the TfGM element of the Transport Levy budget and includes all the costs of TfGM, including its own financing costs but excludes the financing and overhead costs of GMCA. The levy funding allocated to TfGM in 2017/18 is £126.2 million.

Following a comment from a Member, officers noted that the 2017/18 Budget was challenging but aside of these challenges, TfGM remained committed to providing first class public transport for Greater Manchester.

Members noted that a Transport Budget Briefing took place at Manchester Town Hall in early February. Officers noted that despite the wide promotion of this Briefing across a number of media platforms, it was sparsely attended and it was suggested that thought was needed as to how this engagement would take place in the future.

Resolved/-

1. To note the Transport Levy and the proposals recommended by the Scrutiny Panel and approved by the GMCA on 27 January 2017, which is a cash standstill funding position.
2. To grant approval of the proposed increase in Bus Station Departure Charges of one pence (1.6%), as set out in the report, with effect from 14 May 2017.
3. To agree the proposed simplification and increase of Local Link fares, to be implemented on 5 June 2017, which is expected to save circa £20,000 annually and circa £15,000 in 2017/18 (based on 9 months), as set out in the report.
4. To agree to the increase in TfGM's Schools' Weekly Pass, which has not changed since 2011, from £6.50 to £7.00, as set out in the report.
5. To agree the proposed changes to charges for the issue and replacement of Concessionary Passes to £10.00, as set out in the Section 6 to the report.
6. To note that the budget approved by GMCA on 27 January 2017 included a grant of up to £4.657 million for GMATL.

TfGMC16/75 GM CASUALTY REDUCTION PARTNERSHIP UPDATE

Members considered a report which provided an update on the delivery of schemes by the Casualty Reduction Partnership and sought Members approval of the Casualty Reduction Partnership funded schemes.

With regard to the Rochdale Townhead junction improvements scheme, as set out at Appendix B to the report, a Member highlighted continuing incidents of congestion at this location. In response, TfGM officers undertook to speak to Rochdale Highway officers in this regard.

A Member highlighted that although Manchester continued to be one of the lowest casualty rates when compared to other cities, on average there was one fatality per week in Greater Manchester. Members noted that work was continuing to encourage better behaviour in relation to driving, cycling and walking.

Following a comment from a Member regarding the behaviour of some young drivers, officers highlighted the "Safe Drive Stay Alive" initiative worked with colleges and schools. Members noted that this was a voluntary programme and required the assistance of North West Ambulance Service and the Fire and Rescue Service.

A Member highlighted the benefits of 20 mph zones and sought clarification of enforcement measures. In response, officers explained that all 20 mph zones needed to be self-enforcing and would need to include the use of physical measures to reduce traffic speeds.

Resolved/-

1. To note the latest position on the delivery of road safety schemes by the Casualty Reduction Partnership.
2. To note the intention to accelerate further casualty reduction measures utilising ring-fenced reserves, as set out in the report.
3. To grant approval of the Casualty Reduction Partnership funded schemes to commence in 2017/18, as set out in paragraph 2.5 to the report.

4. To note that TfGM would contact Rochdale Highway officers in relation to the Townhead Junction improvement scheme.

Section 4 - Items for Information

TfGMC16/76 POLICY PRIORITIES UPDATE

A report was presented which provided Members with an update on the progress made in achieving the Committee's policy priorities. These policies include:

- Overseeing the Greater Manchester 2040 Transport Strategy and the accompanying delivery plans.
- Bus reform and transport devolution.
- Air Quality and Sustainable Travel Choices.
- Capital Programme and Service Delivery.

With regard to Air Quality measurement and in response to an enquiry from a Member, officers noted that there are currently 17 reference sites across Greater Manchester and undertook to explore if any of these sites were located close to schools.

A Member highlighted that traffic congestion and poor air quality issues continues to impact on health and the public purse and noted that for relatively small investment, active travel can make a significant difference. Links with Defra and the Department for Health would be helpful. In response, officers noted their disappointment that recent funding bids had not been successful and would continue pressing the Government in this regard. Members did however welcome that TfGM had been successful in securing funding for walking and cycling to work schemes.

In response to an enquiry from a Member, officers undertook to provide details of the locations of the proposed 20 mph zones that were referenced in the report. A Member highlighted that the provision of 20 mph zones changes driver attitude and child safety and for these reasons, should be encouraged.

With regard to the progress made in enabling residents to make sustainable travel choices, a Member sought clarification as to whether the target for cycle training attendees was measured on the basis of a calendar year or over a financial year. In response, officers undertook to respond directly to the Members concerned after the meeting.

A Member highlighted the action being taken in Stockport to deter car engines running idle whilst parents were waiting for their children outside schools.

In relation to air quality measurement, a Member commented that although the current target for Greater Manchester was challenging, it was twice the target recommended by the World Health Organisation.

Resolved/-

1. To note the progress made on the transport policy priorities, as set out in the report.

2. To note that officers were to undertake to inform Members in relation to the locations of the proposed fourteen 20 mph Zones and the annual timeframes for the measurement of the cycle training attendees target.

TfGMC16/77 SMART TICKETING UPDATE

A report was presented which set out TfGM's plans to extend the availability and range of smart ticketing to Metrolink and multi-modal on smart cards from later in 2017. The report also informed Members of TfGM's plan to partner with Transport for the North to deliver the back office infrastructure needed to support a future account based payment system. In addition, a roadmap which presented key actions and milestones in the lead up to the fully implemented smart card solution in 2022 was appended to the report.

In welcoming the report, the Chair highlighted that this was the first step to meet the long term ambitions of the Committee to provide a multi modal product.

A Member commented that technological advances may overtake what is proposed for Greater Manchester and observed that in London, debit cards rather than Oyster cards were frequently used. In response, officers noted that the proposals set out in the report include for the introduction of 'contactless' account based ticketing. The introduction of smart technology would ultimately enable customers to travel several times on different transport modes and automatically be charged the best value for their travel.

A Member commented on the implementation period for Smart card technology and enquired as to why the back office systems and protocols with transport operators were not yet in place. In response, officers noted that work was continuing to develop the back office systems and protocols.

Following a comment from a Member, officers undertook to explore further revenue protection measures on the get me there app.

Resolved/-

1. To note the plans to extend the availability and range of Smart Ticketing to Metrolink and multi-modal on Smart cards in summer 2017, as set out in the report.
2. To note those plans endorsed by Greater Manchester Combined Authority on 27 January 2017 to partner with Transport for the North to develop the IT infrastructure needed to support contactless account-based ticketing in Greater Manchester and across the North, as set out in the report.

TfGMC16/78 EXCLUSION OF PRESS AND PUBLIC

Resolved/-

To agree that, under section 100 (A)(4) of the Local Government Act 1972 the press and public should be excluded from the meeting for the following items of business on the grounds that this involves the likely disclosure of exempt information, as set out in paragraph 3, Part 1, Schedule 12A, Local Government Act 1972 and that the public

interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part B

Section 5 Item for Resolution by TfGMC

TfGMC16/79 GM CASUALTY REDUCTION PARTNERSHIP BUDGET

A report was presented which sought approval of the budget for the Joint Road Safety Group and provided an update on the delivery schemes by the Casualty Reduction Partnership.

Resolved/-

To grant approval of the budget for the 2017/18 Joint Road Safety Group budget, as set out in the report.

**DECISIONS AGREED AT THE MEETING OF THE GREATER MANCHESTER
COMBINED AUTHORITY, HELD ON FRIDAY 31 MARCH 2017 AT BURY TOWN
HALL**

GM INTERIM MAYOR	Tony Lloyd (in the Chair)
BOLTON COUNCIL	Councillor Cliff Morris
BURY COUNCIL	Councillor Rishi Shori
MANCHESTER CC	Councillor Sue Murphy
OLDHAM COUNCIL	Councillor Jean Stretton
ROCHDALE MBC	Councillor Richard Farnell
SALFORD CC	City Mayor Paul Dennett
STOCKPORT MBC	Councillor Alex Ganotis
TAMESIDE MBC	Councillor Kieran Quinn
TRAFFORD COUNCIL	Councillor Sean Anstee
WIGAN COUNCIL	Councillor Peter Smith

JOINT BOARDS AND OTHER MEMBERS IN ATTENDANCE

GMF&RS	Councillor David Acton
GMWDA	Councillor Nigel Murphy

OFFICERS IN ATTENDANCE

Margaret Asquith	Bolton Council
Pat Jones-Greenhalgh	Bury Council
Geoff Little	Manchester CC
Helen Lockwood	Oldham Council
Mark Robinson	Rochdale MBC
Jim Taylor	Salford CC
Eamonn Boylan	Stockport MBC
Steven Pleasant	Tameside MBC
Theresa Grant	Trafford Council
Donna Hall	Wigan Council
Ian Hopkins	GM Police
Andrea Heffernan	GM Fire & Rescue Service
John Lamonte	Transport for Greater Manchester
Jon Rouse	Health and Social Care Partnership
Mark Hughes	Manchester Growth Company
Clare Monaghan	Office of the Police & Crime Commissioner

Liz Treacy
Rodney Lund
Richard Paver
Andrew Lightfoot
Julie Connor
Sylvia Welsh
Paul Harris

GMCA Monitoring Officer
Manchester CC
GMCA Treasurer
Deputy Head of the Paid Service
Head of GMIST
GM Integrated Support Team
GM Integrated Support Team

54/17 APOLOGIES

Apologies for absence were received and noted from Councillor Richard Leese (Manchester). Councillor Sue Murphy was in attendance in Councillor Leese's absence. Apologies were also received and noted from Carolyn Wilkins (Oldham) and Steve Rumbelow (Rochdale).

55/17 CHAIR'S ANNOUNCEMENTS AND URGENT BUSINESS

The Chair requested the GMCA consider the Local Growth Fund 3 – Transport Settlement Report as urgent business, deferred from the February GMCA meeting.

56/17 LOCAL GROWTH FUND 3 (LGF3) – TRANSPORT FUNDING SETTLEMENT

Tony Lloyd introduced a report summarising the outcome of the LGF3 settlement for transport with a proposal for the allocation of funds across the GMCA's pre-agreed priorities. The report included details on the process used to prioritise schemes for inclusion in the original bid and for preparing a final set of adjusted priorities following GM's final agreed settlement.

RESOLVED/-

1. That the implications of the LGF3 settlement for transport spending priorities in GM be noted.
2. That the proposed spending programme set out in the report, utilising currently available LGF and National Productivity Investment Fund (NPIF) including the proposals with respect to the Northern Gateway Regeneration Initiative be approved.
3. That the transport investment priorities in the report submitted also be retained as priorities for forthcoming national transport funding rounds, including the Autumn 2017 NPIF transport funding competition confirmed in the Government's Spring Budget report.

57/17 DECLARATIONS OF INTEREST

There were no declarations of interest made by a Member in respect of any item on the agenda.

58/17 MINUTES OF THE GMCA MEETING HELD ON 24 FEBRUARY 2017

The minutes of the GMCA meeting, held on 24 February 2017 were submitted for consideration.

RESOLVED/-

That the minutes of the GMCA meeting, held on 24 February 2017 be approved as a correct record.

59/17 FORWARD PLAN OF STRATEGIC DECISIONS OF GMCA

Consideration was given to a report advising members of those strategic decisions that were to be considered by the GMCA over the forthcoming months.

RESOLVED/-

That the Forward Plan of Strategic Decisions, as set out in the report be noted.

60/17 MINUTES

a. GMCA STANDARDS COMMITTEE – 16 MARCH 2017

The Minutes of the GMCA Standards Committee held on 16 March 2017 were submitted for information.

RESOLVED/-

That the minutes of the GMCA Standards Committee held on 10 February 2017 be noted.

b. TRANSPORT FOR GREATER MANCHESTER COMMITTEE – 17 MARCH 2017

The Minutes of the Transport for Greater Manchester Committee held on 17 March 2017 were submitted for information.

RESOLVED/-

That the minutes of the Transport for Greater Manchester Committee held on 17 March 2017 be noted.

c. GREATER MANCHESTER LOCAL ENTERPRISE PARTNERSHIP - 20 MARCH 2017

The Minutes of the Greater Manchester Local Enterprise Partnership held on 20 March 2017 were submitted for information.

RESOLVED/-

That the minutes of the GM Local Enterprise Partnership held on 20 March 2017 be noted.

61/17 CHALLENGING HATE AND BUILDING COHESION

Tony Lloyd, GM Interim Mayor introduced a report that sought agreement from the GMCA, as a body, to adopt an agreed definition of anti-Semitism to help ensure there is clarity around what anti-Semitism is.

RESOLVED/-

1. That the GMCA adopts the International Holocaust Remembrance Alliance working definition of anti-Semitism.
2. That the GMCA encourages other Greater Manchester local authorities and partners to also adopt the definition.

62/17 WORKING WELL

Councillor Sean Anstee, Portfolio Lead for Employment & Skills and Councillor Peter Smith, Portfolio Lead for Health & Social Care, presented a report which provided an update for Members on the progress of Working Well programmes and sought to gain support for future plans on the work and health agenda. Members noted that a similar report had been presented to the Health and Social Care Partnership Board which met prior to the Combined Authority meeting.

RESOLVED/-

1. That the Working Well Pilot's success in supporting participants into sustained employment be noted.
2. That the benefit reassessment resulting in 23% of Pilot participants being exited early from the programme and its impact on performance be noted.
3. That the analysis of factors that influence a participant's likelihood of securing work be noted.
4. That the broader well-being outcomes achieved by the Pilot be noted.
5. That the positive job start performance for Working Well Expansion be noted.
6. That the added value of the GP referral route and Talking Therapies be noted.
7. That it be noted how local integration and co-ordination was supporting delivery and continuous improvement.

8. That it be noted that ESF has been secured to extend Working Well until Work & Health Programme goes live.
9. That the broader ambitions to address poor health, worklessness and low productivity through a GM health and employment system be supported.

63/17 GREATER MANCHESTER SUBMISSION TO THE ROYAL SOCIETY OF ARTS INCLUSIVE GROWTH COMMISSION

Councillor Jean Stretton, Portfolio Lead for Fairness, Equalities and Cohesion, introduced a report which provided Members with the details of the paper on inclusive growth in GM that was submitted to the Royal Society of Arts (RSA) Inclusive Growth Commission, set out brief details of the Commission's final report and described how the GM paper relates to it. Members noted that the report also provided updates on plans to undertake further work on inclusive growth that is linked to the refresh of the Greater Manchester Strategy and the work programme that supports the GMCA Fairness, Equalities and Cohesion portfolio.

Councillor Stretton highlighted that there was a need to develop a funding formula that will benefit the whole of the conurbation, which factors in social value and did not find ways for investment on a solely GVA business case.

Members also noted that appendices can be viewed from the following link to the GMCA Website:

https://www.greatermanchester-ca.gov.uk/meetings/meeting/322/greater_manchester_combined_authority

RESOLVED/-

That the report be noted and that the intention to submit a further paper on the development of GMCA's work on inclusive growth as part of the work programme supporting the Fairness, Equalities and Cohesion portfolio be noted.

64/17 DRAFT GREATER MANCHESTER CONTINUITY OF SERVICE PROTOCOL

Tony Lloyd, GM Interim Mayor, introduced a report which reminded Members that the GM Workforce Engagement Board (WEB) has been established since January 2016 and meets quarterly to enable senior representatives from GMCA and the trades unions to consider the workforce implications relating to the delivery of the devolution agenda.

The report presented a draft protocol that had been developed by the WEB to be recommended for adoption by the GMCA and its constituent bodies, GM local authorities and GM NHS organisations on a voluntary basis to recognise continuity of service when an employee moves on a voluntary basis between those organisations listed at Appendix 1 of the protocol.

Members were advised that the protocol was voluntary and developed in the spirit of arrangements to work across the organisations and demonstrated the strength of the working relationship with Trade Unions.

RESOLVED/-

1. That GM Continuity of Service Protocol be recommended for adoption by the organisations listed at appendix 1 of the Protocol.
2. That a progress report be presented to the GMCA and GM Health and Social Care Partnership Board in three months time to report on the level of adoption and any issues encountered.

65/17 BREXIT MONITOR AND SPRING BUDGET

Tony Lloyd, GM Interim Mayor, introduced a report which provided Members with an update on the key economic and policy developments in relation to the UK's decision to leave the European Union (EU). The latest edition of the monthly Greater Manchester Brexit Monitor was also circulated to provide a real-time view of the economic and policy impact of Brexit in addition to a briefing on the Spring Budget, summarising the key policy announcements of interest and relevance to Greater Manchester.

Members noted that Article 50 had now been moved and there was a need to ensure that as part of the negotiations, Greater Manchester's voice was still heard by Central Government.

RESOLVED/-

That the contents of the March Brexit Monitor and the briefing on the Spring Budget as set out at Appendix 1 and Appendix 2 to the report respectively be noted.

66/17 NORTHERN POWERHOUSE PARTNERSHIP

Sir Howard Bernstein, Head of Paid Service, provided a report which updated Members on the publication of the first report by the Northern Powerhouse Partnership (NPP) and identified priorities around the four Prime Capabilities of the North, alongside Education and Skills. The report noted that there was an opportunity for GM to ensure that it was able to shape the agenda going forward, ensure our major assets were recognised at the level of the North, and to support the actions which will be able to make the most difference to economic growth. It will also help to persuade national government that the overall outcomes for the UK are best achieved by both investing in, and devolving more power to, the North of England.

Simon Nokes was thanked for coordinating the northern interests.

RESOLVED/-

That the developments around the NPP be noted and that it be agreed that GM should continue to be represented at the appropriate level in this work to ensure it supports broader GM objectives.

67/17 TRANSPORT FOR THE NORTH – ACCOUNTABLE BODY TRANSFER

Councillor Kieran Quinn, Portfolio Lead for Investment Strategy & Finance, introduced a report which presented an outline on the roles and responsibilities the GMCA was proposing to undertake in becoming the Accountable Body for Transport for the North.

RESOLVED/-

1. That the current position in relation to the Accountable Body for Transport for the North be noted.
2. That the transfer of the Accountable Body from Sheffield City Region Combined Authority (SCRCA) to GMCA from 1 April 2017 be approved.

68/17 DEVOLVED TRANSPORT FUNDING, INCLUDING HIGHWAYS FUNDING UPDATE

Tony Lloyd, GM Interim Mayor and Portfolio Lead for Transport, introduced a report which provided Members with an update on the amount and the allocation of the Devolved Transport Funding for 2017/18.

RESOLVED/-

1. That the allocations of funding for Highways Maintenance and the Incentive elements for 2017/18 as part of the Devolved Transport Grant ('Single Pot') be noted.
2. That the funding mechanism for the payment of the Integrated Transport Block Grant, Highways Maintenance Capital Grant and Highways Maintenance Incentive funding in 2017/18, which will be received through additional retained business rates, be noted.
3. That the inclusion of the capital elements of the Highways Maintenance funding in the GMCA Capital programme for 2017/18 be approved.
4. That the intention to bring a future report to WLT and GMCA regarding the proposed treatment of the Devolved Transport Grant for 2018/19 onwards be noted.
5. That the bidding process for the Highways Maintenance Challenge Fund be noted and that the delegation of authority for the submission of the bid on behalf of the for the GMCA, to the Head of Paid Service and the Chief Executive of TfGM, in consultation with the Interim Mayor be approved.

69/17 LOCAL GROWTH DEAL (1 & 2) – 6 MONTHLY PROGRESS UPDATE

Tony Lloyd, GM Interim Mayor and Portfolio Lead for Transport, introduced a report which provided the GMCA with an update on the latest position in relation to the Local Growth Deal (1 and 2) Transport Programme, following on from the last update in September 2016. The report also sought Full Approval and the release of the necessary funding to enable the delivery of the following schemes:

- Salford Bolton Network Improvement - Salford Delivery Package 1 (Walkden and Pendleton);
- Stockport Town Centre Access Plan Phase 2A;
- Wigan Bus Station.

RESOLVED/-

1. That the current position in relation to the current Growth Deal Major Schemes programme be noted.
2. That the current position in relation to the current Growth Deal Minor works and Additional Priorities programmes be noted.
3. That the current position in relation to the third round of Local Growth Deal funding be noted.
4. That Full Approval for the Salford Bolton Network Improvement Salford Delivery Package 1 and the associated release of £1.729 million to enable the delivery the Salford Package 1 scheme (Walkden and Pendleton) be granted.
5. That Full Approval for the Wigan Bus Station scheme and the associated release of £14.506 million to enable the construction and completion of the new station be granted.
6. That Full Approval for the Stockport Town Centre Access Plan Phase 2A and the associated release of £17.268 million to enable the delivery of Phase 2A be granted.

70/17 GREATER MANCHESTER COLLABORATIVE WORKING IN THE DELIVERY OF HIGHWAYS SERVICES

Tony Lloyd, GM Interim Mayor and Portfolio Lead for Transport, introduced a report which set out the progress to date in collaborative working across Greater Manchester in the delivery of Highway Services. The report also proposed that the next phase of collaboration be delivered under a Memorandum of Understanding signed by all 10 Local Authorities and TfGM.

RESOLVED/-

That the the proposed partnership / collaborative approach to delivering highway services and to approve the Memorandum of Understanding (MoU) for all 10 Local

Authorities and TfGM with the aim of strengthening Highways collaboration across Greater Manchester be endorsed.

71/17 WORLD HEALTH ORGANISATION (WHO) – BREATHE CLEAN CAMPAIGN

Tony Lloyd, GM Interim Mayor and Portfolio Lead for Transport, introduced a report which provided Members with an overview of the health impacts of air pollution in Greater Manchester, presents an update on current activity to reduce the health impacts of air pollution and seeks support and agree for an application for Greater Manchester to become a WHO 'BreatheLife' City Region.

RESOLVED/-

That the report be noted and that an application for Greater Manchester to become a WHO 'BreatheLife' City Region be supported.

72/17 CORNBROOK HUB

Councillor Richard Farnell, Portfolio Lead for Planning and Housing, introduced a report which sought the approval, in principle, to utilise GMCA powers and seeking delegate authority to the Chief Executives of Manchester and Trafford in consultation with their relevant Leaders to present a report to the GMCA requesting that a Compulsory Purchase Order is made.

Members noted that this was the first time such CPO powers had been utilised by the GMCA and will allow for high quality regeneration schemes such as the Cornbrook Hub scheme, to be provided.

In supporting the report, Councillor Anstee highlighted that the Cornbrook Hub scheme was an excellent example of how CPO powers can be used.

RESOLVED/-

1. That the exercise of the GMCA's powers to acquire all interests in the Cornbrook Hub site, in order to achieve redevelopment of the site in line with the Cornbrook Hub Strategic Regeneration Framework be approved, in principle, subject to:
 - i) a further report being submitted detailing the justification for a CPO in line with government guidance, and
 - ii) agreement that all costs of making a Compulsory Purchase Order (including all Heads of Compensation) are to be met under the terms of an appropriate indemnity.
2. That the appointment of Manchester City Council to act on the GMCA's behalf in taking all necessary steps to prepare the case for the CPO, including but not limited to securing an appropriate indemnity in respect of the GMCA's costs in promoting and making the CPO be approved.

**73/17 GREATER MANCHESTER HOUSING INVESTMENT LOAN FUND
- INVESTMENT APPROVAL RECOMMENDATIONS**

Councillor Richard Farnell, Portfolio Lead for Planning and Housing, introduced a report which seeking Members' approval of the GM Housing Investment Loan Fund loans as set out in the report.

Members agreed to take the confidential, commercially sensitive Part B report at Item 22 as read whilst considering this report.

RESOLVED/-

1. That the GM Housing Investment Loan Fund loans in the table below, as detailed further in this and the accompanying Part B report be approved.

BORROWER	SCHEME	DISTRICT	LOAN
Wiggett Homes Ltd.	Brook Street, Radcliffe	Bury	£1,555,880
Blue Dog Property 2 Ltd	Former Police Station, Baguley	Manchester	£1,866,000
Select Property Group / GM Property Venture Fund SPV	Circle Square	Manchester	£36,300,000
Urban & Civic (Princess Street) Ltd.	Princess Street	Manchester	£43,310,000
FICM Ltd.	Trinity, Salford	Salford	£22,500,000
Hillcrest Homes Woodland Ltd.	Bretherens Hall, Heaton Mersey	Stockport	£3,900,000

2. That Manchester City Council be requested to prepare and effect the necessary legal agreements in accordance with its approved internal processes.

**74/17 GREATER MANCHESTER INVESTMENT FRAMEWORK
PROJECT UPDATES**

Councillor Kieran Quinn, Portfolio Lead for Investment Strategy and Finance, introduced a report seeking Members' approval for investments to Kids Allowed Limited, Tailored Fire & Security Group Limited, Sitedesk Limited and Intechnica Limited. Members noted that the investments identified in the report will be made from recycled monies.

Members agreed to take the confidential, commercially sensitive Part B report at Item 23 as read whilst considering this report.

RESOLVED/-

1. That the project funding applications by Kids Allowed Limited (loan of £600,000), Tailored Fire & Security (loan of £1,100,000), Sitedesk Limited, (investment of £150,000) and Intechnica Limited (investment of £150,000) be given conditional approval and progress to due diligence, as set out in the report, be approved.
2. That authority be delegated to the GMCA Treasurer and Monitoring Officer to review the due diligence information and, subject to their satisfactory review and agreement of the due diligence information and the overall detailed commercial terms of the transactions, to sign off any outstanding conditions, issue final approvals and complete any necessary related documentation in respect of the loans/investments at 1. Above, as set out in the report.

75/17 EXCLUSION OF PRESS AND PUBLIC

Members noted that the commercially sensitive information contained in Item 22 Greater Manchester Housing Investment Loan Fund – Investment Approval and Item 23, Greater Manchester Investment Framework and Conditional Project Approval, of the Agenda, were taken as read during the consideration of Greater Manchester Housing Investment Loan Fund - Investment Approval Recommendations (Minute 72/17) and Greater Manchester Investment Framework Update (Minute 73/17) and for this reason, the recommendation to exclude members of the press and public was not moved.

76/17 GREATER MANCHESTER HOUSING INVESTMENT LOAN FUND - INVESTMENT APPROVAL RECOMMENDATIONS

CLERK'S NOTE: This item was considered in support of the Part A GM Housing Investment Loan Fund Investment Approval Recommendations report at Minute 73/17 above.

77/17 GREATER MANCHESTER INVESTMENT FRAMEWORK AND CONDITIONAL PROJECT APPROVAL

CLERK'S NOTE: This item was considered in support of the Part A Greater Manchester Investment Framework and Conditional Project Approval at Minute 74/17 above.

DECISIONS AGREED AT THE JOINT MEETING OF THE GREATER MANCHESTER COMBINED AUTHORITY AND ASSOCIATION OF GREATER MANCHESTER AUTHORITIES EXECUTIVE BOARD, HELD ON FRIDAY 31 MARCH 2017 AT BURY TOWN HALL

GM INTERIM MAYOR	Tony Lloyd (in the Chair)
BOLTON COUNCIL	Councillor Cliff Morris
BURY COUNCIL	Councillor Rishi Shori
MANCHESTER CC	Councillor Sue Murphy
OLDHAM COUNCIL	Councillor Jean Stretton
ROCHDALE MBC	Councillor Richard Farnell
SALFORD CC	City Mayor Paul Dennett
STOCKPORT MBC	Councillor Alex Ganotis
TAMESIDE MBC	Councillor Kieran Quinn
TRAFFORD COUNCIL	Councillor Sean Anstee
WIGAN COUNCIL	Councillor Peter Smith

JOINT BOARDS AND OTHER MEMBERS IN ATTENDANCE

GMF&RS	Councillor David Acton
GMWDA	Councillor Nigel Murphy

OFFICERS IN ATTENDANCE

Margaret Asquith	Bolton Council
Pat Jones-Greenhalgh	Bury Council
Geoff Little	Manchester CC
Helen Lockwood	Oldham Council
Mark Robinson	Rochdale MBC
Jim Taylor	Salford CC
Eamonn Boylan	Stockport MBC
Steven Pleasant	Tameside MBC
Theresa Grant	Trafford Council
Donna Hall	Wigan Council
Ian Hopkins	GM Police
Andrea Heffernan	GM Fire & Rescue Service
John Lamonte	Transport for Greater Manchester
Jon Rouse	Health and Social Care Partnership
Mark Hughes	Manchester Growth Company
Clare Monaghan	Office of the Police & Crime Commissioner

Liz Treacy	GMCA Monitoring Officer
Rodney Lund	Manchester CC
Richard Paver	GMCA Treasurer
Carol Culley	Manchester CC
Andrew Lightfoot	Deputy Head of the Paid Service
Julie Connor	Head of GMIST
Sylvia Welsh	GM Integrated Support Team
Paul Harris	GM Integrated Support Team

22/17 APOLOGIES

Apologies for absence were received and noted from Councillor Richard Leese (Manchester). Councillor Sue Murphy was in attendance in Councillor Leese's absence. Apologies were also received and noted from Carolyn Wilkins (Oldham) and Steve Rumbelow (Rochdale).

23/17 CHAIR'S ANNOUNCEMENTS AND URGENT BUSINESS

There were no items of urgent business reported or any announcements by the Chair.

24/17 DECLARATIONS OF INTEREST

There were no declarations of interest made by a Member in respect of any item on the agenda.

25/17 MINUTES OF THE JOINT GMCA AND AGMA EXECUTIVE BOARD MEETING HELD ON 24 FEBRUARY 2017

The minutes of the Joint GMCA and AGMA Executive Board meeting, held on 24 February 2017 were submitted for consideration.

RESOLVED/-

That the minutes of the Joint GMCA and AGMA Executive Board meeting GMCA meeting, held on 24 February 2017 be approved as a correct record.

26/16 FORWARD PLAN OF STRATEGIC DECISIONS OF JOINT GMCA AND AGMA EXECUTIVE BOARD

Consideration was given to a report advising Members of those strategic decisions that were to be considered by the Joint GMCA and AGMA Executive Board over the forthcoming months.

RESOLVED/-

That the Forward Plan of Strategic Decisions, as set out in the report, be noted

**27/17 MINUTES OF THE JOINT GMCA AND AGMA SCRUTINY POOL
HELD ON 10 MARCH 2017**

The minutes of the Joint GMCA and AGMA Scrutiny Pool meeting, held on 10 March 2017 were submitted for information.

RESOLVED/-

That the minutes of the Joint GMCA and AGMA Scrutiny Pool meeting, held on 10 March 2017 be noted.

**28/17 GREATER MANCHESTER: GREATER MANCHESTER'S PLAN FOR
HOMES AND JOBS – UPDATE ON CONSULTATION**

Councillor Richard Farnell, Portfolio Lead for Planning and Housing, introduced a report which provided Members with an update on the consultation on the draft Greater Manchester Spatial Framework (GMSF) and sought the agreement of Members to the proposed next steps and timetable as set out in Section 5 of the report.

In moving the report, Councillor Farnell noted that the GMSF consultation process received 25,000 responses and demonstrated the success in which Greater Manchester has engaged with its residents. The consultation was by far the biggest and far reaching planning consultation ever undertaken in Greater Manchester. Members noted that the overwhelming majority responses related to specific sites, acknowledging the need for a Plan for Greater Manchester for the future growth of the conurbation and was essential for the future growth of the economy of Greater Manchester. The Plan for Homes and Jobs will provide a framework to secure GM's future and allow firms to expand and relocate.

Members also noted that each of the 25,000 consultation responses will be carefully and fully considered and for this reason the timeframe for responding has been extended by six weeks. The responses will help to improve and shape the strategy and develop the plan. Brownfield developments will be prioritised in the plan and will ensure the right mix of homes for a growing and aging population, including social housing. The plan will allow for all parts of Greater Manchester to share in its growing prosperity.

Members noted that the next stage will be the three month consultation on the revised plan in September and was on track to submit to Government by June 2018.

With regard to section 3.1 in the report, Councillor Farnell noted that this should refer to sixteen thousand dwellings and not sixteen thousand six hundred and forty three.

In welcoming Councillor Farnell's comments, Councillor Stretton commented that it was right that all consultation responses were considered and the six week extension was helpful. She also highlighted the need to be clear with the public that the Plan prioritises Brownfield sites and that Government should be lobbied for the release of funds for remediation works in this regard. The Plan was a twenty year Plan that was designed to protect the Greenbelt in implemented properly.

Councillor Farnell added that the best way of defending Greenbelt in future was to have a robust plan for homes and jobs.

RESOLVED/-

That the report be noted and that the proposed timetable in Section 5 to the report be agreed.

**29/17 GMCA AND AGMA FINANCIAL SUPPORT FOR THE GREATER
MANCHESTER HEALTH AND SOCIAL CARE PARTNERSHIP**

Councillor Kieran Quinn, Portfolio Lead for Investment Strategy & Finance, which provided an update to the June 2016 report that requested support for the GM Health and Social Care Partnership (GM H&SC). The report also sought approval for additional support for the Partnership.

RESOLVED/-

1. That the proposed spend of £0.3 million in providing support for the AGMA-GM Health & Social Care Partnership for the second half of 2016-17 be approved in line with £0.3 million contribution in kind made by AGMA for the first half of the 2016-17 financial year.
2. That it be noted that the £0.5 million AGMA Executive approved in June 2016 to support the development of Health Innovation Manchester (HiM) will now meet commitments of £0.29 million for HiM as agreed, with the remaining £0.21 million providing general in-kind support to the GM H&SC Partnership.

**30/17 SENIOR APPOINTMENTS TO THE GMCA:
RESILIENCE/INFORMATION/HEALTH ECONOMY**

Tony Lloyd, GM Interim Mayor, introduced a report which sought approval from Members for the posts of GM Chief Resilience Officer, Chief Information Officer and Health Economist to be established within the GMCA structure.

Tony Lloyd highlighted that all of these posts would be cost neutral to the GMCA.

RESOLVED/-

1. That the establishment of a permanent Chief Resilience Officer post, which for the initial two years, will be wholly funded via the 100 Resilient Cities programme be approved.
2. That the establishment of a permanent GMCA Chief Information Officer post, providing oversight and strategic leadership for the GMCA digital team be approved.
3. That the establishment of a permanent Health Economist post, funded through the GMCA & AGMA annual contribution to the GM Health and Social Care Partnership be approved.

4. That authority be delegated to the Deputy Chief Executive and Treasurer, in consultation with the GM Interim Mayor, to progress the establishment of, and recruitment to, these positions on the remuneration basis outlined in the report.

31/17 ACKNOWLEDGEMENT – SIR HOWARD BERNSTEIN

The Chair advised Members that this was the last meeting Sir Howard Bernstein would be attending as Head of the Paid Service of GMCA and as Chief Executive of Manchester City Council and paid tribute to his successes and contributions which have helped with the growth of Greater Manchester. The Chair referred to a number of initiatives Sir Howard had led or been involved in including:

- The establishment of The Manchester Airports Group
- His role as the Clerk to the GM Passenger Transport Authority/GM Integrated Transport Authority
- The development of the Manchester Independent Economic Review
- The establishment of the GMCA
- 2014 Devolution Deal for GM and the continued working relationship with Government
- The development of the Health & Social Care Devolution Memorandum of Understanding

REPORT TO EXECUTIVE MEETING – SUMMARY SHEET**Subject:** Call-in of Executive Decision ED1899, "Constitutional Review - Area Committees"**Report to Executive Meeting****Date:** 25 April 2017**Report of:** (a) Corporate, Resource Management & Governance Scrutiny Committee**Key Decision:** (b) N

Forward Plan

General Exception

☐

Special Urgency

☐(Mark with a Y
if applicable)**Summary:**

The report summarises the discussion and outcome of consideration of the call-in of Executive Decision ED1899, "Constitutional Review - Area Committees" to the Corporate, Resource Management & Governance Scrutiny Committee on 4 April 2017.

Comments/Views of the Executive Councillor: (c)

N/A

Recommendation(s) of Executive Councillor: (d)

The Executive is asked to reconsider its previous decision in relation to its recommendation to the Council Meeting that the name of the Marple Area Committee be changed to the 'Marple and High Lane Area Committee' and the Werneth Area Committee be changed to the 'Bredbury, Romiley and Woodley Area Committee'.

Relevant Scrutiny Committee (if decision called in): (e)

N/A

Background Papers (if report for publication): (f)

There are none

Contact person for accessing
background papers and discussing the report

Officer: Craig Ainsworth
Tel : 0161 474 3204

'Urgent Business': (g)**Yes/ No (Please circle)****Certification (if applicable)**

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

**CALL-IN OF EXECUTIVE DECISION ED1899,
CONSTITUTIONAL REVIEW - AREA COMMITTEES**

Report of the Democratic Services Manager

1. MATTER FOR CONSIDERATION

- 1.1 Executive Decision ED1899 referring to decisions taken at the Executive on 14 March 2017 regarding proposals to make changes to the Constitution relating to the area committees had been 'called in' by Councillors Malcolm Allan, Christine Corris and Lisa Smart
- 1.2 The 'call-in' was considered by the Corporate, Resource Management and Governance Scrutiny Committee at its meeting on 4 April 2017.
- 1.3 At the Scrutiny Committee, Councillors Smart, Corris and Allan outlined the reasons why they had called the decision in. They had explained that they were concerned that the decision in relation to the proposed changes to the names of the Werneth and Marple Area Committees had not followed the usual practice of consultation with affected area committees prior to a decision being made. They stated that it was only this element of the executive decision that they wished to be reconsidered.
- 1.4 The Executive Councillor for Reform & Governance (Councillor David Sedgwick) stated at the meeting that he was happy for the Executive to reconsider its previous decision in relation to the proposed changes to the names of the Werneth and Marple Area Committees and the Scrutiny Committee agreed to formally refer this aspect of the decision back to this meeting of the Executive for further consideration.

2. PREVIOUS DECISION

- 2.1 The Executive at its meeting on 14 March agreed that the following be approved or recommended to the Council Meeting for approval as appropriate:-
 - abolish the Town Centre Committee and adopt the planning decision making procedures set out in paragraph 3.1.3 of the report;
 - alter the definition of strategic planning applications to include Environmental Impact Assessment applications, as set out in paragraph 3.2 of the report;
 - delegate the Ward Flexibility Fund be delegated to Area Committees, as out in paragraph 3.4 of the report;
 - that Ward and Joint Committees requested by Ward Councillors, as set out in paragraph 3.5 of the report, be established by the Council Meeting;

- the proposals relating to Area Committees acting as 'Trustees' in relation to the disposal of Charitable land, as set out in paragraph 3.6 of the report and Appendix 3;
- the proposals relating to Commuted Sums, as set out in paragraph 3.7 of the report, be approved;
- the miscellaneous Drafting Matters, as set out in paragraph 4 of the report, with the exception of those relating to property matters;
- the revised delegations to Area Committees, as set out in Appendix 1 to the report, but that the issue be reconsidered in twelve months' time in the light of health and social care integration.

In relation to the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different Area Committees the Executive agreed that in its view the Council Meeting should establish a joint ward committee to address the concerns of ward councillors.

The Executive also recommended that the Council Meeting change the name of the Marple Area Committee to the 'Marple and High Lane Area Committee' and the Werneth Area Committee to the 'Bredbury, Romiley and Woodley Area Committee' to improve clarity of the geographical remits of those area committees.

3. CONCLUSIONS AND RECOMMENDATIONS

- 3.1 The Executive is asked to reconsider its previous decision in relation to its recommendation to the Council Meeting that the name of the Marple Area Committee be changed to the 'Marple and High Lane Area Committee' and the Werneth Area Committee be changed to the 'Bredbury, Romiley and Woodley Area Committee'.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Craig Ainsworth on Tel: 0161474 3204 or by email on craig.ainsworth@stockport.gov.uk.

STOCKPORT COUNCIL

REPORT TO EXECUTIVE MEETING – SUMMARY SHEET

Subject: Constitutional Review - Area Committees

Report to Executive Meeting

Date: 14 March 2017

Report of: (a) Executive Councillor (Reform and Governance)

Key Decision: (b) NO

Forward Plan

General Exception

☐

Special Urgency

☐

(Mark with a Y
if applicable)

Summary:

The Constitution Working Party at its meeting held on 8 February 2017 and the Corporate, Resource Management and Governance Scrutiny Committee at its meeting held on 28 February 2017 recommended that:-

- the Town Centre Committee be abolished and the planning decision making procedures, as set out in paragraph 3.1.3 of the report be adopted.
- the definition of strategic planning applications be altered to include Environmental Impact Assessment applications, as set out in paragraph 3.2 of the report.
- the Ward Flexibility Fund be delegated to Area Committees, as out in paragraph 3.4 of the report
- the ward and joint committees requested by ward councillors, as set out in paragraph 3.5 of the report, be established by the Council Meeting.
- the proposals relating to Area Committees acting as 'Trustees' in relation to the disposal of Charitable land, as set out in paragraph 3.6 of the report and Appendix 3, be approved.
- the proposals relating to Commuted Sums, as set out in paragraph 3.7 of the report.
- the miscellaneous Drafting Matters, as set out in paragraph 4 of the report, with the exception of those relating to property matters, be approved.
- the revised delegations to Area Committees, as set out in Appendix 1 to the report, be approved but that the issue be reconsidered in twelve months' time in the light of health and social care integration.
- a report be submitted to the next meetings of the Bramhall & Cheadle Hulme South Area Committee and Cheadle Area Committee regarding the issue of the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different Area Committees. The outcome of this will be reported to the Executive prior to the meeting.

Comments/Views of the Executive Councillor: (c)

I endorse the proposed changes to the Constitution in relation to Area Committees.

Recommendation(s) of Executive Councillor: (d)

(1) The Executive is requested to recommend to the Council Meeting that:-

- the Town Centre Committee be abolished and the planning decision making procedures set out in paragraph 3.1.3 of the report be adopted.
- the definition of strategic planning applications be altered to include Environmental Impact Assessment applications, as set out in paragraph 3.2 of the report.
- the Ward Flexibility Fund be delegated to Area Committees, as out in paragraph 3.4 of the report
- the Ward and Joint Committees requested by Ward Councillors, as set out in paragraph 3.5 of the report, be established by the Council Meeting.
- the proposals relating to Area Committees acting as 'Trustees' in relation to the disposal of Charitable land, as set out in paragraph 3.6 of the report and Appendix 3, be approved.
- the proposals relating to Commuted Sums, as set out in paragraph 3.7 of the report, be approved.
- the miscellaneous Drafting Matters, as set out in paragraph 4 of the report, with the exception of those relating to property matters, be approved.
- the revised delegations to Area Committees, as set out in Appendix 1 to the report, be approved but that the issue be reconsidered in twelve months' time in the light of health and social care integration.

(2) That the Executive Meeting be requested to consider the issue of the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different Area Committees in the light of the consideration of this issue by the Bramhall & Cheadle Hulme South and Cheadle Area Committees.

Relevant Scrutiny Committee (if decision called in): **(e)**
Corporate, Resource Management and Governance

Background Papers (if report for publication): **(f)**

Contact person for accessing
background papers and discussing the report

Officer: Craig Ainsworth
Tel : 0161 474 3204

'Urgent Business': **(g)**

Yes/ No (Please circle)

Certification (if applicable)

This report should be considered as 'urgent business' and the decision exempted from 'call-in' for the following reason(s):

The written consent of Councillor _____ and the Chief Executive/Monitoring Officer/ Borough Treasurer for the decision to be treated as 'urgent business' was obtained on /will be obtained before the decision is implemented.

CONSTITUTIONAL REVIEW - AREA COMMITTEES**Report of the Monitoring Officer****INTRODUCTION AND PURPOSE OF REPORT**

- 1.0 The Leader of the Council at the Council Meeting on 30 June 2016 reported that he had requested the Monitoring Officer in conjunction with Democratic Services to undertake a democratic and constitutional review through the Constitution Working Party. The aim is to conclude the review in time for any revised arrangements to be in place for the Annual Council Meeting in May 2017 and so be operational for the 2017-18 municipal year.
- 1.1 The Chairs of all Area Committees were asked if they wished to consider this report and at the meeting of the Central Stockport Area Committee held on 2 February 2017, the following comments were made/issues raised:-
- Support was given to the abolition of the Town Centre Committee and responsibility for Town Centre planning returning to the Central Stockport Area Committee.
 - The Area Committee did not feel that the number and composition of the Area Committees should be altered, and did not support the creation of an Area Committee specifically for the Cheadle Hulme North and Cheadle Hulme South Wards.
 - The Area Committee felt that Ward Flexibility Funding should be determined by the relevant Ward Councillors, not the full Area Committee. The decisions made were subsequently reported in the progress report on Area Committee Decisions which was submitted to each meeting of the Area Committee.
 - A number of Wards in the borough had far greater uncommitted funds than those in the Central Stockport area. A Member felt that the allocation of Ward Flexibility funding should be examined so that those Wards which contained Government priority areas were allocated greater funds.
- 1.2 At the meeting of the Constitution Working Party held on 8 February 2017 the proposals set out in the report were supported with the following exceptions:-
- with regard to Section 3.3 of the report regarding Area Committee Boundaries, a report be submitted to the next meeting of the Cheadle Area Committee and the Bramhall Cheadle Hulme South Area Committee regarding whether the Cheadle Hulme North Ward and the Cheadle Hulme South Ward should be included in the same Area Committee.
 - with regard to Appendix 1 of the report regarding the Revised Delegations to Area Committees, the Working Party supported the proposed revised delegations, but recommended that the issue be reconsidered in twelve months' time in the light of health and social care integration.

This was supported by the Corporate, Resource Management and Governance Scrutiny Committee at its meeting held on 28 February 2017.

2.0 REVIEW OF AREA COMMITTEES

- 2.1 The Labour Group has suggested that proposals be developed to ensure (i) the work of Area Committees better reflects the changing and increasing role of Councillors and, in particular, moves towards place-based working and (ii) that all Area Committees have similar powers, including responsibility for Town Centre planning returning to Central Area Committee.
- 2.2 The Liberal Democrat Group have also asked for a review of the Area Committee boundaries, in particular (but not limited to) revisiting the split of Cheadle Hulme across two Area Committees.
- 2.3 In addition, the Monitoring Officer has reviewed the existing Area Committee Functions. Appendix 1 sets out some suggested amendments to the duties and responsibilities which better reflect the current position.
- 2.4 On 6 September, the Executive Councillor (Reform & Governance) (Councillor Dave Sedgwick) met with Area Committee Chairs to discuss a number of issues including whether it is possible to make improvements to the current Area Committee arrangements including the current powers and duties and whether there are any changes that could be explored including greater delegation of powers and delegated budgets.
- 2.5 Area Committee Chairs requested all councillors be 'surveyed' on the suggested amendments identified by the Monitoring Officer and seeking their views on whether Area Committees current duties/ responsibilities/ remit was effective and whether they would like to see any changes that could be explored including greater delegation of powers and further delegation of budgets. Councillors views were also sought on the current Area Committee boundaries. For example would it make more sense for the Cheadle Hulme North and Cheadle Hulme South wards to sit within the same Area Committee. The comments received are set out in Appendix 2.
- 2.6 The Constitution Working Party at its meeting on 20 October 2016 made the following comments:-
 - there was some concern expressed about the proposal to abolish the Town Centre Committee, pending greater clarification of the planning powers and duties of Area Committees, the Town Centre Committee and the Planning and Highways Regulation Committee.
 - Members of the Central Stockport Area Committee needed to be more involved in the development applications considered by the Town Centre Committee in a similar way that Area Committees were consulted on major development applications to be considered by the Planning and Highways Regulation Committee.
 - with regard to the current powers and duties of Area Committees, a Member expressed the view that, under the Locality Working Model, the presumption should be that decisions were made at an Area Committee level unless there was a reason they could not be.
 - a Member expressed the view that Area Committees should be given greater delegated budgets and responsibilities.

- support was given to the suggestion from Cllr Colin Foster that ward councillors were involved in the comments submitted by the Council on consultations on planning applications from neighbouring local authorities.
- support was given to the comment of the Conservative Group that an upgrade of IT equipment for Planning Officers would benefit the public's understanding of the planning process. Equipment to project planning applications for display at Committee meetings would also be helpful.
- if Members wished a Traffic Officer to attend a particular Area Committee for a particular item then this request should be made through Democratic Services prior to the meeting.
- the Chair of the Working Party agreed to discuss with Chief Superintendent Caroline Ball how the Police could engage to a greater extent with the Council's Area Committees.
- with regard to Area Committee boundaries, the problems with the Cheadle Hulme North Ward and the Cheadle Hulme South Area Committee being in two different Area Committees were debated.

2.7 The Working Party agreed:

(1) That the Monitoring Officer clarify with the Chief Planning Officer the definition of the strategic planning applications currently submitted to the Town Centre Committee on the basis of which applications the Planning & Highways Regulation Committee should consider.

(2) That the issue of additional powers and duties for Area Committees be deferred until such time as the Executive was consulting on Year 2 of the budget.

(3) That it be recommended that a requirement be included in the Scheme of Delegation for the Corporate Director for Place Management and Regeneration to consult with Ward Councillors on consultations on planning applications with neighbouring local authorities,

(3) That the Democratic Services Manager investigate with the Chief Planning Officer and Head of Information the upgrade of IT equipment for Planning Officers, particularly with regard to projecting planning applications for display at Area Committee meetings.

(4) That Councillor Iain Roberts provide examples at the next meeting of the Working Party of the problems encountered with the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different Area Committees.

2.8 This report specifically deals with:

- **The definition of the strategic planning applications currently submitted to the Town Centre Committee.**
- **The issue of the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different Area Committees.**
- **The proposed delegation of the Area Flexibility Budget to Area Committees**
- **Area Committees acting as "Trustees" in relation to the disposal of Charitable land.**

3.0 PROPOSALS

3.1 Planning

3.1.1 At the last meeting of the Constitution Working Party it was agreed that the Monitoring Officer clarify with the Chief Planning Officer the definition of the strategic planning applications currently submitted to the Town Centre Committee.

3.1.2 It is proposed that the Town Centre Committee be abolished, the Constitution should define “strategic planning applications” and all applications which fall within this definition should be submitted to the appropriate Area Committee (s) for comment prior to determination by the Planning & Highways Regulation Committee. This would mean that all ‘Strategic’ applications are dealt with in the same way across the borough.

3.1.3. This would mean that in respect of planning applications :

a) The Area Committees will **determine** applications within their areas that are not strategic applications:

- which have been called up or
- where the Council has received four or more representations which do not accord with the officer recommendation

b) Area Committees will **comment on**;

- strategic applications
- departures from the development plan where the Officer recommendation is to approve and the Area Committee are minded to support the recommendation (note AC can refuse applications which are departures)
- applications which the Area Committee has declined to determine
- Applications where a site visit is requested.
- Applications which straddle area boundaries which have a significant implication by reason of traffic, noise, pollution or which have a substantial environmental or visual effect.

c) Planning and Highways Regulatory Committee will determine

- strategic applications
- departures from the development plan which have not been determined by Area Committee
- applications which are Environmental Impact Assessment development
- applications which the Area Committee has declined to determine
- applications where a site visit is needed
- applications which straddle area boundaries which have a significant implication by reason of traffic, noise, pollution or which have a substantial environmental or visual effect.

d) All other planning applications will be determined by officers under the delegation to the Corporate Director for Place Management and Regeneration.

3.1.4 It is proposed that Democratic Services will maintain a descriptive document that explains the division of responsibilities and describes the call up procedure and forms. This will enable the document to be revised for clarification quickly and easily and facilitate procedural changes in the future such as the introduction of a digital call up procedure. The descriptive elements of the current constitution will be removed.

3.2.1 Strategic Planning Applications:

- a) Residential development of 100 dwelling units
- b) Development of 5,000 square metres of floor space
- c) Development of a site of 3 hectares
- d) Applications requiring an Environment Impact Assessment

3.2.2 The only additional element is the addition of a reference to Environmental Impact Assessment, which is a process which must by law assess the impact of certain defined types of planning application where the impact on the environment is likely to be “significant”. The most common type of application would be a large urban development project.

3.2.3 The abolition of the Town Centre Committee and the “tidying up” of the Scheme of Delegation to the Corporate Director for Place & Regeneration, Area Committees and the Planning & Highways Regulation Committee will require some changes to the Constitution and the proposed changes are shown as “track changes” in Appendix 1.

3.2.4 A separate report has been prepared consolidating the matters relating to member conduct and the determination of planning applications into a single subsection within the constitution.

3.3 Area Committee Boundaries

3.3.1 At the last meeting of the Constitution Working Party it was agreed that Councillor Iain Roberts would provide examples at the next meeting of the Working Party of the problems encountered with the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different Area Committees.

3.3.2 Below are examples provided by Councillor Mark Hunter:

“The regular consideration that springs immediately to mind is that virtually any matters impacting upon Cheadle Hulme village centre (planning and otherwise) are relevant to both wards because the boundary line runs through the centre - but will only appear at one Area Committee or the other. As a consequence, local councillors spend much time liaising among themselves on such matters as they don't have the automatic facility that other district centres enjoy to discuss them, collectively, at a single local Area Committee. Cheadle Hulme is the only district centre in the borough to be split in half in this way - all others fall within the jurisdiction of a single Area Committee. We have had a number of controversial planning issues in the village centre again recently, highly relevant to both wards, but which are only included on the agenda of one Area Committee - sensible liaison would appear to be entirely dependent on individual councillors as a result of there being no formal mechanism to have the item(s) on a common Area Committee agenda.”

“A further example would be the regarding the future of primary and secondary education in Cheadle Hulme. There is a shortage of primary places in CHS Ward and CHHS are applying to open a much needed new school. Unfortunately, because of a shortage of sensible options in CHS itself, the school have identified a potential site on land at the Cheadle & Marple 6th form college site - which is actually in CHN Ward! This particular matter is further complicated by the fact that CHHS now also wish to open a new Secondary school, on the same site, as well. This is will be a big decision for councillors when the time comes for formal consideration (probably next Spring) and given the present arrangements for Area Committee, a decision to tackle an issue in one ward is quite likely to be taken by the Area Committee next door! No amount of informal co-operation and friendly liaison makes this a sensible situation.

In short, it is time to put right this anomaly and ensure that Cheadle Hulme is covered by a single Area Committee - just like every other district centre in the borough.”

3.3.3 The report to the Constitution Working Party on 20th October 2016 included an appendix providing feedback from a number of Councillors including group comments on behalf of the Conservative and Liberal Democrat groups. The relevant comments are reproduced as appendix 2 to this report.

3.3.4 The feedback indicated three possible options:

OPTION 1

Retain the existing Area Committee remits

OPTION 2

Create an eighth Area by merging Cheadle Hulme North and South into a single area committee with all the powers and functions of an area committee. This would be cost neutral if the Town Committee is abolished.

OPTION 3

Establish a joint consultative (Ward Committee) for Cheadle Hulme North and South wards to ensure a single discussion forum for cross boundary issues. This would not result in an ability to determine planning applications for the combined area

3.3.5 The examples set out above are intended to inform a decision as to whether retain the status quo, merge the Area Committees or establish new consultative committee.

3.4 Ward Flexibility Budget

3.4.1 As part of agreeing the 2001/2002 Council Budget, a “Ward Flexibility Fund” was established allocating £3,000 per ward for the three local councillors to consider how this money should be spent. As individual Councillors are unable to make decisions (with the exception of Executive Councillors), the budget and decisions were referred to the Head of Committee Services based on the recommendation of the ward councillors.

3.4.2 Since that time six of the seven Area Committee (Central Stockport Area Committee being the exception) have decided to make recommendations on applications received etc. at meetings of the Area Committee. This has the advantage of being more transparent in that decisions are made in public and recorded in the minutes as well as providing the opportunity for the applicant to attend and introduce the application/ answer member's questions.

3.4.3 It is therefore suggested that this approach is also adopted by the Central Stockport Area Committee which would enable the budget to be delegated to the Area Committee allowing the Area Committee to make the decision rather than making a recommendation to the Democratic Services Manager.

3.5 Role of the various ward and joint ward committees.

3.5.1 Ward Committees are a vehicle to support the Community Leadership role of Councillors and act in an advisory capacity as they do not have any delegated powers. Each ward Committee could meet five times during and the timing of meetings is flexible to enable them to respond to a particular issue. Ward Committees are supported by Democratic Services.

3.5.2 Ward Committees need to be established by the Council Meeting following a request from the Ward Councillors. At present there are four Ward Committees and three 'Joint' Ward Committees:

- Brinnington & Reddish Joint Ward Committee
- Davenport & Cale Green and Edgeley & Cheadle Heath Joint Ward Committee
- Hazel Grove Ward Committee
- Offerton Ward Committee
- Offerton, Manor and Stepping Hill Joint Ward Committee
- Stepping Hill Ward Committee

3.5.3 During the current Municipal Year only the Brinnington & Reddish Joint Ward Committee and the Hazel Grove Ward Committee have met.

3.6 Charitable Land

3.6.1 The Council holds a number of areas of land on charitable trust. Appendix 3 is a list of the areas of land together with a description of the charitable purpose applicable to the land. When the Council makes decisions about the use or disposal of charitable land or income from the land, it must do so in accordance with the charitable objects for which it holds the land. It is important to demonstrate that any such decisions have been taken by the Council acting as trustee of the charitable land.

3.6.2 The scheme of delegation to Area Committees already includes a reference to the Brookfield Shiers Charitable Trust. It proposed that Area Committees should exercise the function of the Council as Charitable Trustee as set out in Appendix 3.

3.7 Commuted Sums

- 3.7.1 It is recommended that the definition of 'Commutated Sums' on page 56, be clarified by changing from '*to determine the use of commuted sums*' to :

"3. subject to regulation restricting the pooling of funds, to determine, in accordance with planning agreements under S106 of the Town and Country Planning Act 1990 the use of sums received by the Council pursuant to those agreements for schemes in the Area Committee geographic area

4 Miscellaneous drafting matters

- 4.1 The current drafting of the Area Committee delegation refers to "scrutiny functions". The word is used in a general sense, however it has a particular legal meaning in local government constitution law. Since the law does not permit area committees to carry out formal legal scrutiny functions, it is proposed that for clarity the word "scrutiny" is removed. This is not intended to change in any way the current activity of Area Committees in relation to the monitoring of the Council's functions and liaison with Scrutiny Committees.
- 4.2 Area Committees have in the past been consulted on most property matters when they are novel, controversial or relating to charitable or not for profit organisations. The grounds on which comment will be sought are clarified by the replacement of 'in accordance with a delegation scheme agreed by the Executive'.
- 4.3 The current drafting does not acknowledge the role that Area Committees have in relation to Councillor calls for action. This report proposes a change which reflects this role.

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 The Executive is requested to recommend to the Council Meeting that:-
- the Town Centre Committee be abolished and the planning decision making procedures set out in paragraph 3.1.3 of the report be adopted.
 - the definition of strategic planning applications be altered to include Environmental Impact Assessment applications, as set out in paragraph 3.2 of the report.
 - the Ward Flexibility Fund be delegated to Area Committees, as out in paragraph 3.4 of the report.
 - the Ward and Joint Committees requested by Ward Councillors, as set out in paragraph 3.5 of the report, be established by the Council Meeting.
 - the proposals relating to Area Committees acting as 'Trustees' in relation to the disposal of Charitable land, as set out in paragraph 3.6 of the report and Appendix 3, be approved.
 - the proposals relating to Commuted Sums, as set out in paragraph 3.7 of the report, be approved.
 - the miscellaneous Drafting Matters, as set out in paragraph 4 of the report, with the exception of those relating to property matters, be approved.

- the revised delegations to Area Committees, as set out in Appendix 1 to the report, be approved but that the issue be reconsidered in twelve months' time in the light of health and social care integration.

5.2 The Executive Meeting is requested to consider the issue of the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different Area Committees in the light of the consideration of this issue by the Bramhall & Cheadle Hulme South and Cheadle Area Committees.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Craig Ainsworth on telephone number Tel: 0161474 3204 or alternatively email craig.ainsworth@stockport.gov.uk

APPENDIX 1 – Revised delegation to Area Committees

Constitution Part 3: Scheme of Delegation

APPENDIX 4 - AREA COMMITTEE FUNCTIONS

Powers and Duties

(Delegated)

Within the area of the Borough which it represents, and subject to conformity with the Policy Framework and Budget as determined by the Council meeting, and any other relevant plans and strategies adopted by the Executive, each area committee is authorised as follows:-

Executive Functions

1. To exercise the following [powers and duties] **functions** of the Council as local highways authority on all highways except:
 - Motorways;
 - the Key Route Network;
 - the first 15metres of any side road connecting with the Key Route Network or any district distributor road;
 - highways within Stockport Town Centre;
 - highways within the district shopping centres of Bramhall, Cheadle, Hulme, Edgeley, Hazel Grove, Houldsworth Square, Marple and Romiley
 - (a) all traffic orders except :-
 - (i) the restriction of access to premises for more than 8 hours each day
 - (ii) the prohibition of loading outside the peak hours of 7.00 a.m. to 10.00 a.m. and 4.00 p.m. to 7.00 p.m.
 - (b) traffic calming
 - (c) road closures
 - (d) cyclical maintenance comprising minor works, road markings, fences, walls and guardrails, highway drainage and dropped kerbs
 - (e) ward based pavement repairs
2. To determine applications for the use of parks by outside organisations as follows:
 - where attendance or participation of over 250 or more persons is anticipated.
 - where events are likely to result in noise or traffic disturbance to local residents.
 - where the sale of alcohol is requested at the event.
 - Bonfires and firework displays.
 - Fairs.
 - Circuses.
 - Events involving animals.

- All evening events which continue after 10pm.
 - And such other applications for the use of parks that have been referred to the Area Committee by the Director of Place.
3. *subject to regulation restricting the pooling of funds, to determine, in accordance with planning agreements under S106 of the Town and Country Planning Act 1990 the use of sums received by the Council pursuant to those agreements for schemes in the Area Committee geographic area*
 4. To undertake local environmental improvement schemes.
 5. The consideration and determination of objections to the designation of litter control areas.
 6. To determine applications for assets (land and buildings) in its area that are of community value, as nominated by the local community, as well as a list of unsuccessful nominations.
 7. To act as Trustee for land held by the Council under charitable trust
 8. To determine the use of Area Flexibility Funds in accordance with the Council's budget.

Oversight functions

9. To monitor:-

- (i) the operation, within the area committee's area, of services provided by the Executive, partnerships and external agencies;
- (ii) proposals by the Executive for activities within the area;
- (ii) any aspect of Council policy or administration affecting or relating to that area;
- (iv) to undertake local reviews of the above.

liaising where appropriate with the Executive, and with the Council's Scrutiny Committees.

10. To receive and consider a Councillor Call for Action in accordance with Part 5 CP15.

Advisory functions

11. To comment on planning applications and other development control matters in respect of land within the area committee's area that exceed the following thresholds:
 - a) Residential development of 100 dwelling units
 - b) Development of 5,000 square metres of floor space
 - c) Development of a site of 3 hectares
 - d) Applications requiring an Environment Impact Assessment
12. To comment on applications for planning permission which straddle or are adjacent to an Area Committee boundary which have significant

implications for the Area Committee by reason of traffic, noise, or pollution or which have a substantial environmental or visual effect.

13. To focus on and encourage the well-being of the local community, and to coordinate processes for public consultation with the local community, community councils, tenants' and residents' associations and other local groups, on those issues which are of interest or concern to them.
14. To hold open forums, public question times, and facilitate public speaking on planning applications, in accordance with Part 5 CP6.
15. To act as a focal point for disseminating information on the Council's services, policies, and performance and community plans.
16. To assist in the preparation of plans and strategies included in the Policy Framework and Budget, where requested by the Executive so to do, in accordance with the **Policy Framework and Budget Procedure Rules (Part 4 - PR2)**
17. The nomination of a member of the Area Committee to represent the Council at any hearing or inquiry where the Area Committee has made a decision contrary to officer advice.
18. To comment on minor property transactions referred to the area committee by the Deputy Chief Executive on the grounds that the transaction is novel, controversial or relates to charity or not for profit organisation.

Non-Executive Functions

19. Subject to the delegations to the Town Centre Committee, and the Planning and Highways Regulatory Committee to determine applications for planning permission and other development management matters for land situated within the relevant ward:
 - a) which have been called up for determination by an Area Committee in accordance with the procedure set out at Annex 1 to Part 3 (Scheme of Delegation)
 - b) in respect of which four or more objections have been received, unless the determination accords with those representations
 - c) in respect of which four or more representation of support have been received, unless the determination accords with those representations
20. Public rights of way matters including modifications to the Definitive Rights of Way Map (unless the proposed modification is contrary to an Officer recommendation or conflicts with a decision of another area committee).
21. To determine applications for street trading permits under Part III of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 where:-
 - (i) there have been two or more applications for a single pitch;
 - (ii) there have been objections; or
 - (iii) There has been an appeal against the decision of the Corporate Director
22. The consideration of objections to and the confirmation or modification of tree

preservation orders in respect of which objections have been received

APPENDIX 2 – Comments made in relation to the current Area committee Boundaries

Comment	From
The Group considers the current Area Committee structures to be correct and adding an additional Committee will increase Council costs and officer time. Bramhall North and Bramhall South wards have parts of Cheadle Hulme within their boundaries and therefore there is synergy between the two Bramhall wards and the Cheadle Hulme South ward, which is why the Area Committee name was changed to Bramhall & Cheadle Hulme South. There is no synergy between the two Bramhall wards and the Cheadle Hulme North ward and therefore the group does not support adding this ward to Bramhall & Cheadle Hulme South Area Committee. Cheadle Hulme North ward has strong links to the Cheadle Area Committee and that should remain.	The Conservative Group
<p>We need a more joined up approach to Cheadle Hulme. The Area Committee boundaries split the centre between two ACs with a lack of joined up considerations. In my view there are four possibilities for changes to Area Committees.</p> <p>1 Leave things as they are. This will not tackle the issues of the centre.</p> <p>2 Have an extra AC of Cheadle Hulme North and South. The extra work for Dem Services and Planning probably would not be acceptable by officers. It would also lead to breaking the relationship in Cheadle Village where Cheadle Green and Abney are in CHN. This is also undesirable.</p> <p>3 Have something similar to the Hazel Grove Cttee, dealing with more local issues. CHN and CHGS could come together to decide on planning, traffic and enhancement of commercial activities in the centre. This would have to meet ad hoc and would that be effective?</p> <p>4 Transfer CHS to the Cheadle Area Cttee. This would enlarge size of the AC to four wards, but that already occurs with Heaton & Reddish. I favour this as it would keep the relationship at Cheadle village as well as strengthening Cheadle Hulme centre.</p>	Paul Porgess
Having sought opinions from colleagues who deal with Cheadle Hulme South and Bramhall wards I would strongly object to any change in that area committee. It makes logical sense for them to be together given the shared community spaces they occupy.	Oliver Johnstone
I agree with my colleague John McGahan regarding the proposal to integrate Cheadle Hulme North and South instead of keeping	Alanna Vine

<p>Cheadle Hulme South with the Bramhall Area committee as at present.</p> <p>It is wrong to put those two Wards together merely because they share the same prefix "Cheadle Hulme". As John stated in his email, there is an overlap between Cheadle Hulme South and Bramhall North and many of the issues relate to both Wards.</p>	
<p>I do not support CHS moving from Band CHS AC as part of CH is in BN and BSandW</p> <p>I do not believe moving CHN into the area committee is a non starter as that is indeed nothing to do with the other three wards.</p>	Brian Bagnall
<p>As regards changing areas I would echo John McGahan's point About Cheadle Hulme South fitting well with Bramhall North and South and would not be in favour of that boundary change</p>	Mike Hurleston
<p>As far as the merger of Cheadle Hulme North and Cheadle Hulme South is concerned this makes no sense whatsoever. There is little synergy between the respective wards and we seem to have overlooked that a significant part of the southern part of Cheadle Hulme actually sits in the Bramhall South and Woodford ward. Significantly in addition parts of Bramhall are closer to the centre of Cheadle Hulme than they are to Bramhall village centre</p>	John McGahan
<p>As a member of Heaton and Reddish area committee which covers four wards I suggest that the Werneth and Marple area committees are merged.</p>	John Taylor
<p>As a councillor representing Cheadle Hulme South, I have for years, found it inexplicable that Cheadle Hulme South & Cheadle Hulme North are in different Area Committees. We are inexplicably linked, both having many areas, notably Cheadle Hulme precinct & shopping area in common. As it is Cheadle Hulme South councillors can make decisions whose impact falls mainly on Cheadle Hulme North residents.</p> <p>Any suggestions to overcome this problem would be welcome.</p>	Suzanne Wyatt
<p>The Geography of Cheadle Hulme North!</p> <ol style="list-style-type: none"> 1. Reference has been made to the problems of the Cheadle Hulme North interface, with both the Cheadle Hulme South and Cheadle and Gatley ward. 2. The major problem arises from the geography of the ward, stretching from Cheadle Hulme Shopping Centre (CHN residential properties are the nearest to the shops) to the River Mersey via Cheadle Green and Abney Park. 	John Pantall

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| <ol style="list-style-type: none">3. Obviously the problem of the ward boundaries will be a matter for the BCE/Electoral Commission.4. In the meantime the ways of ensuring that the common interests of both wards in Cheadle Hulme Centre are to be met effectively should be explored. A strong ward committee, with a specific remit and powers should be considered. | |
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APPENDIX 3 – List of charitable land

CHARITY NUMBER	CHARITY NAME	REGISTERED AT THE CHARITY COMMISSION FOR THE FOLLOWING ACTIVITIES
511754	THE BROOKSHIELD PARK SHIERS FAMILY TRUST CHEADLE STOCKPORT	GRANTS AWARDED TO ORGANISATIONS FOR THE GOOD OF THE GENERAL PUBLIC WITHIN THE CHEADLE AREA OF STOCKPORT UNDER THE AUSPICES OF THE CHEADLE AREA COMMITTEE MAKES GRANTS TO ORGANISATIONS
1105982	VERNON PARK OFFERTON STOCKPORT	LOCAL PARK PROVIDES BUILDINGS / FACILITIES / OPEN SPACE
520118	WOODBANK MEMORIAL PARK OFFERTON STOCKPORT	INCOME FROM THE INVESTMENT ARISING FROM THE SALE OF 1 1/2 ACRES OF LAND AT WOODBANK PARK IN 1962 FOR THE BENEFIT OF THE PARK AND ITS SERVICES. PROVIDES BUILDINGS / FACILITIES / OPEN SPACE
520029	OLD RECREATION GROUND (WOODBANK PARK) OFFERTON STOCKPORT	LEISURE SPORTS AND RECREATION PROVIDES BUILDINGS / FACILITIES / OPEN SPACE
520115	PLAYGROUND FOR CHILDREN (LANCASHIRE HILL AREA) STOCKPORT	AREA OF LAND LEFT TO THE AUTHORITY IN THE EARLY 1900'S BY ROBERT RAYNER MCCLURE. IT IS SITUATED ADJACENT TO THE RIVER TAME IN THE LANCASHIRE HILL AREA OF STOCKPORT AND IS USED AS A CHILDRENS RECREATION GROUND. THERE IS NO INCOME GENERATED AND ANY MAINTENANCE COSTS FORM PART OF THE GROUNDS MAINTENANCE BUDGET.

		PROVIDES BUILDINGS / FACILITIES / OPEN SPACE
1087975	KING GEORGE V PLAYING FIELD (WOODBANK PARK) OFFERTON STOCKPORT	A RECREATION AND PLAYING FIELD TO BE PRESERVED IN PERPETUITY AS A MEMORIAL TO KING GEORGE V UNDER THE PROVISIONS OF THE KING GEORGE'S FIELD FOUNDATION PROVIDES BUILDINGS / FACILITIES / OPEN SPACE

EXTRACT FROM THE MINUTES OF THE MEETING OF THE CHEADLE AREA COMMITTEE HELD ON 7 MARCH 2017

9. CONSTITUTIONAL REVIEW – AREA COMMITTEE BOUNDARIES

A representative of the Democratic Services Manager submitted a report (copies of which had been circulated) advising the Area Committee that at the meeting of the Constitution Working Party held on 8 February 2017 Members had agreed that a report be submitted to the next meeting of the Cheadle Area Committee & the Bramhall and Cheadle Hulme South Area Committee regarding whether the Cheadle Hulme North Ward and the Cheadle Hulme South Ward should sit within the same Area Committee. The comments of the area committees would be submitted to the Executive Meeting when it considered the matter at its meeting on 14 March 2017.

The feedback from consultation with councillors had indicated three possible options:-

- retain the existing remits of the area committees.
- create an eighth area committee by merging Cheadle Hulme North and Cheadle Hulme South Wards into a single area committee with all the powers and functions of an area committee.
- establish a joint consultative committee (ward committee) for the Cheadle Hulme North and Cheadle Hulme South Wards in order to ensure a single discussion forum for cross boundary issues. This would not result in an ability to determine planning applications for the combined area.

The following comments were made/issues raised:-

- the ward boundary for the Cheadle Hulme North Ward was nonsensical as it did not include the district centres of either Cheadle Hulme or Cheadle.
- there were a number of common issues between the Cheadle Hulme North Ward and the Cheadle Hulme south Ward which required collaboration between the two wards, for example on highway issues, drainage issues, the shopping precinct in Cheadle Hulme, planning issues and in particular those that affected the Cheadle Hulme district centre, and any proposals for new schools in Cheadle Hulme.
- until such time as the ward boundary for the Cheadle Hulme North Ward was altered, the best solution was to establish a joint consultative committee (ward committee) for the Cheadle Hulme North and South Wards in order to ensure a single discussion forum for cross boundary issues
- there were also cross boundary issues affecting the Cheadle Hulme North Ward and the Cheadle and Gatley Ward, for example in the vicinity of the Micker Brook.

RESOLVED – That the comments of the Area Committee be submitted to the Executive for consideration at its meeting to be held on 14 March 2017.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE BRAMHALL & CHEADLE HULME SOUTH AREA COMMITTEE HELD ON 9 MARCH 2017

CONSTITUTIONAL REVIEW – AREA COMMITTEE BOUNDARIES

A representative of the Democratic Services Manager submitted a report (copies of which had been circulated) advising the Area Committee that at the meeting of the Constitution Working Party held on 8 February 2017 Members had agreed that a report be submitted to the next meeting of the Cheadle Area Committee & the Bramhall and Cheadle Hulme South Area Committee regarding whether the Cheadle Hulme North Ward and the Cheadle Hulme South Ward should sit within the same Area Committee. The comments of the area committees would be submitted to the Executive Meeting when it considered the matter at its meeting on 14 March 2017.

The feedback from consultation with councillors had indicated three possible options:-

- retain the existing remits of the area committees.
- create an eighth area committee by merging Cheadle Hulme North and Cheadle Hulme South Wards into a single area committee with all the powers and functions of an area committee.
- establish a joint consultative committee (ward committee) for the Cheadle Hulme North and Cheadle Hulme South Wards in order to ensure a single discussion forum for cross boundary issues. This would not result in an ability to determine planning applications for the combined area.

The following comments were made/ issues raised:-

- The conglomeration Cheadle Hulme South ward with the two Bramhall wards and its separation from the Cheadle Hulme North ward amounted to an accident of history that did not reflect or respect the single cohesive community of Cheadle Hulme.
- Cheadle Hulme was the only community in the Borough which was split between two area committees.
- There were a number of current issues that affected the wider Cheadle Hulme area that would most effectively and sensibly be considered by a single decision-making body.
- Concern was expressed that the removal of the Cheadle Hulme South ward from the remit of the area committee would create a disjuncture for the community in the south of the Cheadle Hulme South ward which had a synergy with the Bramhall area rather than Cheadle Hulme.
- It was contended that many residents in Cheadle Hulme North had a greater connection with the Cheadle district centre than Cheadle Hulme and so would not be better served by changes to the current boundaries of area committees to amalgamate it with Cheadle Hulme South in a single area committee.
- There was no significant demand for changes to local governance structures.

- The current political balance on the area committee with representation from three political parties was conducive to balance debate and democratic challenge.
- There were already mechanisms for the area committee to consider issues in the Cheadle Hulme North ward which had an impact on the Cheadle Hulme South ward.

RESOLVED – (7 for, 2 against) – That the Executive be recommended to make no changes to the position of the Cheadle Hulme South within the Bramhall & Cheadle Hulme South Area Committee.

STOCKPORT COUNCIL

Executive Decision Record

Reference
(for use by
Democratic Services)

ED1899

Date of Decision

14 March 2017

Subject

Constitutional Review - Area Committees

**Details of, and
reasons for,
decision
(Summary)**

The Executive considered proposals for changes to the Constitution relating to the area committees and agreed that the following be approved or recommended to the Council Meeting for approval as appropriate:-

- abolish the Town Centre Committee and adopt the planning decision making procedures set out in paragraph 3.1.3 of the report;
- alter the definition of strategic planning applications to include Environmental Impact Assessment applications, as set out in paragraph 3.2 of the report;
- delegate the Ward Flexibility Fund be delegated to Area Committees, as out in paragraph 3.4 of the report;
- that Ward and Joint Committees requested by Ward Councillors, as set out in paragraph 3.5 of the report, be established by the Council Meeting;
- the proposals relating to Area Committees acting as 'Trustees' in relation to the disposal of Charitable land, as set out in paragraph 3.6 of the report and Appendix 3;
- the proposals relating to Commuted Sums, as set out in paragraph 3.7 of the report, be approved;
- the miscellaneous Drafting Matters, as set out in paragraph 4 of the report, with the exception of those relating to property matters;
- the revised delegations to Area Committees, as set out in Appendix 1 to the report, but that the issue be reconsidered in twelve months' time in the light of health and social care integration.

In relation to the Cheadle Hulme North Ward and the Cheadle Hulme South Ward being in two different Area Committees the Executive agreed that in its view the Council Meeting should establish a joint ward committee to address the concerns of ward councillors.

The Executive also recommended that the Council Meeting change the name of the Marple Area Committee to the 'Marple and High Lane Area Committee' and the Werneth Area Committee to the 'Bredbury, Romiley and Woodley Area Committee' to improve clarity of the geographical remits of those area committees.

Decision Taker

Executive

Directorate and Reference

Craig Ainsworth, Corporate and Support Services Tel: 0161474 3204

Alternative options considered and rejected

None

Conflicts of Interest and Standards Committee Dispensations

None

Relevant Scrutiny Committee or "exempt from call-in"

Corporate, Resource Management & Governance

FOR USE IN DEMOCRATIC SERVICES

Record Created/Received in Democratic Services

15 March 2017

Decision Published

15 March 2017

Call-in Deadline

4.00pm

21 Mar 2017

Called In

YES

NO

N/A

Date of Scrutiny Committee

Scrutiny Committee Decision

Refer to DM

Refer to CM

NFA

Outcome

OPERATIVE DATE