

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Tuesday, 24th February, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Mrs E Alcock, Miss C Andrew, A Arnold, M Asquith, Mrs R Bailey, Mrs R Bailey, G Barton, C Beard, T Beard, D Bebbington, D Beckford, Mrs S Bentley, D Brickhill, 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 E Gilliland, J Goddard, J Hammond, M Hardy, Mrs M Hollins, D Hough, Mrs B Howell, Ms O Hunter, J Jones, Mrs S Jones, F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, Mrs M Martin, P Mason, Mrs G Merry, A Moran, B Moran, H Murray, D Neilson, R Parker, M Parsons, A Ranfield, A Richardson, B Silvester, Mrs L Smetham, D Stockton, C Thorley, A Thwaite, Mrs C Tomlinson, D Topping, R Walker, G M Walton, Mrs J Weatherill, R West, R Westwood, P Whiteley, Wilkinson and J Wray

Apologies

Councillors A Barratt, S Broadhurst, S Conquest, Mrs H Gaddum, Mrs T Jackson, S McGrory, J Narraway and Mrs D Thompson

73 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.

In addition those Members who were Town and Parish Councillors declared a personal interest in the item relating to parish precepts, included in item 12 – Council Tax 2009/10 Statutory resolution, as follows:-

Cllr D Bebbington, Cllr D Brown, Cllr D Cannon, Cllr R Cartlidge, Cllr H Davenport, Cllr B Dykes, Cllr P Edwards, Cllr J Hammond, Cllr D Hough, Cllr S Jones, Cllr A Moran, Cllr M Parsons, Cllr L Smetham, Cllr R West, Cllr S Wilkinson.

Councillor D Brown declared a personal interest in item 6 (z) – Minutes of the meeting of Cabinet held on 3 February 2009 in respect of minute 147- People into jobs, by virtue of being a representative on the Groundwork Trust.

Councillors Mrs M Simon and G Baxendale declared a personal and prejudicial interest in item 7 – Election of Mayor and Deputy Mayor by virtue of being nominated as the Mayor and Deputy Mayor elect, respectively. In accordance

with the Code of Conduct, Councillors Simon and Baxendale left the meeting during consideration of this matter.

74 CHAIRMAN'S ANNOUNCEMENTS

The Chairman did not make any formal announcements, but reported that there was now a seating plan for Council meetings, which would help with the administration of business at Council meetings.

75 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules Nos.11 and 35, Mr K Edwards submitted a question at the meeting. He referred to page 10 of the Council's draft Corporate Plan, relating to the Council's objectives and priorities for Children and Young People and to the proposal to reduce the Council's budget provision in respect of the area based grant to the Connexions service, which had been established with the aim of providing a comprehensive service to meet young people's needs for information, advice and support. This was in addition to reductions in contributions by central Government and Cheshire West and Chester Council. As Cheshire East Council would be responsible for a number of young people in care he requested that the decision to reduce the area based grant be rescinded and requested that Cabinet consider preserving that particular element of the service.

The Children and Family Services Portfolio Holder in reply stated that this was part of the overall budget and that any economies that had to be made must apply across the board and would have to be fairly apportioned. With regard to children in care, he would expect that this would be prioritised in any forthcoming negotiations with Connexions. He suggested that Mr Edwards ask the question again, once the outcome of the negotiations were known.

The Resources Portfolio Holder stated that the Council was the commissioning agent for the Connexions service and that he looked forward to the forthcoming discussions with them.

76 MINUTES OF PREVIOUS MEETING

It was moved by Cllr RWJ Fitzgerald and seconded by Cllr R Domleo and :-

RESOLVED

That the minutes be approved as a correct record.

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

It was moved by Cllr RWJ Fitzgerald and seconded by Cllr R Domleo and :-

RESOLVED

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

- (a) Governance & Constitution - 1 December 2008**
- (b) Cabinet - 2 December 2008**
- (c) Staffing - 2 December 2008**
- (d) Staffing - 8 December 2008**
- (e) Advisory Panel - People - 8 December 2008**
- (f) Staffing Committee - 10 December 2008**
- (g) Staffing Committee - 11 December 2008**
- (h) Advisory Panel - Performance and Capacity - 11 December 2008**
- (i) Staffing Committee - 15 December 2008**
- (j) Scrutiny Committee - 15 December 2008**
- (k) Advisory Panel - Places - 16 December 2008**
- (l) Health & Adult Social Care Scrutiny - 16 December 2008**
- (m) Cabinet - 17 December 2008**
- (n) Licensing - 19 December 2008**
- (o) Staffing Committee - 19 December 2008**
- (p) Cabinet - 6 January 2009**
- (q) Governance & Constitution Committee- 12 January 2009**
- (r) Staffing - 13 January 2009**
- (s) Standards - 13 January 2009**
- (t) Licensing - 14 January 2009**
- (u) Advisory Panel People - 19 January 2009**
- (v) Health and Adult Social Care Scrutiny Committee - 20 January 2009**
- (w) Scrutiny Committee - 21 January 2009**
- (x) Advisory Panel - Performance and Capacity - 21 January 2009**

(y) **Advisory Panel - Places - 27 January 2009**

(z) **Cabinet - 3rd February 2009**

(aa) **Governance & Constitution Committee - 9 February 2009**

78 ELECTION OF MAYOR AND DEPUTY MAYOR 2009/10

Councillor Margaret Simon and Gordon Baxendale left the meeting for the duration of the consideration of this item, following the declaration of personal and prejudicial interests. The Chief Executive took the chair for the duration of this item

Consideration was given to a report relating to the election of Mayor and Deputy Mayor for 2009/10.

It was moved by Cllr RWJ Fitzgerald and seconded by Cllr A Arnold and :-

RESOLVED

That Councillor M Simon be designated as the Mayor Elect and that Councillor G Baxendale be designated as the Deputy Mayor Elect, with a view to their formal election as Mayor and Deputy Mayor for Cheshire East Council for 2009/2010 at the Mayor Making ceremony to be held on 1 April 2009; subject to the grant of royal charter.

79 ADOPTION OF THE CONSTITUTION AND THE COUNCIL'S DECISION-MAKING AND OVERVIEW AND SCRUTINY ARRANGEMENTS

Consideration was given to a report, requesting the Council to formally adopt a Constitution, which would take effect on Vesting Day and which would set out the Council's decision-making and overview and scrutiny arrangements.

A revised list of proposed Policy and Budget Framework documents and a list of the proposed membership of the Strategic Planning Board were circulated at the meeting.

It was moved by Cllr RWJ Fitzgerald and seconded by Cllr R Domleo and :-

RESOLVED

1. That the recommendations of the Governance and Constitution Committee as set out in Appendix 1 to the report and reflected in the body of the report, as submitted, be approved.

2. That the Constitution be adopted, as set out in the appendices to the report, amended where required to reflect the recommendations of the Governance and Constitution Committee, this to take effect on Vesting Day, subject to the following changes :-

i) That the list of Policy and Budget Framework documents, as circulated at the meeting, be substituted for the list recommended by the Governance and Constitution Committee.

ii) That the issue of questions and statements by Members and the public be further considered in accordance with the recommendation at Item 10 of the Governance and Constitution Committee meeting on 9th February but that, in the interim, and in this respect, only the currently appended Cabinet Procedure Rules 7 and 8 should apply, which provide for:

- a. Chairmen and Spokespersons of Scrutiny Committees to attend and speak at meetings of the Cabinet on agenda items;
- b. other Members to speak with the permission of the Leader; and
- c. questions to be submitted by Members of the public, providing 3 working days' notice is given.

iii) That the Scheme of Delegation should include the designation of the Borough Solicitor as Proper Officer for the registration of Births, Marriages and Deaths.

iv) That, in future, the full record of all decisions of meetings shall be made available on the Council's website.

v) That a Strategic Planning Board of 14 Members be appointed, with the terms of reference set out in the recommendations of the Governance and Constitution Committee, constituted by 10 Members of the Conservative Group, 2 Members of the Liberal Democrat Group, 1 Member of the Labour Group and 1 Member of the Independent Group, and that the nominations of the Group Leaders be noted according to the list circulated around the Chamber.

3. That the Shadow Council's existing Member Code of Conduct and Proper Officer provisions continue to have effect on Vesting Day and thereafter.

4. That the Borough Solicitor shall have delegated authority, in consultation with the political group whips to make such additions and changes to the Council's Constitution as he considers are necessary in order to ensure the delivery of efficient and effective local authority functions with effect from Vesting Day.

80 APPOINTMENT OF SENIOR OFFICERS

The Council was requested to approve resolution 4 of minute 14 of the Staffing Committee meeting held on 13 January 2009 relating to senior officer appointments.

It was moved by Cllr M Simon and seconded by Cllr RWJ Fitzgerald and :-

RESOLVED

That resolution 4 of minute 14 of the Staffing Committee meeting held on 13 January 2009 be approved.

81 CHESHIRE EAST COUNCIL: CORPORATE PLAN - IMPROVING SERVICES TOGETHER

Consideration was given to a report relating to Cheshire East's draft Corporate Plan. Adoption of the Corporate Plan had been recommended by the Cabinet, following their discussion on 17 February. Council had been recommended to make a decision as to whether the Corporate Plan should in future be reserved to Council as part of its Policy Framework.

It was moved by Cllr RWJ Fitzgerald and seconded by Cllr D Brown and :-

RESOLVED

That the Corporate Plan be approved and, in future, be reserved to Council as part of its Policy Framework.

(At this point the meeting was adjourned for 10 minutes)

82 BUDGET 2009/10

Consideration was given to a report requesting the Council to set the Cheshire East Council Budget for 2009/10.

Revised budget papers, together with revised papers in respect of fees and charges were circulated at the meeting.

It was moved by Cllr F Keegan and seconded by Cllr RWJ Fitzgerald and :-

RESOLVED

1. That I, in accordance with the recommendation from Cabinet, a Revenue Budget Requirement for 2009/10 of £234,113,000 be approved.
2. That all Revenue and Capital Budgets, as reported, be approved.
3. That the fees and charges, as circulated at the meeting, be approved with, the exception of those prices for services and facilities where the setting of fees and charges is already delegated to other Committees, Panels or individuals, as indicated.
4. That the Reserves Policy and Strategy, as reported, be approved.

83 COUNCIL TAX 2009/10 - STATUTORY RESOLUTION

Consideration was given to a report requesting the Council to set the Council Tax for the financial year 2009/10.

It was noted that, at the time of writing the report, Cheshire Police Authority had not set its budget and council tax precepts. These were set at a meeting on the morning of 24th February 2009. Consequently the final version of the report was tabled at the Council meeting and published on the Council's website.

It was moved by Cllr F Keegan and seconded by Cllr RWJ Fitzgerald and :-

RESOLVED

That the Council Tax for the financial year 2009/10 be approved, in accordance with the formal resolutions as shown in section 11 of the report as follow:-.

That it be noted that the Council calculated the following amount for the year 2009/10 in accordance with Regulations made under Section 30 - 36 of the Local Government Finance Act 1992:-

- a. £705,997,453 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
- b. £469,167,966 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.
- c. £236,829,487 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d. £60,976,620 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non domestic rates (£50,169,928) revenue support grant (£11,579,867) or additional grant reduced by the amount of the sum which the Council estimates will be transferred in the year from its general fund to its collection fund (£773,175) in accordance with Section 97(4) of the Local Government Finance Act 1988.
- e. £1,214.78 being the amount at (c) above less the amount at (d) above, all divided by the amount of the tax base, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- f. £2,716,487 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- g. £1,196.01 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the tax base, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- h. Appendix A being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in

those parts of its area to which one or more special items relate.

- i. Appendix B being the amounts given by adding to the amount at (g) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish and Charter Trustees area).
- j. Appendix C being the amounts given by multiplying the amount at (i) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).
- k. Appendix D being the aggregate of the local charges in (j) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish and Charter Trustees area).

84 TREASURY MANAGEMENT STRATEGY AND MRP STATEMENT 2009/10

Consideration was given to a report presenting the Treasury Management Strategy for 2009/10 to 2011/12, including the prudential indicators and limits required under Part 1 of the Local Government Act 2003 and the Annual Investment Strategy 2009/10 and Annual Policy Statement on Minimum Revenue Provision (MRP) for the redemption of debt 2009/10.

It was moved by Cllr F Keegan and seconded by Cllr RWJ Fitzgerald and :-

RESOLVED

That the Treasury Management Strategy and the MRP Statement for 2009/2010 be approved, including the Department for Communities and Local Government (DCLG) reporting requirements, in accordance with the Local Government

Investments Guidance under Section 15(1)(a) of the Local Government Act 2003 (Appendix A of the report).

85 LICENSING ACT 2003-STATEMENT OF LICENSING POLICY

Consideration was given to a report requesting Council to approve a Statement of Licensing Policy, recommended to it by the Licensing Committee, following the completion of a statutory consultation exercise.

It was moved by Cllr B Silvester and seconded by Cllr P Whiteley and :-

RESOLVED

That the Statement of Licensing Policy under the Licensing Act 2003 be approved, to take effect on 1st April 2009.

86 GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

Consideration was given to a report, requesting Council to approve the Statement of Principles, which was recommended to it by the Licensing Committee following the completion of a statutory consultation exercise.

It was moved by Cllr B Silvester and seconded by Cllr P Whiteley and :-

RESOLVED

That the Statement of Principles under the Gambling Act 2005 be approved, to take effect on 1st April 2009.

87 NOTICES OF MOTION

Consideration was given to the following Notice of Motion, submitted by Councillor F Keegan and seconded by Cllr RWJ Fitzgerald:-

“That this Council deprecates the Government’s proposed five percent rise in the business rate for the year 2009/10, made while calling for the Council Tax rises substantially below five percent.

Further, that this Council regrets that its efforts to consult with local businesses on ways to mitigate the effects of the current harsh recession are thereby undermined.

And further, that the Chief Executive be directed to write to the Minister to express our concerns and urge that the matter be reconsidered”.

The Chairman indicated that in view of the urgency of the issue she proposed to exercise her discretion by allowing the Motion to be disposed of at the meeting, rather than being referred to Cabinet and that the motion would be fully debated at the meeting.

RESOLVED

The motion was carried.

88 QUESTIONS

No questions were submitted.

The meeting commenced at 2.00 pm and concluded at 5.10 pm

Councillor Mrs M Simon (Chairman)
CHAIRMAN