

Public Document Pack

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 2nd December, 2008 at 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, F Keegan, A Knowles, J Macrae,
P Mason and B Silvester.

In attendance:
Councillor A Thwaite.

100 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

101 **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 Council. In accordance with the Code of Conduct they remained in the meeting during consideration of the relevant items.

Councillor P Findlow declared a personal and prejudicial interest in minute 110 (Council Tax Discounts, Exemptions and Payment Dates) by virtue of having a second home. In accordance with the Code of Conduct he left the meeting during consideration of this item.

102 **PUBLIC SPEAKING TIME/OPEN SESSION**

In accordance with Procedure Rules nos 11 and 35 Mr M Wynne asked a number of questions in respect of waste and recycling matters. Councillor D Brickhill responded and a copy of his answers was given to Mr Wynne.

103 **MINUTES OF PREVIOUS MEETING**

RESOLVED

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

104 **KEY DECISION CE30 INVESTORS IN PEOPLE**

Consideration was given to the options available to Cheshire East should they wish to retain and/or seek re-accreditation against the Investors in People standard.

RESOLVED

For the reasons set out in the report: -

It was agreed that the Council would commit to continue with Investors in People and seek accreditation by 2010, as outlined in Option 3 of the report.

105 **KEY DECISION CE38 COMMISSIONING STRATEGY - ADVOCACY**

Cabinet was requested to consider a report which highlighted the range of provision of independent advocacy in Cheshire East and proposing, in high level terms, the commissioning approach for the future, in Partnership with the PCT.

RESOLVED

For the reasons set out in the report: -

That approval be given to the general approach to independent advocacy into the first year of the Council, and beyond.

106 **KEY DECISION CE44 SCHOOL ADMISSIONS**

Consideration was given to various matters in respect of the annual consultation on School Admission arrangements and the co-ordinated admissions scheme for the school year commencing September 2010 and beyond, the relevant area for consultation arrangements and the terms of reference for the statutory Admissions Forum for Cheshire East Authority.

RESOLVED

For the reasons set out in the report: -

Approval be given to

1. the attached consultation documents and appendices, with any subsequent amendments and any additions as may be recommended by the Cheshire East Admissions Forum, on admissions for the school year commencing September 2010 and beyond; and its circulation to all Cheshire East schools and neighbouring local authorities at the beginning of the spring term 2009 be approved.
2. determination of the Cheshire East 'relevant area' to be Cheshire East administrative boundary for all Community and Controlled Schools for which the Cheshire East Local Authority is the admissions authority and the 'relevant area' for every Cheshire East authority aided and

foundation school to be the area normally served by the school, from which most of its pupils are drawn.

3. recognition that parents actual preferences and children's actual schooling patterns will extend beyond the Authority's boundary and therefore consultation on admission arrangements will involve all neighbouring authorities.
4. to the terms of reference, in order that the forum can be set up in accordance with the timescales (provided as background information) without further reference to the Cabinet, with any future discussions on this being with the Lead Member.

107 **KEY DECISION CE50 DRAFT CUSTOMER ACCESS STRATEGY**

Consideration was given to the guiding principles, objectives and vision for Customer Access, which would lead to the production of a Customer Access Strategy for East Cheshire.

RESOLVED

For the reasons set out in the report: -

That the guiding principles objectives and vision for Customer Access be approved.

108 **KEY DECISION CE51 CHESHIRE EAST LOCAL DEVELOPMENT SCHEME**

Consideration was given to the Draft Local Development Scheme for Cheshire East prior to its consideration by the Council on 9 December. The Portfolio Holder (Performance and Capacity) reported that since the report had been prepared the comments of Government Office North West had been received on the amended Draft Local Development Scheme. Comments regarding the content of the document had been summarised and circulated to the Cabinet. Cabinet were requested to agree to the amendments suggested for inclusion in the Draft Local Development Scheme, before its consideration by Council.

RESOLVED

For the reasons set out in the report and as now stated: -

That approval be given to amended Draft Local Development Scheme, and to the further amendments now circulated, for approval by Council on 9 December 2008.

109 **DISCRETIONARY RATE RELIEF POLICY**

Consideration was given to a discretionary rate relief policy for business rates in respect of charitable and non-profit making organisations, rural businesses and hardship cases.

RESOLVED

For the reasons set out in the report: -

Approval was given to

1. the policy detailed in Appendix A for charitable, non-profit making and rural applications.
2. the rural settlement list detailed in Appendix B.
3. that applicants applying for discretionary relief only and with a rateable value below £10,000 be required to apply for Small Business Relief.
4. that the Borough Treasurer & Head of Assets be given delegated authority to determine applications in accordance with the agreed policy.
5. that consideration be given to allow applicants who would receive less relief under the new policy to retain their existing award until any future change in circumstances.
6. that applications that fall outside the agreed policy be determined by the Borough Treasurer & Head of Assets in conjunction with recommendations from senior revenues officers.
7. that appeals against either a decision not to award relief or the level of relief awarded be considered by the Borough Treasurer & Head of Assets in consultation with the Portfolio Holder for Resources. If still not resolved, the case should be considered by Cabinet and appropriate amendments made to the policy if required, following the decision.
8. that all applications for hardship relief be considered on a case by case basis by the Borough Treasurer & Head of Assets in consultation with the Portfolio Holder for Resources and any appeals to be considered by Cabinet.

110

COUNCIL TAX DISCOUNTS, EXEMPTIONS AND PAYMENT DATES

(Councillor P Findlow had declared a personal and prejudicial interest in this item. In accordance with the Code of Conduct he left the meeting during its consideration.)

Consideration was given to the options and recommendations for council tax discounts and exemptions, and instalment dates for council tax and business rates.

RESOLVED

For the reasons set out in the report: -

That approval be given to

1. discounts of 25% for both second homes and long-term empty properties.
2. a policy whereby applications for local discounts are determined by the Borough Treasurer and Head of Assets in consultation with the Portfolio Holder (Resources).
3. the proposed monthly payment dates for Council Tax as follows:

Cash/cheque payers	1 st
Direct debit payers	1 st , 5 th , 10 th , 15 th , 22 nd and 27 th
Half yearly payers	1 st April and 1 st September
Yearly payers	1 st April

4. the proposed monthly payment dates for Business Rates as follows:

Cash/cheque payers	1 st
Direct debit payers	1 st , 15 th and 27 th
Half yearly payers	1 st April and 1 st September
Yearly payers	1 st April

111 **COUNCIL TAX BASE 2009/10**

Notification was given of the Council Tax Base for Cheshire East.

RESOLVED

For the reasons set out in the report: -

That Council be recommended 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 set out in Appendix A

112 **LOCAL AREA AGREEMENT**

Consideration was given to the current position in relation to Local Area Agreement delivery and the implications for the Council in the light of the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 and the proposed process and timetable for severance of the Agreement.

RESOLVED

For the reasons set out in the report: -

That Cabinet recommends to Council to:

- (i) endorse the Cheshire Local Area Agreement 2008 - 2011 (Appendix 1) in accordance with the requirements of the Local Government

(Structural Changes) (Transitional Arrangements) Regulations 2008

- (ii) note its statutory duty to have regard to all targets in the Local Area Agreement and those for which it will become the 'lead partner'; and
- (iii) delegate its authority to make any proposals for 'revision' of the Cheshire Local Area Agreement 2008 - 2011 to the Secretary of State, deemed necessary as a consequence of the annual refresh process and in accordance with the requirements of Section 111 of the Local Government and Public Involvement in Health Act 2007, to the Cabinet.

113 CHESHIRE AND WARRINGTON IMPROVEMENT AND EFFICIENCY STRATEGY

Consideration was given to the adoption of the Cheshire and Warrington Improvement and Efficiency Partnership and Strategy; which would support the Council's emerging ambitions and improvement priorities as identified in the interim Corporate Plan. It was reported that since it had been printed the wording of the CWIEP priority in the Strategy relating to housing had been revised to read 'supporting the housing market across the sub region.'

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the Cheshire and Warrington Improvement and Efficiency Strategy as appended to the report, taking into account the revision reported above.
2. That agreement be given for Warrington Borough Council to undertake the role of "accountable body" in relation to the Cheshire and Warrington Improvement and Efficiency Partnership.
3. That the Interim Director (Places) in consultation with the Interim Monitoring Officer and the Portfolio Holder (Performance and Capacity) be authorised to enter into a partnership agreement on behalf of Cheshire East for the Cheshire and Warrington Improvement and Efficiency Partnership.

114 SECTION 24 SCHEDULES OF CONSENT

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 consent arising from an amalgamation of Vernon Infant and Junior Schools, Poynton.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

Consideration was given to an update on the programme giving progress made against key milestones, and to steps to be taken in the coming months. It was reported that the format of this report was to be revised to include additional information in the period leading up to 1 April 2009.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

This page is intentionally left blank

Cheshire East Cabinet 2nd December 2008

Cheshire East Local Development Scheme

Since the report was written we have received the comments of Government Office for the North West on the amended draft Local Development Scheme.

The Government Office make a large number of comments of a detailed technical nature which can be taken on board and which do not alter the general thrust of the development.

There are, however, a number of other comments from the Government Office regarding the content of the document as summarised below:

- They note that the LDS now includes 2 Area Action Plans (for Congleton and Middlewich) in addition to the Core Strategy, Site Allocations and Minerals Development Plan Documents. They say that if the situation on resources and staffing is still uncertain for the new authority, it would be better to concentrate on these documents and state that these AAPs may be included at a later date after consideration of resources, priorities and whether matters can be dealt with by the Core Strategy and Supplementary Planning Documents.

Response: the Draft LDS already makes it clear that the two Area Action Plans will not be commenced until the Core Strategy is sufficiently advanced and it also states that priorities will be revisited as the Core Strategy is developed.

- They feel more clarity is needed here as they are not sure whether the 2 successor authorities will be preparing a joint DPD on minerals. If this is not the case will some core policies on minerals be included in the Cheshire East Core Strategy. If this is not the case, they ask whether some core policies on minerals be included in the Cheshire East Core Strategy.

Response: At this stage a decision has not been reached as to joint working with West Cheshire regarding Minerals and Waste. A Paper on this issue is due to be presented to a future Cabinet meeting.

- Further information needs to be included on how the authority intends to approach the stakeholder involvement and community participation for the 5 Development Plan documents.

Response: Until a Statement of Community Involvement has been produced and agreed by Cheshire East, it is not possible to provide further information on how stakeholder and community participation for each Local Development Plan Document will be approached.

- It is not clear why the Authority is proposing to prepare 9 Supplementary Planning Documents in 2009 without firmer information regarding available staff and budgetary resources. These are linked to existing saved local plan policies and consequently will have a relatively short life span. Priority must be given to the Core Strategy.

Response: The LDS could make it clear that some of the SPD's will be prepared, at least partially, by outside bodies or other departments and that the impact on LDF staff resources will be reduced.

- It is not clear how the existing evidence base has influenced the list of new evidence in Paragraph 8.3. It would helpful to add a column to the table in Appendix 3 to indicate whether the existing evidence is likely to be used or whether it will need updating or replacing. Also it is not clear whether the list of evidence in Paragraph 8.3 represents the proposed workload for the future LDF team to be undertaken in house or by consultants. Without project management information on when, how and by whom the evidence base will be compiled or brought up to date, it is difficult to determine whether sufficient time has been allowed for preparing the Development Plan Documents and the Core Strategy in particular.

Response: The LDS should be amended to provide more project management information as requested by the Government Office. This would make it clear which work is new and whether it would be done in house or by consultants.