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Date: 12 May 2008

Dear Councillor

COUNCIL - TUESDAY, 13TH MAY, 2008

I am now able to enclose, for consideration at next Tuesday, 13th May, 2008 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No Item

- 8. Designation of Interim Monitoring Officer and Interim Chief Finance Officer
 (Pages 1 - 4)
- 13. Political Proportionality and appointment of Cabinet/Executive and
 Committees (Pages 5 - 8)
- 14. Members Allowances Scheme (Pages 9 - 10)

I have also attached an additional annexe to agenda item 17 entitled "pay, gradings & conditions of employment".

Yours sincerely

Helen Stanley
Democratic Services Officer

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CHESHIRE EAST SHADOW COUNCIL

Date:	13 MAY 2008
Report of:	LEAD OFFICER
Title	DESIGNATION OF INTERIM MONITORING OFFICER AND INTERIM CHIEF FINANCE OFFICER

1.0 Purpose of Report

- 1.1 To confirm the designation of the Interim Monitoring Officer and Interim Chief Finance Officer for Cheshire East Shadow Council.

2.0 Decisions Required

- 2.1 To designate Macclesfield Borough Council's Monitoring Officer as the Interim Monitoring Officer for the Shadow Council.
- 2.2 To designate Macclesfield Borough Council's Chief Finance Officer as the Interim Chief Finance Officer for the Shadow Council

3.0 Implications for Transitional Costs

- 3.1 There are no direct transitional costs resulting from these decisions.

4.0 Background

- 4.1 Article 8 of the Cheshire (Structural Changes) Order 2008 imposes a duty on the shadow authority at its first meeting to designate on an interim basis an officer of one of the existing councils-
 - a) to be responsible for performing the duties of monitoring officer
 - b) to be responsible for the administration of the financial affairs of the authority

These designations will continue until the full recruitment process for the posts which are designated Monitoring Officer and Chief Finance Officer in the new Council have been completed (which must be no later than 31 December 2008) and the successful candidates take up their appointment.

- 4.2 The officers who have been undertaking these roles for the Joint Committees in the period prior to the Shadow Authority elections were

appointed on an ad hoc basis by the Lead Officer of the Joint Implementation Team in consultation with the Chief Executives of the affected Councils. These roles have to date been undertaken by the Monitoring Officer and the Chief Finance Officer of Macclesfield BC. This arrangement was endorsed by the Joint Committee.

- 4.3 In order to be in a position to make a recommendation to the Shadow Council at its first meeting the Lead Officer, again in consultation with the Chief Executives of the affected Councils and having regard to the commitment to treat all employees across all Councils fairly, invited all existing Monitoring Officers and Chief Finance Officers of the affected authorities to indicate whether or not they wished to be considered for these roles. This was in accordance with a process for appointments to roles to support the Shadow Council which has been developed by the HR Group and discussed with the trade unions.
- 4.4 In making such an invitation, the officers were advised that continuity would be an important consideration having regard to the need to avoid any unreasonable or unnecessary delay which could increase the risk of an incomplete or failed implementation of the changes required by 1 April 2009. They were also advised that in order not to disadvantage any of the existing statutory officers of the affected authorities that regardless of whether or not they were appointed to the interim roles they would be given opportunities to work with members of the Shadow Council before any final appointments were made.
- 4.5 In the event in the light of the assurances given only one officer other than those who have already been carrying out the role for the Joint Committee expressed an interest in being considered for one of the Interim Roles. That officer together with the officer currently carrying out the relevant role were interviewed by a panel consisting of the Chief Executives of the affected authorities. In the event it was the unanimous view of that panel, having considered all matters, that for continuity reasons they would recommend to the Shadow Council that the officer who has been carrying out the role for the Joint Committee should be designated as the Interim Officer.

5 Conclusion

- 5.1 These officers will be responsible for providing advice to Members and officers on key decisions for the new Council. It is recommended that the interim officers are designated as stated in paragraph 2 above.

For further information :-

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Background Documents:

Documents are available for inspection at:
Town Hall
Macclesfield
SK10 1DX

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CHESHIRE EAST

Shadow Council

Date: 13 May 2008
Report of: Interim Monitoring Officer
Title: Political Proportionality and appointment of Cabinet/Executive and Committees

1.0 Purpose of Report

- 1.1 To consider the political proportions on the Council, determine the size of Committees, appoint Members to the Cabinet, appoint members to Committees, and consider appointment of chairmen and vice-chairmen of committees.

2.0 Decision Required

- 2.1 To decide on the size of Committees
 2.2 To approve the Shadow Council's allocation of seats to political groups
 2.3 To appoint Members to the Cabinet
 2.4 To appoint Members to Committees (Governance and Constitution Committee, Scrutiny Committee, Staffing Committee, Joint Liaison Committee) in accordance with the political proportions as allocated
 2.5 To appoint members to the Standards Committee
 2.6 To appoint the Chairs and Vice-Chairs of Committees

3.0 Implications for Transitional Costs

As set out in the report on Members' Allowances Scheme on this agenda.

4.0 Background and options

- 4.1 The Shadow Authority's proportionality for 2008/9 comprises:

	Seats	%
Conservative	59	72.84
Liberal Democrat	12	14.81
Labour	6	7.40
Independent	4	4.94
Total	81	100

- 4.2 The Cabinet and the Standards Committee are not subject to political proportionality rules.
- 4.3 The proportion of seats allocated to each group on committees which are subject to political proportionality rules must reflect the proportion of seats held by each group on the Shadow Authority. As far as practicable the seats on each committee should also be proportional.

- 4.4 It is suggested that the following numbers of seats on the Committees, would fit well with the above political proportions and would be appropriate sizes for the work of the committees:
- 4.4.1 A Governance and Constitution Committee; 14 is suggested as a workable number;
 - 4.4.2 A Scrutiny Committee; whilst the People and Places Bid suggested 12 members a committee of 14 members would be workable and would fit the political proportionality well
 - 4.4.3 A Staffing Committee (to appoint the Chief Executive and Senior Managers); advice from the Lead Officer for Human Resources is that this should be relatively small and 7 Members is suggested (under regulations this must include at least one Cabinet Member)
 - 4.4.4 A Joint East/West Liaison Committee; 5 members from each authority, making a total of 10, is suggested as a workable number.
- 4.5 The number of committee seats available in the above structure is 40. Applying the appropriate political proportion rules this would give each group the following seat numbers:

Committee	Total	Conservative	Liberal Democrat	Labour	Independent
Governance (14)	14	10	2	1	1
Scrutiny (14)	14	10	2	1	1
Staffing (7)	7	5	1	1	0
Joint Liaison Committee (5)	5	4	1	0	0
TOTAL	40	29	6	3	2

- 4.6 In accordance with the Constitution which has been recommended for acceptance by the Shadow Council at item 6 on this agenda, if this has been accepted, Rule 17.1 provides that the Chairman and Vice Chairman of every committee and sub committee will be elected at the first meeting of the Shadow Council where possible; the Shadow Council therefore needs to consider whether it is able to make these appointments at this meeting.
- 4.7 With regard to portfolios, at its meeting 6 May 2008, having regard to the work carried out by the Political Structures sub group, the Joint Committee considered portfolios and the areas they might cover and recommended that there be 10 Cabinet members and portfolios with the Leader and Deputy Leader each being allocated one of the portfolios, but that the areas covered by the portfolios be subject to further consideration and allocated at a later point. This point is also explained at paragraph 5.12 of the Committee and Other Structures report to be considered at Item 7 on this agenda.
- 4.8 In respect of the Standards Committee, the Joint Committee on 6 May recommended a membership of 8 elected members, 5 independent members and 3 parish/town council representatives. Although the political balance rules do not apply to the Standards Committee, in the spirit of inclusivity of the elected membership, and having regard to the non-political nature of the Standards Committee's work, it is suggested that the elected member seats be allocated in the proportions of 5 Conservatives, 1 Liberal Democrat, 1 Labour and 1 Independent Group.

For further information:-

<i>Officer</i>	<i>Julie Openshaw</i> <i>Interim Monitoring Officer</i>
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Background Documents:-

The Constitution
Cheshire East Joint Committee agendas

Documents are available for inspection at:
Town Hall Macclesfield / Westfields Sandbach Cheshire
www.cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Date: 13 May 2008
Report of: Governance Lead Officer (East)
Title MEMBERS' ALLOWANCES SCHEME

1.0 Purpose of Report

- 1.1 To advise the Shadow Council on progress made with the adoption of the Members' Allowances Scheme, for the Shadow period, and to recommend payments on an interim basis.

2.0 Decision Required

- 2.1 To receive the interim recommendations of the County Council's Independent Remuneration Panel and, if appropriate, to approve for payment from 2 May 2008:
- a) the payment of an interim basic allowance of £4800 per annum (payable monthly)
 - b) the application of the County Council's rates for travel and subsistence allowances

3.0 Implications for Transitional Costs

- 3.1 The impact on transitional costs cannot be finalised until the Shadow Council has considered and, as appropriate, approved the recommendations of the Independent Panel, noting that the adopted scheme can be applied retrospectively to the beginning of the Shadow Council period.

4.0 Background and Information

- 4.1 The Cheshire (Structural Changes) Order 2008 applies the County Council's Allowances Scheme to the Shadow Councils for the duration of the Shadow period. The Order in addition confirms that the powers to amend or revoke a Scheme under the Members' Allowances Regulations also apply.
- 4.2 Both the Cheshire East and Cheshire West and Chester Joint Committees have requested the County Council's Independent Remuneration Panel to review the Scheme and make recommendations for its application and the allowances arrangements which should apply during the Shadow period.
- 4.3 The Remuneration Panel has met on three occasions and has consulted Members of the Joint Committees on the considerations to apply to the Scheme as an aid to producing their report. However in the time available, it has not been possible for the Panel to complete its work and bring forward a full set of recommendations to this first meeting of the Shadow Council.

- 4.4 The Panel does, however, wish to make recommendations on an interim basis for the payment of certain allowances, namely the basic allowance, travel and subsistence. The payment of these allowances will enable Members to be remunerated for the period immediately following the election until the Panel can produce its full Report. Accordingly, the Panel recommends the payment of an interim basic allowance of £4800 per annum (payable monthly). The Panel also recommends the adoption of the County Council's current arrangements for travel and subsistence allowances. Full details will be provided to Members, but these rates include:
- a) car mileage (1200cc and above) – 58.7p per mile
 - b) bed and breakfast – £115.15 (£138.17 in London)
- 4.5 The Panel has arranged to meet again early in June, to consider in particular the provision for special responsibility allowances, the rate of basic allowance and the other more detailed aspects of the allowance scheme. The Panel's full recommendations can then be referred to the Governance and Constitution Committee for consideration, prior to final determination by the Shadow Council in July.
- 4.6 It will be open to the Shadow Council to adopt in full or in part the Independent Panel's recommendations, which may result in amendments to the County Council's scheme. Under the allowances regulations, the scheme in its final form may be applied retrospectively to the beginning of the financial year. Accordingly, it is possible for the adopted scheme to be backdated to cover the interim period (May-July), and for any necessary adjustments to be made to Members' remuneration.
- 4.7 It should be noted that the Shadow Council will need in due course to appoint an Independent Remuneration Panel to consider and advise on the Scheme of Allowances to apply from Vesting Day for 2009-10 and beyond.

For further information:-

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Background Documents:-

The Cheshire (Structural Changes) Order 2008
The Local Authorities (Members' Allowances) (England) Regulations 2003

Documents are available for inspection at:
Shadow Council Support Office
Town Hall
Macclesfield
SK10 1DX