

Standards

Agenda

Date: Tuesday, 8th July, 2008
Time: 2.00 pm
Venue: Municipal Buildings, Earle Street, Crewe

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. Appointment of Chairman (Pages 1 - 2)

To comply with the Local Government Act 2000 and the guidance provided by the Standards Board of England on composition of Committees, the Standards Committee should have a chair who is an independent Member.

Since the recruitment of the independent Members is being considered elsewhere on this Agenda, a Chairman needs to be appointed for this meeting and any subsequent ones before the independent members are in post.

Report of the Governance Group attached.

2. Apologies for Absence

3. Declarations of Interest

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

4. Public Question time/Open Session

In accordance with Rules 11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relating to its work.

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. Role, Responsibilities and Work Programme of the Standards Committee (Pages 3 - 10)

To receive a report on the role and functions of the Committee and the matters it must deal with leading up to 1 April 2009.

Report of the Governance Group attached.

6. Recruitment of Independent and Parish Council Standards Committee Members (Pages 11 - 22)

To agree the process for the recruitment of the Committee's Independent and Parish Council representatives.

Report of the Governance Group attached.

7. Promotion of High Standards of Ethical Behaviour (Pages 23 - 26)

To identify the initial steps to take in the promotion of high ethical standards and the associated training and awareness requirements.

Report of the Governance Group attached.

8. Future Meeting Dates

To consider the dates and times of future meetings of the Committee.

CHESHIRE EAST COUNCIL

STANDARDS COMMITTEE

Date of meeting: 8 July 2008
Report of: The Governance Group
Title: Appointment of Chairman

1. Purpose of Report

- 1.1 To appoint a Chairman for the Standards Committee for the period before Independent Members can be recruited.

2. Decision Required

To appoint a Chairman to the Cheshire East Standards Committee.

3. Information

- 3.1 To comply with the Local Government Act 2000 and the guidance provided by the Standards Board for England on composition of committees, the Standards Committee should have a Chairman who is an independent Member.
- 3.2 Since the recruitment of the independent Members is being considered elsewhere on this Agenda, a Chairman needs to be appointed for this meeting and any subsequent ones before the independent Members are in post.

4. Financial Implications for Transition Costs

It is possible that a Special Responsibility Allowance will be recommended to be payable to the Chairman, when appointed, for the period in post.

5. Financial Implication 2009/10 and beyond

This will depend upon the decision to be made by full Council on Special Responsibility allowances.

6. Legal Implications

None.

7. Risk Assessment

None.

8. Overview of Day One, Year One and Term One Issues

None

For further information:

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Background Documents:

N/A

CHESHIRE EAST COUNCIL

STANDARDS COMMITTEE

Date of meeting: 8 July 2008
Report of: The Governance Group
Title: Role, Responsibilities and Work Programme of the Standards Committee

1. Purpose of Report

- 1.1 To advise the Committee on its role and function and those matters it must deal with leading up to 1 April 2009.

2. Decision Required

- (a) To note the Committee's terms of reference.
(b) To note its role up to 1 April 2009 in respect of Parish Councils.
(c) To adopt the work programme for the year 2008/2009.

3. Introduction

- 3.1 Cheshire East Shadow Authority is required to establish a Standards Committee under Part III of the Local Government Act 2000.
- 3.2 The Standards Committee's terms of reference as approved by the Shadow Council on 13 May are set out in Appendix A to this report.
- 3.3 The role of the Committee can be summarised as being responsible for promoting high standards of conduct in Cheshire East and, after 1 April 2009, the 102 Parish Council's in the then Council's area, and dealing with any allegations of breaches of the Code of Conduct.
- 3.4 In respect of Parish Councils, the three current Borough Councils will be responsible for Parish matters up to 1 April 2009. This Committee needs to prepare for taking over these responsibilities. A list of the 102 Parish Councils is appended to this report at Appendix B for information. Whilst Parish Meetings are not covered by the Code of Conduct, the five in Macclesfield Borough are noted for information at the end of the list.
- 3.5 The most important task for the Committee at this stage of its work is to recruit Independent and Parish Council representatives.
- 3.6 The legislation requires:-

- (a) the committee to be chaired by an Independent (i.e. a non- Shadow or Parish Councillor)
- (b) to have at least 25% Independent membership
- (c) to have Parish Council representation whenever the Committee deals with Parish Council matters.

- 3.7 A subsequent report on this agenda deals with the recruitment of Independents and Parish Council representatives.
- 3.8 In order to assist the committee in planning its work over the next 9 months, a draft work programme will be circulated at the meeting.

4. **Financial Implications**

- 4.1 There are no direct financial implications.

5. **Financial Implications 2009/10 and beyond**

- 5.1 The Committee will need to identify its budgeting needs for the year 2009/2010 in order for this to be considered as part of the Council's budgetary process.

6. **Legal Implications**

These are in the main body of the report.

7. **Risk Assessment**

By addressing its terms of reference, the Committee deals with its legal responsibilities and so manages the risks involved.

8. **Overview of Day One, Year One and Term One Issues**

It is important that the Committee is fully prepared to deal with all Standards issues by 1 April 2009. This will be done by having a fully constituted committee that is trained in its various roles.

The Committee needs to be able to deal with Shadow Authority issues as soon as possible.

For further information:

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Background Documents:

N/A

Appendix A

THE STANDARDS COMMITTEE

ARTICLE 9

1 Establishment of the Committee

- 1.1 The Shadow Council is required to establish a Standards Committee.

2 Composition

- 2.1 The composition of the Council's Standards Committee will be agreed at its first meeting.
- 2.2 Independent Members on the Committee have voting rights.

3 Role and Functions

- 3.1 The Committee will be responsible for
- discharging the Shadow Council's functions under Part III of the Local Government Act 2000;
 - considering and granting, or otherwise, dispensations in respect of Members' Interests when so enabled under Part III of the Local Government Act 2000;
 - promoting high standards of ethical behaviour by developing, maintaining and monitoring codes of Conduct for Members of the Shadow Council (including Co-opted Members and other persons acting in a similar capacity) and for employees in accordance with best practice and Government guidance;
 - advising the Shadow Council on the adoption or revision of the Codes of Conduct for Members and Officers;
 - ensuring that Members receive advice and training as appropriate on the Members' Code of Conduct;
 - issuing advice to Members on the treatment of personal interests and on conduct matters generally;
 - ensuring that the Shadow Council maintains appropriate links with the Standards Board for England and the Commission for Local Administration in England (Ombudsman);

- referring issues, which impinge on staff conduct, performance, terms of employment, training and development to the appropriate and responsible Cabinet Member and/or head of paid service;
- promoting high standards of responsiveness by the Shadow Council to its clients and contacts
- advising other persons/bodies on probity and ethics as appropriate, particularly where that person or body is exercising functions on behalf of the Shadow Council;
- supporting the Shadow Council's statutory officers as appropriate or their authorised deputies, in the performance of their duties; and
- advising the Shadow Council on any local protocols and policies to influence and/or regulate the conduct of Shadow Members.

APPENDIX B

PARISH COUNCILS

CONGLETON (21)

Alsager Town Council
Arclid
Betchton
Bradwall
Brereton
Church Lawton
Congleton Town Council
Cranage
Goostrey
Hassall
Holmes Chapel
Hulme Walfield & Somerford Booths
Middlewich Town Council
Moston
Newbold Astbury-Cum-Moreton
Odd Rode
Sandbach Town Council
Smallwood
Somerford
Swettenham
Twemlow

CREWE AND NANTWICH (39)

Acton Edleston & Henhull
Alpraham
Audlem
Barthomley
Bickerton & Egerton
Brindley & Faddiley
Buerton
Bulkeley & Ridley
Bunbury
Burland
Calveley
Cholmondeley & Chorley
Cholmondeston & Wettenhall
Church Minshull
Crewe Green
Dodcott-Cum-Wilkesley
Doddington And District

Hankelow
Haslington
Hatherton & Walgherton
Hough & Chorlton
Marbury & District
Minshull Vernon & District
Nantwich Town Council
Newhall
Rope
Shavington-Cum-Gresty
Sound And District
Spurstow
Stapeley & District
Stoke And Hurleston
Wardle
Warmingham
Weston & Basford
Willaston
Wistaston
Worleston & District
Wrenbury-Cum-Frith
Wybunbury

MACCLESFIELD (47)

Adlington
Alderley Edge
Ashley
Aston By Budworth
Bollington
Bosley
Chelford
Chorley
Disley
Eaton
Gawsworth
Great Warford
Henbury
High Legh
Higher Hurdsfield
Kettleshulme
Little Warford
Lower Withington
Lyme Handley
Marton
Mere

Millington
Mobberley
Mottram St Andrew
Nether Alderley
North Rode
Knutsford
Ollerton with Marthall
Over Alderley
Peover Inferior
Peover Superior
Pickmere
Plumley with Toft and Bexton
Pott Shrigley
Poynton with Worth
Prestbury
Rainow
Rostherne
Siddington
Snelson
Sutton
Tabley

Parish Meetings:

Agden
Little Bollington
Macclesfield Forest and Wildboarclough
Tatton
Wincle

Total 107

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CHESHIRE EAST COUNCIL

STANDARDS COMMITTEE

Date of meeting: 8 July 2008
Report of: The Governance Group
Title: Recruitment of Independent and Parish Council
Standards Committee Members

1. Purpose of Report

- 1.1 To confirm the process for the recruitment of the Committee's Independent and Parish council representatives.

2. Decision Required

- (a) To recruit Independent members from the existing pool of Borough, and County Council Independent members.
- (b) To approve the job description and person specification for independent members.
- (c) To nominate and set up a panel of members of the Committee to interview and recommend to the Committee and Shadow Council Independent members.
- (d) To agree the process for recruiting Parish Council representatives.
- (e) To approve the job description and person specification for the Parish Council representatives.

3. Information

- 3.1 The Shadow Council needs to have a Standards Committee membership that complies with the Local Government Act 2000 and has regard to the guidance provided by the Standards Board for England on composition of committees.
- 3.2 The full Shadow Council set the composition of the Committee as being 5 Independent members, 3 Parish/Town Council members and 8 Cheshire East members, totalling 16 members. The Committee and any sub-committees of it which are established must be chaired by an Independent member.

4. Recruitment of Independent Members

- 4.1 The Committee has the choice at this stage of recruiting Independent members either by a public advertisement or using the existing Independent members on the three current authorities as a pool from which to recruit.

Attached to this report are a draft job description and person specification for an Independent member. It is important to recruit to these positions people of the appropriate skill set to be able to fulfil the role. This includes chairing skills and an ability to operate the quasi-judicial role of dealing with complaints.

- 4.2 The Committee may be required at any point to deal with a complaint against a Cheshire East Councillor. It is therefore important to establish a full Committee as soon as possible.
- 4.3 On past experience the process to recruit by external advertisement will take approximately 3 to 4 months, bearing in mind the holiday period in August.
- 4.4 This has the advantage of a completely new start for what is a new authority and standards committee. Its disadvantages include the time involved, the cost of advertisements and having potential independents with little or no experience. Of course, existing Independent members could still apply.
- 4.5 An alternative approach is to use the existing pool of Independent members of the four current authorities. This process will have the advantage of being quicker, cheaper and selecting members who already have an understanding of the work of a standards committee and in some cases experience of operating the standards regime.
- 4.6 This approach rules out “new blood”, but that could be addressed by looking at the length of the terms of office of any Independent member to be appointed by this route.
- 4.7 On balance, it is recommended that the position be advertised within the existing pool of Independents in the three current authorities.
- 4.8 The committee is recommended also to establish a shortlisting and interviewing panel, which can:
- (a) consider all applications;
 - (b) draw up a shortlist;
 - (c) interview those candidates on the short list; and
 - (d) recommend to this committee and the Full Shadow Council the successful applicants for the 5 positions.

5. Recruitment of Parish Council Representatives

- 5.1 The Committee needs to recruit 3 Parish Councillors to act as members of this Committee. Parish representatives must be present whenever the committee meets to discuss Parish issues.
- 5.2 Because of the nature of a standards Committee's work, in practice, Parish Council representatives act as full committee members. For instance, when the committee considers its role of promoting high standards, it is efficient to deal with both Parish and Cheshire East issues at the same time.
- 5.3 The process for recruiting Parish members could be:
 - (a) by an advertising process; or
 - (b) using the Cheshire Association of Local Councils and ask them to conduct a nomination process.
- 5.4 As with Independent members, it is desirable that there is a job description and person specification to go with this process. Drafts of each are attached for comment and approval.
- 5.5 As with the recruitment of Independent members, it is preferable to identify Parish representatives at the same time. This will enable the full committee to work together leading up to its role in respect of Parish Councils as from 1 April 2009.
- 5.6 An external advert has the same implications in terms of timescale and cost.
- 5.7 An alternative is to ask the Cheshire Association of Local Councils to either
 - (a) forward names for prospective Parish representatives; or
 - (b) nominate to the Committee and Full Shadow Council Parish representatives.
- 5.8 The Cheshire Association is an important body to work with when dealing with standards issues, and an important partner in all other aspects of Cheshire East's work.
- 5.9 Most Borough Councils currently ask the Association to conduct the process by nominating Parish representatives. As long as the job description and person specification are strong, overall this has been a successful way of recruitment.

- 5.10 The suggested terms for any Parish representative is 4 years, although again, as with Independents a longer term could be offered if that was deemed more appropriate.

- 5.11 On balance, it is recommended that the Cheshire Association be asked to nominate 3 Parish representatives.

6. Financial Implications for Transition Costs

- 6.1 The costs of recruitment will be met from within existing Council's resources.

7. Financial Implication 2009/10 and beyond

Future recruitment costs (including any external adverts) will need to be built into the committee's budgetary process.

8. Legal Implications

- 8.1 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.

9. Risk Assessment

- 9.1 The recruitment of Independent and Parish representatives will fulfil the legal requirements placed on the Shadow Council, and so manage the risk of failing to meet its legal obligations.

10. Overview of Day One, Year One and Term One Issues

- 10.1 The committee needs to be able to deal with complaints about Cheshire East Councillors during the year 2008/2009. It needs to be able to deal with complaints against Parish Councillors from 1 April 2009. Recruitment to the vacant positions will mean there is proper preparation for all Day One, Year One and Term One Issues.

For further information:

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Background Documents:

N/A

APPENDIX A**CHESHIRE EAST COUNCIL****JOB DESCRIPTION**

1.	IDENTIFYING FACTS	
	Job Title :	Independent Member of the Standards Committee
	Period of Office :	4 years
	Responsible to :	The full Council
	Date of Job Description :	June 2008

2. JOB PURPOSE

To be a member of the Council's standards committee, promoting high standards of conduct and being independent of local government.

3. RESPONSIBILITIES

To be an independent member of the Council's Standards Committee and to undertake the work of the Committee and any sub-committee or panel in accordance with its role and functions.

4. SPECIFIC DUTIES

- (1) To attend meetings of Standards Committee and, as required, any sub-committee or panel.
- (2) As one of five independent members on the Committee, to contribute to the debate and decision-making from a perspective outside local government.
- (3) To read Committee and other reports, publications from the Standards Board for England and information on ethical standards in local government in order to contribute to the promotion of ethical well-being within the Council.
- (4) To attend induction seminars, training and information courses and conferences as required, in order to gain an understanding of the Council and its workings and the ethical framework.
- (5) To understand the Members' Code of Conduct and personally to promote and maintain high standards of ethical conduct.

- (6) To deal with the determination of complaints against councillors at hearings into alleged breaches of the Members' Code of Conduct, as required.
- (7) To liaise with external organisations, including parish councils and the Standards Board for England, as may be required.
- (8) To act as chairperson of the Standards Committee and any sub-committee or panel, if required.
- (9) To undertake such other responsibilities as may reasonably be required by Standards Committee.

APPENDIX B

**STANDARDS COMMITTEE – INDEPENDENT MEMBER PERSON
SPECIFICATION**

Experience:	Advising on or working to or enforcing high behavioural standards involving ethics and probity, possibly in a public sector organisation.
Skills:	<p>Ability to communicate well.</p> <p>Ability to challenge when needed.</p> <p>Ability to co-operate with others and encourage others to work well together</p> <p>Ability to reach rational and reasoned conclusions and to justify decisions.</p> <p>Ability to consider issues from an objective viewpoint.</p> <p>Ability to consider issues at a strategic level.</p> <p>Ability to be assertive if necessary</p> <p>Ability to identify the relevant facts and issues from a large amount of information</p> <p>Ability to assimilate information quickly</p> <p>Ability to act impartially</p> <p>Ability to discuss and debate</p> <p>Ability to lead and direct discussions and debates</p>
Knowledge:	<p>Ability to chair meetings</p> <p>The geographical area of Cheshire East and of its various communities.</p> <p>Understanding the requirements and working of the democratic processes of local government, including the conduct expected of elected/co-opted Members.</p>
Other:	<p>Live or work within Cheshire East area.</p> <p>Must not be politically active.</p> <p>Must have no close friendship or family relationship with a Member, including any co-opted Member or employee</p>

of Cheshire East.

Must not be a Member or an Officer of another organisation on the attached list, or any subordinate body or joint authority or committee of the organisation listed.

Must be willing to undergo induction and appropriate training on the Members' Code of Conduct

Age:

Over 18

APPENDIX C**CHESHIRE EAST COUNCIL****JOB DESCRIPTION**

1.	IDENTIFYING FACTS	
	Job Title :	Parish Member of the Standards Committee
	Period of Office :	4 years
	Responsible to :	The full Council
	Date of Job Description :	June 2008

2. JOB PURPOSE

To be a member of the Council's Standards Committee, promoting high standards of conduct.

3. RESPONSIBILITIES

To be a parish member of the Council's Standards Committee and to undertake the work of the Committee and any sub-committee or panel in accordance with its role and functions.

4. SPECIFIC DUTIES

- (1) To attend meetings of Standards Committee and, as required, any sub-committee or panel.
- (2) As one of three parish members on the Committee, to contribute to the debate and decision-making from a parish council perspective.
- (3) To read Committee and other reports, publications from the Standards Board for England and information on ethical standards in local government in order to contribute to the promotion of ethical well-being within the Council and the parish councils in the Cheshire East district.
- (4) To attend induction seminars, training and information courses and conferences as required, in order to gain an understanding of the Council and its workings and the ethical framework.
- (5) To understand the Members' Code of Conduct and personally to promote and maintain high standards of ethical conduct.

- (6) To deal with the determination of complaints against councillors at hearings into alleged breaches of the Members' Code of Conduct, as required.
- (7) To liaise with external organisations, including parish councils and the Standards Board for England, as may be required.
- (8) To undertake such other responsibilities as may reasonably be required by Standards Committee.

APPENDIX D

STANDARDS COMMITTEE – PARISH MEMBER SPECIFICATION

Experience:	Member of a parish council in the Cheshire East district with awareness of ethics and probity issues.
Skills:	<p>Ability to communicate well.</p> <p>Ability to challenge when needed.</p> <p>Ability to reach rational and reasoned conclusions and to justify decisions.</p> <p>Ability to consider issues from an objective viewpoint.</p> <p>Ability to consider issues at a strategic level.</p> <p>Ability to co-operate with others and encourage others to work well together</p> <p>Ability to identify the relevant facts and issues from a large amount of information</p> <p>Ability to assimilate information quickly</p> <p>Ability to act impartially</p> <p>Ability to discuss and debate</p>
Knowledge:	<p>Knowledge of the geographical area of Cheshire East and of its various communities.</p> <p>An understanding of the requirements and working of the democratic processes of local government, including the conduct expected of elected/co-opted district parish councillors.</p>
Other:	<p>Must be a member of a parish council wholly or mainly in the Cheshire East district.</p> <p>Must not be a member of Cheshire East Council.</p> <p>Must be willing to undergo induction and appropriate training on the Members' Code of Conduct</p>
Age:	Over 18

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CHESHIRE EAST COUNCIL

STANDARDS COMMITTEE

Date of meeting: 8 July 2008
Report of: The Governance Group
Title: Promotion of High Standards of Ethical Behaviour

1. Purpose of Report

- 1.1 To identify what initial steps to take in terms of the promotion of high standards within Cheshire East Shadow Authority and the associated training and awareness requirements.

2. Decision Required

- 2.1 To ask the Governance Group to offer detailed sessions on the Code of Conduct for all Cheshire East Councillors.
- 2.2 To identify the Committees own training requirements.

3. Information

- 3.1 One of the main roles of the Committee is to promote high standards of conduct throughout the Shadow Council.
- 3.2 At the member induction day in May 2008, a presentation was made on the Code of Conduct and its requirements.
- 3.3 The membership of the Shadow Council includes Councillors who have a full working knowledge of the Code of Conduct and the standards regime by virtue of their being Councillors on existing authorities. Their level of awareness may be considered to be sufficiently high to enable them to operate effectively.
- 3.4 Equally, there are Councillors who are new to this regime or have limited experience by virtue of being elected relatively recently on their existing authorities. Their level of awareness will have been improved by the induction day session, but this group of Councillors may welcome the offer of a more detailed session on the Code and the Standards regime surrounding it.
- 3.5 It is suggested that in order to address this issue, more detailed sessions be offered to all Cheshire East Councillors. Attendance would be voluntary. To encourage attendance, a variety of sessions could be offered on different days at different times and at different venues. It is suggested that these sessions are also made open to Cheshire West and Chester Councillors.

- 3.6 Once these sessions have been run, the Committee can then consider what further training and awareness should be provided. An issue to resolve will be whether attendance at standards related events should be voluntary, or if the Committee would wish to take a more directive approach.

4. Training and Awareness for Standards Committee Members

- 4.1 It will be important for the Standards Committee members to be fully conversant with their role on the Committee. This is especially so when it comes to dealing with complaints (the assessment process) conducting a hearing into allegations, and being able to review decisions not to conduct an investigation where an appeal is made.
- 4.2 The Cheshire Authorities event “Administering the Code of Conduct” held in Crewe on 20 June 2008 provided an early opportunity to gain an appreciation of the whole standards regime.
- 4.3 It will be the full Standards Committee that will require training and awareness, so it is suggested that further work on this area is concentrated in that time when all Independent and Parish representatives have been appointed to the Committee.
- 4.4 If complaints come to this committee before programmed training has been provided, then it is recommended training is provided immediately before matters have to be dealt with.
- 4.5 Another valuable training opportunity is the Standards Board for England’s Annual Meeting in Birmingham. This event has proven to be extremely useful in past years as a way of raising awareness and identifying best practice.
- 4.6 It is understood that this year’s event is probably fully booked, but places at the event may be made available by the existing authorities. It runs on 13 and 14 of October. Any expressions of interest in attending this event would be welcomed.
- 4.7 At this stage of the work of the committee, members are asked to identify:-
(a) Any of their own training requirements
(b) Any suggestions for promoting standards within Cheshire East.
- 4.8 These suggestions can then be worked on and reported at the next meeting of the Committee.

5. Financial Implications for Transition Costs

- 5.1 Any training requirements will be met by officers of the three current authorities wherever possible.

6. Financial Implications 2009/10 and beyond

- 6.1 Training, awareness and the promotion of high standards will require some budgetary provision.

7. **Legal Implications**

There are no direct legal implications.

8. **Risk Assessment**

- 8.1 Communicating effectively on the Code of Conduct and Standards issues generally fulfils the Committees remit in its term of reference to promote high standards and should go towards minimising the work of the Committee in dealing with complaints.

9. **Overview of Day One, Year One and Term One Issues**

- 9.1 The Standards Committee will need to be able to conduct assessments of complaints, hearings and review committees as soon as possible in this year on a Shadow Authority. From 1 April 2009, it will need to fulfil its role in respect of the 107 Parish Councils as well.

For further information:

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Background Documents:

N/A

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