

Council Agenda

Date: Tuesday, 9th December, 2008
Time: 2.00 pm
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1DX

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

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

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Chairman's Announcements**

To receive such announcements as may be made by the Chairman of the Council

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

In accordance with Procedure Rules Nos.11 and 35 a total period of 15 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

5. **Minutes of the special meeting of the Council held on 20 October 2008** (Pages 1 - 4)

To approve the minutes as a correct record.

6. **Minutes of the ordinary meeting of the Council held on 20 October 2008** (Pages 5 - 12)

To approve the minutes as a correct record.

7. **Records of Decisions of the Cabinet and Minutes of other Committees**

To receive formally the following records of decisions of the Cabinet and Minutes of other Committees :-

- a) **Scrutiny Committee - 10 October 2008** (Pages 13 - 18)
- b) **Staffing Committee - 15 October 2008** (Pages 19 - 20)
- c) **Staffing Committee - 20 October 2008** (Pages 21 - 22)
- d) **Advisory Panel - People - 27 October 2008** (Pages 23 - 26)
- e) **Governance & Constitution - 3 November 2008** (Pages 27 - 30)
- f) **Staffing Committee - 4 November 2008** (Pages 31 - 32)
- g) **Cabinet - 4 November 2008** (Pages 33 - 38)
- h) **Staffing Committee - 5 November 2008** (Pages 39 - 40)
- i) **Staffing Committee - 5 November 2008** (Pages 41 - 42)
- j) **Advisory Panel - Places - 12 November 2008** (Pages 43 - 52)
- k) **Standards Committee - 25 November 2008** (Pages 53 - 58)
- l) **Staffing Committee - 27 November 2008** (Pages 59 - 62)

8. **Notice of Motion** (Pages 63 - 64)

To consider the attached Notice of Motion, proposed by Councillor R Fletcher and seconded by Councillor D Neilson.

9. **Council Tax Base 2009/10** (Pages 65 - 70)

To notify Council of the Council Tax Base for Cheshire East and to confirm that, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2009/10.

10. **Local Development Scheme**

To agree the submission of the amended Draft Local Development Scheme to the Secretary of State for Communities and Local Government.

11. **Appointment of Borough Treasurer and Head of Assets** (Pages 71 - 74)

To outline the process used for the recruitment of the Borough Treasurer and Head of Assets and request that the Council ratify the recommendation for appointment made by the Staffing Committee.

12. **Appointment of Borough Solicitor and Monitoring Officer** (Pages 75 - 78)

To ratify the recommendation of the Staffing Committee regarding the appointment of the Borough Solicitor and Monitoring Officer of Cheshire East Council.

13. **Children Plan 2008-11** (Pages 79 - 82)

To formally recommend the Cheshire Children Plan 2008-11, for adoption by Cheshire East Council, as its statutory Children Plan to 2011 and that Council notes the requirement to set local targets (as part of the Local Authority Agreement process) by 1 April 2009 and the need to review, refresh and localise that Plan during the period April 2009 to June 2010.

14. **Appointment of Statutory Co-opted Members to Scrutiny Committees-Elected Parent Governors and Nominated Church Representatives** (Pages 83 - 86)

To advise Council of the recommendations of the Council's Scrutiny and Governance and Constitution Committees in respect of education matters and appointments of Statutory Co-opted Members to the Scrutiny Committee, who will have voting rights on education matters and to agree the recommendations of the Council's Scrutiny and Governance and Constitution Committees.

15. **Appointment of Parish Council Members to Standards Committee** (Pages 87 - 90)

To seek the approval of full Council for the appointment of three Parish Council representatives on the Standards Committee.

16. **Officer Code of Conduct** (Pages 91 - 112)

To consider adoption of an Officer Code of Conduct, its immediate inclusion in the Shadow Council's Constitution and, thereafter in Cheshire East Unitary Council's Constitution with effect from 1st April 2009.

17. **Licensing Committee Structures, Membership and Delegations**

To seek approval for the formation of a Licensing Committee of Cheshire East Council, both as a shadow committee prior to 1 April 2009 and as a fully operational Committee thereafter.

18. **Calendar of Meetings 2009/10** (Pages 113 - 114)

To approve the dates for Cabinet and Council meetings 2009/10.

19. **Questions**

In accordance with Procedure Rules 11, opportunity is provided for Members of the Shadow Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Shadow Council, the Cabinet or the Committee has powers, duties or responsibilities.

Questions must be sent in writing to the Interim Monitoring Officer at least 3 clear working days before the meeting.

CHESHIRE EAST COUNCIL

Minutes of a special meeting of the **Council**
Held on Monday, 20th October, 2008 at Town Hall Congleton

PRESENT

Councillor Mrs M Simon (Chairman)
Councillor G Baxendale (Vice-Chairman)

Councillors Miss C Andrew, A Arnold, M Asquith, Mrs R Bailey, Mrs R Bailey, A Barratt, G Barton, C Beard, T Beard, D Bebbington, D Beckford, Mrs S Bentley, D Brickhill, S Broadhurst, D Brown, D Cannon, R Cartlidge, J Crockatt, H Davenport, M Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, Mrs D Flude, Miss S Furlong, Mrs H Gaddum, L Gilbert, Mrs E Gilliland, J Goddard, J Hammond, M Hardy, D Hough, Ms O Hunter, Mrs T Jackson, J Jones, Mrs S Jones, F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, Mrs M Martin, P Mason, S McGrory, R Menlove, Mrs G Merry, A Moran, B Moran, H Murray, J Narraway, D Neilson, R Parker, M Parsons, A Ranfield, A Richardson, B Silvester, Mrs L Smetham, D Stockton, Mrs D Thompson, C Thorley, A Thwaite, Mrs C Tomlinson, D Topping, R Walker, G M Walton, Mrs J Weatherill, R West, R Westwood, P Whiteley and J Wray

Apologies

Councillors Mrs E Alcock, S Conquest, Mrs M Hollins, Mrs B Howell and A Martin

35 APOLOGIES FOR ABSENCE

36 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

37 PETITION FOR BOROUGH STATUS

Consideration was given to a report updating the Council on the proposed application for Borough status, as agreed in principle by Council on 30 July 2008.

It was moved and seconded to approve :-

- (a) the formal presentation of a Petition seeking the grant of a Charter for Borough status
- (b) the form of the Council's Petition for Borough status and of the

proposed Charter for submission to the Privy Council Office.

A requisition for a named vote was submitted and duly supported, in accordance with the provisions of Council Procedure Rule 15.2 of the Constitution.

The motion was put to the meeting with the following results:-

For	Against	Abstentions
Cllr C Andrew	A Arnold	0
Cllr M Asquith	T Beard	
Cllr RA Bailey	S Broadhurst	
Cllr R Bailey	D Cannon	
Cllr A Barratt	R Cartlidge	
Cllr G Barton	P Edwards	
Cllr G Baxendale	R Fletcher	
Cllr C Beard	D Flude	
Cllr D Bebbington	J Goddard	
Cllr D Beckford	D Hough	
Cllr S Bentley	S Jones	
Cllr D Brickhill	M Martin	
Cllr D Brown	S McGory	
Cllr J Crockatt	A Moran	
Cllr H Davenport	J Narraway	
Cllr M Davies	D Neilson	
Cllr R Domleo	M Parsons	
Cllr B Dykes	C Thorley	
Cllr P Findlow	C Tomlinson	
Cllr W Fitzgerald		
Cllr S Furlong		
Cllr H Gaddum		
Cllr L Gilbert		
Cllr E Gilliland		
Cllr J Hammond		
Cllr M Hardy		
Cllr O Hunter		
Cllr T Jackson		
Cllr J Jones		
Cllr F Keegan		
Cllr A Knowles		
Cllr A Kolker		
Cllr W Livesley		
Cllr J Macrae		
Cllr P Mason		
Cllr R Menlove		
Cllr G Merry		
Cllr B Moran		
Cllr H Murray		
Cllr R Parker		
Cllr T Ranfield		
Cllr A Richardson		
Cllr B Silvester		
Cllr M Simon		
Cllr L Smetham		
Cllr D Stockton		

Cllr D Thompson
Cllr A Thwaite
Cllr D Topping
Cllr R Walker
Cllr G Walton
Cllr J Weatherill
Cllr R West
Cllr R Westwood
Cllr P Whiteley
Cllr S Wilkinson
Cllr J Wray

The motion was declared carried by 57 votes for and 19 against, in accordance with the provision of the Local Government Act 1972, which requires that “a Petition for a Charter shall not be presented, except on a resolution passed by not less than two-thirds of the Members voting thereon”.

The meeting commenced at 6.00 pm and concluded at 6.34 pm

Councillor Mrs M Simon (Chairman)
CHAIRMAN

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the Council

Held on Monday, 20th October, 2008 at The Council Chamber, Congleton
Town Hall

PRESENT

Councillor Mrs M Simon (Chairman)

Councillor G Baxendale (Vice-Chairman)

Councillors Miss C Andrew, A Arnold, M Asquith, Mrs R Bailey, Mrs R Bailey, A Barratt, G Barton, C Beard, T Beard, D Bebbington, D Beckford, Mrs S Bentley, D Brickhill, S Broadhurst, D Brown, D Cannon, R Cartlidge, J Crockatt, H Davenport, M Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, Mrs D Flude, Miss S Furlong, Mrs H Gaddum, L Gilbert, Mrs E Gilliland, J Goddard, J Hammond, M Hardy, D Hough, Ms O Hunter, Mrs T Jackson, J Jones, Mrs S Jones, F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, Mrs M Martin, P Mason, S McGrory, R Menlove, Mrs G Merry, A Moran, B Moran, H Murray, J Narraway, D Neilson, R Parker, M Parsons, A Ranfield, A Richardson, B Silvester, Mrs L Smetham, D Stockton, Mrs D Thompson, C Thorley, A Thwaite, Mrs C Tomlinson, D Topping, R Walker, G M Walton, Mrs J Weatherill, R West, R Westwood, P Whiteley and J Wray

Apologies

Councillors Mrs E Alcock, S Conquest, Mrs M Hollins, Mrs B Howell and A Martin

38 APOLOGIES FOR ABSENCE

39 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

Councillor B Moran declared a personal interest in the item relating to Appointment of Independent Members to the Standards Committee and In accordance with the Code of Conduct remained in the meeting during consideration of this matter.

Councillors RWJ Fitzgerald, F Keegan, D Bebbington, J Weatherill and R Parker declared a personal interest in the item relating to Proposals for Charter Trustees and In accordance with the Code of Conduct remained in the meeting during consideration of this matter.

40 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements. However, the Chairman welcomed the new Chief Executive, Erika Wenzel to her first Council meeting.

41 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the meeting.

42 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting of the Council held on 30 July be confirmed as a correct record and signed by the Chairman.

43 RECORDS OF DECISIONS OF THE CABINET AND MINUTES OF OTHER COMMITTEES

RESOLVED

That the records of decisions of Cabinet and minutes of the other Committees be received.

- (a) **Standards Committee - 8 July 2008**
- (b) **Staffing Committee - 14 July 2008**
- (c) **Governance & Constitution Committee - 14 July 2008**
- (d) **Cabinet - 17 July 2008**
- (e) **Advisory Panel - People -22nd July 2008**
- (f) **Advisory Panel - Places - 23 July 2008**
- (g) **Staffing Committee - 25 July 2008**
- (h) **Advisory Panel - Performance and Capacity - 29 July 2008**
- (i) **Council - 30 July 2008**
- (j) **Scrutiny Committee - 7 August 2008**
- (k) **Cabinet - 12 August 2008**
- (l) **Governance & Constitution Committee - 8 September 2008**
- (m) **Staffing Committee - 11 September 2008**
- (n) **Staffing Committee - 12 September 2008**

- (o) **Staffing Committee - 16 September 2008**
- (p) **Advisory Panel - Performance & Capacity - 17 September 2008**
- (q) **Advisory Panel - Places - 22 September 2008**
- (r) **Advisory Panel - People - 23 September 2008**
- (s) **Governance and Constitution Committee - 6 October 2008**
- (t) **Standards Committee - 7 October 2008**
- (u) **Cabinet - 7 October 2008**

44 NOTICE OF MOTION (1)

Consideration was given to the following Notice of Motion, submitted by Councillors D Flude and D Thorley :-

Waste Management Contract 2009

This Council welcomes the commitment of Cheshire East and Cheshire West and Chester shadow unitary authorities to manage jointly the process of creating a renewed waste disposal service for the people of Cheshire. We particularly welcome the decision to create a Joint Unit to undertake the Waste PFI Procurement and that waste contracts will be managed on a County-wide basis.

We call upon this joint body to ensure that the people of Cheshire benefit from any technological developments that occur that will increase the income from waste disposal during the long life of the PFI contract. For example, should there be returns from the mining of plastic from landfill sites in the future, benefits should be equably shared between Council Tax payers and the waste company carrying out the contract.

The Council also calls upon the new joint body which will conclude the contract in 2009 to be mindful of the full environmental impact of the waste disposal methods chosen and ensure that adverse environmental effects are minimised and that the waste disposal methods and arrangements will be safe, sustainable, encourage waste minimisation and be cost effective.

RESOLVED

That the Motion stand referred to Cabinet.

45 NOTICE OF MOTION (2)

NOTED

The following motion was withdrawn by Councillors D Flude and T Beard :-

Cheshire County Council TLC Programme

The Cheshire East Shadow Authority believes that one of its most important responsibilities will be to provide a full range of educational opportunities to people of all ages throughout their lives who live and work and learn within its borders.

Accordingly this Council is disappointed in the actions of Cheshire County Council with regard to the planned provision of education for primary school children in Bollington. The Cheshire East Shadow Authority was consulted on this proposed closure in July 2008. Our Cheshire East Authority will be responsible for carrying out any school closures planned by Cheshire County Council for 2009.

This Authority recommended that St. John's Voluntary Aided Church of England School in Bollington should be federated with another school and that Governing Bodies should be given the opportunity and time to explore this possibility. Cheshire County Council has informed parents that there are plans to close the school in 2009 contrary to the advice of Cheshire East.

We therefore call upon the Executive Member for Children's Services and the Cabinet to state clearly that under no circumstances will they close St. John's School in 2009.

We further call on the Executive Member and the Cabinet to work with Cheshire County Council to support the governing bodies of schools in Bollington to come to a local solution involving federation between schools which is the stated policy of the Cheshire East Authority.

46 RESULT OF BY-ELECTION

The Chief Executive announced that Councillor Steve Wilkinson had been elected as representative for the Knutsford ward of Cheshire East, at the by-election held on 9 October 2008.

Councillor Wilkinson was welcomed to the Council by the Chairman.

47 CHANGES TO THE CONSTITUTION

Consideration was given to a report relating to the recommendations from the Governance and Constitution Committee, in respect of proposed changes to the Constitution.

It was moved and seconded:-

- (1) That the decisions of the Governance and Constitution Committee be noted.
- (2) That the following Constitutional provision be adopted by the Shadow Council as part of Rule 8 of the Constitution, but that this should be reviewed in 6 months' time:

“A Member may ask a Cabinet Member or a Committee Chairman (or in his/her absence the Vice Chairman) a question on any Record of Decision or Minute. The Cabinet Member or the Chairman or in his/her absence the Vice Chairman will respond using their reasonable endeavours to provide a response which addresses the matters raised in reply to the question as put by the Member. The provisions in Procedure Rule 11.4 in relation to replies shall also apply here. There will be no debate on any question, or response under this procedure and no further motions can be moved.

“Where a Member wishes to ask a question on any Part 2 matter before the Council, the question must be given, in writing, to the Council’s Monitoring Officer at least one hour before the start of the Council meeting.”

- (3) That a Health and Adult Social Care Scrutiny Committee should be appointed to exercise the Council’s emerging statutory responsibilities, and with the responsibilities set out in the Appendix to this report.
- (4) That the Health and Adult Social Care Scrutiny Committee should comprise 14 Members, on the basis of a 10:2:1:1 proportionality, but that there should be no co-option of Members to the Committee for the time being.

Amendment

An amendment to support recommendations 1, 3 and 4, but not 2, as set out above was moved and seconded and declared carried.

RESOLVED

- 1. That the decisions of the Governance and Constitution Committee be noted.
- 2. That a Health and Adult Social Care Scrutiny Committee should be appointed to exercise the Council’s emerging statutory responsibilities, and with the responsibilities set out in the Appendix to this report.
- 3. That the Health and Adult Social Care Scrutiny Committee should comprise 14 Members, on the basis of a 10:2:1:1 proportionality, but that there should be no co-option of Members to the Committee for the time being.

48 PROPOSALS FOR CHARTER TRUSTEES

Consideration was given to a report advising the Council of the proposals made by Macclesfield and Crewe and Nantwich Borough Councils for the appointment of Charter Trustees for towns in their areas.

RESOLVED

1. That the proposal by Macclesfield Borough Council for Charter Trustees to be appointed for the unparished area of Macclesfield Town be accepted.
2. That the proposal by Crewe and Nantwich Borough Council for Charter Trustees to be appointed for the unparished area of Crewe Town be accepted.

49 APPOINTMENT OF INDEPENDENT MEMBERS TO STANDARDS COMMITTEE

Consideration was given to a report seeking approval of the Council to the appointment of five Independent members to the Standards Committee.

RESOLVED

1. That the Council appoints the five applicants set out in paragraph 7.4 of the report as Independent Members of its Standards Committee:

Mr Nigel Briers (currently Independent Chairman of Crewe & Nantwich Borough Council's Standards Committee)

Mr Ian Clark (currently Independent Chairman of Macclesfield Borough Council's Standards Committee)

Mr Michael Garratt (currently an Independent member of Congleton Borough Council's Standards Committee)

Mr Roger Pomlett (currently an Independent member of Crewe & Nantwich Borough Council's Standards Committee)

Mr David Sayer (currently Independent Chairman of Congleton Borough Council's Standards Committee).

2. That the Panel's recommended that a reserve list of Independent Members be created in case of future vacancies on the Standards Committee and that the remaining two applicants be placed on the reserve list, as set out in paragraph 7.5 of the report be noted:

50 CONSOLIDATED (INTERIM) SUSTAINABLE COMMUNITY STRATEGY FOR CHESHIRE EAST

Consideration was given to a report to provide Members of the Council with information, as a consolidation of priorities already consulted upon, articulated and agreed within the existing sustainable community strategies for Macclesfield, Congleton, Crewe and Nantwich and Cheshire, upon which decisions relating to service delivery and resource allocation can be made prior to vesting day.

RESOLVED

That the Consolidated Sustainable Community Strategy for Cheshire East, as set out in Appendix 1 of the report, be received, as an interim document and agree its use as the basis for corporate and financial planning prior to vesting day.

51 LDS CABINET REPORT

NOTED

This item was withdrawn at the meeting and was not considered.

52 QUESTIONS

No questions were submitted.

The meeting commenced at 6.34 pm and concluded at 7.20 pm

Councillor Mrs M Simon (Chairman)
CHAIRMAN

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Scrutiny Committee**
held on Friday, 10th October, 2008 at Tatton Room, Town Hall Macclesfield
SK10 1DX

PRESENT

Councillor A Thwaite (Chairman)
Councillor A Richardson (Vice-Chairman)

Councillors G Baxendale, M Davies, Ms O Hunter, R Menlove,
Mrs L Smetham and J Wray

16 APOLOGIES FOR ABSENCE

Apologies were received from Councillors A Barratt, S Broadhurst,
S Conquest, P Edwards, Miss S Furlong and Mrs B Howell.

17 DECLARATIONS OF INTEREST

In accordance with the relevant provisions of the Constitution relating to
Scrutiny the Chairman declared he was deputy Whip of his Group.

18 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from the public.

19 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 7 August 2008 were approved as a
correct record.

**20 ACTION TAKEN BY THE CHAIRMAN - WAIVER OF CALL-IN:
TRANSFORMING LEARNING COMMUNITIES -EMERGING ISSUES
FROM LOCALITY REVIEW FOR ALSAGER, CONGLETON,
SANDBACH AND HOLMES CHAPEL**

The Chairman reported that he had taken the following action since the
last meeting:

**1. Exemption from Call-in: Transforming Learning Communities -
emerging issues from Locality Review for Alsager, Congleton,
Sandbach and Holmes Chapel:**

Agreement to waive call-in (under rule 13.1 of the Scrutiny Procedure
Rules) of the Cabinet decision offering advice to Cheshire County
Council's Children's Services Executive on 13 October that the
proposals should be the subject of formal consultation.

2. Decision taken under the urgency procedure rules - Top Management Structure:

Consent as required under urgency procedure rules, to enable the recruitment process for four alternative posts to be commenced as soon as possible bearing in mind that there may be a need to recruit externally and the Council has to appoint the two statutory post holders by 31 December at the latest.

It was noted that the decision taken under the urgency procedure was to alter the top management structure of Cheshire East Council by replacing the post of Director of Performance and Capacity with the posts of:

- i. Head of Human Resources and Organisational Development
- ii. Head of Policy and Performance
- iii. Borough Treasurer and Head of Assets (Section 151 Officer) and
- iv. Borough Solicitor (Monitoring Officer)

and to authorise commencement of the recruitment process to the four posts in accordance with the recommendations of the Staffing Committee on 11 September 2008

3. Key Decision not included in the Forward Plan: New Model of Social Care

A Key decision relating to the New Model of Social Care for the new Council had not been included on the Forward Plan. To enable the matter to be considered and determined at the Cabinet meeting on 7 October, action had been taken in accordance with the Constitution, under Rule 12 of the Access to Information Procedure Rules. This decision had to be taken by such a date that it was impractical to defer the decision until it could be included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates.

The Chairman then referred to the provision in the Procedure Rules that required the Interim Monitoring Officer to inform the Chairman of the Scrutiny Committee in writing by Notice of the matter to which the decision is to be made and to make copies of the Notice available to the public at the offices of the Shadow Council. He believed that copies of the Notice should also be circulated to all members of the Council and had requested that this be done electronically in this case. The Chairman suggested the Constitution should be amended to cover this point.

Other matters: Procedure to handle Call-in of a Cabinet Decision at Scrutiny Committee

The Committee gave consideration to a procedure proposed by the Chairman to deal with any future Cabinet decisions that may be Called in. It was noted that the Procedure would assume that:-

- background documentation on the issue will have been circulated with the Agenda papers (Call-Ins may occasionally have to be dealt with in Part 2 of the meeting)
- the (minimum) eight signatories to the Call-In will have agreed beforehand on the one member to appear as a Witness on their behalf and will have produced a short written statement summarising the grounds for Call-In

Handling procedure for Call-ins at Scrutiny Committee:

1. Scrutiny Officer to brief the Committee (5 mins)
2. Call-In Lead Member to explain reasons for Call-In (5 mins)
3. Members of Committee question Call-In Lead Member (10 mins)
4. Cabinet Member to explain reasons for decision (5 mins)
5. Members of Committee question Cabinet Member (10 mins)
6. Opportunity for Call-In Lead Member to respond (2 mins)
7. Chairman sums up and puts the matter to the Committee

NB: Changes to the above timings will be at the Chairman's discretion

RESOLVED – that

- 1 the action taken by the Chairman in respect of the three matters set out above be noted;
- 2 the Governance and Constitution Committee be requested to consider amending the Constitution so that the provision in the Procedure Rules requiring the Interim Monitoring Officer to inform the Chairman of the Scrutiny Committee in writing by notice of the matter to which the decision is to be made and to make copies of the Notice available to the public at the offices of the Shadow Council be amended so that copies of the Notice should also be required to be circulated electronically for information to all members of the Council; and
- 3 the Procedure for handling Call-Ins as set out above be adopted.

21 HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE

It was reported that the Governance and Constitution Committee at its meeting held on 8 September had endorsed this Committee's advice and had recommended to Council that a separate Health and Adult Social Care Scrutiny Committee be established within the Council's Political structure. This recommendation would now be considered by the Council at its meeting on 20 October. The Committee also supported the principle of continuing joint scrutiny arrangements for Mental Health Service issues across Cheshire and Wirral.

It was noted that the Places Advisory Group were currently considering the new Social Care Redesign Programme and there was potential for

duplication of scrutiny work in this area that would need careful management.

The Chairman reminded members of the heavy workload the new Committee would have and he invited nominations for membership of the new Committee to be submitted to him prior to the Council meeting on 20 October.

The current position was noted.

22 APPOINTMENT OF STATUTORY CO-OPTED MEMBERS TO THE SCRUTINY COMMITTEE – ELECTED PARENT GOVERNORS AND NOMINATED CHURCH REPRESENTATIVES

The Governance Lead Officer submitted a paper setting out the statutory requirement to have co-opted representation on the Scrutiny Committee when dealing with Education matters. It was noted that appointees would have voting rights on those Educational matters. The current Cheshire County Council procedures for parent governor representatives, eligibility and guidance on voting rights etc. were attached at Appendix 1. The paper also outlined a typical timetable for an election of parent governors' representatives to take place.

The requirements and duties of local authorities in England to provide Church representatives with voting rights on Scrutiny Committees dealing with education and the scope of direction would also fall on Cheshire East Council.

RESOLVED - to recommend the Governance and Constitution Committee:-

- 1 That two parent governor representatives should be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
- 2 That officers be authorised to make arrangements for the appointment of the parent governor representatives by election (if contested) by way of secret ballot.
- 3 That the period of office of the parent governor representatives should be 2 years with effect from 1st April 2009.
- 4 That one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese should be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.

23 **RESPONSE TO DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT CONSULTATIONS**

The Governance Lead officer briefed the Committee on the content of a Consultation Paper published by the Department for Communities and Local Government (DCLG) on developing and strengthening overview and scrutiny, new powers to hold local officers to account and facilitating the work of Councillors. It was noted that responses to the consultation were to be received by 30 October. The Government would take account of responses received before introducing the appropriate primary and secondary legislation.

The appendix to the report summarised the relevant sections of the Consultation Paper and included Officer initial comments on them. The key sections were as follows:-

- the enhancement of scrutiny's powers in relation to Local Area Agreement partners and their delivery of LAA improvement targets
- how best to raise the visibility of, and to strengthen, the scrutiny function
- increasing the accountability of chairs and chief executives of local public bodies
- enabling councillors to use technology to participate in meetings and vote remotely

Members expressed concerns that there should be clear funding or ring fencing provision for any extra duties placed on the Council as a result of further primary or secondary legislation.

RESOLVED - that the Chairman and Vice Chairman of the Committee draft with the assistance of the Governance Lead Officer, a response on behalf of Cheshire East Council to the Consultation.

24 **TRAINING/DEVELOPMENT**

The Governance Lead Officer submitted a paper to assist the Committee in identifying its on-going training and development needs. The Committee was reminded that it had already agreed to participate in the Cheshire and Warrington Improvement and Efficiency Partnership (CWIEP) Programme of Overview and Scrutiny Member Development.

The focus of the CWIEP Programme was on the enhanced role of scrutiny and on equipping Elected Members to undertake scrutiny of non-local authority providers and deliverers, and on considering appropriate governance arrangements. It was noted that those signed-up to CWIEP were Cheshire East, Cheshire West and Chester Shadow Authorities, Warrington Borough Council and Cheshire Fire and Rescue Authority.

The Programme of four events would take account of the context of each Authority and the varying experiences of Members. The Programme was

being designed and delivered by the Centre for Public Scrutiny, including an experienced Peer Member. An appropriate Officer from each authority will assist with facilitation to support sustainable development. Further details of the proposed programme had already been circulated separately to members. It was noted that Cheshire East Council would be hosting the first training event on 14 November.

Members referred to the importance of identifying a future work programme for Scrutiny and ensuring that there was an ongoing dialogue with the Leader and Deputy Leader and the Chief Executive as to how they see the Scrutiny function operating.

Noting the relevance of the training provided earlier in the day by Tameside MBC, it was stressed that appropriate resourcing with competent officers for scrutiny was key to moving forward. Consideration was given to meaningful scrutiny work that could be achieved in the short term and regard was given to the potential implications of a robust scrutiny function not being in place when the first CPA inspection of the new Council takes place in two years time.

RESOLVED -

- 1 To note the outcomes of the discussions held with representatives of Tameside MBC earlier in the day;
- 2 To note the arrangements for the delivery of the CWIEP Member Development Programme on Overview and Scrutiny;
- 3 The Chief Executive be asked to attend the next formal meeting of the Scrutiny Committee to set out her aspirations for the next 12 months on the direction she expects the Council to be taking, and the key role of Scrutiny;
- 4 That proposals be brought to the next meeting on the Committee's work programme up to end March 2009.

25 DATE OF NEXT MEETINGS

RESOLVED - that the next meetings of the Committee be held in late November (subject to the availability of the Chief Executive) and then early January 2009.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

Councillor A Thwaite (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
Held on Wednesday, 15th October, 2008 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs R Bailey, Mrs D Flude, J Hammond and F Keegan

69 APOLOGIES FOR ABSENCE

None

70 DECLARATIONS OF INTEREST

None

71 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from the public.

72 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

(Paragraph 3 concerns information relating to the financial or business affairs of any particular person (including the authority holding that information) Paragraph 4 concerns information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.)

73 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 16 September, 2008 were approved as a correct record.

74 BRIEFING FOR MEMBERS

Members were briefed by the Chief Executive and HR Lead Officer prior to their meeting with the Trade union representatives.

75 MEETING WITH TRADE UNION REPRESENTATIVES

Members met with representatives of the Trade Unions and the following matters were discussed: -

Note of 16 September meeting with the Trade Unions
Detriment and relocation support-proposed provisions
Car Leases
Structures and Consultation - update on progress
Shared Back Office Services – latest position
Locations – update on latest position
Next meeting to be held on 27November, 2008

The meeting commenced at 2.00 pm and concluded at 4.25 pm

Councillor W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL**Minutes of a meeting of the Staffing Committee**

Held on Monday, 20th October, 2008 at Committee Suite 1, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs R Bailey, Mrs D Flude, J Hammond and F Keegan

76 APOLOGIES FOR ABSENCE

None

77 DECLARATIONS OF INTEREST

None

78 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from the public

79 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

80 SENIOR MANAGEMENT RECRUITMENT

The Chief Executive submitted a paper setting out the options available to the Staffing Committee in the light of the successful candidate for the post of Strategic Director, Places not taking up the post.

Members considered the available options and gave regard to the fact that the Council was at a crucial point in terms of taking the Places Block forward.

RESOLVED – to advertise externally for the Strategic Director post and to procure an interim Manager.

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The meeting commenced at 1.30 pm and concluded at 2.30 pm

Councillor W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Advisory Panel - People
held on Monday, 27th October, 2008 at Tatton Room, Macclesfield Town Hall

PRESENT

Councillor R Westwood (Chairman)
Councillor Miss C Andrew (Vice-Chairman)

Councillors D Beckford, D Brown, J Crockatt, R Fletcher, A Knowles,
W Livesley, M Parsons and Mrs C Tomlinson

Apologies

Councillors Mrs D Flude

20 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors and Borough
Councillors declared a personal interest in the business of the meeting en bloc.

21 PUBLIC SPEAKING TIME/OPEN SESSION

There were no Members of the public present who wished to address the Panel

**22 MINUTES OF MEETING TUESDAY, 23RD SEPTEMBER, 2008 OF
ADVISORY PANEL - PEOPLE**

RESOLVED

That the minutes of the meeting be approved as a correct record.

23 DRAFT STRUCTURAL PROPOSALS

Consideration was given to a report detailing the proposals being developed for a
structure for the People Directorate. The proposals had been developed in the
context of the Financial Scenario, which the Council had to address.

The Strategic Director (People) reported that 22 responses from officers and
Trade Unions on the draft proposals had been received, which were generally
positive.

In considering the report Members of the Panel raised the following issues:

Reference was made to the Head of Transformation, it was noted that this
position would focus around managing change, as there was a large programme

of works in areas relating to children's social care, the NHS and tackling wastage of resources.

With regard to paragraph 6.9 of the report Members noted the importance of grading posts at a level, which would enable the authority to recruit high calibre managers.

That joint working should be delivered at management and operational level.

Members were happy with the proposals and agreed that the structure should be implemented as soon as possible.

RESOLVED

That Cabinet be recommended to endorse the proposals and implement them as soon as possible.

24 PROVISION OF CULTURAL SERVICES

Consideration was given to the Project Initiation Document (PID) which had been put together in relation to the provision of Cultural Services. The Panel agreed that a task and finish group should be established to give consideration to the final report prior to it being considered by Cabinet at its meeting scheduled to be held on 2 December 2008.

RESOLVED

1. That a group of Councillors assist Councillor Knowles in considering the issues prior to deliberations upon them by the Cabinet. That group should include Councillors B Livesley, JB Crockatt, R Fletcher.
2. That the final report be circulated to the Advisory Panel – People for information.

25 TASK GROUPS

Consideration was given to the proposed Terms of Reference and officer support for the Transforming Learning Communities (TLC) and Social Care Redesign Task Groups.

With regard to the Transforming Local Communities Task Group, Members questioned whether or not Transforming Local Communities was currently being supported by consultants, how it would be supported in the future, what the current position was and how many surplus places were within the schools at present. The Panel agreed that at the first meeting of the task group a background report answering the above issues should be received.

It was agreed that Councillor Mrs E C Tomlinson would be added to the membership of the Social Care Redesign Panel and that the Democratic Services Officer arrange a meeting of both Task Groups for the end of November 2008.

RESOLVED

1. That the terms of Reference for the Task Groups be approved.
2. That the officer support arrangements be approved.
3. That the Transforming Local Communities Task Group receive a background report at its first meeting
4. That Councillor Mrs E C Tomlinson be added to the membership of the Social Care Redesign Panel
5. That meetings of both Panels be arranged for the end of November 2008.

26 CONNEXIONS CHESHIRE AND WARRINGTON LTD AND THE INTEGRATED YOUTH SUPPORT SERVICE CONTRACT

Consideration was given to a report, which was submitted to the Panel to enable Members to be aware of a forthcoming Cabinet issue and to contribute views to inform the decision making of the Cabinet.

The report informed Members of the legal and contractual context of the future relationship with Connexions Cheshire and Warrington Ltd. The report also highlighted the actions being taken by Cheshire County Council, in discussion with Warrington Borough Council and the Connexions Company, to transfer the County Council's interests in Connexions to Cheshire East Council under the terms of the legally binding Members' Agreement between CCC and WBC.

With regard to paragraph 2.6 of the report, Members agreed that Cabinet should be recommended to approve option 1- continuation of the current pan – Cheshire contract for one year with both LAs agreeing similar funding levels that will be compatible with delivering a pan-Cheshire contract and service specification to 1 April 2010, incorporating a refresh of outcome and output targets so they accord with each Authority's LAA and other area specific requirements.

Members expressed the importance of the need to put in place effective contract management arrangements within the Children's Services/People Directorate to performance manage the contract with Connexions.

Members also highlighted that the youth service provision should be maintained within the constraints of the budget.

RESOLVED

That Cabinet be recommended to:

1. Approve the continuation of the current pan – Cheshire contract for one year with both LAs agreeing similar funding levels that will be compatible with delivering a pan-Cheshire contract and service specification to 1 April 2010, incorporating a refresh of outcome and output targets so they accord with each Authority's LAA and other area specific requirements.
2. Give consideration to the need to put in place effective contract management arrangements within the Children's Services/People Directorate to performance manage the contract with Connexions

3. Give consideration to the youth service provision being maintained within the constraints of the budget.

27 PANEL WORK PROGRAMME

The Strategic Director (People) reported that the following items would be considered at the next Advisory Panel – People:

1. Area Based Grants
2. Children's Trust Arrangements
3. Update on the Structural Proposals

RESOLVED

That the above issues be considered at the Advisory Panel – People at the meeting scheduled to be held on 8 December 2008.

28 DATES OF FUTURE MEETINGS

Future meeting dates were noted as follows:-

8 December 2008
19 January 2009
2 March 2009
April 2009 – To be confirmed

The meeting commenced at 2.00 pm and concluded at 3.55 pm

Councillor R Westwood (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Monday, 3rd November, 2008 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor A Ranfield (Chairman)
Councillor D Topping (Vice-Chairman)

Councillors M Asquith, C Beard, Mrs S Bentley, D Cannon, R Cartledge,
Mrs S Jones, A Kolker, Mrs G Merry, A Moran, R Walker and P Whiteley

In attendance: Councillors Mrs L Smetham and A Thwaite

Officers present

Mike Flynn – Governance Lead Officer
Andy Kent – School Liaison Manager
Julie Openshaw – Interim Monitoring Officer
Brian Reed – LGR Governance Group

38 APOLOGIES FOR ABSENCE

There were no apologies for absence.

39 DECLARATIONS OF INTEREST

There were no declarations of interest,

40 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 6 October 2008 were approved as a correct record.

41 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from the public.

42 LOCAL AUTHORITY SCHOOL GOVERNOR APPOINTMENT PROCESS

The Committee considered a report on the process for appointing Local Authority Governors to School Governing Bodies, consideration of which had been deferred at the last meeting. The report advised Cheshire East Members of their statutory duties in relation to these appointments, and included background information in respect of the current position.

Agreement was sought as to the principles and process the new Authority should adopt with regard to the appointment of new LA Governors from 1 April 2009, with a view to introducing clarity, transparency and effectiveness to the process.

Confirmation was also requested regarding the particular arrangements for the appointment of additional Governors in cases where the LA exercised its powers under Section 64 of the Education and Inspections Act 2006. It was requested that agreement should be given for these arrangements to also apply where there were LA Governor vacancies in schools within the LA's Schools Causing Concern (SCC) programme (these being schools in the Ofsted categories of 'special measures' or 'notice to improve', and schools identified by the Authority as being 'at risk').

A full explanation of the position was given and it was reported that the decision being requested in the report had been amended in order to clarify the role of the local Member; a copy of amended decision was circulated. In considering the decision now requested the Committee did not agree to the recommendation that before taking up appointment all LA Governor appointees should be subject to Criminal Records Bureau clearance with the cost being met by the Authority. Members considered that this was the responsibility of the Head Teacher of the School, and that provision for it was already made at various other stages in the existing process.

RESOLVED

1. the process for appointing Local Authority School Governors, as set out in the report, be agreed.
2. in order to ensure that the needs of schools are met through appointments made on the basis of the skills and experience required, and the ability to make a time commitment to governor duties and training, the following documents are approved for the purposes of the appointments process:
 - Model Role Description (page 12)
 - Code of Conduct for Local Authority School Governors (page 13)
 - Criteria for Appointment (page 14)
 - Terms of Reference of Appointment Panel and Appointment Procedure (page 15), subject to:
 - paragraph 5 of "Procedure" being amended to read: "Where there is more than one application for a vacancy, an officer recommendation will be made in line with the agreed criteria, with a local Member's nomination having priority under the criteria"; and
 - the Panel having a membership proportionality of 5:1:1, including the Portfolio Holder for Children and Young People's Services (or nominee), and an officer from Governor Services (acting in an advisory capacity only)
3. the Committee notes the application form and statutory criteria for disqualification as a school governor as set out in pages 16 and 17 of the report.

4. the Committee agrees that, for schools in the SCC category, or for schools where the local authority proposes to use its statutory powers for intervention, or where the appointment is deemed by the Chair of the appointment panel to be urgent, the nominations may be agreed by the Strategic Director People's nominee in consultation with the Chair or his/her nominee.

43 DELEGATION OF INDIVIDUAL MEMBER DECISIONS

Consideration was given to a report giving further information on the powers contained in the Constitution which allowed urgent decisions to be made. The present process as set out in the Constitution of the Council was explained, and the legal position whereby powers to delegate functions of the full Council were derived from Section 101 of the Local Government Act 1972.

The Committee was keen for urgent decision making to rest with elected Members, whilst still reflecting the need to respond in an urgent manner, and asked for a further report to be prepared for consideration at the next meeting of the Committee,

RESOLVED

That a further report be considered at the next meeting of the Committee.

44 APPOINTMENT OF STATUTORY CO-OPTED MEMBERS TO SCRUTINY COMMITTEES - ELECTED PARENT GOVERNORS AND NOMINATED CHURCH REPRESENTATIVES

Consideration was given to a report advising the Committee of the recommendations of the Scrutiny Committee in respect of statutory appointments to the Scrutiny Committee(s) which deal with education matters. It was requested that it be recommended to Council that the decisions of the Committee be incorporated in the Council's Constitution.

RESOLVED

1. to recommend to Council that the following decisions of the Committee be incorporated in the Council's Constitution:
 - that two parent governor representatives should be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
 - that the period of office of the parent governor representatives should be 2 years with effect from 1st April 2009.
 - that one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese should be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.

2. that Council be recommended to authorise the Interim Monitoring Officer to make such consequential additions and changes to the Constitution as she considers necessary to give effect to the decision of Council.

The meeting commenced at 2.00 pm and concluded at 3.35 pm

Councillor A Ranfield (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Tuesday, 4th November, 2008 at The Board Room, Town Hall,
Macclesfield, SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, B Moran and D Topping

Also present

Councillor D Brown

81 APOLOGIES FOR ABSENCE

There were no apologies for absence.

82 DECLARATIONS OF INTEREST

All members of the Committee declared a personal interest in respect of the items on Appointment of Head of Policy and Performance and Appointment of Borough Treasurer and Head of Assets (Section 151 officer) in that they knew the candidates employed by the existing Authorities.

83 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

84 EXCLUSION OF PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

85 MINUTES OF THE MEETINGS HELD ON 15 OCTOBER AND 20 OCTOBER 2008

The minutes of the meetings held on 15 and 20 October were approved as a correct record.

86 APPOINTMENT OF HEAD OF POLICY AND PERFORMANCE

The Committee considered the various applications and the initial assessment by the approved consultants.

RESOLVED - to defer the meeting for interviews scheduled for 9.00am on 5 November to enable external applications to be sought and assessed prior to interviewing a final short list of candidates for this post.

87 APPOINTMENT OF BOROUGH TREASURER AND HEAD OF ASSETS (SECTION 151 OFFICER).

The Committee considered the various applications and the initial assessment by the approved consultants for the post of Borough Treasurer and Head of Assets (Section 151 Officer)

The Committee also discussed arrangements and applications relating to the recruitment and interviews for an Interim Director of Places.

RESOLVED:

- 1 that the Meeting of the Committee to interview candidates for the post of Borough Treasurer and Head of Assets (Section 151 Officer) planned for 2.00pm on 5 November be brought forward to 9.00am and the three candidates now referred to be invited to attend for interview; and
- 2 the Committee meet at 2.00pm on 5 November and 11am on 6 November to interview the four candidates now referred to for the post of Interim Director of Places, subject to their availability.

The meeting commenced at 9.00 am and concluded at 10.30 am

Councillor W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 4th November, 2008 in the Capesthorne Room, Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors D Brickhill, D Brown, P Findlow, A Knowles, J Macrae, P Mason
and B Silvester

In attendance: Councillors A Arnold and R Westwood.

83 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Frank Keegan.

84 DECLARATIONS OF INTEREST

Members gave a general declaration of personal interest in respect of every item on the agenda where an individual Member was a Member of Cheshire County Council and/or of one of the current Borough Councils. In accordance with the Constitution they remained in the meeting during consideration of the relevant items.

85 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from the public.

86 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 7 October 2008 were approved as a correct record.

87 KEY DECISION CE17 & CE18 - DETRIMENT AND RELOCATION SUPPORT

Consideration was given to the issues relating to the introduction of a detriment scheme and to relocation support for staff appointed to the new authority who were not covered by TUPE provisions.

RESOLVED

For the reasons set out in the report: -

1. That the detriment scheme for appointments to the new authority be approved.

2. That the relocation support for appointments to the new authority be approved.

88 KEY DECISION CE24 - VOLUNTARY REDUNDANCY PROCESS PRIOR TO MARCH 2009

Consideration was given to the arrangements for considering redundancies in relation to Local Government Reorganisation prior to Vesting Day. The Leader of the Council reported that the decision requested had been revised since the report had been written; approval was given to the revised recommendation.

RESOLVED

For the reasons set out in the report: -

1. That the existing Councils be requested to adopt the proposed process attached at Appendix 1.
2. That delegated authority be granted to the Chief Executive or her nominee, to respond to the recommendations of the Panels in relation to proposed redundancies, for agreement by the existing employing Council, and to note the implications for transitional costs.

89 KEY DECISION CE31 - CHESHIRE EAST PARTNERSHIP IN SERVICE DELIVERY

Consideration was given to the level of financial support to existing external service delivery partners for 2009/2010.

RESOLVED

For the reasons set out in the report: -

1. That Cheshire East Council agree that the level of financial support to existing service delivery partners be maintained for 2009/2010 at current levels (without an inflationary increase), subject to the demands of the overall budget scenario.
2. That it be agreed that all partnership arrangements be subject to more detailed review in year one to assess cost/outcomes of all individual agreements.
3. That a complete list of all grants and funding agreements be made available as soon as possible.

90 KEY DECISION CE32 - CROSS BOUNDARY LIBRARY USAGE - EAST CHESHIRE / CHESHIRE WEST AND CHESTER

Consideration was given to cross boundary library usage between Cheshire East and Cheshire West and Chester libraries after 1 April 2009.

RESOLVED

For the reasons set out in the report: -

1. That the current situation for library users be noted.
2. That Members endorse a recommendation agreeing cross boundary usage of Cheshire East and Cheshire West and Chester libraries for library users after 1 April 2009 and instruct officers to take steps to implement this proposal.

91 KEY DECISION CE33 - TRANSITIONAL COST UPDATE

Consideration was given to an update on the mid-year review of transitional costs and existing sources of funding, and to changes to the Transitional Cost Programme.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the amendments to the projected Transitional Costs as a result of previous Member decisions and required adjustments, detailed in Section 7 of the report.
2. That the outcome of the mid-year review be noted.

92 KEY DECISION CE34 - DISAGGREGATION ON THE COUNTY BALANCE SHEET

A report was circulated at the meeting which set out progress to date, decisions now needed and areas of work required in order to comply with Department of Communities and Local Government regulations.

RESOLVED

For the reasons set out in the report: -

1. That the progress on the disaggregation of Cheshire County Council's balance sheet and the ongoing work in this area be noted.
2. That the agreement of the County Balance Sheet disaggregation package be delegated to the Interim Chief Finance Officer, or Borough Treasurer and Head of Assets (Section 151 Officer) if in post by the relevant time, in consultation with the Portfolio Holder for Resources, the Leader and the other Performance and Capacity Portfolio Holders.

93 KEY DECISION CE 39 - TRANSFORMING LEARNING COMMUNITIES - MACCLESFIELD LOCALITY REVIEW

Consideration was given to a report on the outcome of public consultations undertaken by the County Council in relation to primary school provision in

Macclesfield, and on the discussions with schools in the Bollington area about possible school federations.

RESOLVED

For the reasons set out in the report: -

Cabinet endorsed the recommendations of the County Council's School Planning Select Panel to:

1. approve the issue of statutory public notices proposing the closure of St Barnabas CE Primary School and St Edward's Catholic Primary School, Macclesfield, in July 2009;
- 2 subject to 1 above, to issue on behalf of the Dioceses of Chester and Shrewsbury a proposal to establish a new joint Church School on the current St Edward's Catholic Primary School site, with effect from September 2009;
- 3 authorise discussions with the Governing Body of Ash Grove Primary School to enter into an agreement supported by an action plan with explicit measurable targets, to seek to develop and improve the school over a 3 year period, with the recommendation to Cheshire East Council that the position of Ash Grove Primary School be reviewed in October 2011;
- 4
 - a. note the positive developments in relation to a possible hard federation between Bollington St John's CE Primary School and Pott Shrigley CE Primary School, and request that they continue developing detailed proposals for further consideration; and
 - b. note also the commitment of all schools in the area to work together and encourage them to continue their current dialogue.

94 KEY DECISION CE40 - CREATION OF ADULT SAFEGUARDING BOARDS

Consideration was given to a report outlining the process for creating Adult Safeguarding Boards in Cheshire East and Cheshire West and Chester, to operate from 1 April 2009, to ensure that effective strategies, policies and good practice are in place to protect vulnerable adults from abuse, harm and exploitation.

RESOLVED

For the reasons set out in the report: -

That approval be given to change the current County-wide Adult Protection Committee into two, multi-agency Adult Safeguarding Boards for 1 April

2009, in order to deliver the Action Plan outlined in the Feb 2008 Commission for Social Care and Inspection (CSCI) Safeguarding Inspection, and ultimately the improved protection of vulnerable adults.

95 KEY DECISION CE42 - CHILDREN PLAN 2008-11

Consideration was given to a brief for the Cheshire East Council on its duties in relation to the Cheshire East Children Plan 2008-2011, and to formal decisions required in order to ensure that statutory requirements were complied with for 1 April 2009. In considering the local priorities listed in paragraph 7.8 reference was made to an aim contained in the Cheshire Plan to 'raise achievement in School' and it was agreed that an extra bullet point should be added to the local priorities to reflect this.

RESOLVED

For the reasons set out in the report: -

1. That the Cheshire Children Plan 2008-2011 be formally recommended for adoption by Cheshire East Council as its statutory Children Plan to 2011.
2. That Council notes the requirement to set local targets (as part of the LAA process) by 1 April 2009 and the need to review, refresh and localise that plan during the period April 2009 to June 2010.
3. That a further bullet point in respect of 'improving outcome' be added to the list of priorities in paragraph 7.8.

96 FREE SWIMMING TO THOSE AGED 16 AND UNDER AND CAPITAL MODERNISATION PROGRAMME - FUNDING OFFER TO CHESHIRE EAST COUNCIL.

Cabinet was informed that following consultation with Cabinet Members and others an urgent decision had been made by the Chief Executive on 24 October 2008 under Council Procedure Rule 25 to approve acceptance of the Government's Free Swimming Programme offer of funding for the 16 and under category and capital improvements. The report provided a framework for implementing the decision.

RESOLVED

For the reasons set out in the report: -

1. That the decision of the Chief Executive be noted.
2. That approval be given to the actions needed to take the programme forward from April 2009 onwards as set out in Section 7.6 of the report.

**97 NOTICE OF MOTION RELATING TO WASTE MANAGEMENT
CONTRACT REFERRED FROM COUNCIL ON 20 OCTOBER 2008**

Cabinet received a Notice of Motion referred to it from the meeting of the Council on 20 December 2008 and approved the response given by Councillor D Brickhill, Portfolio Holder for Environmental Services.

RESOLVED

Cabinet notes that it has already set up a Joint Waste Board to work with the West to monitor the procurement of new waste treatment facilities, knowing that its members on that Board will continue to ensure that environmental impacts from treatment of waste are minimised and fully taken into account in determining the preferred bidder.

98 SCHEDULES OF SECTION 24 CONSENTS

Consideration was given to a report by the Interim Monitoring Officer and the Interim Chief Finance Officer on Section 24 Consents issued under delegated powers since the last meeting. Details were reported of a refusal of consent in respect of the disposal of Trinity Court, Macclesfield.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

99 PROGRESS REPORTING PAPER

Consideration was given to an update on the programme giving progress made against key milestones, and to the steps to be taken in the coming months.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Wednesday, 5th November, 2008 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, B Moran and D Topping

Also present

Councillor P Mason – Portfolio holder Procurement, Assets and Shared Services

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no declarations made.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

4 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

5 APPOINTMENT OF BOROUGH TREASURER AND HEAD OF ASSETS (SECTION 151 OFFICER)

Members interviewed shortlisted candidates for this post.

The Committee agreed to recommend to Council on 9 December that Lisa Quinn be appointed as the Borough Treasurer and Head of Assets (Section 151 Officer) subject to the requirements contained in Staff Employment Procedure Rule No.6 relating to the Appointment of Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers.

The meeting commenced at 9.00 am and concluded at 1.45 pm

Councillor W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Wednesday, 5th November, 2008 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, B Moran and D Topping

Also present

Councillor D Brown – Portfolio holder – Performance and Capacity

6 APOLOGIES FOR ABSENCE

There were no apologies.

7 DECLARATIONS OF INTEREST

There were no declarations of interest made.

8 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

9 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

10 APPOINTMENT OF INTERIM DIRECTOR FOR PLACES

Members interviewed four short-listed candidates.

RESOLVED - to appoint Chris McCarthy as Interim Director of Places.

The meeting commenced at 1.45 pm and concluded at 4.30 pm

Councillor W Fitzgerald (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Advisory Panel - Places**
held on Wednesday, 12th November, 2008 at The Tatton Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor G M Walton (Chairman)
Councillor Mrs E Gilliland (Vice-Chairman)

Councillors H Davenport, D Hough, J Macrae, A Martin, A Moran, B Moran,
D Neilson and C Thorley

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Bebbington, D
Brickhill, B Silvester and Mrs J Weatherill

2 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough
Councillors and Town and Parish Councillors declared a personal interest
in the business of the meeting en bloc.

Councillor Barry Moran declared a personal interest in respect of all the
agenda items, by virtue of the fact that he was the Portfolio Holder for
Planning and Economic Development and in accordance with the Code of
Conduct remained in the meeting during consideration of all the items.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the
Panel.

4 MINUTES OF PREVIOUS MEETING

The Chairman referred to the successful site visits around districts that
had been arranged for Task Group members, namely the visit to
Congleton on 26 September, Crewe and Nantwich on 1 October and
Macclesfield on 10 October. He formally recorded his thanks to officers for
the arrangements that had been made.

RESOLVED

That the minutes of the meeting held on 22 September 2008 be approved
as a correct record.

5 CHESHIRE EAST LOCAL DEVELOPMENT SCHEME

The Prosperity Block Lead submitted a paper to enable the Panel to reconsider the decision at its last meeting in respect of the Draft Local Development Scheme (LDS) for Cheshire East. It was reported that following the Panel's last meeting, Congleton Borough Council's Executive on 8 October had passed a resolution to make representations to the Cheshire East Shadow Council for inclusion of the following items in the proposed Local Development Scheme:-

- (a) An area action plan for Congleton Town Centre with appropriate resources allocated once the Core Strategy is sufficiently advanced.
- (b) A area action plan for Middlewich Canal Corridor with resources allocated once the Core Strategy is sufficiently advanced.
- (c) A joint Design Statement for Sandbach as a community led approach, with work to start in November 2008 and appropriate resources allocated.

In addition, the Congleton Borough Council Executive had highlighted the urgent need for additional employment land to be allocated for the Congleton town area.

The Local Development Framework (LDF) Member Task Group held on 28 October had considered this matter and had agreed that:

The three additional items requested by Congleton Borough Council for inclusion in the Cheshire East Local Development Scheme (for Congleton town centre, the Middlewich Canal corridor and Sandbach) be agreed and included in the 2008 submission.

The LDS would make it clear that the preparation of the Core Strategy will take priority until it is sufficiently advanced. Once spatial priorities emerge from the Core Strategy across Cheshire East, plans and policies will be prioritised and resources allocated accordingly. This approach to the LDS should be agreed with the Government Office for the North West.

A copy of Section 5: Proposed Cheshire East Local Development Framework (to be inserted into the Draft Local Development Scheme) was tabled and considered at the meeting.

It was noted that Officers had followed guidance from the Government Office Northwest that until information regarding the structure and resources for the LDF team was available the LDS focus on the priority documents, namely the core strategy, site allocations DPD and a generic Development Control/Management Policies DPD. The LDS could always be revised at a future date if further resources become available and good timely progress was being made with the priority documents.

Members were reminded that the Draft Transitional Regulations require Cheshire East Council to submit a Local Development Scheme to the Secretary of State for Communities and Local Government before end of

December 2008. The same Regulations will transfer Local Development Framework powers to the Cheshire East Council.

During the debate members referred to the preparation of the Sandbach Town Design Statement and that it should be included in Paragraph 5.2 of the draft Local Development scheme. Members also noted that any changes would be subject to the allocation of appropriate resources.

RESOLVED – That

- 1 the Prosperity Block Lead Officer in consultation with the Chairman of the Advisory Panel Places approve the wording of the amendment to the Local Development Scheme, to accord with the recommendations of the Task Group, subject to inclusion of a reference to the preparation of the Sandbach Town Design Statement in paragraph 5.2; and
- 2 the amended Draft Local Development Scheme be submitted to Cabinet on 2 December 2008 and full Council on 9 December 2008.

6 NORTH WEST OF ENGLAND PLAN

The Prosperity Block Lead submitted a paper for consideration of the adoption of the Regional Spatial Strategy for the North West, the commencement of the Partial Review of that Strategy and the preparation of a Single Regional Strategy.

It was noted that the Regional Spatial Strategy was called the North West of England Plan and had been published on 30 September 2008. The Plan provided a framework for development and investment in the North West region until 2021. Despite only just being published, a partial review of some items in the Plan had begun earlier in 2008. In particular it was noted that the scope of that review was now limited to Gypsies and Travellers, Travelling Show People and Regional Parking Standards. 4NW (the Regional Planning Body) were responsible for the partial review and a timetable for the review work would be circulated in due course.

Work had also commenced on a Single North West Regional Strategy. An Issues and Principles paper was to be published in December 2008 and a consultation exercise on options and vision development would run between January and March 2009. Further reports updating members on the Consultation would be presented to members in due course.

Given the importance of the North West of England Plan, Members requested the summary of its contents, as appended to the report, be circulated electronically as an Information Item to all members of the Council.

Members noted that Cheshire East would face a huge challenge as currently there were three different affordable housing policies across the County. It was important that a Core Strategy should be developed and any threshold be sensitive to local area needs. It was expected that any guidance in respect of Retail investment or the average rate of housing provision from the Government Officer North West would be shared with the Planning Inspectorate to ensure consistency in decision-making.

RESOLVED – that the contents of the report and attached appendix be noted and all members of the Council be sent an electronic copy of the Summary of the North West Plan as appended to the report.

7 FEEDBACK FROM TASK GROUPS

In addition to the papers submitted with the agenda the following verbal feedback was provided by the Chairman in respect of the current areas of work for the other Task Groups set up by the Advisory Panel: -

Waste Collection and Disposal

- Garden Waste Collections
- Update on Waste Treatment PFI
- Current refuse collection and recycling services
- High level Outcomes
- Visit to Greencycle's materials recycling facility at Durham on 10 November by members

The next meeting would be held on 27 November at Westfields, Sandbach

Car Parking

- Civil Parking Enforcement in Congleton Borough
- Car Park Enforcement powers after vesting day
- Draft Car Park Strategy

The next meeting would be held on 1 December at 10.30am in Pyms Lane Depot Crewe.

Crime and Disorder Reduction Partnership/Community Safety Task Group

- Expansion of Task Group remit to become the Community Safety Task Group
- Community Action Teams
- Offender Management
- Developments in Regulatory Committee Structures
- Visit to Styal Prison

The next meeting would be held on 8 December at 2.00pm in Pyms Lane Depot Crewe.

The reports of the Task Groups were noted.

(a) Strategic Development - 22 October 2008

It was reported that the Task Group meeting on 22 October had considered the following matters:

- Overlap with LDF Task Group
- Regional Spatial Strategy
- South Cheshire Sub Regional Study/ potteries regeneration
- Strategic Housing Market Assessment
- Major Projects update
- Sub Regional Economic Development Partnership

The following recommendations were noted from the Group:

- That the Strategic Development Task Group should remain separate from the LDF Task Group for the time being.
- That David Brown would discuss the role and purpose of the Group with Jamie Macrae and Andrew Knowles and report back.
- That a Development Management Task group would need to be set up in due course.

It was noted that the next meeting would take place at 10.00 a.m. on Wednesday 3 December 2008 at Westfields, Sandbach.

(b) Local Development Framework – 28 October.

It was reported that the Task Group meeting on 28 October had considered the following matters:

- Local Development Scheme progress
- Regional Spatial Strategy
- Core Strategy (Cheshire East) evidence base
- Member training
- other business:-
 - Existing Development Plan policy and other informal guidance: carry forward / adoption by Cheshire East
 - Joint Working on Minerals and Waste

It was noted that the next meeting would take place at 1.00pm on Wednesday 3 December 2008 at Westfields, Sandbach.

8 ESTABLISHMENT OF TWO NEW TASK GROUPS FOR DEVELOPMENT MANAGEMENT AND VISITOR ECONOMY

(a) Development Management Task Group

The Panel considered the setting up of a Development Management Task Group for Cheshire East.

The concept of Development Management had been introduced to members at the Places Induction Day in June 2008. A wide range of

Development Control and related services will comprise the new Development Management block. A copy of the original briefing note for members was attached to the paper

There were now urgent issues requiring wider debate and decisions among members including the Portfolio Holder and Cabinet. Namely:-

- 1) Committee governance arrangements.
- 2) Tiers of decision-making including some area based decision.
- 3) Scheme of officer delegation/member call-in.
- 4) Consistency of customer and front-line services including e-planning and location of services.
- 5) Consistency of charging for a variety of services.

The proposed terms of reference for the Task Group were suggested as follows

- To develop proposals for taking forward the Day 1 Development Management issues of concern to members (as listed above).
- To consider and recommend on continuity of service issues towards the integration of the four authorities into one Cheshire East.
- To oversee and develop a co-ordinated approach to Development Management including member training.
- To support the preparation of a Development Management Service Delivery/Business Plan.

RESOLVED - To set up a Development Management Task Group with the following membership and its terms of reference be as set out above:-

Councillors B Dykes, C Thorley, H Gaddum, G Walton, J Macrae (portfolio Holder) B Moran and S McGory

(b) Visitor Economy Task Group

The Panel noted that tourism was a significant sector of the local economy of Cheshire East, contributing around £600 million directly in 2007. Around two-thirds of revenue was generated from day visitors. A strong sense of place existed in Cheshire East and visitors were attracted by many factors such as natural environment, built heritage, cultural activities, strong local brands (such as Tatton Park and other gardens), and accessibility links to the adjoining conurbations of Merseyside, Manchester and the Potteries.

It was noted that Visitor economy services are delivered in a number of ways at present, but a number of issues had now been identified which required a member input at this stage. These included:-

- 1) How should the importance of the visitor economy be reflected in Cheshire East's organisation and resource?

- 2) How can the visitor economy be supported at the highest executive and political levels within the Authority?
- 3) How can balanced and effective alternative partnership models be achieved?
- 4) Does Cheshire East require a Visitor Economy Strategy to drive forward the key areas of the Authority (such as Planning, Transport, Cultural Services, Economic Development) and co-ordinate delivery with partners?

RESOLVED –

That a Visitor Economy Task group be established with representation from across the existing authorities to ensure continuity of service issues are reflected in the work programme and with the following terms of reference:

- 1 To develop a visitor economy model for both the strategic and delivery interface that could be regarded as an example of good practice in partnership working.
- 2 To consider and recommend on continuity of service issues towards the integration of the four authorities into one Cheshire East.
- 3 To oversee and develop a co-ordinated approach to visitor economy issues and opportunities.
- 4 To consider the need for a Visitor Economy Strategy to co-ordinate efforts within the Authority and with partners.

9 PLACES STRUCTURE

The Prosperity Block Lead presented a paper informing the Panel of the approval of the Places Structure for Cheshire East.

It was noted that the draft Places Structure had been circulated to staff and many comments had been received. These had been reviewed and many of them reflected in the final Structure, which was tabled at the meeting.

In particular it was noted there would be four Heads of Service with responsibility for the following areas of business: -

- Environmental Services
- Safe & Stronger Communities
- Planning & Policy
- Regeneration

Recruitment to these posts was currently underway and the third tier managers were expected to be appointed during November. The structure

also set out fourth tier managers who will report into them (e.g. Refuse and Cleansing Manager, Highway Operations). The Heads of Service, together with the Strategic Director, will take the lead in supporting the work of this Panel, the Portfolio Holders with responsibilities within Places, Cabinet and Council on place making and management matters. Until these posts are filled, interim arrangements have been established by the Chief Executive to provide appropriate support in the short-term including policy and budget development.

The Officer Places Steering Group, which had been co-ordinating the transition to the new Directorate, would be reorganised to align the block work to the functional structure.

RESOLVED – that the Places Structure and arrangements for supporting the Places Advisory Panel be noted.

10 **CHESHIRE SUB-REGIONAL HOUSING STRATEGY**

The Prosperity Block Lead submitted a paper for the Panel to consider the recently published draft Sub-regional Housing Strategy and the implications for Cheshire East. The Strategy had been published on behalf of the Cheshire Housing Alliance, representing Registered Social Landlords and Local Authorities across Cheshire.

The vision of the Strategy was to provide a housing offer that supports the creation of balanced, sustainable communities and the regeneration of the sub-region's most deprived neighbourhoods, through effective lobbying, partnership working and community engagement, to create a sub-region where all residents can achieve independent living in good quality, affordable homes that are appropriate to their needs.

The four priorities listed below have been identified as the key issues for the sub-region:

PRIORITY ONE: To increase the supply of affordable housing to support economic growth and development.

PRIORITY TWO: To make best use of the sub-region's existing housing stock.

PRIORITY THREE: To meet the housing and accommodation-related support needs of the sub-region's most vulnerable residents.

PRIORITY FOUR: To increase the supply of market housing to support continued economic growth and regeneration and to meet local housing needs.

RESOLVED - To endorse the emerging Sub-regional Strategy and the proposed housing priorities and confirm this as part of the consultation process.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor G M Walton (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Tuesday, 25th November, 2008 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Mr N Briers (Chairman)
Mr D Sayer (Vice Chairman)

Councillors Mrs R Bailey, B Dykes, J Goddard, J Hammond, Mrs M Martin,
M Parsons and Mrs L Smetham

Independent Members Mr Ian Clark, Mr M Garratt and Mr R Pomlett

18 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Mr Nigel Briers be appointed Chairman of the Committee.

19 APPOINTMENT OF VICE CHAIRMAN

RESOLVED:

That Mr David Sayer be appointed Vice Chairman of the Committee.

20 APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor Mrs M Hollins.

21 DECLARATIONS OF INTEREST

None.

22 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the
Committee.

23 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record subject to the inclusion
of an Apology for Absence from Councillor Mrs M Martin.

24 RECRUITMENT PROCESS FOR PARISH COUNCIL STANDARDS COMMITTEE MEMBERS

The Committee considered a report on the recruitment process for Parish Council representation on the Standards Committee.

The Shadow Council had decided that the Committee's membership would include 3 Parish Council Members and a recruitment exercise had taken place through the Cheshire Association of Local Councils (CHALC). An agreed Job Description and Person Specification had been sent to CHALC who had received five applications in response to the recruitment exercise. A Panel comprising Executive Representatives from the Cheshire East area had been convened to consider the applications and recommend three applicants –

- Councillor Teresa Eatough –Weston and Basford Parish Council;
- Councillor Kenneth Edwards – Bollington Parish Council;
- Councillor Patricia Barnett – Twemlow Parish Council.

Each Councillor was currently a Member of the relevant Borough Council's Standards Committee. The two remaining candidates' names would be retained by CHALC as reserves in case the proposed Parish Councillors were unable to undertake the role. The Parish Council representatives must be present if the Committee was discussing Parish issues.

RESOLVED:

That Council be advised to approve the appointment of the following three Parish Councillors as Parish Council representatives on the Standards Committee:

- Councillor Teresa Eatough;
- Councillor Kenneth Edwards;
- Councillor Patricia Barnett.

25 CODE OF CONDUCT TRAINING FOR NEW CHESHIRE EAST MEMBERS

The Committee considered a report on Code of Conduct Training that had been carried out for new Members. The report outlined that a short training session had been organised as part of the initial induction day attended by most Cheshire East Members on 7 May.

A further training seminar had been arranged for "new" Members – Members who were not currently elected Members of any of the constituent Authorities to which 8 out of the 12 "new" Members had attended. Feedback from this seminar indicated the importance of training on Code of Conduct issues as a number of Members had realised that their Register of Interest forms had not been completed adequately.

Members had also found the training helpful in appreciating the importance of the Code and the consequences of breaching it.

RESOLVED: That

1. the Code of Conduct training carried out for 8 new Members on 27 October and the need for training to be provided for the other 4 new Members, be noted;
2. Code of Conduct training be given to new Members as a matter of priority following their election;
3. new Members be offered individual guidance on the completion of their initial Registration of Interests form; and
4. a specimen Registration of Interests form showing typical entries be developed to assist new Members.

26 WHISTLEBLOWING PROTOCOL

The Committee considered an update report on progress in developing and adopting a Whistleblowing Protocol. It was important for the Council to have such a Policy in place to ensure the highest standards of openness, probity and accountability were embedded in the Council's work. Such a Protocol would provide for a situation in which an employee, Member or contractor witnessed practices that seemed suspicious. The Protocol set out a process by which an individual could report their concerns internally and how the Council would respond.

A proposed Protocol had been considered and endorsed by the Governance and Constitution Committee. However, as the Standards Committee was responsible for promoting high standards of ethical behaviour within the organisation it was appropriate for this Committee to be informed of the development of the Protocol.

A Whistleblowing Protocol was envisaged as being "proper practice" for Local Authority good governance and for meeting the requirements of the Accounts and Audits Regulations 2003 which required a Local Authority to produce an annual governance statement.

RESOLVED: That the report and Protocol be noted.

27 STANDARDS COMMITTEE WEBSITE PRESENCE

The Committee considered a report on introducing a website presence for the Standards Committee. The website was seen as a valuable way of communicating with the public. The report proposed that various details be included on the website including:

- Names of Standards Committee Members including Independent and Parish Members;
- Details about Independent and Parish Member recruitment and their role;
- Complaints form and guidance;
- Information on the Monitoring Officer including their role;
- The Committee's Terms of Reference.

The Standards Board for England had stressed the importance of raising the profile and understanding of the work of Standards Committees.

Members discussed the proposals in the report and ways in which current Local Authorities promoted the work of their Standards Committee including producing leaflets and through Local Democracy Week. It was felt that various media should be used alongside the website.

RESOLVED: That

1. the Standards Committee be promoted on the Cheshire East website with information including:
 - Names of Independent and Parish Members;
 - Details about Independent and Parish Member recruitment and the role they play on the Committee;
 - The Committee's Terms of Reference;
 - A Frequently Asked Questions section giving details about what the Committee does and the powers it has;
 - Information on how complaints against Members can be made including a Complainant Form and Guidance;
 - Information on who the Monitoring Officer is and the role played within the Council;
 - A guide to the Code of Conduct;
 - Information on the Standards Board for England;
 - Useful links to external sources that relate to the Standards Committee;
2. The Interim Monitoring Officer be authorised to organise the relevant web pages and inclusion on the Cheshire East Website;
3. The Interim Monitoring Officer investigate the provision of information about the Standards Committee in a variety of media through liaison with the Communications' Team;
4. The Interim Monitoring Officer develop a procedure for Members of the Standards Committee to use if a direct approach is made;
5. Ways of promoting the Standards Committee be further discussed at the Training Event in February.

28 FEEDBACK FROM THE ANNUAL STANDARDS BOARD CONFERENCE

The Committee considered a report of the Governance Group on the Standards Board Annual Conference held in Birmingham on 13 and 14 October. The conference had been attended by the Interim Monitoring Officer and Councillor John Goddard who was a Member of both Cheshire East Standards Committee and Macclesfield's Standards Committee.

One of the key messages from the conference was the need for Standards Committees to seek to raise the profile of their work both within the organisation and in the public arena. Examples from other Local Authorities included regular meetings held between the Chairman of the Standards Committee and the Leader of the Council.

RESOLVED: That the report be noted.

29 COMMITTEE WORK PROGRAMME

The Committee considered a report outlining a draft Work Programme with meetings agreed to take place in January to include an Induction for Independent and Parish representatives prior to a formal meeting, a full day training session for February and a meeting on 10 March to finalise the Annual Report and the Work Programme for 2009-10.

RESOLVED: That the draft Work Programme be approved subject to the programme for the next meeting on Tuesday 13 January to be as follows:

- 9.15am – informal briefing for Independent Members and Parish representatives;
- 10.00 am – Induction for all Members;
- 11.00 am – formal meeting.

30 FUTURE MEETING DATES

The Committee considered future meeting dates for the period January – March 2009.

RESOLVED: That meeting dates be agreed as follows – Tuesday 13 January at 11.00 a at Westfields, Sandbach and 10 March 2009 at a time to be confirmed at Westfields, Sandbach.

The meeting commenced at 10.00 am and concluded at 10.50 am

Mr N Briers (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Thursday, 27th November, 2008 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors A Arnold, Mrs D Flude, F Keegan, P Mason and R Westwood

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B Moran and D Topping.

12 DECLARATIONS OF INTEREST

Councillor D Flude declared a personal interest being a retired member of UNISON.

13 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

14 MINUTES OF PREVIOUS MEETINGS HELD ON 4 AND 5 NOVEMBER 2008

The minutes of the meeting held on 4 November and the 2 meetings held on 5 November were approved as a correct record.

15 OFFICER CODE OF CONDUCT

The Committee considered a paper from the Joint Transition Group advising that the Code of Conduct for Officers was a key document to ensure good governance of the new Council.

It was noted that the Government had recently issued a revised draft Officer Code of Conduct for consultation, although it would be some time before any final document was agreed. It was suggested that in the meantime, the Council should agree its own Code, which can be reviewed if necessary when any final national framework is issued.

It was recommended that the Council proceed to develop and adopt its own Code without further delay. A copy of the proposed draft Code was attached as Appendix 1 to the report.

Members considered the proposed Code and noted that there were still a number of other policies, procedures and guidance to be considered that would support this overarching document.

RESOLVED – that the Governance and Constitution Committee be advised that the Staffing Committee recommends to the Council that it approves the Officer Code of Conduct for the new Council.

16 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

17 APPOINTMENTS BELOW THIRD TIER

The HR Lead Officer submitted a paper to enable the Committee to consider the approach to recruitment below third tier prior to Vesting Day. The paper set out a suggested approach for proceeding to seek to recruit to some fourth tier jobs and highlighted potential key concerns for the unions and employees on the impact the appointments process would have in relation to TUPE and the protection of existing terms and conditions.

The Chief Executive also sought members' views on the appointment procedures for forth tier posts and would carry out further work on this matter.

RESOLVED - To agree the approach to recruitment below third tier prior to Vesting Day for consultation with the trade unions (as set out in Paragraph 7.7 to the paper).

18 BRIEFING FOR TRADE UNION MEETING

Members met with representatives of the Trade Unions and the following matters were discussed: -

1. The note of the meeting held on 15 October 2008 (copy attached).
2. Matters arising.
3. Update on appointments.
4. Trade Union response to consultation on structures for Performance and Capacity Services.
5. Shared Services.
6. Flexible and Mobile working.
7. Consultation arrangements for Cheshire East.
8. Date of Next Meeting - 16 December 2008

The Chairman left the meeting after item no5 above. Councillor R Domleo was appointed Chairman for the remainder of the meeting.

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor W Fitzgerald (Chairman)

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Notice of motion for the meeting of the Full Council of Cheshire East Council, 9th December 2008.

PROPOSED by Councillor R Fletcher
 SECONDED by Councillor D Neilson.

SUSTAINABLE COMMUNITIES ACT

That CHESHIRE EAST COUNCIL:-

(i) supports the bottom up process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the help that central government gives in reversing community decline and promoting thriving, sustainable communities;

(ii) notes the Act gives local authorities the power to

- make proposals to government on the action and assistance government must take to promote sustainable communities and
- argue for a transfer of public money and function from central to local control :

(iii) notes that the Act defines the sustainable communities broadly. That definition having the 4 aspects of

- the improvement of local economy,
- protection of the environment
- promotion of social inclusion, and
- participation in civic and public activity;

(iv) notes that reasons for a local authority choosing to use the Act include gaining new assistance from government, determining that assistance, being able to argue for transfers of public monies from central to local control and involving citizens in democracy.

(v) resolves , when invited to by central government, to use the Act by preparing and submitting proposals on how central government can help; and

(vi) further resolves:-

- to inform the local media of this decision;
- to write to local MPs, informing them of this decision; and
- to write to Local Works (at Local Works, c/o Unlock Democracy, 6 Cynthia St, London N1 9JF) informing them of their resolution to use the Act.

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CHESHIRE EAST COUNCIL

COUNCIL

Date of meeting: 9th December 2008
Report of: Revenues and Benefits Workstream
Title: Council Tax Base 2009/10

1.0 Purpose of Report

- 1.1 To notify Council of the Council Tax Base for Cheshire East

2.0 Decision Required

- 2.1 Council is requested to confirm that, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2009/10 is:

- for the whole area – 144,761.46
- for each Parish area as included in Appendix A

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 As detailed below

6.0 Risk Assessment

- 6.1 The risk is that the statutory requirement to set the Council Tax Base for 2009/10 will not be met.

7.0 Background and Options

- 7.1 Cheshire East Council is required to approve its Tax Base before 31 January 2009 so that the information can be provided to Cheshire Police Authority and Cheshire Fire Authority for their budget processes.
- 7.2 The Tax Base for the area is the estimated number of chargeable dwellings expressed as a number of Band D equivalents adjusted for an estimated number of discounts, exemptions, disabled relief and appeals plus an allowance for non-collection.
- 7.3 The Tax Base has been calculated on the assumption that properties remaining empty for longer than six months are allowed a discount of 25% and that properties regarded as second homes are allowed a discount of 25%. The number of band D equivalent properties for 2009/10 is 145,545.55.
- 7.4 It is necessary to further adjust the Tax Base for:

Changes in the Valuation List

These could arise for a variety of reasons such as appeals, awards of disabled relief, new properties, deleted properties and changes in discount or exemption entitlements. Taking into account these factors, the Tax Base is estimated to increase by 678.14 properties resulting in a revised total of 146,223.69.

Non-collection

It is suggested that a reduction of 1% be made in the Tax Base calculation to accommodate non-collection. This reduces the Tax Base by 1462.23 to 144,761.46.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 None

9.0 Reasons for Recommendation

- 9.1 In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its tax base before 31 January 2009. Council is therefore requested to agree the Tax Base.

For further information:

*Portfolio Holder: Councillor Frank Keegan
Officer: Paul Manning
Tel No: 01625 504809
Email: p.manning@macclesfield.gov.uk*

Background Documents:

*Congleton Tax Base calculation working papers
Crewe and Nantwich Tax Base calculation working papers
Macclesfield Tax Base calculation working papers*

Documents are available for inspection at:

*Revenues Service
Town Hall
Macclesfield*

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COUNCIL TAX-TAX BASE 2009/10

CHESHIRE EAST	BAND D EQUIVALENT	TAX BASE 99%
Adlington	597.78	591.80
Acton	133.40	132.07
Agden	78.22	77.44
Alderley Edge	2,630.03	2,603.73
Alraham	179.90	178.10
Alsager	4,575.16	4,529.41
Arclid	115.22	114.07
Ashley	161.25	159.64
Aston by Budworth	179.36	177.57
Aston-juxta-Mondrum	90.00	89.10
Audlem	913.90	904.76
Austerson	41.00	40.59
Baddiley	123.70	122.46
Baddington	55.70	55.14
Barthomley	95.20	94.25
Basford	98.40	97.42
Batherton	23.60	23.36
Betchton	284.75	281.90
Bickerton	121.00	119.79
Blakenhall	59.70	59.10
Bollington	3,083.53	3,052.69
Bosley	194.83	192.88
Bradwall	82.55	81.72
Brereton	574.67	568.92
Bridgemere	66.00	65.34
Brindley	70.60	69.89
Broomhall	88.20	87.32
Buerton	219.20	217.01
Bulkeley	126.90	125.63
Bunbury	619.50	613.30
Burland	276.70	273.93
Calveley	124.10	122.86
Checkley-cum-Wrinehill	47.70	47.22
Chelford	650.92	644.41
Cholmondeley	78.90	78.11
Cholmondeston	75.00	74.25
Chorley (M)	257.31	254.74
Chorley (Cr)	47.30	46.83
Chorlton	490.40	485.50
Church Lawton	902.66	893.63
Church Minshull	206.70	204.63
Congleton	10,165.90	10,064.25
Coole Pilate	25.70	25.44
Cranage	609.67	603.57
Crewe	14,606.00	14,459.94
Crewe Green	95.90	94.94
Disley	1,943.31	1,923.88
Doddcott-cum-Wilkesley	173.10	171.37
Doddington	17.40	17.23
Eaton	170.33	168.63
Edleston	40.10	39.70
Egerton	35.50	35.15
Faddiley	73.20	72.47
Gawsworth	850.17	841.67
Goostrey	1,105.71	1,094.65
Great Warford	437.17	432.80
Hankelow	127.40	126.13
Haslington	2,388.70	2,364.81
Hassall	109.41	108.32
Hatherton	172.20	170.48
Haughton	96.20	95.24
Henbury	335.47	332.11
Henhull	21.10	20.89
High Legh	893.53	884.59
Higher Hursfield	341.97	338.55
Holmes Chapel	2,457.24	2,432.67
Hough	351.40	347.89
Hulme Walfield & Somerford Booths	161.22	159.61
Hunsterson	79.40	78.61
Hurleston	31.10	30.79

COUNCIL TAX-TAX BASE 2009/10

CHESHIRE EAST	BAND D EQUIVALENT	TAX BASE 99%
Kettleshulme	175.92	174.16
Knutsford	6,044.25	5,983.81
Lea	22.70	22.47
Leighton	1,525.20	1,509.95
Little Bollington	80.89	80.08
Little Warford	36.97	36.60
Lower Peover	71.92	71.20
Lower Withington	302.83	299.80
Lyme Handley	70.25	69.55
Macclesfield	18,993.69	18,803.75
Macclesfield Forest/Wildboardclough	114.39	113.25
Marbury-cum-Quoisley	119.30	118.11
Marton	117.25	116.08
Mere	425.36	421.11
Middlewich	4,699.64	4,652.64
Millington	107.31	106.24
Minshull Vernon	121.70	120.48
Mobberley	1,456.50	1,441.94
Moston	179.00	177.21
Mottram St Andrew	388.83	384.94
Nantwich	5,385.70	5,331.84
Nether Alderley	373.86	370.12
Newbold Astbury-cum-Moreton	337.57	334.19
Newhall	351.30	347.79
Norbury	94.50	93.55
North Rode	117.36	116.19
Odd Rode	2,028.05	2,007.77
Ollerton with Marthall	303.95	300.91
Over Alderley	214.06	211.92
Peckforton	76.80	76.03
Peover Superior	388.61	384.72
Pickmere	371.75	368.03
Plumley with Toft and Bexton	395.52	391.56
Poole	60.80	60.19
Pott Shrigley	150.19	148.69
Poynton with Worth	6,104.03	6,042.99
Prestbury	2,122.19	2,100.97
Rainow	597.58	591.60
Ridley	59.70	59.10
Rope	821.10	812.89
Rostherne	82.14	81.32
Sandbach	6,867.48	6,798.81
Shavington-cum-Gresty	1,689.00	1,672.11
Siddington	195.33	193.38
Smallwood	283.69	280.85
Snelson	84.94	84.09
Somerford	185.04	183.19
Sound	103.70	102.66
Spurstow	192.80	190.87
Stapeley	1,329.60	1,316.30
Stoke	110.00	108.90
Sutton	1,169.81	1,158.11
Swettenham	165.80	164.14
Tabley	205.81	203.75
Tatton	12.44	12.32
Twemlow	94.29	93.35
Walgherton	56.40	55.84
Wardle	60.70	60.09
Warrington	104.20	103.16
Weston	781.00	773.19
Wettenhall	96.60	95.63
Willaston	1,313.20	1,300.07
Wilmslow	14,211.86	14,069.74
Wincle	92.42	91.49
Wirswall	42.30	41.88
Wistaston	3,074.20	3,043.46
Woolstanwood	262.70	260.07
Worleston	103.90	102.86
Wrenbury	470.80	466.09
Wybunbury	616.60	610.43
	146,223.71	144,761.46

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CHESHIRE EAST

SHADOW COUNCIL

Date of meeting: 9 December 2008
Report of: Jan Burns, LGR Lead Officer
Title: APPOINTMENT OF BOROUGH TREASURER AND HEAD OF ASSETS

1.0 Purpose of Report

- 1.1 To outline the process used for the recruitment of the Borough Treasurer and Head of Assets and request that the Council ratify the recommendation for appointment made by the Staffing Committee.

2.0 Decision Required

- 2.1 To ratify the recommendation of the Staffing Committee that Lisa Quinn be confirmed as the Borough Treasurer and Head of Assets of Cheshire East Council with effect from a date to be arranged. A starting date of 1 January 2009 has subsequently been proposed.

3.0 Financial Implications for Transition Costs

- 3.1 Because Miss Quinn will commence employment with the Council in January 2009, her salary and associated costs will form part of the transition costs. Cabinet has agreed transitional costs of up to £450,000 to pay senior management salaries during 2008-09 and based on the current recruitment timetable this should be sufficient to cover estimated costs prior to vesting day.

4.0 Financial Implications 2009/10 and beyond

- 4.1 Ongoing salary and associated costs will need to be factored into the authority's Medium Term Financial Strategy.

5.0 Legal Implications

- 5.1 The recruitment process and appointment complies with the Staffing Regulations for the appointment of the Section 151 Officer.

6.0 Risk Assessment

- 6.1 The appointment of the Borough Treasurer and Head of Assets is a key milestone and is a major step towards the formation of the new Council, and will help to minimise the risk of failure to deliver services on Day 1 and transitional change.

7.0 Background and Options

- 7.1 The recruitment process for the Borough Treasurer and Head of Assets has been managed by the Staffing Committee.
- 7.2 After internal advertisement, the Council received 6 applications. In accordance with a decision by the Staffing Committee these applications were sifted by the nominated Recruitment Consultants, (Gatenby Sanderson), and long listed candidates were subject to an assessment process involving a technical interview, a strategic analysis exercise, ability tests and personality profiling.
- 7.3 The results of the assessment centre for the long listed candidates together with the full details of all applicants were considered by the Staffing Committee and a decision was taken to short list 3 candidates for the final selection process which took place on 5 November 2008.
- 7.4 The final selection process involved a presentation and formal interview with the Staffing Committee.
- 7.5 The Staffing Committee has now completed its deliberations and recommends to the full Council that Miss Lisa Quinn be offered the post of Borough Treasurer and Head of Assets.
- 7.6 Miss Quinn is a Member of the Chartered Institute of Public Finance and Accountancy, having qualified in 1996. She has spent her entire career to date working for Macclesfield BC, working her way up through various posts to her current role of Corporate Manager, Finance and Assets. She has held this post since July 2006.
- 7.7 She reports directly to the Chief Executive and is the S151 Officer. Her remit covers Asset Management, Benefits, Financial Services, Internal Audit, Procurement and Revenues. She was appointed to the role of Interim Chief Finance Officer for Cheshire East Council (S151 duties) in May 2008.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The appointment of the Borough Treasurer and Head of Assets will help deliver the Day One, Year One and Term One priorities.

9.0 Reasons for Recommendation

- 9.1 To enable the appointment of Miss Quinn to the post of Borough Treasurer and Head of Assets.

For further information:

Portfolio Holder: Councillor Wesley Fitzgerald

Officer: Jan Burns

Tel No: 01244 972235

Email: Jan.Burns@cheshire.gov.uk

Background Documents:

Documents are available for inspection at County Hall, Chester – contact Jan Burns.

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CHESHIRE EAST

SHADOW COUNCIL

Date of meeting: 9 December 2008
Report of: Jan Burns, LGR Lead Officer
Title: APPOINTMENT OF BOROUGH SOLICITOR AND
MONITORING OFFICER

1.0 Purpose of Report

- 1.1 To outline the process used for the recruitment of the Borough Solicitor and Monitoring Officer and request that the Council ratify the recommendation for appointment made by the Staffing Committee.

2.0 Decision Required

- 2.1 To ratify the recommendation of the Staffing Committee that Mr Christopher Chapman be confirmed as the Borough Solicitor and Monitoring Officer of Cheshire East Council with effect from a date to be arranged.

3.0 Financial Implications for Transition Costs

- 3.1 Because it is anticipated that the new Borough Solicitor and Monitoring Officer will commence employment with the Council prior to April 2009, their salary and associated costs will form part of the transition costs. Cabinet has agreed transitional costs of up to £450,000 to pay senior management salaries during 2008-09 and based on the current recruitment timetable this should be sufficient to cover estimated costs prior to vesting day.

4.0 Financial Implications 2009/10 and beyond

- 4.1 Ongoing salary and associated costs will need to be factored into the authority's Medium Term Financial Strategy.

5.0 Legal Implications

- 5.1 The recruitment process and appointment complies with the Staffing Regulations for the appointment of the Borough Solicitor and Monitoring Officer.

6.0 Risk Assessment

- 6.1 The appointment of the Borough Solicitor and Monitoring Officer is a key milestone and is a major step towards the formation of the new Council, and will help to minimise the risk of failure to deliver services on Day 1 and transitional change.

7.0 Background and Options

- 7.1 The recruitment process for the Borough Solicitor and Monitoring Officer has been managed by the Staffing Committee.
- 7.2 After internal and external advertisement, the Council received 23 applications. In accordance with a decision by the Staffing Committee these applications were sifted by the nominated Recruitment Consultants, (Gatenby Sanderson), and long listed candidates were subject to an assessment process involving a technical interview, a strategic analysis exercise, ability tests and personality profiling.
- 7.3 The results of the assessment centre for the long listed candidates together with the full details of all applicants were considered by the Staffing Committee and a decision was taken to short list 4 candidates for the final selection process which took place on 8 December 2008.
- 7.4 The final selection process involved a presentation and formal interview with the Staffing Committee.
- 7.5 The Staffing Committee has now completed its deliberations and recommends to the full Council that Mr Christopher Chapman be offered the post of Borough Solicitor and Monitoring Officer.
- 7.6 Christopher began his career as a Partner in a private practice, before moving into local government in 1990, starting as Assistant Borough Solicitor at Darlington. In 1993, he moved to Hull City Council as Chief Solicitor where he was also clerk to the Port Health Authority. He became Borough Solicitor at Stevenage in 1995 and moved to Chiltern District Council in 1998 as Legal Manager, where he secured pilot status for the Chiltern Community Legal Service project with the Legal Aid Board and led the project board. In 2000, he was appointed as Director of Central Services at Shrewsbury and Atcham Borough Council where he acted as Monitoring Officer.
- 7.7 He has worked in his current role as Head of Legal and Member Services at Ellesmere Port and Neston Borough Council since July 2003 and is responsible for legal, land charges, licensing, elections, and Member services. He is also the Monitoring Officer.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The appointment of the Borough Solicitor and Monitoring Officer will help deliver the Day One, Year One and Term One priorities.

9.0 Reasons for Recommendation

- 9.1 To enable the appointment of Mr Christopher Chapman to the post of Borough Solicitor and Monitoring Officer.

For further information:

Portfolio Holder: Councillor Frank Keegan

Officer: Jan Burns

Tel No: 01244 972235

Email: Jan.Burns@cheshire.gov.uk

Background Documents:

Documents are available for inspection at County Hall, Chester – contact Jan Burns.

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Cheshire East

Council

Date of meeting:	9 th December 2008
Report of:	John Weeks – Strategic Director - People
Title:	Children Plan 2008-11

1.0 Purpose of Report

- 1.1 This report briefs the Cheshire East Council on its duties in relation to the Cheshire Children Plan 2008-11, and seeks some formal decisions in order to ensure that statutory requirements are complied with for 1 April 2009.

2.0 Decision Required

- 2.1 That the Cheshire Children Plan 2008-11 be formally recommended for adoption by Cheshire East Council as its statutory Children Plan to 2011.
- 2.2 That Council notes the requirement to set local targets (as part of the Local Authority Agreement process) by 1 April 2009 and the need to review, refresh and localise that Plan during the period April 2009 to June 2010.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 This Plan, the proposed activity and targets for next year are all costed within current or projected expenditure from each member of the Children's Trust.

5.0 Legal Implications

- 5.1 It is a statutory duty for a single tier council to have in place a formally approved Children and Young People's Plan as of 1 April 2009.

6.0 Risk Assessment

- 6.1 There are no risks attached to this matter.

7.0 Background and Options

- 7.1 The Cheshire Children and Young People's Plan 2008-11 is presented on behalf of Cheshire's current Children and Young People's Trust (CCYPT). The Trust is a broad coalition of all those interested locally in the wellbeing of children and is the responsibility and duty to cooperate

to improve outcomes 'in action'. It has representation and representatives from across the economy of children's services in Cheshire including all existing District Councils, schools, health, police, fire and the voluntary sector. This Plan is a clear statement of shared intentions and has resonance for everyone that works with or for children, young people and their families in Cheshire.

- 7.2 As Local Government in Cheshire goes through a major change the Trust has been explicit that during such organisational and political change it is its duty to stay focused on retaining and improving good services and outcomes for our children and young people. Within this Plan the Trust has set out to highlight the needs of Cheshire's most disadvantaged and vulnerable children, particularly those who may be most at risk of poor outcomes.
- 7.3 The changes in Local Government make this a transitional Plan, it offers a blueprint for some of the big organisational and process changes, but also seeks to sustain the momentum of change and improvement that has seen many of our children and young people achieving better outcomes and many of our services recognised nationally and regionally for their strong performance.
- 7.4 This is a Plan that sets outcome and improvement targets for the next 12 months and alongside a joint direction of travel for 'all' services to children and young people for the next two-five years.
- 7.5 For 2009-11 it will be for the new Authorities to finalise the detail in light of their local needs and priorities.

KEY CONTENT AND MESSAGES

- 7.6 The Plan is not intended to reflect or cover the full extent of all the work that is done in Cheshire to support children and young people's outcomes, and therefore should be considered alongside all the many service and locality plans and strategies that underpin the work of the Trust. The Plan includes the following key sections:
- **Section 1** '*Introducing our Children Young people and families*' covers some of the headline information on what they have said is important to them, need, outcomes and the Cheshire context for this.
 - **Section 2** '*Our Priorities for action*' sets out in the context of the main drivers for change and the five outcomes our response to what is happening to children young people and families.
 - **Section 3** '*Integration and system change*' breaks down the major process and organisational changes that are required across all members of the Trust to deliver improved services and outcomes

- **Section 4** '*Managing Performance and targets*' presents how the activity and outcomes will be tracked and reported in line with the refreshed Every Child Matters outcomes framework and National indicators.

OUR PRIORITIES

- 7.7 Discussions have taken place over many months to arrive at the priorities identified in this Plan. Emerging priorities were worked up at Trust level in collaboration with our partners in the public and voluntary sectors.
- 7.8 Our local priorities and drivers for change substantially reflect the aspirations and approaches of the new National Children's Plan – Building Brighter Futures – our joint local challenges are referenced within all parts of the Plan but are in summary:
- School Standards
 - Leadership, commissioning and collaboration
 - Engagement and participation
 - Disabled Children
 - Good Transitions
 - Getting to grips with information and evidence
 - Narrowing the Gap in outcomes
 - Local and accessible services
 - Integrating services and processes
 - Looked After Children
 - Thinking Parents and Families
- 7.9 In responding to those challenges, the Trust has identified the following specific projects/plans that Members are asked to endorse as part of the Cheshire Children Plan. These specifications are listed below under their respective 'outcome' heading, though in many cases there is of course cross-over between outcomes and plans. Fuller details of each project are in the Plan or in the project specifications.

Be Healthy	Stay Safe	Enjoy and Achieve	Make a positive Contribution	Achieve Economic Wellbeing
Teenage Pregnancy and sexual Health	Reducing levels of Neglect	Raising Achievement in Targeted Groups, Schools and Communities	Young Peoples involvement in positive activities and participation as influencers and decision makers	Full entitlement to education and curriculum – targeting vulnerable Young People
Stopping the rise in Childhood Obesity	Tackling Bullying	Improve Value-Added / Progress in all Key Stages	Increasing pro Social Behaviour: ensuring Children and young people stay out of trouble	Tackling Worklessness in families where there are children
Good Mental Health and emotional Wellbeing	Positive choices; children, young people and parents stay safe and manage risk better.	Improve Opportunities and Outcomes for Children with Disabilities	Reducing Alcohol, Smoking and Substance use/misuse	Employers engagement and support for 14-19 developments
	Placement stability for Looked After Children	Improve access to opportunities to activities outside School		Support homeless and vulnerable young people
	Supporting Children exposed to domestic abuse			Excellent Information, Advice and Guidance

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 Day One – Have in place a formally approved Plan with agreed targets
 Year One – Review Plan and set local targets for 2009-11
 Term One – Review Plan and consider priorities from 2011.

9.0 Reasons for Recommendation

- 9.1 To ensure that the new Council has in place a formally adopted Children Plan as per its statutory requirements and to enable Officers to inform the relevant Government Departments that this is in place.

For further information:

Portfolio Holder: Councillor Paul Findlow

Officer: John Weeks / Rick Howell

Tel No: 01244 973228

Email: rick.howell@cheshire.gov.uk

Background Documents:

Documents are available for inspection at:

CHESHIRE EAST COUNCIL

Date of meeting: 9th December 2008
Report of: Chairman of the Governance and Constitution Committee
Title: Appointment of Statutory Co-opted Members to Scrutiny Committees-Elected Parent Governors and Nominated Church Representatives

1.0 Purpose of Report

- 1.1 To advise Council of the recommendations of the Council's Scrutiny and Governance and Constitution Committees in respect of education matters and appointments of Statutory Co-opted Members to the Scrutiny Committee, who will have voting rights on education matters.

2.0 Decision Required

- 2.1 That Council agree the following recommendations of the Council's Scrutiny and Governance and Constitution Committees:
- 2.1.1 That two parent governor representatives should be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
- 2.1.2 That the period of office of the parent governor representatives should be 2 years with effect from 1st April 2009.
- 2.1.3 That one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese should be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.
- 2.2 That the Interim Monitoring Officer be authorised to make such consequential additions and changes to the Constitution as she considers are necessary to give effect to the decision of Council.

3.0 Financial Implications for Transition Costs

3.1 There are no financial implications.

4.0 Financial Implications 2009/10 and beyond

4.1 There are no financial implications.

5.0 Legal Implications

5.1 The legal implications are contained in the body of this report.

6.0 Information

6.1 Under the Local Government Act 2000 and the Parent Governor representatives (England) Regulations 2001, local authorities must appoint representatives of parent governors at maintained schools to Scrutiny Committees which deal with Education matters. This is to enable parents to have a direct input to policies on education provision for pupils of school age.

6.2 Section 499 of the Education Act 1996, and a subsequent Direction (with guidance) - DfEE Circular 19/99, local authorities must appoint diocesan representatives to Scrutiny Committees which deal with Education matters. The Church representatives will have voting rights in relation to any decision relating to: - schools maintained by the LA, pupils who attend schools maintained by the LA or are educated by the LA in some way but not the other business of the Committee. This is to enable denominations to have a direct input to policies on education provision for pupils of school age.

6.3 On 10th October 2008, and on 2nd November respectively, the Council's Scrutiny and Governance and Constitution Committees considered reports on this matter and made recommendations to Council which now appear at paragraph 2 of this report.

6.4 Once considered by Council the decisions on this matter will need to be reflected in the Council's Constitution.

For further information:

Officer: Brian Reed

Tel No: 01244 972205

Email: brian.reed@cheshire.gov.uk

Background Documents:

- ***Report to Scrutiny Committee***
- ***Report to Governance and Constitution Committee***

Documents are available for inspection at:

Cheshire East Shadow Council Support Office,
Westfields,
Middlewich Road,
Sandbach

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CHESHIRE EAST COUNCIL

Date of meeting: 9 December 2008
Report of: Interim Monitoring Officer
Title: Appointment of Parish Council Members to Standards Committee

1.0 Purpose of Report

- 1.1 To seek the approval of full Council for the appointment of three Parish Council representatives on the Standards Committee.

2.0 Decision Required

- 2.1 That the Council appoints to the Standards Committee the following three applicants:
- Councillor Teresa Maureen Eatough - Weston and Basford Parish Council
Councillor Kenneth John Edwards - Bollington Parish Council
Councillor Patricia Margaret Barnett - Twemlow Parish Council
- 2.2 To note that ChALC will retain the names of the two remaining candidates as reserves in case of future vacancies to the Parish Council seats on Standards Committee.

3.0 Financial Implications for Transition Costs

- 3.1 The costs of recruitment will be met from within existing resources.

4.0 Future Implication 2009/10 and beyond

- 4.1 Future recruitment costs (including any external adverts) will only be incurred in 2011.

5.0 Legal Implications

- 5.1 The Council is required to have at least 25% membership of this Committee who are Independents and also have Parish Council representation on its Standards Committee. Once recruitment is complete, the Council will be fully compliant with the relevant legislation.

6.0 Risk Assessment

- 6.1 The recruitment of Independent and Parish representatives fulfils the legal requirements placed on the Shadow Council, and so manages the risk of failing to meet its legal obligations.

7.0 Background

- 7.1 Cheshire East Shadow Council set the composition of the Standards Committee as being comprised of 5 Independent members, 3 Parish Council members and 8 Cheshire East members, forming a membership of 16 in total. The 8 Cheshire East members were appointed on 13 May and the 5 Independent Members were appointed on 20 October. The Committee and any sub-committees which are to be established must be chaired by an Independent member.
- 7.2 The recruitment process for Independent and Parish Council members was considered by Standards Committee on 8 July 2008. It was resolved that:
1. Approval be given to recruiting Independent Members from the existing pool of Borough and County Council independent members;
 2. The job description and person specification for independent members be approved;
 3. Councillors John Hammond, Mike Parsons and Lesley Smetham be appointed to a panel of members of the Committee to interview and recommend the appointment of Independent Members to the Committee;
 4. The Cheshire Association of Local Councils be approached to conduct a nomination process for the recruitment of Parish Council representatives with one nomination coming from each of the three districts;
 5. The job description and person specification for the Parish Council representatives be approved subject to the wording being brought into line with that for the Independent Members.
- 7.3 The Panel met on 15 August to consider Independent applications, and following the subsequent recommendation of Standards Committee on 7 October, full Council made appointments to the five Independent members positions on 20 October. The Independent Members attended their first meeting of the Standards Committee on 25 November. The independent member recruitment process is therefore complete for the time being.

8.0 Recruitment of Parish Members

- 8.1 The Council must recruit 3 Parish Councillors to act as members of the Committee. Parish representatives must be present whenever the Committee meets to discuss Parish issues.
- 8.2 Standards Committee agreed that the Cheshire Association of Local Councils (ChALC) would be approached to assist in the Parish Councillor recruitment process.
- 8.3 As part of a joint process with Cheshire West and Chester Council, and as agreed by the Standards Committee, an approach was made to ChALC which had agreed to assist in the recruitment process. The agreed job description and person specification together with some background to new authority was forwarded to the Association to enable it to carry out the required process and nominate three recommended Parish representatives. The Cheshire Association sent the pack to all Parish Council clerks

with a request that it be forwarded to all councillors for them to be able to make a personal decision on whether or not to apply.

8.4 Following the consultation, ChALC received 5 applications. As this exceeded the three places available, a panel comprised of the executive representatives from the Cheshire East area was convened to put forward three names. Criteria included degree of activity and the amount of knowledge candidates possessed about parish council matters. On 25 November, the Standards Committee agreed to accept ChALC's recommendation to appoint the members named at 5.5. below, and now recommends this to full Council.

8.5 The recommended appointees are:

Councillor Teresa Maureen Eatough - Weston and Basford Parish Council
Councillor Kenneth John Edwards - Bollington Parish Council
Councillor Patricia Margaret Barnett Twemlow Parish Council

8.6 Councillor Eatough is an existing member of Crewe & Nantwich Borough Council's Standards Committee, Councillor Edwards is a member of Macclesfield Borough Council's Standards Committee and Councillor Barnett is a member of Congleton Borough Council's Standards Committee.

8.7 ChALC will retain the names of the two remaining candidates as reserves in case of future vacancies to the Parish Council seats on Standards Committee.

9.0 Conclusion

9.1 The Committee needs to be able to deal with complaints about Cheshire East Councillors during 2008/2009. The earlier the necessary Independent and Parish member appointments can be made, the sooner the Committee can be ready to deal with complaints. Completion of the recruitment to the remaining vacant positions as recommended in this report will mean the Standards Committee is now fully constituted and prepared to undertake its role.

For further information:

Officer: Julie Openshaw Interim Monitoring Officer

Tel. No: 01625 504250

Email: j.openshaw@macclesfield.gov.uk

Background Documents:

N/a

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CHESHIRE EAST

COUNCIL

Date of meeting: 9th December 2008
Report of: Chairman of the Governance and Constitution Committee
Title: Officer Code of Conduct

1.0 Purpose of Report

- 1.1 For Council to consider adoption of an Officer Code of Conduct, its immediate inclusion in the Shadow Council's Constitution and, thereafter in Cheshire East Unitary Council's Constitution with effect from 1st April 2009.

2.0 Decision Required

- 2.1 That Council:
- 2.1.1 adopts the Officer Code of Conduct appended to this Report (Noting that the Core Values for Cheshire East as a whole are still in draft and will require Cabinet approval in January 2009);
 - 2.1.2 agrees that the Officer Code of Conduct will take effect immediately and will apply to all officers appointed by the Shadow Council;
 - 2.1.2 agrees that the Officer Code of Conduct will continue to have effect, and will apply to all officers employed by Cheshire East successor authority on 1st April 2009 and thereafter;
 - 2.1.3 agrees that the Officer Code of Conduct will be included immediately in the Shadow Council's Constitution and, with effect from 1st April 2009, in Cheshire East successor authority's Constitution; and
 - 2.1.4 authorises the Interim Monitoring Officer to make such consequential amendments to the Constitution as she considers are necessary to give effect to the decision of Council.

3.0 Financial Implications for Transition Costs

- 3.1 There are no costs arising from the adoption of the Officer Code of Conduct.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no costs arising from the adoption of the Officer Code of Conduct.

5.0 Legal Implications

- 5.1 Now that the Council is beginning to make staff appointments, it is vital that there is a Code of Conduct for officers in place. This is a key document to ensure the good governance of the new Council and provides clear direction to employees on the standards of conduct expected of them.
- 5.2 The Government have recently issued a revised draft Officer Code of Conduct for consultation. This has been awaited for many years and it may be some time before any final document is agreed. It is therefore necessary for the Council to agree its own Code, which can be reviewed if necessary when any final national framework is issued.

6.0 Risk Assessment

- 6.1.1 Failure to have an Officer Code in place places the Council at risk of inappropriate behaviour by employees. The solution, therefore, is for the Council to adopt an Officer Code which will have immediate effect.
- 6.1.2 Failure to have clear advice for employees on appropriate behaviour makes it difficult to deal with inappropriate conduct. Again, the solution is to adopt an Officer Code which will make expected standards of conduct clear to all employees.

7.0 Information

- 7.1 The Appendix to this report contains a report considered, on 1st December 2008, by the Governance and Constitution Committee and, on 27th November, by the Staffing Committee. The report appends a draft Officer Code of Conduct which the Council is now asked to adopt.
- 7.2 The Staffing Committee and Governance and Constitution Committees recommended to Council that they approve the Officer Code of Conduct.
- 7.3 The Member Code of Conduct has already been adopted by the Council and, as officer appointments are now being made, it is vital that the Council has an Officer Code of Conduct in place to guide standards of conduct amongst officers.
- 7.4 For many years, a national Officer Code has been awaited from central Government. This has, very recently, been issued although there is no guarantee of whether and, if so, when a national Officer Code will finally be issued for adoption by local authorities. In the meantime, therefore, the Council is asked to adopt the appended Officer Code, which draws upon best practice in Cheshire and elsewhere.

- 7.5 Members are referred to the appended report to the Governance and Constitution Committee, which sets out the background and approach adopted to the preparation of the draft Code. It should also be noted that the trade unions have been consulted on the Code and have raised no concerns.

8.0 Conclusion

- 8.1 The draft Officer Code of Conduct is recommended to Council for adoption, to take immediate effect in respect of officer appointments to the Shadow Council, and thereafter in respect of all officers employed by the successor authority from 1st April 2009.

For further information:

*Officer: Brian Reed
Tel No: 01244 972205
Email: brian.reed@cheshire.gov.uk*

Background Documents:

- ***Report to Staffing Committee***
- ***Report to Governance and Constitution Committee***

Documents are available for inspection at:

*Cheshire East Shadow Council Support Office,
Westfields,
Middlewich Road,
Sandbach,*

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CHESHIRE EAST

GOVERNANCE AND CONSTITUTION COMMITTEE

Date of meeting: 1 December 2008
Report of: HR Joint Transition Group
Title: OFFICER CODE OF CONDUCT

1.0 Purpose of Report

- 1.1 To consider a Code of Conduct for employees of the new Cheshire East Council.

2.0 Decision Required

- 2.1 To recommend the Council approve the Officer Code of Conduct for the new Council.

3.0 Financial Implications for Transition Costs

- 3.1 There are no transitional costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no costs resulting from the adoption of the Code.

5.0 Legal Implications

- 5.1 Now that the Council is starting to make appointments to the new Council it is vital that there is a Code of Conduct for officers in place. This is a key document to ensure the good governance of the new Council and provides clear direction to employees on the standards of conduct expected of them.
- 5.2 The Government have recently issued a revised draft Officer Code of Conduct for consultation. This has been awaited for many years and it may be some time before any final document is agreed. It is therefore necessary for the Council to agree its own Code, which can be reviewed if necessary when any final national framework is issued.

6.0 Risk Assessment

6.1

Risk	Mitigation
Failure to have a Code places the Council risk of inappropriate behaviour by employees	Introduce a Code of Conduct
Failure to have clear advice to employees on appropriate behaviour makes dealing with inappropriate conduct more difficult to address	Introduce a clear Code and issue to all employees.

7.0 Background and Options

- 7.1 The Member Code of Conduct has already been agreed and now Officers of the new Council are being appointed it is vital to have a Code for them to guide standards of conduct.
- 7.2 As indicated above the Government has taken many years to issue a draft officer code for consultation (which has just come out) and it could be some time yet before that is finalised. It is therefore recommended that the Council proceeds to develop and adopt its own Code without further delay.
- 7.3 It is important that the Officer Code is clear and straightforward as it will apply to employees of the new Council at all levels. It should be noted that Schools have their own Codes of Conduct.
- 7.4 There is an argument for developing a detailed Code which seeks to address all issues an employee may face. However, it is almost impossible to include guidance on every possible circumstance and there is a danger that, if something new arises which isn't covered, an employee can argue that they had received no advice on this and couldn't be expected to know what to do and this can carry some weight in disciplinary processes.
- 7.5 The approach adopted has therefore been to go for a much more high level approach, focused on Core principles supported by guidance on a number of key areas. It then signposts employees to other policies, procedures, etc. which they need to be aware of. Whilst these will exist in current authorities, there is still a need to develop many of these policies for the new Council (for example, a Health and Safety policy). A copy of the draft Code is attached as Appendix 1.
- 7.6 It is thought better that an overarching document is agreed to guide employees rather than to wait until all the supporting policies and procedures are in place.
- 7.6 The Governance Group has been consulted on the draft Code and their views have been taken into account.

8.0 Trade Union Consultation

- 8.1 The trade unions have been consulted on the draft Code of Conduct and have not raised any concerns.

9.0 Overview of Day One, Year One and Term One Issues

- 9.1 As indicated, there are a number of other policies, procedures, guidance which the Council needs to consider in support of this overarching document. This will be a key issue in Year One.

10.0 Reasons for Recommendation

- 10.1 To ensure that an agreed Code of Conduct is in place to guide officers of the new Council.

For further information:

Portfolio Holder: Councillor Frank Keegan

Officer: Trish Barnett

Tel No: 01244 972273

Email: tricia.barnett@cheshire.gov.uk

Background Documents:

Documents are available for inspection at:

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DRAFT

CHESHIRE EAST

CODE OF CONDUCT

FOR EMPLOYEES

November 2008

- 1. Code of Conduct - Core Principles**
- 2. Code of Conduct - Core Standards**
- 3. Code of Conduct - Core Standards - Guidance**
- 4. Code of Conduct - Associated Forms & Referral Points**
- 5. Other Standards relevant to different groups of employees throughout the Council**
- 6. Cheshire East Core Values**

1. CORE PRINCIPLES

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

SELFLESSNESS

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

INTEGRITY

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

OBJECTIVITY

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

ACCOUNTABILITY

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

OPENNESS

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

HONESTY

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

RESPECT FOR OTHERS

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

TRUST

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

LEADERSHIP

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

The Code of Conduct principles operate within the overall framework of the Core Values. Our Values for Cheshire East are depicted by the acronym **A S P I R E** (Explained further in section 6 of the Guidance Notes).

2. CORE STANDARDS

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

- 1. GIFTS AND HOSPITALITY**
- 2. SPONSORSHIP**
- 3. USE OF FINANCIAL RESOURCES**
- 4. USE OF COUNCIL FACILITIES**
- 5. INTELLECTUAL PROPERTY**
- 6. POLITICAL NEUTRALITY**
- 7. OTHER EMPLOYMENT AND EXTERNAL ACTIVITIES**
- 8. FINANCIAL AND NON-FINANCIAL INTERESTS**
- 9. RELATIONSHIPS**
- 10. APPOINTMENTS & OTHER EMPLOYMENT MATTERS**
- 11. TENDERING & CONTRACTS**
- 12. PRIVATE USE OF FIRMS DEALING WITH THE COUNCIL**
- 13. DISCLOSURE OF INFORMATION**
- 14. COMPLIANCE WITH THE CODE & CONFIDENTIAL REPORTING**

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

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

3. CODE OF CONDUCT STANDARDS – GUIDANCE

1. GIFTS AND HOSPITALITY

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

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

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

1.4. Whatever gift/hospitality is provided to you, other than hospitality of nominal value only such as drink or small item of stationery, you should report the circumstances and the type of hospitality to your Head of Service.

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

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

2. SPONSORSHIP - Giving and Receiving

2.1. If an organisation wants to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic rules about accepting gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

2.2. If the Council sponsors an event or service, you or anyone connected with you may not benefit from the sponsorship. Similarly, if the Council, gives financial support in the community, please ensure that impartial advice is given and that you have no conflict of interest.

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

3. USE OF FINANCIAL RESOURCES

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

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

4. USE OF COUNCIL FACILITIES

4.1 At work you have access to facilities which include office equipment, computers, stores, transport etc. These facilities are provided purely for work and you must not use them for your own purposes.

4.2 There are certain minor exceptions to these rules - the use of telephones, fax machines and photocopiers.

4.3. Telephones

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

4.4. Fax machines and photocopiers

If necessary, personal fax messages may be despatched to locations within Great Britain. Photocopies of personal documents (up to a maximum of 10 copies at any one time) may be taken and costs reimbursed to the Council.

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

5. INTELLECTUAL PROPERTY

Intellectual property mean products of the mind, for example inventions, designs, trade marks, creative writings, programs and drawings (referred to in short as 'inventions'). It will normally be the case that the ownership of all 'inventions' and the copyright of all written material created during work for the Council, belong to the Council.

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

6. POLITICAL NEUTRALITY

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

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

6.3. Certain employees hold politically restricted posts (PoRPs). If your job is politically restricted, you will be notified. You are disqualified from membership of any local authority, other than a parish or community council or from being an MP or MEP.

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

7. OTHER EMPLOYMENT & EXTERNAL ACTIVITIES

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

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

7.3 Whether or not you need to obtain consent before doing private work, **you must not**;

- Do private work during working hours nor on the Council premises nor use Council equipment.
- Undertake any private work which prevents you from carrying out your duties with the Council or including any requirements to do contractual overtime.
- Undertake private work for any person, firm or company if it will involve the Council.
- Prepare or assist with any applications, for example, planning or building, in any private capacity if you deal with these normally.
- Access Council Services, for example, if you want to make a planning application personally, unless you declare your employment in writing, in a covering letter with your application and submit this via your line manager.
- Undertake private work that needs approval or consent from the Council
- Undertake private work for any person, firm or company who have a contractual relationship with or who are commissioned by the Council for any type of work.
- Undertake private work for another employee responsible for supervising you or whom you supervise, or for an elected member of the Council.

7.4 Employees must ensure they understand and can comply with both Working Time and Health and Safety regulations before considering other employment.

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

8. FINANCIAL AND NON-FINANCIAL INTERESTS

8.1. The Local Government Act 1972, section 117, requires you to disclose any direct or indirect financial interest in any contract involving the Council. Failure to declare the interest may be a criminal offence.

8.2. If you have any direct or indirect interest in an organisation or company that is doing business with the Council, which you think conflicts with your job role, then you should inform your Head of Service.

8.3. You may have a conflict of interest even if you have no financial interest. For instance, relationships might be seen to influence judgements and give the impression of a personal motive E.g. a Council employee who is an Honorary Officer of an Association and who is involved in dealing with an application for a grant by the Association. In such a case, again you should inform your Head of Service.

8.4 Employees are able to act as a member of another local authority, a school governor, or member of a community organisation but may still be required to declare their interest if any potential conflict.

8.5 Membership of organisations with secrecy about rules, membership or conduct may be incompatible with your work. If, in connection with your employment with the Council, you use such membership for either your own, or someone else's personal or business gain, you will be in breach of the Code.

8.6 Employees who are members of other associations or bodies that have dealings with the Council should declare their interest, if there is any potential conflict.

8.7 Employees who during the course of attending a meeting believe they that may be in conflict with an item on the agenda should advise the Chair and leave the meeting for all or part of the meeting as appropriate.

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

9. RELATIONSHIPS

9.1 Councillors

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

9.2 The Local Community and Service Users

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

9.3 Contractors

If you have a business or private relationship with external contractors or potential contractors you should tell your manager. Orders and contracts must be awarded on merit, by fair competition against other tenders and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

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

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

10. APPOINTMENTS & OTHER EMPLOYMENT MATTERS

10.1. If you are involved in the recruitment and selection of employees, appointments should be made on the basis of merit and in accordance with our Recruitment and Selection Policy and Procedures obtainable from HR. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work with him or her.

10.2. Similarly, you should not be involved in decisions about discipline, promotion or pay adjustments for any employee who is a relative, partner etc

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

11. TENDERING AND CONTRACTS

11.1. During the Tendering process, if you are involved in the 'in-house' bid (except Executive Directors and, apart from when their own service is tendered, legal, financial and professional advisers) you must not at the same time be involved in certain client tasks e.g. selecting tenderers. You should seek guidance from your Head of Service as to how the CCT process is to be conducted and how the 'in-house contractor' and client responsibilities are to be discharged.

11.2. Employees working for 'in-house' contractors or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

11.3. If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.

11.4. If you are responsible for selecting contractors to tender or supply quotations, you should ensure that you are not also responsible for the receipt and opening of the tender or quotation except where the sums involved are minor.

! Refer to the appropriate Corporate Procurement rules and guidance.

12. PRIVATE USE OF SERVICES OF FIRMS DEALING WITH THE COUNCIL

12.1 You should be cautious when using the services of firms you know have dealings with the Council. You should ensure that the goods or services bought from such firms are at a price readily available to the general public. This is a difficult and sensitive area. Please try to avoid offending anyone and if necessary, explain the Council's policy.

12.2 If you think that any offer of preferential terms is designed to promote a firm's interest, you should not deal with the firm.

12.3 You should not use your position with the Council to obtain a discount. However, you may purchase goods at discount terms under a scheme or arrangement which applies to e.g. your trade union.

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

13. DISCLOSURE OF INFORMATION

13.1 You must not:

- Use information about work which is confidential, for personal gain or benefit or pass it on to others who might use it in this way.
- Give information to the media unless you are authorised to do so.
- Disclose confidential information to someone else, unless it is a request from an approved source, e.g.. HMRC, Department of Social Security and, where authorised, from bank managers or building societies. It is normal practice to ask the person requiring the information to put their request in writing use advance knowledge of a Council decision, particularly about investment decisions or proposed developments to benefit yourself or someone else.

13.2 Data Protection Act (Disclosing information)

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

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

14. COMPLIANCE WITH THE CODE

14.1. It is important that local government employees are exemplary in their conduct at work. Non-compliance with this Code will be dealt with in accordance with our Disciplinary Code.

14.2 Employees who consider other employees to be guilty of misconduct must report this to their Line Manager or raise through one of the other available procedures e.g. grievance.

14.3 Employees must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.

14.4 If in some instances, the employee cannot make use of the existing procedures, for any reason then they should raise complaints or genuine matters of concern with the relevant person through the Whistle Blowing Policy.

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

4. ASSOCIATED FORMS & REFERRAL POINTS

DRAFT – These forms may have to be redrafted and referral points established post vesting day

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

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

Checklist for Assessing Potential Conflict – Gifts and Hospitality

Employees should consider the following Checklist:

- (a) Have you obtained the prior approval of your Chief Officer?
- (b) Is the donor, or the event, significant in the community or in the Council's area?
- (c) Are you expected to attend because of your position in the Authority?
- (d) Will the event be attended by others in the Authority or in other Authorities?
- (e) Have you considered the motivation behind the invitation?
- (f) Would the acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future matter involving this Council?
- (g) Could you justify the decision to the Council, press and public?
- (h) Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- (i) How will you respond to the hospitality?

5. CODE OF CONDUCT – MATRIX OF REGULATIONS AND STANDARDS RELEVANT TO SPECIFIC DIRECTORATES

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

This matrix signposts employees to other key Regulations & Standards, although this should only be used for guidance. Each heading is not mutually exclusive and an employee may find that all headings could apply to them.

NOTE – These policies have yet to be developed for the new Council.

APPLIES TO ALL EMPLOYEES	WORKING WITH THE PUBLIC	WORKING WITH SERVICE USERS	WORKING WITH RESOURCES	USING COMMUNICATIONS	WORKING WITH PARTNERS/OTHER ORGANISATIONS	WORKING WITH INFORMATION
Recruitment and Selection Diversity Dignity at Work Health and Safety Cheshire Standards Confidentiality Core Values Working time regulations Whistle Blowing	R & S Diversity Freedom of Information	Confidentiality Code Standards of Conduct for Staff in Community Services (Vulnerable Adults) Code of Conduct (Children) <i>tbc</i> Integrity Code for Schools Code of Conduct (schools)	Anti-fraud & Corruption Financial Regulations	Acceptable Use Policy IT Code of Practice	Confidentiality	Confidentiality Data Protection Freedom of Information

6. CHESHIRE EAST CORE VALUES “ASPIRE FRAMEWORK”

Values are the things in life that we consider to be important. In relation to work, values are what give purpose to our jobs; guiding our behaviours and the decisions we make. Values underpin the culture of our authority and the way we conduct ourselves at work.

Action – take responsibility for making the right things happen We will: <ul style="list-style-type: none"> • Implement agreed changes as quickly as possible • Balance urgency with quality and efficiency in delivery • Take responsibility for solving problems where possible • Be flexible about the way we work 	Support – work and learn together in order to succeed We will: <ul style="list-style-type: none"> • Communicate clearly and openly • Share information and best practice with others • Work together being prepared to compromise • Encourage and support others to achieve their potential 	People – put customer and community needs at the heart of what we do We will: <ul style="list-style-type: none"> • Do our best to understand people’s needs and requirements • Treat each person as an individual providing choice where possible • Work hard to make our processes simple • Agree realistic timescales and keep people informed
Integrity – be open, honest and fair, expecting the same of others We will: <ul style="list-style-type: none"> • Treat everyone with dignity and respect • Speak up when others are behaving inappropriately • Face up to difficult or awkward questions and situations • Separate personal feelings from professional requirements 	Recognition – value all views, efforts and achievements We will: <ul style="list-style-type: none"> • Involve all members of our team, valuing their differences • Acknowledge everyone’s efforts and contributions • Give and receive feedback positively and constructively • Celebrate success 	Excellence – strive to improve all that we do We will: <ul style="list-style-type: none"> • Take the initiative and make suggestions • Keep up to date with new developments • Try new ideas and approaches • Reflect and learn from our own and others’ experiences

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**CHESHIRE EAST
CALENDAR OF PUBLIC MEETINGS 2009/10 Version 1 101108**

DJF

	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council (Thursday)	1* 2			23			15**		17		25		22	
Cabinet (Tuesday) 2.00pm unless stated	21	19	16	14	11	8	6	3	1 22+	19	16	16	20#	18
Governance														
Standards Committee														
Scrutiny														
Health Scrutiny														
Staffing Committee														Page 113
														Agenda Item 18

* Mayor Making meeting – if required

+ 3 week gap between Cabinet meetings to accommodate Christmas break rather than having a meeting early in the New Year which will mean paperwork has to be distributed over Christmas

5 week gap to avoid clash with Police Authority Annual Meeting

** dependent on which body has authority to agree the Closure of Accounts – if this remains the responsibility of Council the Council date will need to move to September.

BANK HOLIDAYS

CHESHIRE EAST

CALENDAR OF PUBLIC MEETINGS 2009/10 Version 1 101108

DJF

Christmas Day, Boxing Day

New Year's Day Good Friday Easter Monday