

Public Document Pack

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Wednesday, 1st April, 2009 and reconvened at 6pm on 2 April 2009
at Tatton Park - Knutsford

Present -1 April

Councillor M Simon (Chairman) – From minute 93
Councillor G Baxendale (Vice-Chairman) - From minute 93

Councillors Mrs E Alcock, C Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, A Barratt, C Beard, T Beard, D Bebbington, D Beckford, S Bentley, D Brickhill, D Brown, S Conquest, J Crockatt, H Davenport, M Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, E Gilliland, J Goddard, J Hammond, M Hardy, D Hough, O Hunter, T Jackson, J Jones, S Jones, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, M Martin, P Mason, S McGrory, G Merry, A Moran, B Moran, H Murray, D Neilson, R Parker, M Parsons, A Ranfield, A Richardson, B Silvester, L Smetham, D Stockton, D Thompson, C Thorley, A Thwaite, C Tomlinson, D Topping, R Walker, G M Walton, J Weatherill, R West, R Westwood, P Whiteley, Wilkinson and J Wray

Present – Reconvened meeting 2 April

Councillor M Simon (Mayor and Chairman)
Councillor G Baxendale (Deputy Mayor and Vice-Chairman)

Councillors CM Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, C Beard, T Beard, D Bebbington, D Beckford, S Bentley, D Brickhill, S Broadhurst, D Brown, D Cannon, S Conquest, J Crockatt, H Davenport, M Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, E Gilliland, J Goddard, J Hammond, M Hardy, M Hollins, D Hough, O Hunter, T Jackson, J Jones, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, M Martin, P Mason, S McGrory, G Merry, A Moran, B Moran, H Murray, D Neilson, R Parker, M Parsons, A Ranfield, A Richardson, B Silvester, L Smetham, D Stockton, D Thompson, C Thorley, A Thwaite, C Tomlinson, D Topping, R Walker, G M Walton, J Weatherill, R West, R Westwood, P Whiteley, Wilkinson and J Wray.

1 April

90 PRAYERS

The reverend Charles Razzall said prayers, at the request of the Chairman.

91 APOLOGIES

Councillors G Barton, S Broadhurst, D Cannon, R Cartlidge, B Howell, F Keegan, R Menlove and J Narraway

92 BOROUGH CHARTER FOR CHESHIRE EAST

The Youth Mayor presented the Borough Charter to the Chief Executive.

93 ELECTION OF MAYOR 2009/10

Council was requested to elect a Mayor of the Borough of Cheshire East, who would also act as Chairman of the Council for the year 2009/10 and the Chairman of the Council for that period.

It was proposed by Councillor RWJ Fitzgerald and seconded by Councillor B Silvester and :-

RESOLVED

That Councillor Mrs M Simon be elected Mayor of the Borough of Cheshire East for the year 2009/10 and Chairman of the Council, for that period.

The Chief Executive escorted the Mayor into the meeting.

The Mayor completed her Declaration of Acceptance of Office and was then invested with the Chain of Office. The Mayor thanked the Council for electing her to this office and informed Members that her husband, Maurice Simon was to be her consort and he was then invested with the chain of office.

94 ELECTION OF DEPUTY MAYOR 2009/10

Council was requested to elect a Deputy Mayor of the Borough of Cheshire East, who would also act as Vice- Chairman of the Council, for the year 2009/10.

It was proposed by Councillor R Fletcher and seconded by Councillor P Edwards and
:-

RESOLVED

That Councillor G Baxendale be elected as Deputy Mayor of the Borough of Cheshire East for the year 2009/10 and Vice-Chairman of the Council, for that period.

The Deputy Mayor thanked the Council for electing him to this office and indicated that his wife, Felicity Baxendale, would act as his Deputy Mayoress and she was then invested with the chain of office.

95 APPOINTMENT OF MAYOR'S CHAPLAIN

The Mayor indicated that the Reverend Charles Razzall would be her Chaplain for the forthcoming year.

96 ANY OTHER COMMUNICATIONS

The Mayor invited the Chief Executive to address the Council and then invited the following people who had indicated they would like to speak to address the Council :-

Edward Timpson MP
Councillor A Arnold
Councillor D Flude
Christopher Edwards – Youth Mayor

97 RECONVENING OF MEETING

Council then agreed that the meeting would stand adjourned until 2 April 2009, at 6pm.

98 PRAYERS

The reverend Charles Razzall said prayers, at the request of the Chairman.

99 APOLOGIES

Councillors F Keegan, R Menlove, and R Cartlidge

100 DECLARATIONS OF INTEREST

The Mayor asked that those Members who had any Personal or Prejudicial Interests on general agenda items, to declare them, but highlighted that there were various items on the agenda which related to the election and appointment of Members to a number of offices. She therefore, intended to ask officers to record declarations of personal interest by all those Members who had been, or may be, nominated to any office at the meeting.

101 MINUTES OF THE MEETING HELD ON 24 FEBRUARY 2009

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

102 MAYOR'S ANNOUNCEMENTS

The Mayor thanked everyone who had attended the Mayor Making Ceremony on the previous day indicating that she hoped that everyone had enjoyed the occasion and had taken the opportunity to visit the gardens and Mansion House and had spoken to the Youth Mayor.

103 PUBLIC SPEAKING TIME/OPEN SESSION

Mr K Edwards used public speaking time to ask the following question to the Portfolio Holder for Performance and Capacity, Cllr David Brown, as summarised below:-

Cheshire East Unitary Authority has taken a very strong line on developing local democracy through the creation of 7 Local Area Partnerships. The overall development will be led by the Local Strategic Partnership. I understand democratic responsibility is going to be extended to these new areas through bringing together Cheshire East, the police, the health service, the emergency services, Town and Parish Councils, the Voluntary Sector and local business interests. The basic brief is to improve the lives of people living in those areas by making a positive difference to locally agreed priorities through united working, public engagement and where appropriate the devolution of services.

Will the Executive Member outline plans for introducing neighbourhood working, including describing the role foreseen for Town and Parish Councils at the strategic, tactical and operational levels, describing a timetable for the implementation of neighbourhood working and the necessary budgetary provision to underpin its early operation? If a full answer cannot be provided immediately I would be grateful to know when a full answer could be forthcoming.

Cllr David Brown in reply stated:-

I am grateful for the questioner's support for the Council's proposals for partnership working, which have been developed after extensive consultation with key stakeholders including Town and Parish Councils. All members have also had the chance to influence the roll out of these arrangements at two of the member development sessions held in March.

I expect to present a detailed report to Cabinet in May on how the partnership arrangements will work in practice. This will include active involvement of Town and Parish Councils representing as they do the level of local democracy closest to people. They will continue to develop their own local communities and be involved operationally/tactically in LAP's and thematic groups. Strategically they will also be involved in the new Local Strategic Partnership Assembly, which is a wider group which will be convened from time to time to explore strategic priorities.

Mr B Evans used public speaking time to ask the following questions to the Leader of the Council, as summarised below:-

(1) Why was Tatton Park chosen as the venue for the Council meeting, when it is inaccessible to the public, particularly by public transport. It needs to be ensured that public transport is a major input into the venue choice.

The Leader of the Council in reply stated:-

It is not the Council's role to provide public transport. However, we do intend to try to improve the situation. We also intend to have our meetings in various places and will do all we can to improve public transport in the future.

(2) With reference to paragraph 11.6 on page 48 of the report relating to the Boundary Committee Electoral Review, which states that in due course the Charter Trustees will be replaced by Town Councils for Crewe and Macclesfield.

If this paragraph is approved will it be Council Policy to support the creation of Town Councils in Crewe and Macclesfield?

The Leader of the Council in reply stated:-

The Views of Cheshire East Council are well known re the future role of Town and Parish Councils. If in parished areas it will be up to the people to decide. Only time will tell.

(3) With reference to paragraph 11.5 of the above report, I read this paragraph with some interest. It says that all of the unitary Councillors for the areas concerned are asked to attend the Cheshire Association of Local Council quarterly meetings. I wondered if Mrs Weaver knows about this? I e-mailed her this afternoon and she has replied to say that she would have hoped to have one attending for each meeting. In view of that, should the Council not remove this paragraph and adjust the time considerations in the report?

The Leader of the Council in reply stated:-

I would suggest that we should respond later on this. We will look at it and undertake to provide a written answer. Thanks for raising the issue.

104 **NOTICE OF MOTION (1)**

Consideration was given to the following Notice of Motion, proposed by Cllr David Neilson and seconded by Cllr John Goddard :-

“That this Council asks all contractors supplying services to Cheshire East, for a Assurance, that they will not use companies that sell illegal, sensitive personal data, like “The Consulting Association”, to vet potential staff”.

RESOLVED

That the motion stands referred to Cabinet.

105 **NOTICE OF MOTION (2)**

Consideration was given to the following Notice of Motion, proposed by Cllr S Jones and seconded by Cllr A Arnold:-

“That this Council recognises the significant work undertaken by the councils forming Cheshire East towards gaining Fairtrade Status. That this Council will set up a member working group to carry forward the Fairtrade agenda and the promotion of Fairtrade products within Council premises to achieve Fairtrade status for Cheshire East”.

Amendment

An amendment, to replace the above wording with the following wording was moved by Cllr RWJ Fitzgerald and seconded by Cllr P Mason and was declared carried:-

“This Council generally supports Fair Trade principles and requests that an appropriate report be brought forward in due course”.

RESOLVED

That the motion, as amended, stands referred to Cabinet.

106 **NOTICE OF MOTION (3)**

Consideration was given to the following Notice of Motion, proposed by Councillor R Fletcher and seconded by Councillor D Nielson :-

Council regrets that Cheshire East is not one of the eighty listed authorities that have signed up to the Sustainable Communities Act. THIS ACT HAS ALL PARTY SUPPORT. The philosophy behind the act being that as there are so many centrally imposed duties on councils, accepting this act will enable them to be more accountable to their electorate on a local basis. Council asks the Cabinet to reconsider their position and sign up to the act for the benefit of the people of Cheshire East.

Amendment

An amendment to replace the above wording with the following wording was moved by Cllr D Brown and seconded by Cllr B Silvester and was declared carried:-

This Council supports the principle of the Sustainable Communities Act 2008 and requests the Council's officers to bring forward a report at a future date.

RESOLVED

That the motion, as amended, stand referred to Cabinet.

107 **ELECTION OF THE LEADER OF THE COUNCIL**

Council was requested to elect a Leader of the Council.

It was moved by Councillor A Knowles and seconded by Councillor D Topping and:-

RESOLVED

That Councillor RWJ Fitzgerald be elected as Leader of the Council.

108 **APPOINTMENTS TO THE CABINET**

The Leader of the Council presented to Council the appointments made to the Cabinet and the functions delegated to Cabinet Members, as set out in Appendix A, attached. He proposed that these be noted.

The proposal was seconded by Councillor B Silvester.

RESOLVED

That the appointments made to Cabinet and the functions delegated to Cabinet Members, as set out in Appendix A, attached be noted.

109 APPOINTMENT OF COMMITTEES AND MEMBERSHIPS

It was moved by Councillor RWJ Fitzgerald and seconded by Councillor B Silvester and:-

RESOLVED

1. That the political group representation, as set out in Appendices One and Two to the report and the methods, calculations and conventions used in arriving at them as outlined in the report be adopted.

110 APPOINTMENT OF MEMBERS TO DECISION-MAKING AND OTHER BODIES

It was moved by Councillor RWJ Fitzgerald and seconded by Councillor B Silvester and:-

RESOLVED

1. That the bodies, as listed in Appendix Two of the previous agenda report and their Memberships, as circulated at the meeting and attached at Appendix B, be appointed; and
2. The Chairman and a Vice Chairman be appointed for each of these bodies, in accordance with the circulated material and as set out in Appendix B.

111 CALENDAR OF MEETINGS 2009/2010

Consideration was given to the Calendar of Meetings for 2009/10. An amended version of the Calendar was circulated at the meeting.

It was proposed by Councillor RWJ Fitzgerald and seconded by Councillor B Silvester and:-

RESOLVED

That the amended version of the Calendar of Meetings for 2009/2010, as circulated at the meeting, be approved.

112 BOUNDARY COMMITTEE - ELECTORAL REVIEW

Council was requested to consider and approve the Submission on Council size to the Boundary Committee, prepared by the Task Group of Shadow Council members, set up to consider this matter, in

particular the proposal for the future number of Members for Cheshire East Council.

An addendum to the report was circulated at the meeting, which stated that, at the same time as the Council agenda was published, Town and Parish Councils were consulted on the Council size paper. Representations received to date included general queries and concerns about the short consultation period (dictated by the Boundary Committee's timetable) and more specifically, Poynton Parish Council was recommending a Council size of 95 Members, Stapeley and District Parish Council was suggesting of the order of 140 Members, Church Minshull & Barthomley Parish Councils were broadly supportive of the 82 member proposal as set out in the submission.

It was proposed to add for greater clarity at the end of paragraph 10.6 of the proposed submission under the Local and Partnership working heading the following additional wording.

"The provisional number of councillors for each LAP area which would allow for nesting of ward boundaries within LAPs would be

Congleton	21
Crewe	17
Knutsford	6
Macclesfield	16
Nantwich	8
Poynton	6
Wilmslow	<u>8</u>
	<u>82</u>

It was also noted that paragraph 11.6 needed to be amended to state that in due course the Charter Trustees "may be" replaced by Town Councils for both areas and not "will be". The proposer and seconder also agreed that paragraph 8.2 of the submission should be deleted.

It was proposed by Councillor RWJ Fitzgerald and seconded by Councillor P Mason and:-

RESOLVED

That, subject to the above amendments, the Submission on Council size to the Boundary Committee, prepared by the Task Group, in particular the proposal for the future number of Members for Cheshire East Council be approved.

113 MEMBERS' ALLOWANCES SCHEME

Council was requested to consider the report and recommendations of the Independent Remuneration Panel and, if appropriate, to adopt the recommendations of the Panel on the Member Allowances Scheme, to apply to the Council for 2009/10. In addition to the report and recommendations outlined within in it, the Independent Remuneration Panel had considered several other matters and had made further recommendations and comments, including upon the introduction of Cabinet Support Members. The Panel had been provided with

a proposed "job description" but found it difficult to assess the time and commitment required in these posts. The Panel also felt that it might be difficult for individual Members to provide support to all of the Cabinet portfolios rather than specific ones given the breadth of knowledge involved. However, should the Council choose to appoint these posts then the SRA be recommended in a range between a gearing of 0.5 and 0.65 of the basic allowance. The Leader of the Council proposed that a gearing of 0.4, amounting to £ 4480, should be applied for Cabinet Support Members, to be appointed by the Leader.

It was proposed by Councillor RWJ Fitzgerald and seconded by Councillor B Silvester
and:-

RESOLVED

That the recommendations of the Panel on the Member Allowances Scheme, to apply to the Council for 2009/10, be adopted, subject to a gearing of 0.4 amounting to £ 4480, being applied to Cabinet support Members, to be appointed by the Leader.

114 **QUESTIONS**

No questions were submitted.

The meeting commenced at 11.15 am on 1 April and was reconvened at 6pm on 2 April and concluded at 8.15pm on 2 April

Councillor M Simon (Chairman)
CHAIRMAN

Appendix A
Appointments to the Cabinet

Details of the Leader's appointments to the Cabinet and the functions delegated to Cabinet Members

CABINET MEMBER	ADDRESS	WARD	PORTFOLIO
P Findlow	Westfields Middlewich Road Sandbach CW11 1HZ	Prestbury & Tytherington	<u>Children & Family Services</u> Education Welfare of Children and Families
R Domleo	Westfields Middlewich Road Sandbach CW11 1HZ	Congleton Town West	<u>Adult Services</u> incl care for Elderly and Vulnerable People
A Knowles	Westfields Middlewich Road Sandbach CW11 1HZ	Bucklow	<u>Health & Wellbeing</u> Leisure and Cultural Services Public Health
D Brickhill	Westfields Middlewich Road Sandbach CW11 1HZ	Doddington	<u>Environmental Services</u> Streetscene Waste Management Highways Maintenance Parking
J Macrae	Westfields Middlewich Road Sandbach CW11 1HZ	Bucklow	<u>Prosperity</u> Including Transportation & major highways Economic Development Development Control, Building Control, Tourism
B Silvester	Westfields Middlewich Road Sandbach CW11 1HZ	Rope	<u>Safer & Stronger Communities</u> Neighbourhood and Community Cohesion Police Liaison Emergency Planning Licensing (and Deputy Leader)
F Keegan	Westfields Middlewich Road Sandbach CW11 1HZ	Alderley	<u>Finance, HR, Legal & Democratic, IT</u>
P Mason	Westfields Middlewich Road Sandbach CW11 1HZ	Congleton Town East	<u>Procurement, Assets & Shared Services</u>
D Brown	Westfields Middlewich Road Sandbach CW11 1HZ	Congleton Town East	<u>Performance & Capacity</u> Information and Intelligence Customer Service Local Development Framework Corporate Plan, Community Plan

The extent of the authority delegated to individual Cabinet Members and officers, including the limitation on their authority, accords with that which was agreed by Council on 24th February 2009 under Agenda Item 8: "Adoption of the Constitution and the Council's decision-making and overview and scrutiny arrangements" (Minute 80 refers).

APPENDIX B**APPOINTMENT OF COMMITTEE MEMBERSHIPS AND CHAIRMEN/VICE-CHAIRMEN**

This schedule lists all those bodies which fall to the Council to be appointed. Executive bodies are therefore excluded. The number of seats and political proportionality for each body are indicated in brackets. In some cases, memberships, proportionalities and chairmanships/vice-chairmanships have already been agreed. They are included for completeness and to enable the Council to confirm the overall arrangements.

OVERVIEW AND SCRUTINY COMMITTEES

CHILDREN AND FAMILIES SCRUTINY COMMITTEE (14) (10:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
R Westwood (C)	D Neilson (V C)	D Flude	M Parsons
Rhoda Bailey	J Goddard		
D Beckford			
O Hunter			
T Jackson			
A Kolker			
G Merry			
M Simon			
L Smetham			
D Thompson			

HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE (14) (10:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
A Richardson (C)	S Jones	D Flude	A Moran
G Baxendale (V C)	C Tomlinson		
C Andrew			
C Beard			
J Wray			
S Bentley			
S Furlong			
O Hunter			
B Livesley			
A Martin			

ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE (14) (10:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
G Walton (C)	R Fletcher	C Thorley	M Parsons
E Gilliland (V C)	S Broadhurst		
Rachel Bailey			
G Barton			
H Davenport			
M Hardy			
M Hollins			
R Menlove			
L Smetham			
J Weatherill			

SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE (14) (10:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
H Murray (C)	D Hough	D Flude	S McGrory
J Hammond (V C)	E Alcock		
A Barratt			
E Gilliland			
J Jones			
R Parker			
D Stockton			
A Thwaite			
R Walker			
S Wilkinson			

CORPORATE SCRUTINY COMMITTEE (14) (10:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
A Thwaite (C)	J Narraway (VC)	S Conquest	P Edwards
G Barton	A Arnold		
G Baxendale			
D Bebbington			
J Crockatt			
M Davies			
A Richardson			
D Stockton			
D Topping			
S Wilkinson			

CHESHIRE EAST/CHESHIRE WEST AND CHESTER/WIRRAL SCRUTINY COMMITTEE (6) (4:1:1:0) (C & VC to be decided by the Committee)			
Conservative	Liberal Democrat	Labour	Independent
C Andrew	S Jones	D Flude	
G Baxendale			
C Beard			
A Richardson			

REGULATORY AND OTHER COMMITTEES

GOVERNANCE AND CONSTITUTION COMMITTEE (14) (10:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
T Ranfield (C)	S Jones	R Cartlidge	A Moran
R Menlove	D Cannon		
M Asquith			
S Bentley			
A Kolker (VC)			
G Merry			
R Parker			
D Topping			
R West			
P Whiteley			

STRATEGIC PLANNING BOARD (14) (10:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
H Gaddum (C)	A Arnold	C Thorley	P Edwards
Rachel Bailey (VC)	D Hough		
D Brown			
J Hammond			
M Hollins			
J Macrae			
B Moran			
G Walton			
S Wilkinson			
J Wray			

PLANNING COMMITTEE [NORTH] (15) (12:3:0:0)			
Conservative	Liberal Democrat	Labour	Independent
R West (Chair)	J Narraway		
M Hardy (VC)	D Neilson		
C Andrew	C Tomlinson		
G Barton			
J Crockatt			
H Davenport			
E Gilliland			
T Jackson			
B Livesley			
L Smetham			
D Stockton			
D Thompson			

PLANNING COMMITTEE [SOUTH] (15) (11:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
B Dykes (Chair)	E Howell	T Beard	S McGrory
G Merry (VC)	S Jones		
D Bebbington			
S Furlong			
M Davies			
L Gilbert			
J Jones			
A Kolker			
A Richardson			
R Walker			
J Weatherill			

PUBLIC RIGHTS OF WAY COMMITTEE (7) (5:1:1:0)			
Conservative	Liberal Democrat	Labour	Independent
B Moran (C)	D Cannon	R Cartlidge	
R Walker (VC)			
Rachel Bailey			
Rhoda Bailey			
S Wilkinson			

LICENSING COMMITTEE (15) (11:2:1:1)			
Conservative	Liberal Democrat	Labour	Independent
P Whiteley (C)	C Tomlinson	T Beard	M Parsons
D Bebbington (VC)	J Goddard		
Rachel Bailey			
Rhoda Bailey			
G Baxendale			
H Davenport			
B Dykes			
L Gilbert			
E Gilliland			
R Parker			
T Ranfield			

GENERAL LICENSING SUB-COMMITTEE (5) To be appointed by the Committee
--

LICENSING SUB-COMMITTEE (3) To be appointed by the Committee
--

STAFFING COMMITTEE (7) (5:1:1:0)			
Conservative	Liberal Democrat	Labour	Independent
D Topping (C)	R Fletcher	D Flude	
W Fitzgerald			
B Moran			
F Keegan			
B Silvester (VC)			

APPEALS COMMITTEE (7) (5:1:1:0)			
Conservative	Liberal Democrat	Labour	Independent
S Bentley (C)	R Fletcher	M Martin	
L Gilbert (VC)			
M Asquith			
M Simon			
D Topping			

STANDARDS COMMITTEE (8) (5:1:1:1)			
Conservative	Liberal Democrat	Labour	Independent
Rhoda Bailey	J Goddard	M Martin	M Parsons
B Dykes			
J Hammond			
M Hollins			
L Smetham			

LAY MEMBERS APPOINTMENTS COMMITTEE (7) (5:1:1:0)			
Conservative	Liberal Democrat	Labour	Independent
C Beard (VC)	D Cannon	S Conquest	
D Thompson			
R Parker (C)			
A Barrett			

L Smetham			
-----------	--	--	--

LOCAL AUTHORITY SCHOOL GOVERNOR APPOINTMENTS PANEL (7) (5:1:1:0)			
Conservative	Liberal Democrat	Labour	Independent
T Jackson	S Jones	D Flude	
D Thompson (C)			
P Findlow			
G Merry (VC)			
B Dykes			

This page is intentionally left blank