

# **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