

Mayor Making and Annual Council

Agenda

Date: **Wednesday, 1st April, 2009**

Time: **1 April 11.15 am, to be reconvened at 6pm on 2 April**

Venue: **The Tenant's Hall, Tatton Park, Knutsford**

NB – This agenda contains proposals for alternative arrangements for appointments under the Local Government (Committees and Political Groups) Regulations 1990, Regulation 20.

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. **Prayers**

2. **Apologies for Absence**

3. **Election of Mayor 2009/10**

To elect a Mayor for 2009/10, who will also act as Chairman of the Council.

4. **Election of Deputy Mayor 2009/10**

To elect a Deputy Mayor for 2009/10, who will also act as Vice-Chairman.

5. **Any Other Communications**

6. **Reconvening of Meeting - 6pm, 2 April 2009**

For Council to agree that the meeting be adjourned until 6pm on 2 April, in order to deal with the remainder of business on the agenda.

7. **Prayers**

8. **Apologies for absence**

Please contact
E-Mail:

Julie North on 01270 529728 or 01270529736
julie.north@cheshireeast.gov.uk with any apologies or requests for further
information or to give notice of a question to be asked by a member of the public

For any additional apologies for absence to be given, over and above those already given.

9. **Declarations of Interest**

For any additional declarations of Interest to be made.

10. **Minutes of the meeting held on 24 February 2009** (Pages 1 - 10)

To approve the minutes of the meeting held on 24 February 2009 as a correct record.

11. **Mayor's Announcements**

To receive such announcements as may be made by Mayor.

12. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 15 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

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.

13. **Notice of Motion (1)** (Pages 11 - 12)

To consider the attached Notice of Motion, submitted by Councillor DA Neilson.

14. **Notice of Motion (2)** (Pages 13 - 14)

To consider the attached Notice of Motion, submitted by Councillor S Jones.

15. **Notice of Motion (3)** (Pages 15 - 16)

To consider the attached Notice of Motion submitted by Councillor R Fletcher.

16. **Election of the Leader of the Council**

To Elect a Leader of the Council.

17. **Appointments to the Cabinet**

The Leader of the Council to present to Council the appointments made to the Cabinet and the functions delegated to them.

18. **Appointment of Committees and Memberships** (Pages 17 - 22)

To determine the political representation on the Council's Committees.

19. **Appointment of Members to Decision-Making and Other Bodies** (Pages 23 - 24)

To determine the memberships, chairmanships and vice chairmanships of the Council's decision-making bodies and the appointment of those bodies.

20. **Boundary Committee - Electoral Review** (Pages 25 - 52)

To consider and approve 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.

21. **Calendar of Meetings 2009/2010** (Pages 53 - 58)

To approve the Calendar of Meetings for 2009/2010.

22. **Members' Allowances Scheme** (Pages 59 - 72)

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.

23. **Questions**

In accordance with Procedure Rules 11, opportunity is provided for Members of the Shadow Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Shadow Council, the Cabinet or the Committee has powers, duties or responsibilities.

Questions must be sent in writing to the Interim Monitoring Officer at least 3 clear working days before the meeting.

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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

Notice of Motion

Proposed Cllr David Neilson

Seconded 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.

David Neilson (Cllr)

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**NOTICE OF MOTION FOR THE MEETING OF CHESHIRE EAST COUNCIL
ON 2 APRIL 2009**

**PROPOSED BY CLLR SHIRLEY JONES
SECONDED BY CLLR AINSLEY ARNOLD.**

FAIRTRADE STATUS FOR CHESHIRE EAST.

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.

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NOTICE OF MOTION FOR MEETING OF CHESHIRE EAST COUNCIL 2ND
APRIL 2009-03-24

PROPOSED BY CLLR ROD FLETCHER
SECONDED BY CLLR DAVID NEILSON

SUSTAINABLE COMMUNITIES ACT.

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.

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CHESHIRE EAST

Council

Date of meeting: 2 April 2009

Report of: Borough Solicitor

Title: **Appointment of Committees and memberships**

1.0 Purpose of Report

- 1.1 To determine the political representation on the Council's committees.

2.0 Recommendations

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

3.0 Legal Implications

- 3.1 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in respect of the political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees of the Council.
- 3.2 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 3.2.1 Not all of the seats can be allocated to the same political group.
There are no single group committees.
 - 3.2.2 The majority of seats on a body are to be allocated to a political Group with a majority membership of the authority.
The seats are so allocated.

3.2.3 The number of seats on the total of all ordinary committees allocated to each political Group bears the same proportion to the proportion on the full Council. Appendix One achieves this.

3.2.4 The number of seats on each ordinary committee allocated to each political Group bears the same proportion to the proportion on full Council. Appendix Two demonstrates proportional distribution across all committees etc.

3.3 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

4.0 Risk Assessment

4.1 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

5.0 LOCAL GOVERNMENT (COMMITTEE AND POLITICAL GROUPS) REGULATIONS 1990

5.1 Appendix One to this report sets out the proposed political representation on ordinary committees, based on the political structure of the Council as a whole. The following is the basis of the approach adopted:

Conservatives	59	72.8%
Liberal Democrat	12	14.8%
Labour	6	7.4%
Independent	4	5.0%
TOTAL	81	100%

5.2 Appendix One demonstrates how the Council has to agree the proportionality of its ordinary committees. The definition of an ordinary committee does not include sub-committees or joint committees. They are therefore excluded from Appendix One, but shown at Appendix Two, except where these are ad-hoc bodies. The proportionality rules do not apply to the Cabinet or to the Standards Committee. These are also excluded from Appendix One.

5.3 The proportionalities have been arrived at by the following methods and conventions:

- applying the relevant percentage to each body;
- rounding up from 0.5 and above and rounding down below 0.5

The Act provides that where this results in a Group having more or fewer actual seats than their proportional entitlement (as shown in the 'Difference' line in Appendix One), any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement.

Discussions have taken place with the Group Leaders in order to ensure that the proportionality calculations were accurately carried out. Following these discussions, agreement was reached to the effect that some adjustments should be made to the original draft proportionalities calculation, in particular in respect of the Planning Committee (North).

5.4 Appendix Two shows the proportional distribution of seats on all bodies (this includes not only the ordinary committees at Appendix One but other bodies such as joint committees, sub-committees etc.

5.5 The Political Groups have been invited to submit nominations for appointments to committees and chairmanships/vice-chairmanships, and a schedule of the proposed memberships will be circulated at or before the Council meeting. This will include any appointments already made, in order for Members to see a complete picture of memberships of all Council bodies.

6 Reasons for Recommendations

6.1 To determine political representation on the Council's committees.

For further information:

Officer: Paul Mountford

Tel No: 01270 529749

Email: paul.mountford@congleton.gov.uk

Background Documents: None

APPENDIX ONE

CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES

<u>Committee</u> <u>Total</u>	<u>Con</u>	<u>Lib Dem</u>	<u>Lab</u>	<u>Ind</u>
Children and Families Scrutiny	10	2	1	1
Health/Adult Social Care Scrutiny	10	2	1	1
Environment and Prosperity Scrutiny	10	2	1	1
Sustainable Communities Scrutiny	10	2	1	1
Corporate Scrutiny	10	2	1	1
Strategic Planning Board	10	2	1	1
North Planning Committee	12	3	0	0
South Planning Committee	11	2	1	1
Licensing Committee	11	2	1	1
Governance and Constitution	10	2	1	1
Public Rights of Way	5	1	1	0
Staffing	5	1	1	0
Appeals	5	1	1	0
Lay Members Appointments	5	1	1	0
Total Places (Actual) 171	124	25	13	9
Proportional Entitlement	124 (72.8%)	25 (14.8%)	13 (7.4%)	9 (5%)
Difference	0	0	0	0

NB:

1. The methods and conventions used in arriving at these proportionalities are outlined in the report.
2. The final proportionality for the North Planning Committee will be 12:3:0:0. The explanation for this is given in the report.
3. Cabinet and Standards Committee are outside the proportionality rules.

APPENDIX TWO

CHESHIRE EAST COUNCIL-PROPORTIONAL DISTRIBUTION OF SEATS ON ALL BODIES (other than those to be appointed on an ad-hoc basis)

<u>Committee</u> <u>Total</u>	<u>Con</u>	<u>Lib Dem</u>	<u>Lab</u>	<u>Ind</u>
Children and Families Scrutiny	10	2	1	1
Health/Adult Social Care Scrutiny	10	2	1	1
Environment and Prosperity Scrutiny	10	2	1	1
Sustainable Communities Scrutiny	10	2	1	1
Corporate Scrutiny	10	2	1	1
Strategic Planning Board	10	2	1	1
North Planning Committee	12	3	0	0
South Planning Committee	11	2	1	1
Licensing Committee	11	2	1	1
Governance and Constitution	10	2	1	1
Public Rights of Way	5	1	1	0
Staffing	5	1	1	0
Appeals	5	1	1	0
Lay Members Appointments	5	1	1	0
Cheshire East/West/Wirral Scrutiny	4	1	1	0
Standards Committee	5	1	1	1
School Governor appts. Panel	5	1	1	1
Cheshire Fire Authority	6	1	1	0
Peak District National Park Auth.	1			

Total Places 202	145	29	17	11
Proportional entitlement	147(72.8%)	30(14.8%)	15(7.4%)	10(5%)
Difference	-2	-1	+2	+1

NB:

Not included in the above are:

General Licensing Sub-Committees of 5, which are to be appointed on an ad-hoc basis

Licensing Sub-Committees of 3, which are to be appointed on an ad-hoc basis

In accordance with legislation, included in the above are the numbers of Members appointed to Cheshire Fire Authority and the Peak District National Park Authority as “prescribed organisations”. Other previously agreed nominations to “outside bodies” are not included.

CHESHIRE EAST

Council

Date of meeting: 2 April 2009

Report of: Borough Solicitor

Title: **Appointment of Members to decision-making and other bodies**

1.0 Purpose of Report

- 1.1 To determine the memberships, chairmanships and vice chairmanships of the Council's decision-making bodies and the appointment of those bodies.

2.0 Recommendations

- 2.1 That the bodies, as listed in Appendix Two of the previous agenda item, and their Memberships, as circulated at the meeting, be appointed; and
- 2.2 A Chairman and a Vice Chairman be appointed for each of these bodies, in accordance with the circulated material.

3.0 Legal Implications

- 3.1 The previous report on the agenda dealt with the requirements of the Local Government (Committees and Political Groups) Regulations 1990, in respect of the political group representation on the authority's committees.
- 3.2 The Annual Meeting of Council appoints the Council's decision-making and other bodies and, their Memberships.
- 3.3 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

4.0 Risk Assessment

- 4.1 Failure to comply with the Act and Regulations would leave the Council open to legal challenge.

5.0 APPOINTMENT TO OFFICES UNDER THE COUNCIL'S POLITICAL STRUCTURE FOR THE MUNICIPAL YEAR 2009/10

- 5.1 Annual Council is required to appoint its decision-making and other bodies, together with their Memberships. Council on 24th February agreed which bodies would form the Council's political structure and the Membership numbers.
- 5.2 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question. The Political Groups have therefore been invited to submit their nominations and a schedule of the proposed memberships will be circulated at or before the Council meeting. This will include any appointments already made, for completeness.
- 5.3 Council is also required to appoint a Chairman and Vice Chairman for each of the bodies in question.
- 5.4 Council should note the following:
 - 5.4.1 The Membership of the Strategic Planning Board was agreed at the February Council meeting. The Board has appointed its own Chairman and Vice-Chairman, as was required by the Shadow Council's Constitution.
 - 5.4.2 The Licensing Sub-Committees will be appointed by the Licensing Committee when required, as provided for by the Constitution.
 - 5.4.3 The appointment of Chairman and Vice-Chairman of the Wirral Joint Scrutiny Committee will be determined at the first meeting of the re-constituted Committee to be held probably in June/July. Until then the existing Chairman (Councillor Flude) and Vice-Chairman (Councillor Bridson, Wirral MBC) will remain in Office. The chairmanship and vice-chairmanship will then rotate annually among the constituent authorities with no one authority holding both the chairmanship and vice-chairmanship in any year.
 - 5.4.4 The Council is required to appoint six Members to the Wirral Joint Scrutiny Committee and to nominate six reserve Members. This is the current practice with the existing constituent authorities.

5 Reasons for Recommendations

6.1 To determine Memberships, Chairmanships and Vice Chairmanships of the Council's decision-making and other bodies, and their appointment.

For further information:

Officer: Paul Mountford

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Background Documents: None

CESHIRE EAST

Council

Date: 2nd April 2009
Report of: Borough Solicitor and Monitoring Officer
Title Boundary Committee – Electoral Review

1.0 Purpose of Report

- 1.1 To report to the Council the work of the Electoral Review Task Group concerning the preparation of a proposal on the future size of Cheshire East Council to be made to the Boundary Committee for England.

2.0 Decision Required

- 2.1 That the Council consider and approve 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.

3.0 Implications for Transitional Costs

- 3.1 There are no implications for Transitional Costs.

4.0 Financial Implications for 2009/10 and beyond

- 4.1 None at this stage.

5.0 Legal Implications

- 5.1 Legislation requires the Boundary Committee to follow specific procedures when conducting an electoral review, and sets out the statutory criteria which the Committee must take into account in making its recommendations to the Electoral Commission. The review proceeds in several stages involving full public consultation. The first stage addresses the question of Council size, ie the total number of Councillors to be elected for the local authority area.

6.0 Risk Assessment

- 6.1 The deadline for submissions on Council size is 6 April. Failure to make the submission by this date would mean that the Council's proposal on Council size would not be taken into account by the Committee.

7.0 Background and Options

- 7.1 The electoral arrangements for the Cheshire East Council were established under the Cheshire (Structural Changes) Order 2008 on the basis of a multiple of three members for each County Council electoral division. It was expected that this arrangement would be used for the election to the Shadow Council only and the

electoral arrangements would be reviewed prior to the next full elections (in May 2011).

- 7.2 On 24 February, the Boundary Committee initiated a review of Cheshire East Council's electoral arrangements. It is conducting a similar review in Cheshire West and Chester. The Committee has decided that it shall settle the matter of the future size of the Council before it considers any of the other matters to be dealt with by the review. This stage of the review calls for proposals to be made to the Committee which will consider them, before making a decision on Council size. Submissions may be made by any individual, group or organisation. Submissions made on or before 6 April will be considered by the Boundary Committee.
- 7.3 A Task Group of Shadow Council Members has considered the issue of Council Size and reached a conclusion on a proposal for the future size of Cheshire East Council which can be supported by arguments relating to the appropriate workload for Council Members. This has regard to the structure of the Council's decision-making, regulatory and scrutiny processes. The Task Group also has assessed the capacity of Members to conduct work on behalf of those individuals and communities whom they represent, to implement proposals for local area working and to give leadership to their communities. The case is set out in full in the attached submission. Also attached is Appendix A (which will not be part of the formal submission) which demonstrates that the recommended Council size is within the range of experience with comparable Unitary Authorities.
- 7.4 Key stakeholders have been advised of the content of the Submission and invited to support the approach. Any responses received will be reported to Council in supplementary information.
- 7.5 It is expected that the Boundary Committee will issue its decision on Council Size in May, and simultaneously, invite proposals for electoral boundaries for the Cheshire East Council. It is further expected that the review will be completed and outcomes brought into effect in the spring of 2010.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 Responses to the Boundary Committee's Electoral Review will be required periodically during Year One, and the new electoral arrangements will be applied during Term One i.e. for the elections in May 2011.

9.0 Reasons for Recommendation

- 9.1 To enable the Council to make a considered submission on the future size for Cheshire East Council, and to comply with the Boundary Committee's deadline of 6 April 2009.

For further information:-

Portfolio Holder: Cllr Wesley Fitzgerald, Leader of the Council

Officer: Chris Chapman, Borough Solicitor and Monitoring Officer

Tel No: 01270 529637

Email: chris.chapman@cheshireeast.gov.uk

Background Documents:-

Electoral reviews - Technical guidance, Boundary Committee for England, February 2008

Documents are available for inspection at:
Legal and Democratic Services
Westfields
Sandbach

Electoral Ratios (2008 Data)			
	Electors	Members	Electors Per Member
Warrington UA	154835	58	2670
North East Lincolnshire UA	116591	42	2776
South Gloucestershire UA	200463	70	2864
North Lincolnshire UA	125697	43	2923
Shropshire	230143	74	3110
Medway UA	184220	55	3349
Cornwall	414142	123	3367
Cheshire West and Chester Current	251270	72	3490
Cheshire East Proposed	286759	82	3497
Cheshire East Current	286759	81	3540
Wiltshire	345019	98	3521
East Riding of Yorkshire UA	266070	67	3971
Bristol, City of UA	303045	70	4329

CHESHIRE EAST COUNCIL : ELECTORAL REVIEW

Submission to the Boundary Committee on Council Size.

1 Context

1.1 This submission sets out Cheshire East Council's proposals on Council size, which is the first issue to be addressed in the Boundary Committee's electoral review of the area. The proposal is for a Council of 82 elected Members in Cheshire East. This will ensure that all roles at political level can be carried out effectively, and will enable the authority to achieve its objective of being an excellent Council.

1.2 Cheshire East is a newly created Unitary Council, delivering or commissioning the full range of Local Authority services in its area. The Council has a population of 360,700 which means it is the third largest Unitary Local Authority in the North West and the twelfth largest Unitary Council in England. The Council covers an area of 116,638 hectares, and employs approximately 14,000 staff with a net budget of £235M.

1.3 The Council's economic output per head of population is above the national average. It has high performing schools with results again above the national average. It is also experiencing significant demographic change. It is projected that by 2026 there will be 5% fewer children than in 2006, and that those 85 years or over will double over the same 20 year period.

1.4 Cheshire East has a diverse rural/urban profile. Nearly 40% of the population live in areas which are classed as rural. Crewe and Macclesfield are the largest urban areas, but the other eight towns although obviously urban have outskirts which contain areas classified as more rural than urban. The area to the north-east of Macclesfield is classified as predominantly rural. A high proportion of the Cheshire East area is rural, including the areas south west of Crewe and Macclesfield. Knutsford is also surrounded by rural areas. The percentages of the population living in urban/rural areas in Cheshire East are:

Urban	18%
Predominantly Urban	14%
More Urban than Rural	29%
More Rural than Urban	23%
Predominantly rural	8%
Rural	8%

This profile places different demands on the Councillors, many of who cover a mix of rural and urban populations, particularly in how they relate affectively to local communities with different characteristics.

1.5 The Council has developed it's Vision, the various aspects of which may be summarised as 'Working Together to Improve Community Life'. It has also developed a set of core values and key behaviours to underpin the

Council's aim of 'having a positive impact on all sections of the communities that we serve'.

1.6 In order to deliver on these aims and Vision, the Council requires clear leadership and full engagement at the Political level. Critical to this will be the number of Councillors available to participate fully in all aspects of the life and work of the Council. This submission sets out proposals which argue for a Council of 82 Members, and the rationale and evidence leading to this conclusion.

2 Roles and Responsibilities

2.1 The demands placed upon Members and the nature of their roles and responsibilities are significant. They cover engagement with local communities; representational with outside bodies and partner organisations; the corporate role within the Council itself; and political activity within their Party Groups.

2.2 Member engagement with local communities is a key priority for Cheshire East Council, and includes:

- Community leadership - having a presence in the community and representing the interests of the Ward, all sectors of the community and individuals.
- Communicating the Council's policies and services to the community and providing feedback to the Authority
- Carrying out specific Ward-based activities, for example as a Corporate Parent (attendance at award ceremonies for Looked-after children in the Ward; visits to children's homes if located in the Ward) and visits to care homes for Older People.
- Encouraging community interest and participation in the Council's decision making and scrutiny processes
- Participation in the Local Area Partnerships, Neighbourhood Working and the Community Strategy.

2.3 The representational role involves:

- Service on a range of national, regional and local outside bodies, including School Governing Bodies and attendance at Town and Parish Councils in the area.
- Working directly with partner organisations and other statutory bodies, including the Local Strategic Partnership to give political leadership where appropriate and the effective delivery of "joined up" services.

2.4 The corporate role is well established and covers:

- Participation in the full Council and Committee meetings, and overseeing Council performance
- Decision making through the Cabinet and Committees
- Undertaking quasi-judicial and regulatory roles such as licensing and planning
- Holding the Cabinet to account, advice on policy development and review of a range of outside bodies activities through the Overview and Scrutiny Committees and “task and finish” enquiries.
- Responding to surges in workload as a result of new legislation.
- Identifying and addressing personal development needs to ensure all of these roles are discharged effectively.

2.5 The political role includes participation in the Party Group meetings and briefings, engagement in regional and national Party Political activities, and for some Members specific roles with the Group eg Group Secretary or Whip.

2.6 The 2008 National Census of Local Authority Councillors published in January 2009 by the Local Government Association and IDeA reveals that on average Councillors spend 22 hours per week on Council related business. In non-Metropolitan Unitary Councils this figure was higher at 26.2 hours. For those Members who hold senior positions such as Council and Group Leaders and Members of the Cabinet, the Census confirms that Council work is a full time occupation. Accordingly the number of Councillors has to be sufficient to allow Members capacity to discharge all of their roles effectively and to have the time to do so. This includes the capacity to engage fully with local communities, which is a key priority for Cheshire East Council.

2.7 Identifying the right Council size will impact directly on the number of people who are willing to come forward to stand for election as a Councillor. Member workloads should be at a reasonable level and should not deter candidates for election simply because the time required is too great, and incompatible with work or caring responsibilities. There must be sufficient capacity at member level to enable all of the Councillor roles to be performed effectively, without giving rise to unmanageable workloads for individual Members. Setting the Council size at the right figure should also encourage people from as many diverse backgrounds as possible to come forward, thereby maximising the level of cross-community representation on the Council.

3 Political Management of the Council

3.1 The Council has adopted “Executive arrangements” as required under the Local Government Act 2000. Accordingly, the full Council has agreed the overall policy and planning framework for the Authority and sets the annual

budget, leaving the bulk of the operational decision making to the Executive. The Council has also resolved to adopt the 'Strong Leader' model, whereby the Council Leader once appointed approves the Executive Portfolios, and selects the Members responsible for them. In Cheshire East, the Executive is called The Cabinet, and is of the maximum permitted number of ten Cabinet Members.

3.2 The Council has appointed five Scrutiny Committees to enable the non Executive Members to hold the Cabinet to account, and to conduct external Overview and Scrutiny. The Council has also appointed a number of 'Regulatory Committees' to discharge specific non-Executive functions on its behalf eg Planning, Licensing, etc. These arrangements are set out in the attached structure diagram (Appendix A) and are described in more detail below.

4 The Cabinet

4.1 The Cabinet consists of ten including the Leader covering nine portfolio areas (the Leader has no specific portfolio but one of the portfolio holders is the Deputy Leader). The portfolios are:

- Adult Services
- Children and Family Services
- Health and Wellbeing
- Environmental Services
- Prosperity
- Safer and Stronger Communities
- Resources
- Procurement, Assets and Shared Services
- Performance and Capacity

4.2 The Cabinet meets formally at least once per month, to deal collectively with the high level operational and more strategic business, including key decisions of the Authority. Additionally, the Cabinet has adopted a scheme of delegation to the individual Cabinet Members, so that they are able to take decisions as appropriate within their portfolio responsibility. All of these individual meetings are convened formally as public meetings, on a basic six times per year cycle, but more may be required in the light of experience. It is expected that meetings of the full Cabinet and individual portfolio holders will be attended by the relevant Scrutiny Members (primarily the Chair and/or Vice Chair of the related Scrutiny Committee), which will impact on the level of Scrutiny activity (see below).

4.3 The Cabinet also meets informally, both in private and with officers of the Council present (mainly the Cheshire East Corporate Management Team). The purpose of these meetings is to consider and review the Council's political priorities and strategy, and to enable the Cabinet to be briefed on forthcoming business. Experience from the Shadow period leads to the conclusion that at least 20 such meetings will be required each year.

4.4 Cabinet Members may be required to attend meetings of Scrutiny Committees (or Task and Finish Reviews) to account for their decisions. As part of the agreed working arrangements between the Cabinet and Overview and Scrutiny, Cabinet Members will generally be expected to attend ordinary meetings of the Scrutiny Committee which deals with their area of responsibility.

4.5 In order to create further capacity in the Cabinet, four Cabinet Support Members have been appointed. Their role is to provide additional capacity for the Cabinet, giving direct support to any of the portfolio holders. The Support Members will deputise for Cabinet Members at meetings; work closely with officers on policy development; engage with Overview and Scrutiny; and represent the Cabinet Member at a wide range of partnership and other discussions. Although they cannot take decisions on behalf of the Cabinet Members, their roles will be extensive and are regarded as full-time activity.

5 Council and Committees

5.1 The annual cycle of Committee meetings is based on the pattern of six full Council meetings per year. However, many of the Committees will meet much more frequently than this, for reasons which are described in more detail below.

Overview and Scrutiny

5.2 Overview and Scrutiny is based on a system of five standing Committees, but operates on a flexible basis. The role of the Committees includes not just 'holding the Cabinet to account' but also carrying out advisory work on policy development (the 'Overview' function). The Committees will contribute to the Council's local and partnership working by reflecting the aspirations and concerns of the public and ensuring these are raised appropriately as part of the Council's business. The Committees will take on new roles required by Government including Local Petitions and the Councillor Call for Action. The structure also recognises the significantly increased demands of External Scrutiny, not only of the NHS, but also scrutiny of Local Area Agreement partners, Local Strategic Partnerships and the Crime and Disorder Partnerships. This can potentially involve scrutiny of up to 18 partner organisations in Cheshire East as identified in the Government Guidance. Capacity is required with External Scrutiny to participate in joint Scrutiny arrangements with other Councils, (eg the Cheshire and Wirral Mental Health Partnership Trust Joint Committee) and with other Local Authorities to conduct scrutiny of Regional Health services.

5.3 The Overview and Scrutiny Committees (including the main areas of responsibility) are:

- Children and Families (Children and Families Portfolio Holder; the Children's Trust and the Local Children's Safeguarding Board)
- Environment and Prosperity (Environmental Services and Prosperity Portfolio Holders)

- Corporate Scrutiny (Performance and Capacity, Resources, and Procurement, Assets and Shared Services Portfolios; and leads on review of Organisational Performance)
- Sustainable Communities (Safer and Stronger Communities Portfolio; Crime and Disorder; Local Area Agreement, Local Strategic Partnerships and Local Area Partnerships)
- Health and Adult Social Care (Adult Services and Health and Wellbeing Portfolios; Scrutiny of the NHS and jointly commissioned services)

5.4 The Council also appoints six Members to the Joint Scrutiny Committee established with Wirral Metropolitan Borough Council and Cheshire West and Chester Council, to review the provision of services by the Mental Health Partnership Trust across this whole area. The Joint Committee meets a minimum of three times per year.

5.5 Each of these Scrutiny Committees meets a minimum of six times a year (eleven in the case of Health and Adult Social Care). Additional meetings will be required, to deal with unplanned business such as the “call in” of particular Cabinet decisions, ad hoc requests by the Cabinet to undertake policy development work, and specific proposals identified by non Executive Members.

5.6 The Committees are developing their annual work programme, which allows for the appointment of smaller (six or seven Members) ‘Task and Finish’ Scrutiny Reviews of specific topics, which are demanding of Members’ time and commitment often to deliver reports within strict timescales. The Committees have reviewed unfinished “legacy” scrutiny business from the predecessor County and District Councils, and have identified a number of topics which require immediate attention, and are included in the annual Scrutiny Work Programme.

5.7 The Council has allocated two places to the Opposition Groups as the Chair/Vice Chair of Scrutiny Committees. The coordination of the Overview and Scrutiny activity is achieved through a bi-monthly meeting of the Scrutiny Committee Chairs and Vice Chairs (ten Members) which is convened and led by the Chairman of the Corporate Scrutiny Committee. Although not part of the formal structures, this is a key aspect of the Overview and Scrutiny work, providing capacity to liaise effectively with the Cabinet, external organisations, to prioritise work, and monitor the delivery of the Annual Scrutiny Work Programme.

Planning Board and Committees

5.8 The Council has appointed a Strategic Planning Board to oversee and deal with Planning Strategy, Regional issues, major development applications and the consistent application of development control. It has also appointed a North and a South Planning Committee, both of which will deal with the detailed planning determinations work. Between them the three Committees will hold 51 meetings per year, plus an estimated 20-30 site visits. The meetings are likely to be lengthy due to the volume and complexity of the

business, and the existence of public speaking rights. Contentious planning applications can require extensive briefing and liaison with the community which is demanding for Members in their local representative role. The Members of these Committees will need to undergo formal training and develop a high level of expertise for the work. It is unlikely therefore that these Members will have readily available time to take up many places on other Committees.

Licensing Arrangements

5.9 The Council is required to appoint a Licensing Committee (15 Members) to fulfil its statutory obligations under the licensing legislation. It also has to appoint two Sub-Committees from the Membership of the full Committee. One is a Sub-Committee of three Members to deal with Liquor licensing and gambling applications. The second consists of five Members and deals with all other general licensing matters eg taxi drivers, street trading etc. It is expected that the Chairman or the Vice Chairman of the main Committee will also Chair the Sub-Committee meetings.

5.10 Based on the experience of the last year (2008-9) across the three current District Councils, it is estimated that 25 meetings per year of the Liquor/Gambling Sub-Committee will be needed, with 35 meetings of the General Sub-Committee. These meetings are effectively “hearings” where the Members are discharging “quasi-judicial” functions. Accordingly the level of training and expertise required will be high and, again, it is anticipated that these 15 Members will have little or no capacity to serve on other Committees.

Other Committees

5.11 The Council has appointed a number of other Committees to discharge functions on its behalf. They too will meet on the basic Council cycle of six meetings per year, except for the Staffing Committee and the Appeals Committee which are set to meet monthly. The Committees are:

- Governance and Constitution Committee
- Standards Committee (a statutory requirement including Independent Members and eight Members of the Council). The Standards Committee is required to form three Sub-Committees to deal with the initial assessment of any complaints raised against Members; review of decisions whether or not to investigate; and to conduct hearings. As a Unitary Council, the Standards Committee will also be responsible for dealing with any complaints made against Town and Parish Councillors in the whole area. There are currently 108 such bodies in the area, involving 953 Town and Parish Councillors, so the workload although unquantifiable in advance, could potentially be high.
- Public Rights of Way Committee (a Regulatory body).
- Lay Members Appointments Committee (to appoint Lay Members to Committees which determine School Admission and Exclusion Appeals).

- Staffing Committee (dealing with appointments, discipline and other staff related matters)
- Appeals Committee (dealing with Appeals from Members of the public eg for School Transport; under the Marriage Act; and Appeals under the Social Services legislation)

5.12 Given the 'specialist' nature of the work carried out by many of these Committees, the Councillors who sit on them will have undertaken intensive training. Indeed, this is a requirement, eg for Members dealing with applications to the Planning Board and Committees and to the Licensing Committee and Sub-Committees. Therefore the Members engaged in these Committees will tend to be 'experts' in their area, requiring a high degree of commitment both in attending meetings, maintaining skills, and awareness of local issues. Members on these Committees will spend a great deal of their time on these specialist areas, meaning that the remainder of the non-Executive Councillors will have to be sufficient to cover the other Committee business especially Scrutiny.

6 Places on Committees - Member Bodies - Overview

6.1 The formal political management structure of the Council with the places allocated to the party Groups is attached (Appendix B). There is a total of 185 places and therefore resulting Members roles available (171 as shown, plus the Standards Committee (8) and the Wirral Joint Scrutiny Committee (6). It is generally accepted that the Cabinet should be discounted from the number of Members available to take up the places (as they are full time posts and therefore Cabinet Members do not normally sit on Committees - indeed they are not allowed to sit on Scrutiny Committees). The Council would take the view that the Cabinet Support Members (4) would be similarly placed so 14 Members in total would not take up Committee seats.

6.2 As indicated above (paragraphs 5.8 and 5.10) it is not expected that Planning and in particular Licensing Committee Members would be able to do much if any additional Committee work. Accordingly the assumption is made that overall across both Committees a further 15 Members would not be available to take other Committee seats. In addition, the Mayor of the Council will have to fulfil a full programme of Civic events and engagements, so his or her ability to take up Committee roles is very limited, and the Mayor should also be excluded from the calculation. Taken with the Cabinet therefore, 30 Members should be excluded from carrying out roles across the Committees. Removing the Licensing and Planning places from the equation, the places to be filled are reduced to 170 (185-15).

6.3 The 2008 Census of Councillors provided data which indicates that across all Authorities, members hold on average 3.7 Committee or Sub-Committee places. The Cheshire East Structure discussed above deals only with Committee places, and an additional allowance needs to be made for Members work on Task Groups, Task and Finish Panels and Sub Committees. Accordingly it is proposed that the appropriate number of

committee places for Cheshire East Councillors should be between 3 and 4, in addition to their other extensive responsibilities as a Councillor.

6.4 Using this as the standard, each Member sitting on 3 - 4 Committees indicates that around 50 Councillors would be required for this “formal Committee” activity (170 places). Adding back the 30 Members above suggests that a least 80 Councillors would be required, so a total Council size of 82 as proposed would be sustainable for Cheshire East.

6.5 Many Councils consider that generally each non-Executive Member should attend an average of around three formal Committee meetings per month and that this represents a manageable workload. The Cheshire East Calendar for 2009-10 (Appendix C attached) provides for a total of 130 (including Staffing) Committee meetings (plus six full Council meetings) in the year. Each of the 50 or so Members identified above taking 3 - 4 places results in an average attendance of approximately three meetings per month for each Member. This indication would also tend to confirm the proposal that a Council size around 82 is right.

7 Task Groups and Briefings

7.1 The Unitary Councillors are also required to participate in a wide range of informal, non decision making meetings. Some of these meetings will be ‘ad hoc’ but many of them will be organised on a more structured basis. Examples of this form of working are:

- Member Task Groups, which are set up to examine specific topics in detail and bring forward recommendations. These include Task Groups for Member Development; making Appointments to Outside Bodies; School Governor Appointments; Liaison with Manchester Airport; Partnerships Working Group; Local Development Framework; Children and Adult Services; Information Technology; and Leisure Services Review.
- Briefings for Cabinet Portfolio Holders and Committees and “mid-Point” Meetings for Scrutiny Committees, in advance of formal meetings. Briefings will be convened so that the Cabinet Member, or Committee Chairman and Vice Chairman, and the Opposition Group representatives on Committees may be briefed collectively by the Officers on the business for forthcoming Cabinet or Committee meetings. For Scrutiny Committees, a Mid-Point discussion takes place between the formal Committee meetings, so that the Chairman, Vice Chairman and Spokesmen on the Committee can review the forthcoming business, and check progress on Scrutiny work within their area of responsibility.

7.2 Following the Council calendar, in total approaching 100 such briefings could take place for Committees annually; and 30 Mid Point Meetings in the Scrutiny area. Capacity is therefore required for Members

taking formal posts or places in the structure to undertake this associated work.

7.3 At a less formal level, Cabinet Members, Chairmen (and less frequently) Opposition Members will meet with Directors and Heads of Service to be briefed on forthcoming business and officer proposals. This activity is more difficult to quantify, but represents a regular and ongoing commitment on the part of the leading Members.

7.4 All of this less formal Member-level activity plays a highly important role in the efficient running of the Council. It impacts on all of the office holders and the overall capacity of the Council at the political level.

8 Councillor Representation on Outside Organisations

8.1 The full Council and the Cabinet make appointments to a very wide range of outside organisations. The number of Cheshire East representatives required for any particular body will vary, from one Councillor up to four or five in some cases and even eight in the case of Cheshire Fire Authority. These organisations range from bodies of National and Regional significance (eg the Local Government Association (including appointments by the Association itself to its own internal Member bodies), Regional Economic and Strategic Planning Bodies, Partnership Organisations; other public bodies such as the Police Authority; Housing Bodies (Registered Social Landlords); Museums and Charitable Trusts; Tourism Bodies and Educational Associations. The impact on Members' time of this representational work should not be underestimated. Members of the Police Authority can spend up to 1.5 days per week on Authority business. Similarly the Fire Authority (one day per week); National Parks Authority (one day); and Housing Trusts are similarly demanding of Members time and capacity.

8.2 The Cabinet has reserved to itself appointments to 43 Outside Organisations, involving a total of 86 places, all of which are taken up by the Controlling Group.

8.3 On behalf of the full Council, the Governance and Constitution Committee has made appointments to a further 80 such Organisations, requiring 122 places to be taken up by Unitary Councillors. In total therefore, 208 Member appointments have to be covered. It is estimated that ideally, individual Councillors should be asked to serve on an average of no more than three outside bodies in order to cope with the additional demands on their time. A Council of 82 would therefore be able to cover 224 Outside body appointments on a reasonable basis.

8.4 This work is still ongoing, and more appointments will need to be made. However, these are personal responsibilities requiring the regular attendance of the Councillors at additional meetings, and their full involvement in the business of the organisations concerned. In some cases, this can involve Trustee and/or Director Status which carries a further degree of personal accountability. It is critical that sufficient Members are available to

provide the capacity for the Council to participate effectively in the activities of these outside organisations, given the impact which they have on the Cheshire East community.

8.5 In addition, all Councillors are expected to take up appointments as Local Authority governors on School Governing Bodies. There are 152 schools in the Cheshire East area with a total of 366 Local Authority Governor places. Clearly not all of these appointments will be taken by elected Members, but each Councillor can take up places without limit on school governing bodies. As these bodies meet at least termly, and most will appoint Sub-Committees which meet more frequently, a Councillor serving on (say) two Governing bodies would need to make time for possibly 10-12 such meetings per year.

8.6 Although not strictly outside Organisations, there is a number of important Annual National Conferences covering particular professional activity (eg Children, Adults Services) and areas of common interest (Urban and Rural issues, the Environment etc) which Councillors need to attend. The attached list (Appendix D) shows the main “Standing” Annual conferences which require the attendance of between 1 - 4 Members on each occasion. In addition, “ad hoc” conferences arise periodically which also require attendance by the relevant Members. As these generally involve a degree of travel and overnight stays, they have a significant impact on Members’ time commitments.

8.7 It should also be noted that as Cheshire East covers a large geographical area, the demands on Members time for travel to headquarters buildings, outside bodies, partner organisations and other meetings even within the area are also significant. To illustrate the point, Macclesfield to Sandbach (15 miles) takes 45 minutes; Macclesfield to Crewe (22 miles) is a one hour journey; and some journeys from the edge of the Cheshire East area such as Poynton, Disley and Nantwich will take 15-30 minutes longer.

9 Member Development and Training

9.1 As outlined in the introduction to this submission, Cheshire East is a substantial and newly formed Unitary Council, delivering or commissioning the full range of Local Authority services across the community. The Councillors’ main corporate role in this is predominantly to agree the Policy and Strategy framework, and ensure effective delivery. Sufficient Councillors must be available to engage effectively in this activity, not just at the higher strategic level, but also overseeing operational matters and understanding the complexities of the Services concerned.

9.2 The Member Development Programme is the vehicle for enabling Councillors to develop their knowledge and personal skills in order to carry out their varied roles and to contribute effectively in their particular areas of interest. The other pressures on Members time mean that the ‘pool’ of Councillors must be big enough for the required levels of collective knowledge and expertise at Political level to be achieved. Too few Members means that

there is not enough time for the Councillors to attend and learn from Member Development activity, which would diminish effective participation in the Council's business at the Member level.

9.3 The Council has appointed a Member Development Task Group to oversee the Member Development Programme. The Council has also decided to seek early accreditation under the North West Employers Organisation Member Development Charter. As part of this initiative, all shadow Councillors have been contacted individually to identify their personal development needs. It is intended that during 2009, 75% of Cheshire East Members will have been interviewed and committed to achieving their own Personal Development Plan. In addition, 14 half or full day Member Development Seminars have been arranged between April 2009 - February 2010. There will without doubt be many further external opportunities for Members to attend courses each year, including IDeA Leadership and Scrutiny Programmes. It is understood that Members will need to dedicate ongoing time for this important activity, estimated at two hours per week particularly in specialist areas.

10 Local and Partnership Working

10.1 Achieving effective local working and relationships with local communities is a key priority for the Council. It is intended that Members should be able to devote a significant amount of their time in their local roles, in order to deliver effective community leadership and make an impact. The level of engagement required with Town and Parish Councils and partner bodies is discussed below (Section 11). This part of the submission is more concerned with the Council's own arrangements for area and neighbourhood working, and the demands to be placed on Members. It is essential that sufficient Councillor capacity is available to carry out these roles.

10.2 The Council's approach to local working is at two levels - neighbourhoods and Local Area Partnerships (LAPs). There is already extensive neighbourhood activity across the Borough. These arrangements vary, depending on the local area's needs and how the community choose to organise themselves. They include Town and Parish Councils, Neighbourhood Management Areas, market town initiatives, and other community-led partnerships. The Council intends to build on these varying approaches to build the capacity of communities to lead partnerships, and link effectively into the Local Strategic Partnership framework. Elected Members will have a pivotal role in this, with Ward Councillors engaging effectively with these local initiatives, providing leadership and acting as an advocate for the area - particularly through the LAP. A number of pilots have been set up by the Council to help to develop this approach.

10.3 The Council has established seven LAPs focussed on the main towns in Cheshire East and their surrounding areas (Congleton, Crewe, Knutsford, Macclesfield, Nantwich, Poynton and Wilmslow). The overall objective of the LAPs is to prepare an Annual Delivery Plan, which amalgamates Parish and

Neighbourhood Plans produced more locally, and articulates the local response to the Sustainable Community Strategy and Local Area Agreement.

10.4 To achieve this objective, the LAPs will build partnerships with a range of organisations, encourage Community Action meetings and secure community engagement in local issues and decision-making. They will provide opportunities for local empowerment; and they will have a role in service delivery eg locally based commissioning; “joined-up” public services in the area; developing area profiles; and in due course carrying out delegated responsibilities.

10.5 Each LAP will act as a “mini Local Strategic Partnership” and include representation from a range of public bodies, including Cheshire East Council, where in the order of 20% of the Councillors for the area will be involved directly as representatives - about 18 Members in total. There will also be a standing invitation to all Councillors in the LAP areas to attend and act as an advocate on specific issues. Some of the LAPs will be Chaired at least initially by a Unitary Councillor, thereby carrying further responsibilities. In addition, each LAP will be attended by a Cabinet Member to provide a link to the Council’s Executive. The nature of the business will determine which Cabinet Member is best suited to attend. Accordingly, around 25 elected Councillors will be directly involved in this work, as well as the need for all Members of the Council to engage effectively with the neighbourhood activity. Beyond 7-8 meetings of each of the seven LAPs (over 50 meetings per year), it is difficult to quantify the number of meetings involved, but clearly there will be a substantial workload for members arising from this activity.

10.6 It is also worth noting that the LAP boundaries drawn around the seven towns generally follow the current Ward boundaries for the Council. Some initial work has been done on how many Cheshire East Councillors would be appropriate for each LAP area, and how the LAP areas might be used as the envelope within which new Wards can be designed. Whilst recognising that the statistical work leading to conclusions about Council size is not an exact science, it does demonstrate a need for in the order of 80-85 Members, and the preliminary assessment of the optimum number in respect of LAP boundaries again leads to a figure of 82.

11 The Unitary Council

11.1 The change from two-tier to a Unitary Council has implications for Members workloads as well as the capacity to acquire new knowledge and skills. The Unitary Council brings together the functions of Cheshire County and the three District Councils in the area. In the two-tier setting there were 27 County Councillors plus 164 District Councillors covering the area, a total of 191 Members. There is potential therefore for the inevitable reduction in the number of Members elected for the area to impact substantially on individual Member workloads. This is particularly so as much of the casework concerns very local issues and has in the past been dealt with mainly by District Councillors.

11.2 Clearly the replication of 191 Councillors is not the objective, and the Unitary Council will be a different type of local Authority, working in different ways and deriving capacity from high levels of joint and partnership working. However settling on the right number of Councillors will be fundamental to the success of the Council and achieving excellent performance.

11.3 As a significant element of Members' work arises from local activity, particularly engaging with electors including home visits and holding "surgeries" for electors to raise their issues, together with managing a Ward based caseload, the Councillor/Elector ratio will need to be at a level where individual Councillors are not accountable to too high a number of electors and therefore in danger of an unmanageable caseload arising from Ward business. This is particularly true in Wards with high indicators of social or community deprivation where the demands placed upon Councillors can be higher than elsewhere.

11.4 Given that there are 108 Town and Parish Councils in Cheshire East, involving 953 Town and Parish Councillors, the potential for the Council to work closely with these bodies is great. However, local Member capacity needs to be at a level to enable this to happen effectively. The Parishes are not spread evenly across the unitary area, in that currently there are ten unparished Wards, with seven more coinciding with the area of single Town Councils. The remaining ten Wards have 101 Parishes between them, on a range of 27 (Cholmondeley) and 19 (Bucklow) to 3 (Presbury/Tytherington) and 4 (Rope). This means that in the parished areas, the Unitary Councillors have much to do to maintain and develop good working relationships with the local Councils. Conversely, in the non-parished areas, the Councillors have to develop neighbourhood working through other networks such as community groups and community action meetings; and local associations. Both scenarios represent a heavy demand on Members time, and relate back to the urban/rural diversity which characterises the Cheshire East area. Unitary Councillors are expected to forge close links with local Councils, which includes attendance at their meetings and "area meetings" of Parish Councils collectively. The expectation is that Unitary Councillors will attend Parish Councils monthly so this is a significant commitment for them, particularly in the highly parished areas.

11.5 In addition to the Town and Parish Council meetings themselves, the Cheshire Association of Local Councils currently convenes three collective area meetings of Parish Councils in Cheshire East each of which occur quarterly. All of the Unitary Councillors for the areas concerned are asked to attend these quarterly meetings.

11.6 On top of this, Charter Trustees have been created for unparished areas of Macclesfield Town and Crewe Town. This involves 12 Unitary Councillors in Crewe and 15 in Macclesfield fulfilling the role of Charter Trustees, in particular electing one of their number as Mayor, and attending at least one and probably more meetings of the Charter Trustees each year. In due course the Charter Trustees will be replaced by new Town Councils for

both areas. This process involves extensive public consultation through a Community Governance Review, and is likely to take some time to achieve.

11.7 All of this Town and Parish Council-related activity is further evidence of the need to ensure that sufficient numbers of Councillors are available to be able to cope effectively with locally based demands made on them. Furthermore it is necessary to ensure that a sensible Councillor/elector ratio is achieved.

12 Councillor Workloads

12.1 As indicated in para 2.6 above, on average across all authorities councillors spend 22 hours per week on council business. This figure increases to 26.2 hours in non-Metropolitan Unitary Councils. (The return made by Cheshire county councillors for 2008 was somewhat higher at 28 hours). This time is broken down into attendance at council meetings, Committees etc ten hours; external meetings, seminars and training six hours; and local working (including dealing with electors) eight hours. These figures apply to the general work of councillors, rather than the more senior Members for whom the demands amount to full-time work.

12.2 The analysis above would indicate that on average Cheshire East Members will attend up to one formal Committee meeting per week, plus Task Groups, Panels and Briefings. As any meeting can involve attendance of up to two hours, plus preparation and travelling of a further two hours, it is not difficult to see that members can easily spend ten hours per week on such activities.

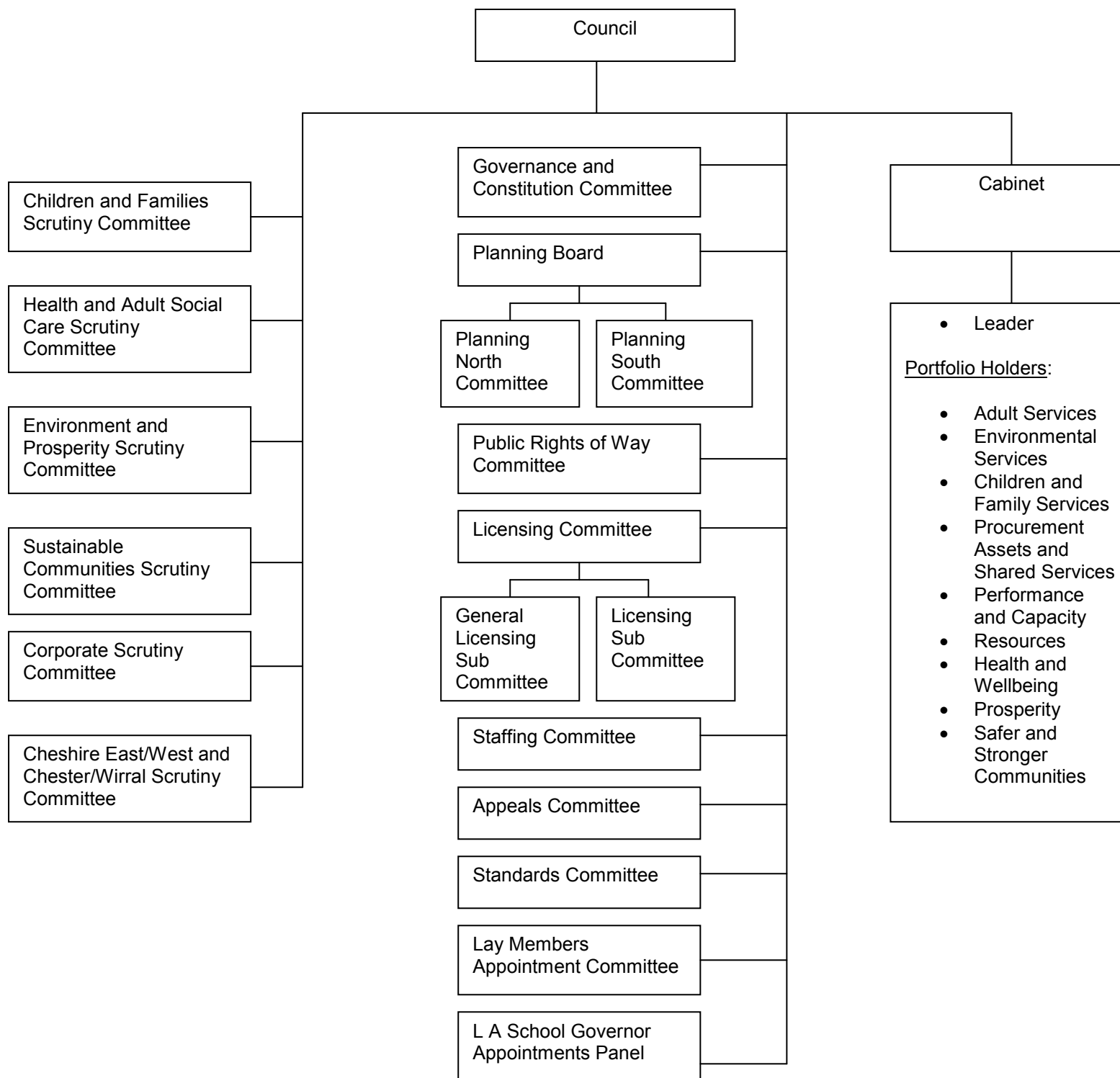
12.3 External activities include representation on Outside Bodies (three per member) and School Governing Bodies which including travel and preparation would amount to at least four hours per week. Personal development activities are estimated to require two hours each week.

12.4 The whole area of local working is likely to be particularly demanding, in line with the Council's objective of engaging all Members fully in this work. Contact with even 5-10% of their electors will readily amount at the minimum to three hours per week. The average across the whole Council for attendance at LAP meetings and related business is calculated to be two hours. Attendance at Neighbourhood meetings (especially for those Members with Parish Councils in their Wards) and local networking is likely to require five hours per week.

12.5 Taking all of this activity together amounts to 26 hours on average per week for each Councillor, broadly in line with the national Census returns. These commitments further justify the proposal for a Council of 82 Members so that workload can be carried equitably across the Members as a whole and there is capacity to make the time commitments involved, and to operate effectively as elected Members.

13 **Conclusion**

13.1 82 Councillors for Cheshire East would give a ratio of 3497 electors per Councillor, which is not dissimilar from the ratio found in a number of other Unitary authorities of a comparable nature. It is proposed that this would be an appropriate ratio and the right number of Councillors for Cheshire East Council.



CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES

<u>Committee</u> <u>Total</u>	<u>Con</u>	<u>Lib Dem</u>	<u>Lab</u>	<u>Ind</u>
Children and Families Scrutiny	10	2	1	1
Health/Adult Social Care Scrutiny	10	2	1	1
Environment and Prosperity Scrutiny	10	2	1	1
Sustainable Communities Scrutiny	10	2	1	1
Corporate Scrutiny	10	2	1	1
Strategic Planning Board	10	2	1	1
North Planning Committee	11	2	1	1
South Planning Committee	11	2	1	1
Licensing Committee	11	2	1	1
Governance and Constitution	10	2	1	1
Public Rights of Way	5	1	1	0
Staffing	5	1	1	0
Appeals	5	1	1	0
Lay Members Appointments	5	1	1	0
Total Places (Actual) 171	123	24	14	10

NB:

Cabinet and Standards Committee are outside the proportionality rules.

APPENDIX C

	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council (Thursday) ***	1* 2			23			15**		17		25		22	
Cabinet (Tuesday) 2.00pm - venues to be confirmed	21	19	16	14	11	8	6	3	1 22+	19	16	16	20#	18
Governance and Constitution Committee (Thursday) 2.00 pm Westfields, Sandbach	16	21		9		24		19		28		25		
Health and Adult Social Care Scrutiny (Wednesday) 10.00 am Westfields, Sandbach	29	20	24	29		16	21	18	16	13	10	10	14	
CE/CWAC/Wirral Joint Scrutiny Committee Dates and venues tba		7 (provisional)												
Corporate Scrutiny (Monday) 10.30 am Westfields, Sandbach		5 (Tu)		13		1 (Tu)		9		11		15		
Children and Families Scrutiny (Monday) 10.30 am Westfields, Sandbach		11		6		14		16		18		22		
Environment and Prosperity Scrutiny (Weds) 10.30 am Westfields, Sandbach		13		8		23		25		20		24		
Sustainable Communities Scrutiny (Thursday) 10.30 am Westfields, Sandbach		14		9		17		19		21		25		

APPENDIX C

	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Standards Committee (Monday) 10.30 am Westfields, Sandbach		18		13		21		23		25		29		
Staffing Committee 1.00 pm		7												
Appeals Committee (Thursday) 2.00 pm	23	28	25	30	27	24	29	26		14	25	25	29	
Public Rights of Way Committee (Monday) 2.00 pm			1			7			7			1		
Strategic Planning Board ## (Wednesday) 2.00pm Westfields, Sandbach	15	6 27	17	8 29	19	9 30	21	11	2 23	20	10	3 24		
Northern Planning Committee ## (Wednesday) 2.00 pm Town Hall, Macclesfield	8 29	20	10	1 22	12	2 23	14	4 25	16	13	3 24	17		
Southern Planning Committee ## (Wednesday) 2.00 pm Municipal Buildings, Crewe	22	13	3 24	15	5 26	16	7 28	18	9	6 27	17	10 31		
Licensing (Monday) 2.00pm Westfields, Sandbach	20			20			19			18				
OUTSIDE BODIES/OTHER BODIES														
Police Authority (Tuesday)	7		30			29			15		23		13	
Manchester Airport Consultative Committee	17			10			23			15			16	

(Friday) – 10.00 am														
LGA Annual Conference and Exhibition			30	1,2										

NOTES

* Mayor Making meeting – 11.15 am at Tatton Park, near Knutsford.

+ 3 week gap between Cabinet meetings to accommodate Christmas break rather than having a meeting early in the New Year which will mean paperwork has to be distributed over Christmas.

5 week gap to avoid clash with Police Authority Annual Meeting.

** dependent on which body has authority to agree the Closure of Accounts – if this remains the responsibility of Council the Council date will need to move to September.

*** Council meeting details as below:

- 2 April, 23 July and 15 October 2009 and 22 April 2010 at 6.00 pm;
- 17 December 2009, 25 February 2010 at 2.00 pm.

No dates have been included for Individual Portfolio Holder meetings at this stage.

European Elections on 4 June.

Health Scrutiny meetings are on dates that are convenient for the Primary Care Trust which is represented at meetings and have a start time of 10.00 am which reflects the amount of business based on experience from the County Council committee.

Strategic Planning Board (SPB) and both Planning Committees are listed as starting at 2.00 pm which was the proposal from the Strategic Planning Board's first meeting held on 4 March. The SPB also agreed a programme of meetings up to December 2009, the Calendar above is based on those dates subject to the removal of the meeting listed for 30 December and extending the dates to March based on the pattern agreed at SPB on 4 March.

Appeals Committee to meet monthly based on advice of Governance Lead Officer and pattern of current County Council Appeals Committee meetings.

Other Committees/bodies

General Licensing Sub-Committee)	
Licensing Sub-Committee)	to meet as and when required
Standards Assessment Sub-Committee)	
Standards Review Sub-Committee)	
Standards Hearing Sub-Committee)	
Lay Members Appointments Committee)	
Independent Remuneration Panel)	

BANK HOLIDAYS

2009

Good Friday 10 April

Easter Monday 13 April

Christmas Day Friday 25 December,

Boxing Day Monday 28 December

2010

Good Friday – 2 April

Easter Monday – 5 April

DJF/200309

SCHEDULE OF APPROVED ANNUAL CONFERENCES

CONFERENCE
North of England Education Conference (January)
Delivering Sustainable Communities Conference (March)
Public Sector People Management Association (PPMA. formerly SOCPO) Annual Conference (April)
f40 Spring Conference (May)
CIPFA Conference (June)
Trading Standards Conference (June)
LGA Annual Conference (July)
4NW Annual Conference (July)
Public Sector People Management Association (PPMA. formerly SOCPO) Northern Regional Conference (September)
RiP/RiPfA Seminar (February)
LGA Annual Rural Conference (September)
Annual Libraries Conference (October)
DICIDA (Development Initiative for Chemical Dependent Areas) (October)
National Standards Board Conference (October)
National Conference for Children and Adult Services (October)
LGA Annual Local Government Finance Conference (December)
North West Employers Organisation Chairs of Overview and Scrutiny Network
Network for Lead Members of Children's Services

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CHESHIRE EAST COUNCIL

COUNCIL

Date of meeting: 2 April 2009
Report of: Borough Solicitor
Title: Calendar of Meetings for 2009 - 2010

1.0 Purpose of Report

- 1.1 To consider and approve the draft Calendar of Meetings for Cheshire East Council for 2009 – 2010.

2.0 Decision Required

- 2.1 To approve the Council's Calendar of meetings.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 None, other than are dealt with elsewhere in the main body of this report.

6.0 Risk Assessment

- 6.1 A published Calendar of meetings enables effective business planning and decision making procedures, thereby reducing risk.

7.0 Background and Options

- 7.1 The attached Calendar of Meetings is submitted for consideration and approval. Once approved, meeting dates, times and venues will be published on the Cheshire East website and distributed widely.
- 7.2 The meeting dates listed for Cabinet and Council were approved by full Council on 9 December.
- 7.3 The meeting dates and venues are based on the following principles:

- Meetings are usually to be held at Westfields, Sandbach as it is a central venue with good parking close to the meeting rooms;
- Where meetings have an area-based element, venues are organised accordingly – for example, Northern Planning Committee meetings will be held in the Town Hall, Macclesfield and Southern Planning Committee meetings will be held in the Municipal Buildings, Crewe;
- Where possible each Committee/body will meet on a set day, for example the Strategic Planning Board will usually meet on a Wednesday;
- No dates are included in the Calendar for Individual Portfolio Holder meetings at this stage;
- Explanatory notes are included at the end of the Calendar.

7.4 Committee Chairmen have been consulted on the draft Calendar.

8.0 Overview of Day One, Year One and Term One Issues

8.1 It is important to have a Calendar of meetings available to enable a smooth transition to the new Council.

9.0 Reasons for Recommendation

9.1 To ensure that all Members, officers, partner organisations and the public can be aware of meetings that may affect or involve them and that the decision making, regulatory and scrutiny structure can proceed effectively.

For further information:

Officer: Denise French, Democratic Services Team

Tel No: 01270 529643

Email: denise.french@congleton.gov.uk

Background Documents: None

CHESHIRE EAST COUNCIL - CALENDAR OF PUBLIC MEETINGS 2009/10

	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council (Thursday) ***	1* 2			23			15**		17		25		22	
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CE/CWAC/Wirral Joint Scrutiny Committee Dates and venues tba		7												Page 55
Corporate Scrutiny (Monday) 10.30 am Westfields, Sandbach		5 (Tu)		13		1 (Tu)		9		11		15		
Children and Families Scrutiny (Monday) 10.30 am Westfields, Sandbach		11		6		14		16		18		22		
Environment and Prosperity Scrutiny (Weds) 10.30 am Westfields, Sandbach		13		8		23		25		20		24		
Sustainable Communities Scrutiny (Thursday) 10.30 am Westfields, Sandbach		14		9		17		19		21		25		

CHESHIRE EAST COUNCIL - CALENDAR OF PUBLIC MEETINGS 2009/10

NOTES

*** Mayor Making meeting – 11.15 am at Tatton Park, near Knutsford.**

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Appeals Committee to meet monthly based on advice of Governance Lead Officer and pattern of current County Council Appeals Committee meetings.

CHESHIRE EAST COUNCIL - CALENDAR OF PUBLIC MEETINGS 2009/10

Other Committees/bodies

General Licensing Sub-Committee)	
Licensing Sub-Committee)	to meet as and when required
Standards Assessment Sub-Committee)	
Standards Review Sub-Committee)	
Standards Hearing Sub-Committee)	
Lay Members Appointments Committee)	
Independent Remuneration Panel)	

BANK HOLIDAYS

2009

Good Friday 10 April
Easter Monday 13 April
Christmas Day Friday 25 December,
Boxing Day Monday 28 December

2010

Good Friday – 2 April
Easter Monday – 5 April

DJF/250309

CHESHIRE EAST

COUNCIL

Date of meeting: 2 April 2009
Report of: Borough Solicitor and Monitoring Officer
Title: Independent Remuneration Panel

1.0 Purpose of Report

- 1.1 To enable the Council to receive and consider the report of the Independent Remuneration Panel on the Members Allowances Scheme to apply from April 2009.

2.0 Decision Required

- 2.1 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.

3.0 Financial Implications for Transition Costs

- 3.1 There are no implications for Transition costs

4.0 Financial Implications 2009/10 and beyond

- 4.1 The annual estimated cost of Members Allowances based on the proposals in the report of the Remuneration Panel, is £1.4m [and this has been included in the 2009-10 Budget approved by Council in February](#). This estimate includes National Insurance, travel and subsistence and other oncosts. The projections will need to be kept under review in the light of the actual operating experience of the fully vested Council.

5.0 Legal Implications

- 5.1 The Council is empowered to pay a range of Allowances to Members in respect of their roles and responsibilities, but must appoint an Independent Remuneration Panel to offer advice and recommendations on the Allowances Scheme, prior to its adoption by the full Council. The report contains the required advice from the Remuneration Panel.

6.0 Risk Assessment

- 6.1 Consideration of the Panel's report enables the Council to adopt appropriate remuneration arrangements in compliance with the Members' Allowances Regulations 2003.

7.0 Background and Options

- 7.1 In order to make a Scheme of Member's Allowances for the vested Council, it was necessary for the Authority to appoint an Independent Remuneration Panel to consider and make recommendations on the Scheme's provisions.
- 7.2 Governance and Constitution Committee on 1 December 2008 formally appointed a Remuneration Panel of five independent persons. The Panel has met on six occasions, and has drafted its report on the Allowances arrangements for 2009/10. The Panel's report and recommendations were considered by Governance and Constitution Committee on 9 March, who resolved to advise Council to adopt them in full.
- 7.3 The Remuneration Panel has since met again on 19 March, to consider two outstanding aspects of the Scheme, namely whether Special Responsibility Allowance should be paid to the Cabinet Support Member posts; and also whether any co-optees allowance should be paid to co-opted and Independent Members of Committees. The Panel's recommendations are set out in the Addendum to this report.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The need for a Scheme of Members Allowances is required for Day One, to apply for the whole of Year One and to form the basis of the Scheme thereafter.

9.0 Reasons for Recommendation

- 9.1 The Council is requested to consider the report of the Independent Remuneration Panel, and decide upon the adoption or otherwise of the Panel's recommendations for the Allowances Scheme.

For further information:

Portfolio Holder:
Officer: Mike Flynn, Governance Lead Officer
Tel No: 01244 972260
Email:

Background Documents:

Office of the Deputy Prime Minister
Guidance on Consolidated Regulations for
Local Authority Allowances (July 2003)

Documents are available for inspection at

Legal and Democratic Services
Westfields
Sandbach:

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Report of Cheshire East Council's
Independent Remuneration Panel

Cheshire East Council's Allowances Scheme
From 1 April 2009

Introduction

- 1 The Implementation Order for Unitary Local Government in Cheshire applied Cheshire County Council's Scheme of Member Allowances to the Shadow Unitary Councils for the period May 2008 - March 2009 inclusive. An interim scheme for the Shadow period was approved, adopted and applied.
- 2 Cheshire East Council recognised the requirement for an Independent Remuneration Panel to consider and make recommendations with regard to the levels and types of Members' Allowances that should be adopted by the vested Council from April 2009.
- 3 The Panel and its Membership was agreed and appointed by the Governance and Constitution Committee on 1 December 2008 and consists of the following Independent Members:-

David Routs (Chair)
Prof. Michael Burdekin
Jan Charles
Christine Crowe
Peter Foden
- 4 Officers supporting the Panel are:
Mike Flynn, County Secretary and Cheshire East Governance Lead;
Ian Jones, Business Manager, Cheshire County Council and Acting Secretary to the Panel;
Steve Wilcock, Finance Manager, Cheshire County Council.
- 5 The Panel met on 6 occasions (18 November (preliminary), 3 and 16 December, 13 January, 23 February and 19 March) and this report sets out the Panel's recommendations for consideration by the Cheshire East Council.
- 6 The Panel invited all Members of the Shadow Council to submit their views on allowances arrangements taking account of the developing political structure, the responsibilities and the time commitments. The Panel received a total of 7 written responses as well as the views of representatives of the Governance and Constitution Committee who met with the Panel at its preliminary meeting.
- 7 The Panel devoted time at the start of the deliberations to the special position which Cheshire East occupies, as a new Unitary Council moving from 'Shadow' mode to vested status on 1 April, with all of the demands and challenges which this will place on Members.
- 8 It was noted that the new Council would deliver or commission all of the local authority services in its area. Cheshire East with a population of 360,700 is

the third largest Unitary Authority in the North West and the ninth largest in England. It covers an area of 116,630 hectares, employs approximately 14,000 staff and has a net budget of £235m. Accordingly it is a substantial organisation, which the Panel felt should be reflected in the allowances arrangements.

- 9 The Panel was aware that the political management structures of the Council were still developing, and these arrangements have continued to progress whilst the Panel was considering the Scheme.
- 10 The Panel was advised that the Council intended to adopt the “strong leader” model of Executive, and that there would be delegation from the full Cabinet to individual Cabinet Members, thereby increasing individual accountability for each portfolio area. These arrangements were approved by the Council on 24 February.
- 11 These developments would place more responsibility on the role of Overview and Scrutiny, in terms of the review of Cabinet activity and the provision of advice and recommendations on policy development. Other new roles for scrutiny included the NHS, other external bodies through the Local Area Agreement and Community Safety arrangements, and the forthcoming need to deal with Councillor Call for Action and Local Petitions. The Council has resolved to appoint five Scrutiny Committees to deal with this work, together with “Task and Finish” review Panels, all of which will place significant burdens on the non-Executive Members.
- 12 Equally the Council has now established its arrangements for dealing with Planning matters and Licensing, following a similar pattern of a “strategic” Committee in each case, with a separate North and South Committee (Planning) or Sub-Committees (Licensing) to deal mainly with the detailed applications. The Panel accepted that the workload of these Committees and Sub-Committees would be high with significant demands (including training) placed upon their Members.
- 13 Still developing are the Council’s proposals for local working, through the “pilot” Local Area Partnerships (LAP’s). The Panel understand that the success of the Council will be judged partly against the effectiveness of this engagement with local communities. Although how this will work in practice is not yet fully clear, the Panel was of the view that the Local Working/representational element of Members work would be both time consuming and important, and that the level of basic allowance in particular should reflect this. Further consideration would need to be given to the possibility of a Special Responsibility Allowance for the LAP Chairs in due course.
- 14 The Panel considered the position of the Opposition Groups and the nature of the contribution they can make through the political management arrangements to the operation of the Council. The Panel is minded to advise that some SRA’s should be available to Opposition Leaders and Whips. However the Panel was unable to come to a view at this stage about the role and contribution which might be made by Opposition Spokesmen if they were to be appointed. If the Council requires, the Panel is willing to reconsider this

aspect, on the basis of further information on the nature of the Spokesperson's role and responsibilities and whether any such appointments will be made in the Council's formal structures.

- 15 The Panel was also advised about the intention to create the role of a 'Cabinet Assistant' (possibly up to 4 such posts) in order to increase the overall capacity of the Cabinet. The Panel will be happy to consider this when more details are available as to the responsibilities of the Cabinet Assistants.
- 16 The Panel's Approach included consideration of the following issues:-
- The provision for special responsibility allowances (SRA's), the rate of basic allowance and the other more detailed aspects of the allowance scheme.
 - the Shadow Council's developing political structures, portfolio holders' service responsibilities and summaries of the Shadow and County Council current posts that attracted SRA's.
 - Comparative allowances information (including population and area size), including information gathered from the following unitary authorities: Kirklees, Corydon, Blackpool, East Riding, Stockport, Trafford, Barnet, Wakefield and Wirral
 - Employers' NI and travelling and subsistence costs, as well as the applicability of the Local Government Pension Scheme.
- 17 The Panel received and considered the following documentation:-
- ➔ Government Guidance on Local Authority Allowances
 - ➔ A Guide to the current Shadow Council Scheme including travel and subsistence
 - ➔ Protocol on Member / Officer relations
 - ➔ Members SRA Template
 - ➔ Child Carer/Dependent Carers Allowance Guidelines
 - ➔ Model Member Job Descriptions
 - ➔ Health and Adult Social Care Committee report
 - ➔ A comparative information paper showing examples from other Unitary Councils and County Councils Network data
 - ➔ Information on and terms of reference of Licensing Committee and Sub-Committee Chairmen etc.
- 18 In considering the basic allowance, due regard was given to comparator information, the basic rate established at the County level, the views of Council Members, the current national average wage (£24,900), affordability and the element of volunteering for public service.
- 19 An underlying principle is that the Basic Allowance is used as the basis from which all SRAs are calculated, in accordance with an appropriate weighting and differential gearing; weightings were applied to each SRA with a methodology involving the perceived work of the posts and using best judgement and assessment of the posts with the available information.

Use of the Basic Allowance as a basis for SRA levels is a generally accepted method for Remuneration Panels and the Panel confirms this for its recommended scheme.

- 20 In considering the gearing factor which should be applied to each post following the establishment of the basic allowance, Members considered each post carefully in relation to the amount of time, effort and responsibility which was applicable in each case.

Conclusions

- 21 It was agreed that 45% of the current national average wage would be a fair reflection of the work involved taking everything into consideration including the voluntary 'public service' element of the Councilor role. This would be a good starting point to attach gearing percentages in order to establish SRA payments and therefore the **recommendation for Basic Allowance would be £11,200.**
- 22 A 'template' was developed by the Panel showing the offices to which **Special Responsibility Allowances** should apply in the Shadow Council's Political Structures and the Panel considered and agreed on all posts eligible for SRA payments, recognising that the structure would be subject to further change and development. In considering the gearing factor which should be applied to each post following the establishment of the basic allowance, Members considered each post carefully in relation to the amount of time, effort and responsibility which was applicable in each case. The recommendations are set out in Appendix 1
- 23 It was agreed that Child Carer/ Dependent Carers Allowance be paid as outlined in the template.
- 24 It was agreed that the current Shadow Subsistence and Travel Allowances scheme be adopted with the appropriate uplift wef 1.4.09 in relation to RPI.
- 25 The Panel recommend that access to the Local Government Pension Scheme be available to all members and be applied to both Basic and the payment of Special Responsibility Allowances
- 26 The Panel agreed to apply the application of Travel Allowances for Nominated Member duties at an HQ building for essential business only which arises directly from the offices which these Members hold.
- 27 The Panel agreed to undertake further work on the possible payment of allowances to Independent and co-opted members who are formal members of Committees.
- 28 The Panel recommends that there be just one payment of SRA to any Member and in the case of a Member being eligible for more than one payment the entitlement would be to the higher SRA.

Review

- 29 The Panel was keen to acknowledge that the new Authority's political structure could be subject to change over the first year and perhaps the year beyond, as the Council evolves. This will require a flexible approach to the review of allowances as changes occur. Whilst an annual review of the Scheme as a whole is the ideal, the Panel considered that allowances should normally be revised, at the appropriate time each year, by being linked to the prevailing Retail Price Index (RPI).

Recommendations

The Remuneration Panel recommends

- (1) the adoption of the allowances arrangements as set out in Appendix 1**
- (2) the adoption of the current levels (Shadow Council) of travelling and subsistence, as outlined in Appendix 2, subject to an adjustment if necessary for inflation (RPI) with effect from 1 April 2009.**

David Routs
Chair

Appendix 1

<u>Members Allowances from 1/4/2009</u>		Gear	SRA
			£
Basic Allowance	81		11200
Mayor	1	1.25	14000
Deputy Mayor	1	0.5	5600
Carers Allowance (max)		0.55	6100
Council Leader	1	2.5	28000
Deputy Council Leader	1	1.5	16800
Cabinet Portfolio	8	1.25	14000
Scrutiny Committee – Chair	5	0.65	7280
Vice Chair	5	0.22	2460
Public Rights of Way Committee Chair	1	0.5	5600
Vice Chair	1	0.165	1850
Appeals Committee Chair	1	0.65	7280
Vice Chair	1	0.22	2460
Planning Board – Chair	1	0.65	7280
Vice Chair	1	0.22	2460
Area Planning Committee Chair	2	0.65	7280
Vice Chair	2	0.22	2460
Governance and Constitution Committee – Chair	1	0.65	7280
Vice Chair	1	0.22	2460
Licensing Committee – Chair	1	0.65	7280
Vice Chair	1	0.325	3640
Staffing Committee – Chair	1	0.65	7280
Vice Chair	1	0.22	2460
Standards Committee – Chair	1	0.65	7280
Vice Chair	1	0.22	2460
Opposition Spokesperson		0	0
Main Opposition Leader	1	0.65	7280
Main Opposition Deputy Leader	1	0.325	3640
Opposition Leaders	2	0.5	5600
Administration Whip	1	0.325	3640
Deputy Administration Whips	2	0.15	1680
Opposition Whips	3	0.15	1680

PROPOSED TRAVELLING, SUBSISTENCE AND OTHER ALLOWANCES/REIMBURSEMENTS

1. Dependants' Carers' Allowance

£6,100 - maximum total amount payable to an individual Member each year subject to production of receipts.

This element of the allowances scheme is seen as an important factor in enabling Members to fulfill their duties as well as being able to care for dependents (children and adults in their care).

2. Travelling Reimbursement (in line with officer scheme)

2.1 Car Rate per Mile

Miles per Annum	451 – 999 cc	1000 – 1199 cc	1200 cc+
per mile first 8,500	42.9p	46.9p	58.7p
per mile after 8,500	32.3p	13.6p	15.8p

2.2 Rail Travel

All Rail Travel to be booked centrally through the travel bookings system wherever possible and second class travel to be used, unless in exceptional circumstances where a good business case can be made for first class. Where applicable senior rail cards to be used to reduce cost.

2.3 Motor cycle or moped allowance

	Rate per mile	Rate per mile	
Motorcycle	126 - 250cc	251 - 500cc	
For the first 1,500 per annum	27p	35 .5 p	
Moped	500cc+	Up to 125 cc	Up to 50cc
For the first 1,500 per annum	39.2p	18.8p	12.4p
Non motorised transport e.g. bicycle	11 pence per mile		
Additional rate for each passenger, not exceeding 4, to whom a Travelling Allowance would otherwise be payable:	1.0 pence per mile		
Expenditure on tolls, ferry or car	Actual Amount		

parking:

Overnight garaging supplement, Actual Amount
where the Member is absent
overnight:

3. Subsistence Reimbursements (add uplift for RPI wef 1/4/09)

Breakfast Allowance for a duty of more than 4 hours concluding before 12 noon
£8.29

Lunch Allowance for a duty of more than 4 hours concluding after 12 noon
£10.64

Dinner Allowance for a duty of more than 4 hours concluding after 6 p.m.
£16.69

Dinner Allowance (London and abroad) for a duty of more than 4 hours
concluding after 6 p.m. £34.57.

Overnight outside London: £118.60 (to include breakfast)

Overnight in London - £142.31 (to include breakfast).

The limitations on reimbursement are:

(i) Absence of more than 4 but less than 8 hours, the cost of 1 main meal.

(ii) Absence of 8 hours or more but less than 12 hours, the cost of 2 main
meals.

(iii) Absence of 12 hours or more, the cost of 3 main meals.

(Receipts must be submitted with such claims)

5. Members Surgeries

Up to a maximum of £32 for room hire in connection with the conduct of a
Member's Surgery, subject to a maximum of twelve such claims per annum and
the submission of necessary receipts.

Approved Duties:

**It is suggested that Members may claim travel, subsistence and other
allowances for approved duties detailed below:**

- Attendance at meetings of Council, Committees, Sub-Committees, Cabinet meetings (including by invitation) Special Committees, Panels, Boards, Forums, Local Joint Highways and Transportation Committees, District Public Transport Liaison Committees and Working/Task Groups

- Attendance at visits of inspection of sites and buildings arranged by any of the bodies listed above
- Attendance at meetings of bodies on which the Borough Council is invited to be represented and Outside Body Meetings to which the Governance and Constitution Committee make appointments but excluding School Governing Bodies
- The doing of anything as Chairman or Vice-Chairman of an outside body on which the Member is representing the Borough Council
- Conferences/Seminars
- Authorised briefings for Committees/Sub-Committees/ Cabinet meetings including all meetings which are called by officers of the Council e.g. Pre Agenda meetings
- Duties undertaken by a Chairman/Cabinet Member
- Courtesy Visits
 - (ie
 - Civic duties of the Mayor and Deputy Mayor of the Council
 - Service duties and visits undertaken by the Chairman/Vice Chairman of Committees and Sub-Committees and by Cabinet Members
 - for individual Members, attendance at official openings, open days, presentations, meetings with VIPs, receptions etc all of which take place outside the Electoral Ward)
- Governors of FE/HE Colleges, Residential Special Schools and Independent Schools
- 'Nominated Member' Duties - those members covered by this element of the scheme are deemed to be for travel to the authority's Administrative Buildings as follows for essential business arising from the office which they hold:
 - Leaders
 - Deputy Leaders
 - Group Whips
 - Mayor and Deputy Mayor
- Attendance at Parish Council Meetings within the Electoral Ward
- Member Learning and Development Events
- For Parent Governor Co-opted Members – travel expenses to the Cheshire East Association of Governing Bodies meeting Maximum 12 p.a.)

Addendum to Report of Cheshire East Council's
Independent Remuneration Panel

In addition to the report and recommendations outlined above the Independent Remuneration Panel considered the following matters at their meeting on 19 March and makes further recommendations and comments.

(1) Cabinet Support Members

The Panel was 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:-

<u>Members Allowances from 1/4/2009</u>		Gear	SRA
			£
Cabinet Support Members	4	0.5	5600
OR		0.65	7280

(2) Statutory Co-opted Members, Independent Members of Standards Committee and other Co-opted Members onto a Committee/Body with a regular commitment

The panel recommends that a claimable allowance be made available of £30 per meeting attended.

(3) Review of Allowance Scheme

Given the Council becomes fully vested from 1 April, the Panel anticipates a further meeting in the late Autumn to review the allowances arrangements in the light of operational experience.

David Routs
Chair
19 March 2009