

# Cabinet Agenda

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**Date:** Tuesday, 21st April, 2009  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1, 2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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. **Apologies for Absence**

2. **Declarations of Interest**

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

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

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 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.

Where a member of the public wishes to ask a question of a Cabinet Member 3 clear working days notice must be given to the Democratic Services Manager, and the question must be submitted in writing.

4. **Minutes of Previous meeting** (Pages 1 - 12)

To approve the minutes of the meeting held on 24 March 2009.

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Please contact Cherry Foreman on 01270 529736  
E-Mail: [cherry.foreman@cheshireeast.gov.uk](mailto:cherry.foreman@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

5. **School Organisation Decision Making** (Pages 13 - 38)

To consider the appropriate processes for making decisions on school organisation matters; specifically, the publication and determination of public statutory notices.

6. **Corporate Parenting Governance Arrangements** (Pages 39 - 48)

To consider governance and management arrangements for the exercising of corporate parenting responsibilities by Members and Officers of the Council.

7. **Car Parking Strategy for Cheshire East Council** (Pages 49 - 54)

To consider a proposed Car Parking Strategy for Cheshire East Council.

8. **Leisure Facilities Cabinet Sub-Committee** (Pages 55 - 58)

To consider proposals for the establishment of a Cabinet Sub-Committee to consider the strategic outcomes required of the Council's leisure facilities.

9. **Substitute Members for Shared Services Joint Committee** (Pages 59 - 60)

To consider proposals for providing substitutes for the Shared Services Joint Committee.

10. **Notices of Motion** (Pages 61 - 64)

To note the referral of Notices of Motion by Council.

11. **Cabinet Assistants**

The Leader will announce the names of those members who are to assume the role of cabinet assistant for the purposes of the Members Allowances Scheme.

**CHESHIRE EAST COUNCIL**

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

**PRESENT**

Councillor W Fitzgerald (Chairman)  
Councillor R Domleo (Vice-Chairman)

Councillors D Brickhill, D Brown, P Findlow, F Keegan, A Knowles, J Macrae,  
P Mason and B Silvester

In attendance: Councillors A Richardson and A Thwaite

**182 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**183 DECLARATIONS OF INTEREST**

Members gave a general declaration of personal interest in respect of items on the agenda where an individual member was a Member of Cheshire County Council and/or one of the Borough Councils or Parish Councils. In accordance with the Code of Conduct they remained in the meeting during consideration of these items.

**184 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from members of the public.

**185 MINUTES OF PREVIOUS MEETING**

In considering the minutes clarification was given in respect of minute 178 (Appointments to Category 1 Schedule of Outside Organisations) to confirm that the 'Have Your Say' Cheshire Police Authority meetings (Ref no 34) are open to all members to attend, without invitation, and hence Members did not need to be appointed to this particular organisation.

**RESOLVED**

The minutes of the meeting held on 3 March 2009 were approved as a correct record.

**186 KEY DECISION CE57 SCHOOL ADMISSIONS**

Consideration was given to a proposed coordinated admission scheme and to admission arrangements for the year commencing September 2010.

Following the distribution of the Cabinet agenda the Admissions Forum had, at its meeting on 17 March 2009, considered the responses to the consultation and had recommended that the proposed arrangements for September 2010 admissions be approved, with minor changes set out below, and that all consultees be notified of the arrangements, as required by the appropriate Regulations. The arrangements were, therefore, now referred to the Cabinet for approval in order to comply with the statutory requirement that the arrangements were determined prior to 15 April 2009. The changes recommended were that

- In relation to the proposed re-zoning of the Church Lawton catchment area *to take effect in the event that a final decision is taken to close the school*, a small amendment to the earlier proposal, with the area to the east of the catchment area using the Trent and Mersey Canal as the southern boundary, including Lawton Hall Farm, Lawton Manor, Lawton Hall Drive, The Gardens, The Stables being rezoned to Scholar Green Primary School and not Excalibur as originally proposed.
- Additional text to be included in respect of waiting lists, which states: 'Precedence over other children held on the waiting list for children who are the subject of a direction to admit; are part of a managed transfer from a closing school; or who are allocated in accordance with the Authority's 'in Year Fair Access (Hard To Place) Protocol.

The Forum also re-considered the admission arrangements proposed by Sandbach High School and Sixth form College and responses to the proposal by the Local Authority that the increase in the published admission number from 210 to 240 should not be supported. In the light of this information, and the recalculation of the school's net capacity, together with information on the current number on roll and the number of applications received for entry in September 2009 the Forum resolved to recommend to the Cabinet that authorisation be given to an objection by the Local Authority to the School Adjudicator in the event that policy determined by the Governing Body for September 2010 includes a published admission number of 240.

In respect of the increase in admission numbers at Sandbach High School and Sixth Form College Members expressed concern at the ongoing effect this would have on the capacity of the premises; it was therefore agreed that the recommendations of the Admissions Forum should be supported.

### RESOLVED

For the reasons set out in the report and as now given: -

1. That from September 2010 approval be given to the proposed primary and secondary coordinated admission schemes for Cheshire East Council's maintained schools, and to the proposed admission arrangements for its community and voluntary controlled schools, including the changes recommended by the Cheshire East Admissions Forum, and that notification of this determination be sent to all consultees.

2. That an objection be sent to the School Adjudicator on the arrangements proposed by Sandbach High School in the event that the Governing Body determine the proposed published admission number of 240 for September 2010.

187      **KEY DECISION CE66 CAPITAL STRATEGY 2009/10**

Consideration was given to the Capital Strategy for 2009/10, to form the basis for consultation with members and key stakeholders.

RESOLVED

For the reasons set out in the report: -

That approval be given to the proposed development of the Capital Strategy for 2009/10.

188      **KEY DECISION CE67 ASSET MANAGEMENT PLAN 2009/14**

Consideration was given to a report on progress in developing the Asset Management Plan for 2009 – 2014, and to its associated documents.

RESOLVED

For the reasons set out in the report: -

1. That the Asset Management Plan for 2009 – 2014 be approved.
2. That the work on the Asset Management paper and the Modern Use of Property document be endorsed.

189      **KEY DECISION CE53 CHESHIRE HOMECHOICE COMMON ALLOCATIONS POLICY**

Cabinet considered amendments to the Cheshire Homechoice Common Allocations Policy, which had been made to reflect Members concerns and to take into account local connection to rural areas.

RESOLVED

For the reasons set out in the report: -

That approval be given to the amendments to the Cheshire Homechoice Common Allocations Policy, and to its adoption.

190      **SUB REGIONAL HOUSING STRATEGY**

Consideration was given to the Sub Regional Housing Strategy, published on behalf of the Cheshire Housing Alliance.

RESOLVED

For the reasons set out in the report: -

That the Sub Regional Housing Strategy be approved and adopted prior to its launch by the Cheshire Housing Alliance in April 2009.

191      **CRITICAL DAY 1 HR POLICIES**

Consideration was given to the policies that needed to be in place for non-teaching employees for Day One, and to policies for employees appointed on new Cheshire East terms and conditions of employment. The Head of HR and Organisational Development reported that whilst the Trade Unions were in agreement with the proposals Unison were in the process of appointing a replacement representative and, as a result, had submitted a statement to say that they were unable to agree to the policies at present but that was not to say that they would oppose them.

In order to ensure that the necessary policies were in place it was recommended that those listed in paragraphs 2.1 and 2.2 be approved and adopted and that there be an early review of terms and conditions, policies and procedures to ensure they were fit for purpose and reflected the culture and values of the new authority. Cabinet agreed that this was still the most appropriate way forward but that the matter should be referred back to them in the event of any difficulties arising.

**RESOLVED**

For the reasons set out in the report and as now given: -

1. That approval be given to the following policies, to apply to all Cheshire East non teaching employees, detailed in Appendices 1 to 7 of the report: -
  - Attendance Management Policy (Appendix 1)
  - Dignity at Work Policy (Appendix 2)
  - Disciplinary Policy (Appendix 3)
  - Grievance Policy (Appendix 4)
  - Recruitment Policy (Appendix 5)
  - Workforce Performance Management Policy (Appendix 6)
  - Equality in Employment Policy (Appendix 7)
2. That approval be given to the following policies, to apply to employees appointed on new Cheshire East terms and conditions of employment, detailed in Appendices 8 to 11 of the report: -
  - Attendance & Leave Policies (Appendix 8)
  - Health Policies (Appendix 9)
  - Pay Policies (Appendix 10)
  - Termination Policies (Appendix 11)
3. That there be an early review of terms and conditions, policies and procedures, and that the matter be considered further by the Cabinet in the light of any difficulties that arise.

192 **PENSION DISCRETIONS**

Consideration was given to the use of Pension Discretions for the Local Government Pension Scheme for Cheshire East Council. An amendment to paragraph 10 of Appendix 1 to the report was circulated at the meeting, the amendments being in italics as follows: -

***First Tier - permanently incapable of any gainful employment but are NOT likely to work before Normal Retirement Age (accrued retirement benefits plus 100% of prospective membership until normal retirement age).***

Second Tier - permanently incapable of any alternative gainful employment within a reasonable period of time, but is likely to be so capable before the age of 65 (*accrued retirement benefits plus 25% of prospective membership to normal retirement age*).

***Third Tier - permanently incapable of their local authority employment but are judged by an occupational health practitioner to be capable of gainful employment within a reasonable period after leaving employment (pension equivalent to the members accrued benefits at the point of ill health retirement - payment of which will be stopped after three years or earlier, if ex-employee obtains, or becomes capable, of gainful employment)***

**RESOLVED**

***For the reasons set out in the report: -***

***That subject to the above amendments approval be given to the adoption of the Pension Discretions for the Local Government Pension Scheme to apply to all non-teaching employees of Cheshire East, as set out in Appendix 1.***

193 **FLEXIBLE AND MOBILE AND WORKING POLICY**

Consideration was given to a Flexible and Mobile Working Policy to support service delivery and provide benefits for employees.

**RESOLVED**

***For the reasons set out in the report: -***

***That approval be given to the Flexible and Mobile Working Policy, and to a proposed payment of £250 for set up costs and a tax free allowance of £3 per week to employees who are designated home workers.***

194 **HEALTH AND SAFETY POLICY**

Consideration was given to a Health and Safety Policy for Cheshire East, and to the accountability arrangements. In considering the Policy the Cabinet agreed to a requested alteration to paragraph 1.6 of the Policy

whereby the word 'approval' was amended to 'consultation with a view to agreement'.

RESOLVED

For the reasons set out in the report: -

That approval be given to the Health and Safety Policy subject to the amendment detailed above.

195      **SURE START EARLY YEARS AND CHILDCARE  
FUNDING AND CONTRACTUAL ARRANGEMENTS 2009/10**

Consideration was given to the extension of a number of grant funding schemes currently operated by Cheshire County Council, and to the delegation of authority to the Head of Children and Families Service to ensure they were allocated in accordance with Appendix 1 of the report.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the grant funding schemes set out in Table 1 of Appendix 1 for 2009-2010 and the individual delegation of authority to the Head of Children and Families Service to ensure that grants are allocated in accordance with Appendix 1.
2. That approval be given to the extension of arrangements for the payment and administration of the Nursery Education Grant free entitlement for three and four year olds until 31 March 2010 on the basis set out in this Report.
3. That approval be given to the extension of the contract with Action for Children for the provision of early intervention family support services to families with children aged 0 - 5 from 1 April 2009 for one year.
4. That approval be given to the arrangements for the application of funding for Extended Services during 2009/10 set out in this Report.

196      **HARMONISED POLICY AND PROCEDURE FOR  
ACTIVITIES UNDER THE REGULATION OF INVESTIGATORY  
POWERS ACT 2000**

Consideration was given to the Cheshire East Policy and Procedure for Surveillance, and the Procedure for the Acquisition and Disclosure of Communication Data under the Regulation of Investigatory Powers Act 2000.

RESOLVED

For the reasons set out in the report: -



That the policies and procedures identified in Section 1 of the report be adopted by Cheshire East Council from 1 April 2009.

197        **HARMONISED ENFORCEMENT POLICY FOR CHESHIRE EAST COUNCIL**

Consideration was given to the adoption of the harmonised Cheshire East Enforcement Policy for all council services with the exception of planning.

**RESOLVED**

For the reasons set out in the report: -

That the Enforcement Policy (Appendix 1) be adopted from 1 April 2009 for all Council services which have a responsibility for enforcement with the exception of planning.

198        **LOCAL ENVIRONMENTAL QUALITY STRATEGY**

Consideration was given to the adoption of the Environmental Quality Strategy. This Strategy would provide guidance for community wardens and environmental enforcement officers, on how they should tackle local environmental quality issues such as litter, dog fouling, graffiti, fly posting and fly tipping.

**RESOLVED**

For the reasons set out in the report: -

That the Local Environmental Quality Strategy be adopted.

199        **CORPORATE PROCUREMENT STRATEGY**

Consideration was given to the Corporate Procurement Strategy for 2009/12. This would set the direction for procurement within the Council and establish a framework for individuals and Directorates to operate in and be measured against.

**RESOLVED**

For the reasons set out in the report: -

That the Corporate Procurement Strategy be endorsed for publication and implementation.

200        **BOROUGH STATUS - COUNCIL NAME**

Consideration was given to the practical implications arising from the grant of borough status, and to the application of a consistent approach to the use of the word 'borough'. The report detailed the circumstances

under which this applied, namely when failure to do so could bring into question the legal authority to take action.

**RESOLVED**

For the reasons set out in the report: -

1. That approval be given to the use of the name Cheshire East Council if required to be used for any purpose except in the circumstances at 2 below.
2. That the name Cheshire East Borough Council be used where on the advice of the Borough Solicitor it is appropriate to protect the Council's legal position.

**201 CABINET DECISION-MAKING ARRANGEMENTS**

Consideration was given to proposed arrangements for individual Cabinet Members to make decisions in public.

**RESOLVED**

For the reasons set out in the report: -

1. That the Governance and Constitution Committee recommend to Council that the provisions set out in paragraph 8.2 of the report be adopted in respect of individual Cabinet Member decision making.
2. That the Governance and Constitution Committee recommend to Council that the extra provision regarding Key Decisions referred to in paragraph 8.4 be rescinded.
3. That the proposed arrangements for individual Portfolio /holder decision-making as outlined in the report be approved and implemented with effect from 1 April 2009.
4. That the Governance and Constitution Committee recommend to Council that these arrangements be incorporated into the Council's Constitution as appropriate.

**202 LOCAL AREA AGREEMENT**

*In accordance with Section 100B(4)(b) of the Local Government Act 1972 the Chairman agreed to allow consideration of this item as a matter of urgency in order to comply with the deadline for the submission of the Agreement to the Department for Communities and Local Government. Negotiations on the Agreement had only been concluded on 20 March 2009.*

Formal approval was sought of the reviewed and refreshed 'severed' Local Area Agreement for Cheshire East (Appendix A) to meet the submission timetable outlined by the Department for Communities and

Local Government and the statutory requirements of Section 111 of the Local Government and Public Involvement in Health Act 2007.

RESOLVED

For the reasons set out in the report: -

That approval be given to the reviewed and refreshed 'severed' Local Area Agreement for Cheshire East on behalf of the Council for submission to the Department for Communities and Local Government.

## 203      **SHARED SERVICES**

*In accordance with Section 100B(4)(b) of the Local Government Act 1972 the Chairman agreed to allow consideration of this item as a matter of urgency as the agreements needed to be completed by 31 March 2009. It had not been possible to finalise the report until the Joint Programme Development Team had met with representatives of the West on Monday 23 March 2009.*

Consideration was given to this report on progress made in collaborating with Cheshire West and Chester Council to deliver a number of the Councils functions on a shared basis. The report detailed those to be shared on a long-term basis, or for a transitional period, or that were being dealt with as part of a separate process, and indicated which Council was to be the host authority.

In considering the Membership of the Joint Committee it was considered that the Portfolio Holders associated with Performance and Capacity would be the most appropriate Members. It was, however, intended that other relevant Portfolio Holders would be co-opted to attend as appropriate.

RESOLVED

For the reasons set out in the report: -

1. That the lists of transitional and longer-term shared services be ratified (Appendix 1);
2. That the Joint Programme Development Team be authorised to proceed with ensuring the smooth transition to Shared service operation at Vesting Day;
3. That the Borough Treasurer and Head of Assets, in conjunction with the Portfolio Holder for Shared Services and the Portfolio Holder for Resources, be given delegated authority to finalise the legal documents to give effect to the shared services agreements;
4. That agreement be given to enter into the necessary legal agreements to give effect to the shared services arrangements set out in this report subject to any amendments agreed by the Borough Treasurer and Head of Assets, in conjunction with the Portfolio Holder for Shared Services and the Portfolio Holder for Resources;

5. That agreement be given to the creation of a Joint Committee for the purposes of strategic decision making to facilitate shared service provision with Cheshire West and Chester Council and nominate three councillors to be members to the Joint Committee; these to be the Portfolio Holders for Resources, Procurement, Assets and Shared Services and Performance and Capacity.
6. That agreement be given for the discharge of its functions relating to the services specified in Appendix 1 by the Joint Committee for discharge by the Joint Committee as appropriate and pending such a resolution of the Joint Committee; agree to the discharge of those functions as specified in Appendix 1 where Cheshire West and Chester Council is specified as the host by Cheshire West and Chester Council;
7. That agreement be given to accept responsibility for the discharge of the services specified in Appendix 1 where Cheshire East Council is named as the host on behalf of the Joint Committee or, pending such resolution by the Joint Committee, on behalf of Cheshire West and Chester Council;
8. That agreement be given to the secondment, as appropriate, of staff working within the proposed shared service arrangement in respect of the services which are the responsibility of the Joint Committee;
9. That the transfer of assets be authorised as appropriate to give effect to the shared services arrangements.

204      **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That in accordance with Section 100(A)4 of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest in maintaining the exemption outweighs the public interest in disclosing it.

(Paragraph 3 concerns information relating to the financial or business affairs of any particular person, including the authority holding that information.)

205      **KEY DECISION CE68 WASTE TREATMENT PFI CONTRACT**

Approval was sought of the terms and conditions of the proposed Inter Authority Agreement which will govern the relationship between Cheshire West and Chester Council and Cheshire East Council in relation to the

Cheshire Waste Treatment PFI Contract, and the ongoing management of the Waste Contracts.

RESOLVED

For the reasons set out in the report: -

That the contents of the report be noted and approved and that the Certifying Officer be authorised to settle the final terms of the inter Authority Agreement and secure its completion by the 31 March 2009 deadline.

*In accordance with Rule 13 of the Council's Scrutiny Procedure Rules, and as the Chairman of the Scrutiny Committee has agreed that this decision should be treated as urgent, the call in procedure does not apply to this decision.*

The meeting commenced at 2.00 pm and concluded at 4.10 pm

Councillor W Fitzgerald (Chairman)

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## CHESHIRE EAST COUNCIL

### Cabinet

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<b>Date of meeting:</b>	21 April 2009
<b>Report of:</b>	Interim Manager for School Organisation & Development
<b>Title:</b>	School Organisation Decision Making

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#### 1. Purpose of Report

To consider the appropriate processes for making decisions on school organisation matters; specifically, the publication and determination of public statutory notices.

#### 2. Recommendations

To approve the decision making processes for school organisation matters as required by the Education and Inspections Act 2006 and other legislation, and in this respect:

- (1) Option 4 as set out in the report be approved; and
- (2) the procedure for considering school reorganisation proposals which attract objections, as set out in Appendix B, be adopted.

#### 3. Financial Implications 2009/10 and beyond

There are no significant capital or revenue implications as a result of adopting a decision making process.

#### 4. Legal Implications

There are statutory processes and guidance in relation to the different types of school organisation proposals. The decision required will ensure that the statutory requirements in relation to decision making are met and will curtail opportunities for legal challenge.

#### 5. Risk Assessment

The risk of breaching the statutory processes is significantly reduced if a clear process, one which complies with legislation, guidance and general administrative law, is selected and followed.

#### 6. Background and Options

The Local Authority is required by statute to make certain decisions relating to school organisation e.g. closing, opening and other specified alterations to schools. All local authorities have had to change their procedures following the abolition of School Organisation Committees in

2007. Cheshire East Borough Council now needs to make specific provision for school organisation decision making in its constitution.

The Cabinet report item of 24 March 2009 regarding decision making arrangements resolved that the constitution be amended to empower individual Cabinet Members to make all executive decisions in respect of their portfolio areas, with five identified exceptions.

Statutory guidance states: "The Department does not prescribe the process by which a Local Authority carries out their decision making function (e.g. full Cabinet or delegation to Cabinet Member or officials). This is a matter for the Local Authority to determine but the requirement to have regard to statutory guidance applies equally to the body or individual that makes the decision."

Four possible options have been discussed with the Portfolio Holder, Councillor Paul Findlow. As the relevant Cabinet Member he will own and recommend any process on school organisation matters to other Members of the Cabinet. The options considered are as detailed below:

**Option 1:** Delegate decision-making authority to an officer, either Strategic Director of People or Head of Children and Families, who will sit with the Legal Adviser to take decisions: i.e. the process will be conducted *in camera*.

**Option 2:** Delegate decision making authority to the portfolio holder.

**Option 3:** Refer decision to the full Cabinet

**Option 4:** Establish a special panel chaired by the Portfolio Holder who makes decisions based upon the advice of the Panel.

**It is recommended that:**

Option 4 as a variant on option 2, the Portfolio Holder in reaching a decision receives advice from an advisory panel, which could include non-executive members (who cannot vote or exercise decision making powers themselves). This is the recommended option because it demonstrates that a wide range of opinion has been canvassed.

The Panel adopt the procedure set out in Appendix B of this report for considering the proposal, following which the Portfolio Holder will move into private session to take the decision.

This will provide a transparent forum giving proposers and objectors equal rights to present both orally and in writing their arguments to the Panel, with opportunities for Panel Members to ask proposers and objectors questions prior to moving to a final decision-making process. The Portfolio Holder, in discharging his decision-making function, is required to have regard to statutory guidance setting out the factors to be taken into account in considering different kinds of proposals, and the Portfolio



Holder is required to set out and publish in detail the reasons for its decisions.

## **7. Overview of Day One, Year One and Term One Issues**

The Council will inherit work on various aspects of school organisation and could receive governing body or other proposals at any time.

## **8. Reasons for Recommendation**

A balanced decision making process has to be in existence in April 2009, in order to determine the inherited and future school organisation proposals. Notices have been placed for the closure of Church Lawton and a decision maker must be identified in order for this process to proceed. Further details of this school closure can be found at Appendix A.

### ***For further information:***

*Portfolio Holder: Cllr Paul Findlow*

*Officer: Peter Davies*

*Tel No: 01244 976059*

*Email: peter.davies@cheshireeast.gov.uk*

### ***Background Documents:***

*Statutory Guidance on School Organisation*

*Documents are available for inspection at:  
DCSF Website - School Organisation Unit*

**Proposed Closure of Church Lawton Primary**

A decision making paper is now urgently required as notices have been published in respect of the closure of this school. The timetable is as follows:

- Statutory Closure Notices issued 19/3/09
- Receipt of objections 30/4/09
- Final decision required by 30/6/09
- School to close 31/8/09

It is reasonable to assume that objections will be lodged. The decision needs to have been made by mid June 2009, to allow 5 days for possible call-in.

The decision making process is quite clearly defined by DCSF ("Closing a Maintained Mainstream School – A Guide for Local Authorities and Governing Bodies", issued by the DCSF School Organisation Unit) but is potentially very time consuming and laborious.

## **CHESHIRE EAST SCHOOL ORGANISATION PANEL**

### **PROCEDURE FOR CONSIDERING SCHOOL REORGANISATION PROPOSALS WHICH ATTRACT OBJECTIONS**

#### **Part 1 of meetings of the Panel will be held in public.**

The Panel has adopted the following procedure when exercising its function as the relevant decision maker under Schedule 2 Education and Inspections Act 2006 to consider school reorganisation proposals which attract statutory objections.

#### **Introduction**

- (1) The Panel will be chaired by the Portfolio Holder
- (2) There will be a brief introduction by the Principal Adviser to the Panel to explain the business which is being brought before the Panel, and how it will be considered.
- (3) The Constitution of the Panel will be:
  - 5 Members
  - Representatives from the Diocesan Boards
  - Governing Bodies from each sector

#### **Presentation of the Proposal**

- (2) The Chair of the Panel will ask the Proposers' representative(s) to present the proposal.

*(No more than three presentations and a maximum 15 minutes in total.)*

#### **Local Reaction to the Proposal**

- (3) The Principal Adviser will report briefly to the Panel on the level and nature of responses received, together with any other responses, eg expressions of support for the proposals.
- (4) The Chair of the Panel will invite a spokesman or spokesmen representing the objectors to make an oral presentation of their objections.

*(No more than three presentations and a maximum 15 minutes in total.)*

*Objectors are, therefore, invited to work together to co-ordinate their representations and to nominate no more than three spokesmen.*

*Objectors are asked to notify the Member Services Officer to the Panel of the name(s) of their spokesman or spokesmen in advance of the meeting.)*

### **Information Seeking**

- (5) Panel Members may ask the Proposers' representative(s) any questions about:
- The case for the proposals.
  - Proposers' comments on the objections received.
- (8) Panel Members may ask the objectors' spokesman or spokesmen any questions about the objections received.

### **Advice to the Portfolio Holder**

- (9) The Governor representatives and representatives from the Chester (CE ) Diocesan Board of Education and Diocese of Shrewsbury Education Service will be invited to make comments to the Portfolio Holder.
- (10) Elected Members will be invited to make comments to the Portfolio Holder.

### **Part 2 of the meeting will be held in private.**

*The Portfolio Holder will then meet in private and everyone else will be asked to leave the meeting at this point, save that elected members of the County Council may remain present, in accordance with the Council's Standing Orders relating to Council proceedings.*

### **Review**

- (11) The Portfolio Holder, advised by the Principal Adviser, will consider whether the Portfolio Holder has sufficient information to come to a decision, or whether more information, not available at the meeting, is needed.

If any significant additional information is required which cannot immediately be provided, it may be necessary for the Portfolio Holder to adjourn whilst the necessary information is obtained.

In exceptional circumstances where the Portfolio Holder considers that it is not possible to evaluate a proposal and/or objections received fully without a site visit, the Portfolio Holder may ask for a site visit to be arranged.

### **Decision Making**

- (12) When (either at the first meeting to consider the proposal or at a subsequent meeting if need be) the Portfolio Holder considers that he has sufficient information to reach a decision, he will consider the issues having regard to each element of the relevant statutory Decision Makers guidance which he is required to consider, before reaching his decision.

### **Announcement of the Decision**

- (13) The Portfolio Holder's decision will be published on the County Council's Political Information Network within two working days and the Principal Adviser to the Portfolio Holder will then prepare and make public a written statement setting out the reasons for the Portfolio Holder's decision in relation to the relevant statutory Decision Makers guidance.

### **Footnotes:**

1. Where the Proposer is the Local Authority this will be officers representing the Director of Children & Families. Other Proposers may include the Church of England and Catholic Dioceses and school governing bodies.
2. Nominated school governor representatives shall be sought from the Cheshire Association of Governing Bodies (CAGB) from serving primary, secondary and special school governors of Cheshire East schools, save that no person who is a governor, parent of a pupil attending or member of the staff of any school which is the subject of any proposal being considered by the Panel shall participate, but may nominate a substitute in his or her place.
3. Decisions by the Portfolio Holder remain subject to the Council's "calling in procedures under the relevant Standing Order. In the event of such "call-in", the council's Standing Orders shall apply in relation to all subsequent decision-making and the foregoing protocol shall cease to apply.

**SCHOOL CLOSURE PROPOSALS****Statutory Guidance – Factors to be Considered by Decision Makers**

4.15 Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 provides that both the LA and schools adjudicator are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.62 below contain the statutory guidance on considering proposals for school closure.

4.16 The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

**EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT****A System Shaped by Parents**

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper *Higher Standards, Better Schools For All*, is to create a school system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary;
- the best schools are able to expand and spread their ethos and success; and
- new providers have the opportunity to share their energy and talents by establishing new schools - whether as voluntary schools, Trust schools or Academies - and forming Trusts for existing schools.

4.18 The EIA 2006 amends the Education Act 1996 to place new duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific **duty** to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on LAs.

**Standards**

4.19 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, while matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

4.21 Decision Makers should be satisfied that when proposals lead to children being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.55 to 4.61).

4.22 Where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker should again normally approve these proposals, subject to evidence being provided by the LA and other interests that the development will have a positive impact on standards.

### **Fresh Start and Collaborative Restarts**

4.23 Fresh Start and Collaborative Restart provide for poorly performing schools which are struggling to improve, to close and be replaced with new school provision, usually on the same site. When considering the closure of any school causing concern and, where relevant, the expansion of other schools, the Decision Maker should take into account the popularity with parents of alternative schools.

4.24 For all closure and Fresh Start proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools should be made available. The Decision Maker should have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There should be a presumption that these proposals should be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.

### **Academies**

4.25 Academies are publicly-funded independent schools established in partnership with business and voluntary sector sponsors. They will normally replace one or more poorly-performing schools or will meet demand for new school places in diverse communities where there is only limited access to free high quality school places. Academies may be established in rural as well as urban areas. All Academies should contribute to a strategic approach to diversity in their area. The involvement of business and other non-Government partners will enable Academies to develop and implement new approaches to governance, teaching and learning in order to raise standards. All Academies will be required to share their facilities and expertise with other local schools and the wider community.

4.26 Where an Academy is to replace an existing school or schools, the

proposals for the closure of those schools should indicate whether pupils currently attending the schools will transfer to the Academy and, if appropriate, what arrangements will be made for pupils who are not expected to transfer.

4.27 If provision for pupils at a school proposed for closure is dependent on the establishment of an Academy, any approval of the closure proposals should be conditional on the Secretary of State making an agreement for an Academy (see paragraph 4.64), but there should be a general presumption in favour of approval.

### **Diversity**

4.28 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school develops its own ethos, sense of mission and a centre of excellence or specialist provision.

4.29 Decision Makers should consider how proposals will impact on local diversity. They should consider the range of schools in the relevant area of the LA and how they will ultimately impact on the aspirations of parents and help raise local standards and narrow attainment gaps.

### **Balance of Denominational Provision**

4.30 In deciding proposals to close a school with a religious character, the Decision Maker should consider the effect that this will have on the balance of denominational provision in the area.

4.31 The Decision Maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of denominational places in the area. This guidance does not however apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one of the predecessor schools.

### **Every Child Matters**

4.32 The Decision Maker should consider how the proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society and achieve economic well-being. This should include considering how displaced pupils will continue to have access to extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs e.g. looked after children or children with special educational needs (SEN) and disabilities.



## **NEED FOR PLACES**

### **Provision for Displaced Pupils**

4.33 The Decision Maker should be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker should consider the quality and popularity with parents of the schools in which spare capacity exists and any evidence of parents' aspirations for those schools.

### **Surplus Places**

4.34 It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs should take action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places should always support the core agenda of raising standards and respect parents' wishes by seeking to match school places with parental choices.

4.35 The Decision Maker should normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker should consider all other proposals to close schools in order to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question should be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

## **IMPACT ON THE COMMUNITY AND TRAVEL**

### **Impact on Community**

4.36 Some schools may already be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community should be considered. Where the school was providing access to extended services, some provision should be made for the pupils and their families to access similar services through their new schools or other means.

4.37 The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, should therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services should be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies

having responsibility for the New Deal for Communities.

### **Community Cohesion and Race Equality**

4.38 When considering proposals to close a school the Decision Maker should consider the impact of the proposals on community cohesion. This will need to be considered on a case by case basis, taking account of the community served by the school and the views of different sections within the community. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

### **Travel and Accessibility for All**

4.39 In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.

4.40 In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications) . Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

### **Equal Opportunity Issues**

4.41 The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflects the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

### **Rural Schools and Sites**

4.42 In considering statutory proposals to close a rural school, the Decision Maker should have regard to the need to preserve access to a local school for rural communities. There is therefore a presumption against the closure of rural schools. This does not mean that a rural school should never close, but the case for closure should be strong and the proposals clearly in the best interests of educational provision in the area. The presumption will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school. In order to assist the Decision Maker, those proposing closure should provide evidence to the Decision

Maker to show that they have carefully considered:

- a. Alternatives to closure including the potential for federation with another local school to increase the school's viability; the scope for an extended school or children's centre to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;
- b. The transport implications as mentioned in paragraphs 4.39 to 4.40; and
- c. The overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

4.43 When deciding proposals for the closure of a rural primary school, the Decision Maker should refer to the Designation of Rural Primary Schools (England) 2007 to confirm that the school is a rural school. The list of rural primary schools can be viewed on line at:  
[www.dfes.gov.uk/publications/otherdocs.shtml](http://www.dfes.gov.uk/publications/otherdocs.shtml)

4.44 In the case of secondary schools, it is the responsibility of the Decision Maker to decide whether a school is to be regarded as rural for the purpose of considering proposals for closure under this guidance and in particular the presumption against closure. The Department's register of schools - Edubase - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. The Decision Maker should have regard to this indicator. Where a school is not recorded as rural on Edubase, the Decision Maker may nonetheless wish to consider evidence provided by interested parties that a particular school should be regarded as rural.

## **TYPES OF SCHOOLS**

### **Boarding School Provision**

4.45 In making a decision on proposals to close a school that includes boarding provision, the Decision Maker should consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker should consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

## **SPECIFIC AGE PROVISION ISSUES**

### **Early Years Provision**

4.46 In considering proposals to close a school which currently includes early years provision, the Decision Maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should have particular regard to the views of the Early Years Development and

## Childcare Partnership.

4.47 The Decision Maker should also consider whether the alternative early years provision will maintain or enhance the standard of educational provision and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

## Nursery School Closures

4.48 In deciding whether to approve any proposals to close a nursery school, the Decision Maker should be aware that nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families. There should be a presumption against the closure of a nursery school unless the case for closure can demonstrate that:

- a. the LA is consistently funding numbers of empty places;
- b. full consideration has been given to developing the school into a Sure Start Children's Centre, and there are clear, justifiable grounds for not doing so, for example: unsuitable accommodation, poor quality provision and low demand for places;
- c. plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school with no loss of expertise and specialism; and that
- d. replacement provision is more accessible and more convenient for local parents.

## 14-19 Curriculum and Collaboration

4.49 The Government has ambitious plans to increase post-16 participation rates and improve the skills of learners. The foundation for making progress is a transformed, coherent 14-19 phase offering a rich mix of learning opportunities from which young people can choose tailored programmes and gain qualifications appropriate to their aptitudes, needs and aspirations. This will be achieved by better collaboration between local providers, including schools, colleges, training providers and employers. Decision Makers should therefore consider what measures are being proposed to ensure that opportunities available to students in this age group are not reduced by the school closure, although the absence of such measures should not prevent the closure of a poorly-performing school.

## 16-19 Provision – General

4.50 The Learning and Skills Act 2000 provides an entitlement to further education and training for young people aged 16 -19. Schools and colleges should offer high quality provision that meets the diverse needs of all young

people, their communities and employers. 16-19 provision should be organised to ensure that, in every area, young people have access, within reasonable travelling distance, to high-quality learning opportunities across schools, colleges and work-based training routes.

4.51 In September 2003 Ministers set out their **five key principles** for the reorganisation of 16-19 provision, following requests from partners (including the LSC and LAs) for more clarity on Government expectations. Decision Makers should therefore consider all proposals for changes to 16-19 provision in the context of these principles.

4.52 Details of the five key principles can be found in [‘Principles underpinning the organisation of 16-19 provision’](#) booklet. Briefly, they are:

- a. quality - all provision for all learners should be high quality, whatever their chosen pathway;
- b. distinct 16-19 provision - all young people should be attached to a 16-19 base which will meet the particular pastoral, management and learning needs of this age group;
- c. diversity to ensure curriculum breadth – well-managed collaboration between popular and successful small providers will enable them to remain viable and to share and build on their particular areas of expertise;
- d. learner choice – all learners should normally have local access to high quality 16-19 provision in a range of settings and any proposals for change to this provision should take into account the views of all stakeholders;
- e. affordability, value for money and cost effectiveness - proposals for change should include how any capital and recurrent costs and savings will lead to improved educational opportunities.

### **LSC Proposals to Close Inadequate 16-19 Provision**

4.53 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the Learning and Skills Council (LSC) powers to propose the closure of 16-19 schools judged to require Special Measures. Where a 16-19 school is proposed for closure in such circumstances there should be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

### **Conflicting Sixth Form Reorganisation Proposals**

4.54 Where the implementation of reorganisation proposals from the LSC conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (i.e. by the School Organisation Proposals by the LSC for England Regulations 2003 - SI 2003 No. 507) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

## **SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION**

### **Initial Considerations**

4.55 When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They should ensure that local proposals:

- i. take account of parental preferences for particular styles of provision or education settings;
- ii. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise ) and regional and sub-regional provision; out of local authority day and residential special provision;
- iii. are consistent with the LA's Children and Young People's Plan;
- iv. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- v. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- vi. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- viii. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved.

4.56 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

## **The Special Educational Needs Improvement Test**

4.57 When considering any reorganisation of SEN provision, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in the paragraphs below (4.58 to 4.61) have been taken into account. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

### **Key Factors**

4.58 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they should:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
  - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
  - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
  - c) improved access to suitable accommodation; and
  - d) improved supply of suitable places.
- LAs should also:
  - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
  - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
  - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
  - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.59 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) should not be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement must be amended to name the PRU, but PRUs should not be seen as an alternative long-term provision to special schools.

4.60 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.61 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

## **OTHER ISSUES**

### **Views of interested parties**

4.62 The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

### **Types of Decision**

4.63 In considering proposals for a school closure the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;



- approve the proposals with a modification (e.g. the school closure date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 4.64).

### Conditional Approval

4.64 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified. Conditional approval cannot be granted where proposals are decided under Paragraph 19 of Schedule 2 (i.e. where there are no objections) – see paragraph 4.3 above. For school closures the following conditions can be set:

- a. the making of any agreement under section 482(1) of the 1996 Act for the establishment of an Academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to the Academy;
- b. the agreement to any change to admission arrangements specified in the approval, relating to another school;
- c. where the proposals depend upon conditions being met, by a specified date, for any other school or proposed school, the occurrence of such an event.

4.65 The Decision Maker **must** set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought. The proposer should inform the Decision Maker and the Department (School Organisation Unit, DfES, Mowden Hall, Staindrop Road, Darlington, DL3 9BG) or by email to [schools.organisation-unit@dfes.gsi.gov.uk](mailto:schools.organisation-unit@dfes.gsi.gov.uk) when a condition is met. If a condition is not met by the date specified, the proposals should be referred back to the Decision Maker for fresh consideration.

### Decision

4.66 All decisions **must** give reasons for the decision (i.e. irrespective of whether the proposals were rejected or approved) indicating the main factors/criteria for the decision.

**Appendix C**

The following table indicates Who can publish Decisions for the various School Category and type of proposal. The table indicates who the Decision Maker is. It also indicates if there is power to appeal and if so to whom.

Who can publish?	School Category & type of proposal	Decision Maker	Power to Appeal? - if so to whom (by whom in brackets)
Local Authority	<p><b>Community &amp; Community Special Schools:</b></p> <p>New schools:-</p> <ul style="list-style-type: none"> <li>in a Competition (subject to regulations [see Note 3]); or</li> <li>without a Competition (with the consent of the Secretary of State [S/S])</li> </ul> <p>Proposals to discontinue school</p> <p>All other proposals except to:</p> <ul style="list-style-type: none"> <li>remove selection from a grammar school; or</li> <li>change category to Foundation, VA or VC; or Community Special to Foundation Special.</li> </ul>	<p>Adjudicator</p> <p>LA</p> <p>LA</p>	<p>None</p> <p>Adjudicator (RC &amp; CofE diocese, LSC) (NB - Except where proposals decided under Para 19 of Schedule to the Education and Inspections Act 2006 [e.g. no objections and proposals not related to other proposals] – if so no appeal permitted)</p> <p>Adjudicator (RC &amp; CofE diocese, LSC and (where proposals are “excepted expansion” [see Note 4] the school GB)</p>

<b>Local Authority</b> (cont)	<b>Foundation and Foundation Special Schools:</b>		
	Proposals to establish a new school either in Competition or without a Competition (i.e. with S/S consent)	Adjudicator	None
	Proposals to discontinue a school	LA	Adjudicator (RC and CofE diocese, LSC, school GB and trustees)
	Proposals for “prescribed alteration” to: enlarge the premises of an existing school; add or remove SEN provision or add provision for children over compulsory school age.	LA	Adjudicator (RC & CofE diocese, LSC, school GB and trustees)
	<b>Voluntary Schools:</b>		
	Proposals to discontinue a school	LA	Adjudicator (RC and CofE diocese, LSC, school GB and trustees)
	Proposals for “prescribed alteration” to: enlarge the premises of an existing school; add or remove SEN provision or add provision for children over compulsory school age.	LA	Adjudicator (RC & CofE diocese, LSC, school GB and trustees)
	<b>Nursery School:</b>		
	Proposals to establish a new nursery school	Adjudicator	None
	Proposals to discontinue a school	LA	Adjudicator (RC & CofE diocese, LSC)
	Proposals to transfer school to a new site	LA	Adjudicator (RC & CofE diocese, LSC)

<b>Governors of Foundation &amp; Foundation Special Schools</b>	Proposals to discontinue the school	LA	Adjudicator (RC & CofE diocese, LSC, school GB and trustees)
	“Prescribed alteration” for relevant change in instrument of government or to acquire a foundation	GB	LA (see Note 5)
	Proposals for other “prescribed alteration” to the school	LA	Adjudicator (RC & CofE diocese, LSC, school GB and trustees)

<b>Governors of Voluntary Schools</b>	Proposals to discontinue the school	LA	Adjudicator (RC & CofE diocese, LSC, school GB and trustees)
	“Prescribed alteration” to change the category of the school to foundation or VA/VC.	(VC/VA change to foundation) GB  Otherwise - LA	LA (see Note 5) if acquiring foundation or relevant change to instrument of government  Adjudicator (RC & CofE diocese, LSC, school GB and trustees)
	Proposals for other “prescribed alteration” to the school	LA	Adjudicator (RC & CofE diocese, LSC, school GB and trustees)

<b>Governors of Community or Community Special Schools</b>	“Prescribed alteration”:-  Community School: to physically enlarge the school, increase the number of pupils in any relevant age-group by 27 or more, add a sixth form or, where the school is a grammar school, to end selection.	LA	Adjudicator (RC & CofE diocese, LSC, school GB and trustees)
	Community Special: increase in number of pupils by 10% (or 5 pupils where school is just boarding and 20 in any other case whichever is lesser).	LA	Adjudicator (RC & CofE diocese, LSC, school GB and trustees)
	“Prescribed alteration” to change the category of the school	Change to foundation/ foundation special – GB  Otherwise - LA	LEA (Note 5) if acquiring foundation or relevant change to instrument of government  Adjudicator (RC & CofE diocese, LSC, school GB and trustees)

<b>New School Proposers</b>	Proposals to establish a new foundation school without a foundation, foundation special or voluntary school:  a) in a Competition; or b) without a Competition (with Secretary of State [S/S] consent)	LA	(a) None  (b)Adjudicator (RC & CofE diocese, LSC, proposer)
	Proposals to establish a foundation school with a foundation (in a Competition [with S/S consent] or without a Competition) where LA , or their appointee, is:- <ul style="list-style-type: none"> <li>• member of foundation;</li> <li>• trustee; or</li> <li>• exercise appointing rights.</li> </ul>	Adjudicator	None
	Other proposals to establish a foundation school with a foundation: a) in a Competition; or b) without a Competition (with S/S consent)	LA	(a) None  (b)Adjudicator (RC & CofE diocese, LSC, proposer)

## NOTES:

1. The Secretary of State may, at any time, direct an LA to refer school competition proposals (and any subsequent proposals published by the LA) to the Adjudicator.
2. The LA must forward any proposals that they have not decided within [2months of the end of the representation period]
3. Proposals to establish a new community school, in a Competition, are subject to Regulation 9 of SI 2007 No. 1288 and may require prior consent of S/S, depending upon LA's APA rating, and levels of school diversity and schools eligible for intervention.
4. "Excepted Expansions" – defined in regulations as proposals to expand the capacity of the school, increase PAN by 27 or more pupils or change the school's upper age range so as to provide sixth form education.
5. The LEA can request "foundation proposals" to be referred to the adjudicator if they believe the consultation was inadequate or have concerns that foundation will have a negative impact on standards.

[Publish-Decision Table]

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## CHESHIRE EAST COUNCIL

### Cabinet

**Date of meeting:** 21 April 2009  
**Report of:** Interim Head of Children and Family Services  
**Title:** Corporate Parenting Governance Arrangements

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#### **1.0 Purpose of Report**

- 1.1 To determine governance and management arrangements for the exercising of corporate parenting responsibilities by Members and Officers of the Council.

#### **2.0 Recommendations**

- 2.1 To accept the Council's corporate parenting responsibility and allocate the ownership of corporate parenting within the corporate body of the Council
- 2.2 To commission the Director of Children's Services to lead the implementation of the Council's Corporate Parenting Strategy
- 2.3 To establish a Corporate Parenting Board, with membership and terms of reference as set out in Appendix 2 of this report.
- 2.4 To agree that visits to the Council's children's homes in accordance with Regulation 33 of the Children's Homes Regulations 2001 should be undertaken by Members and Officers of the Council appointed for this purpose, and that an officer of the authority should undertake any such visits if a Member is unable to do so.
- 2.5 To provide training for all Members of the Council and for members of the Corporate Parenting Board to ensure that they are aware of their corporate parenting responsibilities.

#### **3.0 Financial Implications for Transition Costs**

- 3.1 Transitional costs are those of ensuring that all Members and relevant officers of the Council are provided with training to ensure that they understand their role and responsibilities as corporate parents to looked after children and care leavers.

#### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 The ongoing costs of the proposals are those of Members and officers serving on the Corporate Parenting Board, and making visits to children's homes.

#### **5.0 Legal Implications**

- 5.1 Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and Lead Member for Children's Services (Department for Education and Skills July 2005) makes it clear that whilst all Members of the local authority have a shared responsibility for corporate parenting, the Lead Member is responsible for taking the lead in this area, ensuring that those children looked after by the Local Authority have their interests protected, their opportunities maximised, their educational achievement enhanced and their care shaped to meet their needs. The Statutory Guidance also states that it is critical that the Director of Children's Services pay specific attention to improving outcomes for looked after children.
- 5.2 Section 22 of the Children Act 1989, as amended by the Children Act 2004, places a duty on the local authority to promote the educational achievement of looked after children.
- 5.3 Regulation 33 of the Children's Homes Regulations 2001 requires that all local authority children's homes are visited monthly by either the "responsible individual", an elected Member of the authority, or an employee of the authority who is not directly concerned with the conduct of the home. The "responsible individual" under the Regulations is the relevant manager approved by Ofsted as responsible for supervising the management of the home.
- 5.4 The person carrying out the visit under Regulation 33 is required to:
- (a) interview, with their consent and in private, such of the children accommodated there, their parents, relatives and persons working at the home as appears necessary in order to form an opinion of the standard of care provided in the home;
  - (b) inspect the premises of the children's home, its daily log of events and records of any complaints; and
  - (c) prepare a written report on the conduct of the home.

#### **6.0 Risk Assessment**

- 6.1 Failure to ensure clear arrangements for the governance of corporate parenting, including monitoring by the Lead Member and Director of Children's Services, with support from other Members and officers,

could jeopardise the achievement of positive outcomes for looked after children and care leavers.

- 6.2 From April 2009 Ofsted will be conducting a programme of inspection of services for children in care alongside the Comprehensive Area Assessment, in addition to their existing regular inspection of children's homes and fostering and adoption services. The Children and Young People's Trust will need to demonstrate that it is effective in meeting the needs of looked after children.

## **7.0 Background and Options**

### Care Matters agenda

- 7.1 Councils have a legal and moral duty to provide support to children in their care and young people leaving care in the same way that any good parent would support their own children, to ensure that they have a good start in life. This is commonly referred to as corporate parenting. The need for a clear focus in this area was reinforced by the government's 2007 White Paper *Care Matters: Time for Change*, and further developed by the implementation plan *Care Matters: Time to Deliver for Children in Care* (March 2008). This implementation plan aims to support local Children's Trusts, led by Lead Members and Directors of Children's Services, to transform outcomes for children and young people in care, encouraging systematic planning and improvement led by local agencies and professionals.
- 7.2 Care Matters makes it clear that the Lead Member and Director of Children's Services have overall responsibility and accountability for leading corporate parenting arrangements, both across the authority and with partners in the Children's Trust. It states that authorities may also appoint a group of senior officials with responsibility for the corporate parenting of children in care, and that the accountability and governance arrangements must be clear. Authorities are expected to establish a Children in Care Council through which children and young people are able to put their views directly to the Lead Member and Director of Children's Services.
- 7.3 As part of the implementation plan for Care Matters, the government commissioned a toolkit from the National Children's Bureau (NCB), *Putting Corporate Parenting into Practice*. This set of materials places good leadership and governance at the centre of a model which sets out how elected members can respond to their role as corporate parents. (See Appendix 1).
- 7.4 Looked After Children are amongst the most disadvantaged and vulnerable of Cheshire East children. In addition to all of the difficulties which such children and young people experience, these children have the added challenge of relying upon an institution rather than their parents to ensure that their needs, wants and aspirations are

understood and addressed. The council needs to view its looked after children in the same way and with the same commitment as individual Members and Officers view their own children.

Current arrangements in Cheshire

- 7.5 Cheshire East Council currently has 316 looked after children as at 31st January 2009, with more than 450 children being looked after in any one year. Of the 316 children, 8 care leavers aged 16 – 18 are living independently and there are a further 82 care leavers aged 18 - 21.
- 7.6 Cheshire County Council currently has a Corporate Parenting Select Panel of members, which focuses specifically on the Council's duties and responsibilities in relation to looked after children and care leavers. The panel was established after elected Members undertook training by National Children's Bureau which focused on how they could be effective in their role, and exists to advise the Lead Member in relation to his corporate parenting responsibilities, support other members in this, and undertake a scrutiny role. The Children in Care Council sends representatives to Panel meetings.
- 7.7 The Panel is supported in its work by a Corporate Parenting Board chaired by the Director of Children's Services, with representation from members of the Children and Young People's Trust. It reports to the Trust Board.
- 7.8 As is customary in most local authorities, monthly Regulation 33 visits to children's homes in Cheshire are undertaken by elected Members. Two elected Members have usually been assigned to each children's home so that there is some cover and flexibility. A standard reporting structure has been developed and induction is provided for new elected Members both in relation to the role and to the home they are linked with. Matters arising from Regulation 33 visits are reported to the Corporate Parenting Select Panel.

Proposals for the new Council

- 7.9 Guidance determines that the Director of Children's Services and Lead Member have overall responsibility and accountability for leading corporate parenting arrangements. Evidence suggests that this is better achieved when they are supported by the council as a whole, particularly as looked after children are some of Cheshire East's most vulnerable children.
- 7.10 To strengthen the corporate responsibility for corporate parenting all parts of the council should contribute to these children's welfare. Such contributions could include:

- Priority for housing for care leavers
- Work experience within the council
- Employment opportunities
- Apprenticeships and traineeships
- ICT support for care homes and foster carers
- Free leisure passes
- Visiting Children's Homes under Section 33
- Staff acting as mentors and support for young people

The Children's Trust can also contribute to improving outcomes for looked after children by agreeing to consider ways in which member organisations can support the range of actions listed in paragraph 7.10.

- 7.11 Recognising the responsibility of both the Lead Member for Children's Services and the Director of Children's Services for leading corporate parenting, it is proposed that the current Member and officer panel arrangements be brought together in the new Council into a single Corporate Parenting Board. This will help to emphasise the crucial importance of the Member-officer partnership, and avoid duplication of work.
- 7.12 The Board will promote, support, and scrutinise corporate parenting activity on behalf of the Children and Young People's Trust, and report regularly to the Trust Board and as and when required to the Local Safeguarding Children's Board in relation to any matters of serious concern. In addition it will present an Annual Corporate Parenting Report to the Council. Membership will be drawn from Council Members and senior officers of member agencies of the Trust. Representatives of the Board will meet regularly with representatives of the Children in Care Council and with foster carers, to hear their views.
- 7.13 Proposed terms of reference for the Corporate Parenting Board are set out in appendix 2.
- 7.14 The practice of elected Members undertaking Regulation 33 visits to children's homes emphasises their corporate parenting responsibilities, provides constructive challenge to staff within the residential service, and gives recognition and support to good practice. It allows elected Members to develop an understanding of looked after children's issues and to act on behalf of those living within children's homes.
- 7.15 It is proposed that this responsibility should remain with elected Members, and that they should be provided with appropriate training for the task. All members undertaking these visits must be subject to an enhanced clearance by the Criminal Records Bureau, and there will be a delay whilst these checks are undertaken on new visitors. Some existing Regulation 33 visitors are also Members of the new Council, and so will be able to continue making visits. The nominated "responsible individual" should ensure that visits are made, either

personally or by another officer, in any months when there is no Member available to do so.

- 7.16 In order to ensure that all Members are fully aware of their responsibilities as corporate parents, familiarisation training will need to be provided. In addition more detailed training will be required for members of the Corporate Parenting Board.

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

- 8.1 A Corporate Parenting Board needs to be operational from the formation of the Council, and arrangements must be in place for monthly visits to children's homes in accordance with the Regulations.

## **9.0 Reasons for Recommendation**

- 9.1 To ensure compliance with statutory guidance relating to corporate parenting.

### ***For further information:***

*Portfolio Holder: Councillor Paul Findlow*

*Officer: Paul Mossman*

*Tel No: 01244 973152*

*Email: [paul.mossman@cheshire.gov.uk](mailto:paul.mossman@cheshire.gov.uk)*

### ***Background Documents:***

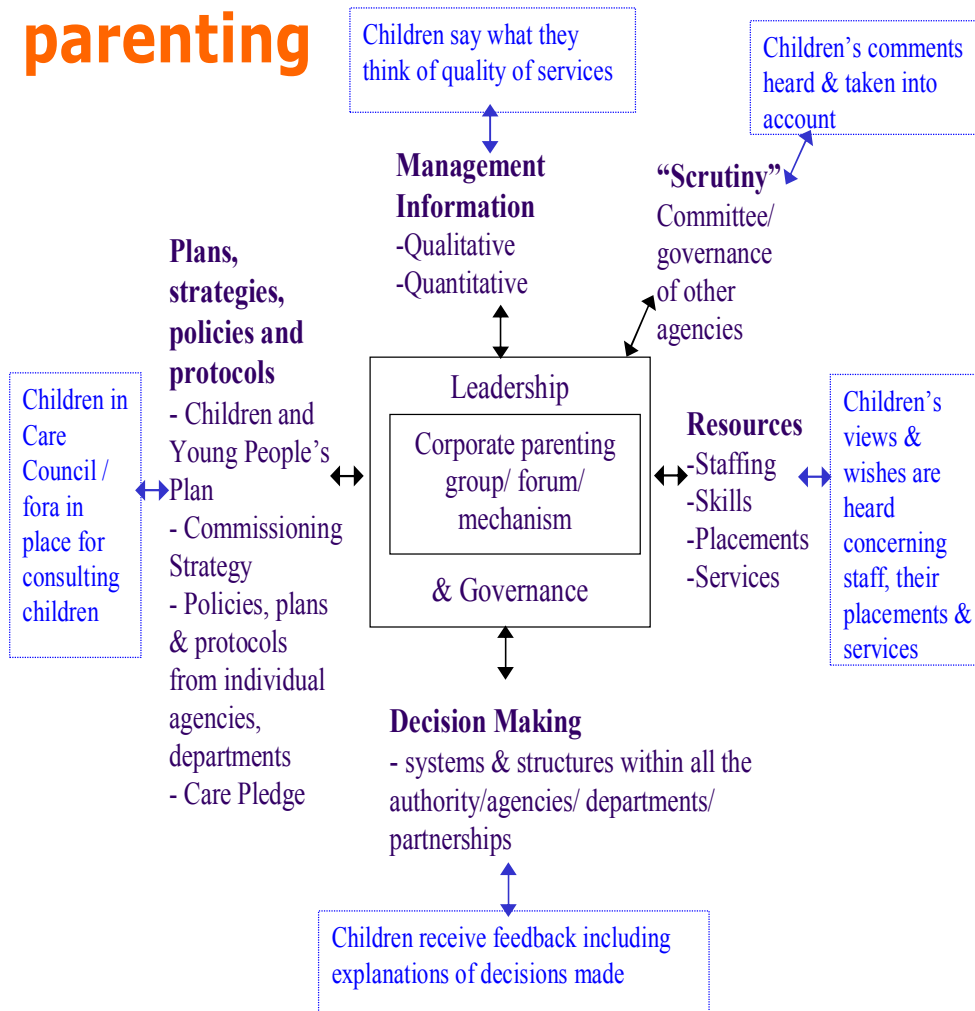
*Care Matters: Time for Change, Department for Education and Skills 2007*

*Care Matters: Time to deliver for children in care, Department for Education and Skills 2008*

*Documents are available for inspection at:*

<http://www.everychildmatters.gov.uk/socialcare/childrenincare/>

# Model of effective corporate parenting



PROPOSED MEMBERSHIP AND TERMS OF REFERENCE FOR  
CORPORATE PARENTING BOARD

Membership

Lead Member for Children's Services  
Director of People's Services  
Cross party Member representation  
Head of Children and Family Services  
Principal Manager Looked After Children  
Children's Rights and Participation Officer  
Head of Virtual School  
Head of Achievement  
Head of Youth Offending  
Primary Care Trust representative  
CA Mental Health Service representative  
Drug Action Team representative  
Head of Service Leisure and Recreation  
Head of Service Strategic Housing  
Chief Executive, Connexions

Titles of postholders listed above will be confirmed in the structure, but should be taken to refer to the functions identified.

Terms of reference

- Oversee arrangements for the effective delivery of corporate parenting to children and young people in the Council's care, and to its care leavers, advising on appropriate strategies and policies.
- Set high aspirations for children and young people in care to ensure that they are adequately prepared to enter adulthood.
- Review on an annual basis the Care Pledge made to looked after children by the Children and Young People's Trust and to recommend any changes required to improve outcomes.
- Ensure that all parts of the Council, and other agencies within the Children and Young People's Trust, take positive action to support good outcomes for looked after children and care leavers.
- Advise the Lead Member for Children's Services on matters relating to corporate parenting.
- Support all elected Members in carrying out their duties as corporate parents in all aspects of their work.
- Submit an Annual Report on matters relating to Corporate Parenting to the Council and to the Children and Young People's Trust.
- Support the Lead Member and Director of Children's Services in regularly meeting with members of the Children in Care Council, other groups of looked after children and young people, care leavers, foster carers, and foster carers' own children, to hear and take account of their views.



- Receive regular quantitative and qualitative performance reports in relation to looked after children, and advise on action required as a result.
- Receive reports concerning the inspection of services for looked after children and care leavers, and of visits made under Regulation 33 of the Children's Homes Regulations 2001, and advise on action required as a result.

Board meetings to be held bi-monthly for the first twelve months and quarterly thereafter.

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## CHESHIRE EAST COUNCIL

### CABINET

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**Date of meeting:** 21 April 2009

**Report of:** Strategic Director - Places

**Title:** Car Parking Strategy for Cheshire East Council

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#### **1.0 Purpose of Report**

- 1.1 Presentation of a proposed Car Parking Strategy for Cheshire East Council.

#### **2.0 Recommendation**

- 2.1 To adopt the proposed Parking Strategy

#### **3.0 Financial Implications for Transition Costs**

- 3.1 No immediate implications.

#### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 The strategy forms part of the background necessary to implement consistent parking regulation throughout the new Authority and supports the rationale for charging for parking.

#### **5.0 Legal Implications**

- 5.1 The Authority requires a Car Parking Strategy both to support the existing, and proposed, Civil Parking Enforcement regime, and to support the Local Transport Plan. This is stipulated, in particular, by the Dept. for Transport as a prerequisite for the granting of Civil Parking Enforcement Powers.

#### **6.0 Risk Assessment**

- 6.1 No significant risks are associated with this decision directly.

#### **7.0 Background and Options**

- 7.1 The Strategy has been reviewed and amended by the Parking Task Group, and then recommended to and approved by the Places Advisory Panel. The options are:

7.2 To approve this proposed Strategy as recommended.

7.3 Make any amendments and approve.

7.4 Not to approve.

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

8.1 From Day One, the Strategy will clarify the aims and objectives of the Council in controlling parking within the Borough.

8.2 During Year One the Strategy will support the granting of Civil Parking Enforcement Powers in relation to the former Congleton Borough Council area, and to the introduction of control and regulation of off street parking in selected car parks in that area.

## **9.0 Recession Mitigation**

9.1 The recently formed Recession Mitigation Task Group is currently considering the relationship between Town Centre car park charges and the levels of retail activity. Should this group bring forward any proposals in this area, very careful consideration will need to be given to the balancing of any reduced income from car parking and a demonstrable improvement in trade.

## **10.0 Reasons for Recommendation**

10.1 The Strategy is recommended so that the application for Civil Parking Enforcement powers in Congleton borough area may proceed.

### ***For further information:***

*Portfolio Holder: Councillor David Brickhill*

*Officer: Paul Burns (Acting)*

*Tel No: 01270 537805*

*Email: Paul.Burns@cheshireeast.gov.uk*

### ***Background Documents:***

*Draft 3 was approved by Places Advisory Panel, other drafts are available.*

**APPENDIX****CHESHIRE EAST COUNCIL CAR PARKING STRATEGY****1.0 Strategy Objectives**

The Council's parking objectives set out to be consistent with and contribute to the overall aims of the National and Regional transport strategies which seek to:

- Achieve a reduction in overall traffic.
- To increase use of more sustainable and healthy forms of travel.
- To achieve a more effective and efficient transport system, whilst taking into account:
  - The economic vitality of the town centre
  - The parking needs of people with disabilities
  - The parking needs of local residents, shops and businesses

**2.0 Parking Policy Benefits**

An effective parking policy will help to further a wide range of urban policy objectives such as:

- Economic vitality of the town centre.
- Social (accessibility).
- Environmental (negative impact of traffic congestion).
- Pricing and availability of parking in the town centre is one of the few ways of managing or restraining car use.
- Compared to major infrastructure changes, parking policies are relatively easy to introduce and cost effective methods of managing demand, which can be easily modified to reflect changing situations.

**3.0 Parking Policy Limitations**

- Incomplete control of the parking stock can limit the ability to achieve desired objectives
- Conflict between the objectives that parking policies are trying to serve e.g. regeneration, traffic restraint and revenue generation.
- Parking policies are not a total solution in that other supporting measures will be required to achieve urban policy objectives.
- Parking policy interventions can be ineffective without adequate enforcement.

**4.0 Local Parking Policy Objectives**

- Ensure that the parking strategies aims and objectives are consistent with national, regional and local transport policies.
- Prioritise the parking needs of disabled people, local residents, suppliers of goods and services, businesses and their customers.

- Promote more sustainable travel choices through availability and pricing of town centre car parking
- Discourage the use of town centre parking spaces for long stay parking and seek to maximise the availability of short stay spaces in prime, central locations for use by shoppers and other short stay users.
- Ensure that parking restrictions both on and off- street are effectively enforced and minimise the impact of town centre parking controls on surrounding residential areas.

## **5.0 Local Parking Policy**

### **5.1 Charging Policy**

*Policy: This Authority will in principle impose charges for parking at levels reflecting local pressures and needs. These may vary:*

- as between the different towns and smaller centres
  - as between zones within the larger towns
- 
- However the scale of charges should conform to a consistent pattern across the stay periods in all towns. These should follow national guidelines. Thus the percentage increase in charge from one time period to the next should be consistent throughout all locations.
  - Car parks currently not having charges will be reviewed and the need for application for charges considered in the light of the criteria stated above. Any charges imposed will be designed to regulate use and improve availability as well as diverting long stay away from very central locations. Income earned should cover operating and maintenance costs and allow necessary improvements to the useability, environment and security of a number of these sites.
  - Cheshire East Council has inherited a number of off street car parks for which there is no charge. It is intended that parking charges will be considered only on those sites for which a good case can be made under the above criteria.

### **5.2 Short Stay Parking**

*Policy: To give priority to and manage the provision of short stay parking in the town centre*

- Short stay visitors to the town centre are less likely to travel at peak periods i.e. reduce congestion, improve efficiency of the road network.
- Short stay parking generates a high turnover of spaces allowing more visitors to be accommodated per space.
- Availability of short stay spaces is essential to maintaining the commercial viability of the town centres.

### **5.3 Long Stay Parking**

*Policy: To manage the provision of long stay parking in the town centres through pricing to encourage the use of more sustainable transport and by a system of*

*differential charging to promote the use of peripheral car parks where such parking is to be accommodated.*

- Commuters travel at peak periods and are a major contribution to congestion of the road network.
- Commuter parking monopolises parking spaces for the entire working day
- Transport objectives may be achieved more easily through parking policy interventions aimed at the commuter. It is more practicable for example for the commuter to change their travel patterns than it is to continually expand the road network and parking stock.
- Long stay parking provision in connection with bus or rail commuter travel is supported in order to reduce the level of dependency on the motorcar as a means of commuting to work.
- Contract parking: contracts will be made available on selected car parks for regular long stay customers, sold at competitive rates.

#### 5.4 Disabled Parking Provision

*Policy: To prioritise where appropriate the needs of those people who have no choice but to use the car to access essential services*

- Continue support of the shopmobility scheme within the town centres
- Improve the quality and provision of disabled parking in off street car parks in accordance with Disability Discrimination Act 1995 requirements. Local conditions and demand are also considered in determining the number and location of spaces to be provided.

#### 5.5 Parking Enforcement

*Policy: To ensure parking policy interventions are implemented effectively and contribute to the wider objectives of transport planning and economic development; within the provisions of the relevant legislation:*

- *Road Traffic Regulation Act 1984*  
Provides powers under which Councils are able to provide and manage off street car parks. The use of the Council's car parks is regulated by orders permissible under the Act. It also provides powers for the Highway Authority to make traffic regulation orders for the control and regulation of traffic and parking on the highway.
- *Road Traffic Act 1991 (Decriminalised Parking Enforcement)*  
Introduced to address the increase in illegal parking (growing car ownership and use) and fears that police resources would not be able to match the demand for enforcement.
- *Traffic Management Act 2004 (Civil Parking Enforcement)*  
Statutory duty on Local Authorities to reduce the cause of congestion and disruption by controlling parking and the road network as a whole.

Part 6 of the Traffic Management Act 2004 provides a single framework to make regulations for the civil enforcement of parking and waiting restrictions, bus lanes and some moving traffic offences.

5.6 On-Street Parking

*Policy: To provide on street, limited waiting parking facilities where it is considered safe to do so without undue interference with moving traffic, residents, businesses and other urban objectives.*

- Cheshire East Council as local highway authority is responsible for the control and regulation of on street parking.

5.7 Residents' Parking

*Policy: To prioritise the parking needs of residents in areas which are affected by non-residential parking, or are likely to be affected as a result of policy interventions in relation to long stay parking in the town centres*

- The Authority will operate residents' on-street parking schemes which
  - aim to balance the conflicting demands for kerb space
  - manage the displacement of parking
- The Authority will develop robust, fair policies as the available kerb space in many areas will not be sufficient to cater for all demands from residents and other legitimate users.



## CHESHIRE EAST COUNCIL

### CABINET

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**Date of meeting:** 21 April 2009  
**Report of:** Strategic Director, People  
**Title:** Leisure Facilities Cabinet Sub-Committee

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#### **1.0 Purpose of Report**

- 1.1 To obtain the agreement of Cabinet in respect of the establishment of a Cabinet Sub-Committee to consider strategic outcomes required of the leisure facilities operated by the Health and Wellbeing Service, in advance of a review of the delivery options for those facilities.
- 1.2 To agree the terms of reference and Membership of the Sub-Committee.

#### **2.0 Recommendation**

- 2.1 That a Leisure Facilities Cabinet Sub-Committee be established with the membership and terms of reference set out in the report.

#### **3.0 Financial Implications for Transition Costs**

- 3.1 There are no financial implications with regard to transitional costs.

#### **4.0 Financial Implications for 2009/10 and beyond**

- 4.1 The review of delivery options for leisure services was cited in the Business case for People and Places with a financial saving of £500,000 identified if a Trust was established. The delivery options review will test whether or not the level of savings is achievable from a Trust and what other alternatives there may be for the Authority to consider.

#### **5.0 Legal Implications**

- 5.1 The Sub-Committee will have a role in offering advice and suggesting options to Cabinet, which will be responsible for making decisions at the appropriate time. The Sub-Committee will therefore not be a final decision-making body. Members of the Sub-Committee will need to be aware of the potential for prejudicial interests to arise in respect of their role as Overview and Scrutiny Members where such a committee is considering reports on business relating to the work of the Sub-Committee.

#### **6.0 Risk Assessment**

- 6.1 There are no risks associated with the work of the Sub-Committee.

## **7.0 Background and Options**

- 7.1 The People and Places business case identified potential savings of £500,000 from the establishment of a leisure trust to run the leisure facilities in Cheshire East. However, there was no time when the business case was drafted to consider other issues relating to the delivery of leisure facilities through a Trust, nor were the alternatives to running the facilities through a Trust looked at.
- 7.2 Officers have over the last few months identified a number of critical issues that need to be clarified to allow a full review of the delivery options available to the Authority for their leisure facilities to be considered. A Sub-Committee of the Cabinet, advised by Officers, and with powers to consult other Members, has been suggested to advise upon the parameters within which the review will be conducted, identifying the strategic outcomes that the Authority wishes to see the leisure facilities contributing to and ensuring that there is a clear understanding as to what the review will provide.
- 7.3 It is proposed that the membership of the Sub-Committee comprise Councillors Brown, Domleo, Keegan and Knowles.

The Officers advising the Sub-Committee would be Guy Kilminster (Head of Health and Wellbeing), Mark Wheelton (Manager Leisure & Green Spaces), Ceri Harrison (Head of Transformation), Rob Hyde, Keith Pickton and Tony Parr.

Non-Cabinet Members to be consulted would be Councillors Hammond, Westwood, Arnold, Flude and Edwards.

- 7.4 The following terms of reference are proposed for the Sub-Committee:
- to advise Cabinet upon alternative strategies for Cheshire East in respect of its leisure facilities and related non-statutory service provision;
  - to consider the best use of assets and financial resources in this area;
  - to advise Cabinet upon how the leisure facilities should impact upon the Authority's priorities;
  - to prepare a draft brief and specification for commissioning a review of the delivery options available to Cheshire East for its leisure facilities; and
  - to consult Councillors Hammond, Westwood, Arnold, Flude and Edwards.
- 7.5 The expected outcome of the Sub-Committee's work is a clearly identified rationale for the continued running of leisure facilities, identifying the benefits to be had from those facilities, and a brief and specification for the commissioning of a review of delivery options. It is anticipated that the review will take place during April – October 2009.

- 7.6 The outcome of that review will be a report to Cabinet with advice and options for how the Authority might run its leisure services, enabling the Cabinet to decide on the most appropriate method of delivery.

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

- 8.1 It is anticipated that the review of delivery options will be undertaken during the first half of 2009-2010, allowing a decision to be made by the Cabinet in advance of the 2010-2011 budget round.
- 8.2 In order to commence work without delay, Members have already begun to meet on an informal basis pending the confirmation of the formal arrangements by Cabinet.

**9.0 Reasons for Recommendation**

- 9.1 To allow the work to get underway to review the delivery of leisure facility services in Cheshire East.

***For further information:***

*Portfolio Holder: Councillor Andrew Knowles*  
*Officer: Guy Kilminster, Head of Health and Wellbeing*  
*Tel No: 01244 976020*  
*Email: [guy.kilminster@cheshire.gov.uk](mailto:guy.kilminster@cheshire.gov.uk)*

***Background Documents:***

There are no background documents.

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## CHESHIRE EAST COUNCIL

### CABINET

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**Date of meeting:** 21 April 2009  
**Report of:** Borough Solicitor  
**Title:** Substitute Members for Shared Services Joint Committee

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#### **1.0 Purpose of Report**

- 1.1 To provide substitutes for the Shared Services Joint Committee.

#### **2.0 Recommendation**

- 2.1 That the Leader of the Council be empowered to nominate substitutes from time to time to the Shared Services Joint Committee, having regard to the subject matter under discussion and the availability of portfolio holders.

#### **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 The arrangements for shared services provide for substitutes and this resolution enables this to be actioned.

#### **6.0 Risk Assessment**

- 6.1 Failure to appoint substitutes may lead to inadequate representation of this Council's interests on the Committee.

#### **7.0 Background and Options**

- 7.1 The administration arrangements for shared services provide for three Cabinet Members from each authority and power to appoint substitutes. This report provides a mechanism for the latter.

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

- 8.1 The agreements for shared services have been signed but strategic controls through the Committee must be put in place as soon as possible.

**9.0 Reasons for Recommendation**

9.1 To ensure that the Council's interests are adequately represented.

***For further information:***

*Portfolio Holder: Councillor Peter Mason  
Officer: Chris Chapman, Borough Solicitor  
Tel No: 01270 529637  
Email: [chris.chapman@cheshireeast.gov.uk](mailto:chris.chapman@cheshireeast.gov.uk)*

***Background Documents:***

*None*

## CESHIRE EAST COUNCIL

### Cabinet

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**Date of meeting:** 21 April 2009  
**Report of:** Democratic Services Manager  
**Title:** Notices of Motion

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#### **1.0 Purpose of Report**

- 1.1 To report the referral to Cabinet of three Notices of Motion.

#### **2.0 Recommendations**

- 2.1 That the Cabinet note the referral of the Notices of Motion by Council and await further detailed reports by Officers to its next or appropriately timed meeting.

#### **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 The Constitution requires that Notices of Motion be referred to Cabinet.

#### **6.0 Risk Assessment**

- 6.1 None

#### **7.0 Background/Context**

- 7.1 The Notices of Motion referred by Council are set out below.

##### **1. Notice of Motion: Contractors Supplying Services to Cheshire East Council**

At the Council meeting on 2 April 2009, consideration was given to the following Notice of Motion proposed by Councillor David Neilson and seconded by Councillor 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.”

Council resolved that the motion stand referred to Cabinet.

## **2. Notice of Motion: Fairtrade Status for Cheshire East**

At the Council meeting on 2 April 2009, consideration was given to the following Notice of Motion proposed by Councillor Shirley Jones and seconded by Councillor Ainsley Arnold:

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

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

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

Council resolved that the motion, as amended, stand referred to Cabinet.

## **3. Notice of Motion: Sustainable Communities Act**

At the Council meeting on 2 April 2009, consideration was given to the following Notice of Motion proposed by Councillor Rod Fletcher and seconded by Councillor David Neilson:

“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.”

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

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



Council resolved that the motion, as amended, stand referred to Cabinet.

- 7.2 The Officers are considering the matters raised by the Notices with a view to submitting detailed reports to the Cabinet's next or appropriately timed meeting. Members are asked at this stage to note the referral of the Notices and to await the further reports.

**8.0 Reasons for Recommendation**

- 8.1 To report the referral of three Notices of Motion by Council and to advise Members to await detailed officer reports which will enable Cabinet to make informed judgements on the issues in question.

***For further information:***

*Portfolio Holder: Councillor Wesley Fitzgerald*

*Officer: Paul Mountford*

*Tel No: 01270 529749*

*Email: paul.mountford@cheshireeast.gov.uk*

***Background Documents: None***

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