

Council Agenda

Date: Thursday, 23rd July, 2009
Time: 6.00 pm
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1DX

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

PART 1 – MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

1. **Prayers**

2. **Apologies for Absence**

3. **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

4. **Minutes of the Annual Council meeting held on 1 April 2009 and reconvened on 2 April 2009** (Pages 1 - 10)

To approve, as a correct record, the minutes of the Annual Council meeting held on 1 April and reconvened on 2 April 2009.

5. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

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

In accordance with Council Procedure Rule 35, a total period of 15 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research, it would be helpful if any questions by members of the public were submitted at least one working day before the meeting.

7. **Notice of Motion** (Pages 11 - 12)

To consider the attached Notice of Motion, submitted by Councillor A Arnold and seconded by Councillor J Narraway.

8. **Electoral Review - Submission on Warding Arrangements** (Pages 13 - 50)

To report to the Council the work of the Electoral Review Task Group, concerning the preparation of a submission to the Boundary Committee for England on the Warding Arrangements to be made for Cheshire East Council.

9. **Coat of Arms** (Pages 51 - 56)

To approve the design of the Coat of Arms for Cheshire East Council, together with the descriptive text, to decide an appropriate motto for the Coat of Arms and to authorise the submission of a Petition to the College of Arms, in order that the Grant of Arms may be made.

10. **Substitute Members at Planning Meetings** (Pages 57 - 62)

To consider recommendations to Council in respect of substitute Members at Planning meetings.

11. **Referral to Council of Recommendations from Governance and Constitution Committee** (Pages 63 - 112)

To consider recommendations to Council of Committees and other bodies in respect of the following matters:

- a. Committee Membership Changes (Pages
- b. Additional Functions-Head of Safer and Stronger Communities (Pages
- c. Amendments to Finance and Contract Procedure Rules (Pages
- d. Member Speaking at Planning Committees (Pages
- e. Cabinet Decision-Making Arrangements (Pages
- f. Budget and Policy Framework Procedure Rules (Pages

12. **Leader's Report to Full Council**

Under Council Procedure Rule 44, for the Leader to report to Council any Key Decision taken under the urgency provisions, contained in that rule.

13. **Questions**

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

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

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CHESHIRE EAST COUNCIL

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

Present -1 April

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

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

Present – Reconvened meeting 2 April

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

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

1 April**90 PRAYERS**

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

91 APOLOGIES

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

92 BOROUGH CHARTER FOR CHESHIRE EAST

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

93 ELECTION OF MAYOR 2009/10

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

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

RESOLVED

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

The Chief Executive escorted the Mayor into the meeting.

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

94 ELECTION OF DEPUTY MAYOR 2009/10

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

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

RESOLVED

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

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

95 APPOINTMENT OF MAYOR'S CHAPLAIN

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

96 ANY OTHER COMMUNICATIONS

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

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

97 RECONVENING OF MEETING

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

98 PRAYERS

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

99 APOLOGIES

Councillors F Keegan, R Menlove, and R Cartlidge

100 DECLARATIONS OF INTEREST

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

101 MINUTES OF THE MEETING HELD ON 24 FEBRUARY 2009

RESOLVED

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

102 MAYOR'S ANNOUNCEMENTS

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

103 PUBLIC SPEAKING TIME/OPEN SESSION

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

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

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

Cllr David Brown in reply stated:-

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

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

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

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

The Leader of the Council in reply stated:-

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

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

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

The Leader of the Council in reply stated:-

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

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

The Leader of the Council in reply stated:-

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

104 NOTICE OF MOTION (1)

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

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

RESOLVED

That the motion stands referred to Cabinet.

105 NOTICE OF MOTION (2)

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

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

Amendment

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

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

RESOLVED

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

106 NOTICE OF MOTION (3)

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

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

Amendment

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

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

RESOLVED

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

107 ELECTION OF THE LEADER OF THE COUNCIL

Council was requested to elect a Leader of the Council.

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

RESOLVED

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

108 APPOINTMENTS TO THE CABINET

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

The proposal was seconded by Councillor B Silvester.

RESOLVED

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

109 APPOINTMENT OF COMMITTEES AND MEMBERSHIPS

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

RESOLVED

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

110 APPOINTMENT OF MEMBERS TO DECISION-MAKING AND OTHER BODIES

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

RESOLVED

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

111 CALENDAR OF MEETINGS 2009/2010

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

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

RESOLVED

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

112 BOUNDARY COMMITTEE - ELECTORAL REVIEW

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

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

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

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

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

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

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

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

RESOLVED

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

113 MEMBERS' ALLOWANCES SCHEME

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

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

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

RESOLVED

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

114 **QUESTIONS**

No questions were submitted.

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

Councillor M Simon (Chairman)
CHAIRMAN

NOTICE OF MOTION.

Cheshire East Council Meeting 23 /07/09

That Cheshire East Council suspends car parking charges on Saturdays in Macclesfield Town Centre for a trial period of three months initially. Subject to a review of it's effect in increasing local trade, will if proved successful extend the duration of the scheme, and implement the same measure to other town centres in Cheshire East requiring assistance in regenerating local businesses.

Given the urgency of the need for regeneration assistance within our town centres the trial scheme in Macclesfield should be implemented as quickly as possible.

Cllr Ainsley Arnold


Cllr John Narraway

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CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting: 23 July 2009
Report of: Borough Solicitor and Monitoring Officer
Subject/Title: Electoral Review - Submission on Warding Arrangements

1.0 Report Summary

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

2.0 Recommendations

- 2.1 a) That the Council consider and approve the attached submission prepared by the Task Group, which sets out the Authority's proposals for Warding Arrangements under the Electoral Review of the Cheshire East area
- b) That the Borough Solicitor and Monitoring Officer be authorised to make any necessary technical and detailed amendments to finalise the document to ensure that it complies fully with the wishes of the Council and is delivered by the Boundary Committee's deadline of 4 August

3.0 Reasons for Recommendations

- 3.1 To enable the Council to make a considered submission proposing Warding Arrangements for the whole of the Council's area, and to comply with the Boundary Committee's deadline of 4 August 2009.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 The Council is invited to decide its policy in particular on the number of Wards, their boundaries and the number of Members to represent each Ward, so that the Boundary Committee can take the Council's views into account in recommending the electoral arrangements to apply to the next elections to

Cheshire East Council in 2011. Impact on climate change is not a specific criterion used by the Boundary Committee in considering Warding proposals. However a few consultees have suggested that some Warding patterns have lesser climate change impacts than others.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None, given that the Boundary Committee has already agreed that it is minded to accept a Council size of 82 Members.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Legislation requires the Boundary Committee to follow specific procedures when conducting an Electoral Review, and sets out the statutory criteria which the Committee must apply and take into account in making its recommendations currently to the Electoral Commission. Having completed the first stage of the Review on Council size, the Committee has now moved to the second part of the Review, and has invited submissions on the Warding Arrangements to apply to the Cheshire East area. These submissions will assist the Committee to publish its proposals on Council size for formal public consultation in November.

9.2 A Petition under the Local Government and Public Involvement and Health Act 2007 has been received which requires the Council to conduct a Community Governance Review (CGR) of the unparished area of Crewe Town during the Electoral review period. Although this is a separate legal process from the Electoral review, work is in hand to try to ensure that outcomes from the CGR are notified to the Boundary Committee before its final recommendations are made.

10.0 Risk Management

10.1 Failure to comply with the Boundary Committee's deadline of 4 August would mean that the Council's views would not be taken into account by the Boundary Committee in formulating its proposals. The Committee has also advised that all submissions should as far as possible be based on evidence relating to the statutory review criteria, in order to maximise their inclusion in the Committee's draft recommendations.

11.0 Background and Options

11.1 The Electoral Review of Cheshire East Council commenced on 24 February 2009, with an initial focus on Council size. On 2 April the Council agreed a submission proposing a Council of 82 Members, which in early May the

Boundary Committee formally confirmed it was minded to accept. On 12 May the Review proceeded to the next stage which is the initial consultation on the Warding Arrangements to apply in the area. This covers the number of Wards and their specific boundaries, the number of Councillors to serve in each Ward and the proposed Ward names. Submissions on these issues need to be made by the Committee's deadline of 4 August. A Task Group of Members has overseen the work and consultations undertaken to arrive at the proposals set out in the attached report.

- 11.2 In making proposals, regard must be paid to the criteria which the Committee will apply to determining their recommendations in due course. The first of these is to achieve as far as possible electoral equality across the Wards, so that each Councillor has ideally more or less the same number of electors. With a Council of 82, the theoretical target figure is currently 3499 electors per Councillor, but a tolerance of +/-10% is applied by the Committee to allow the other statutory criteria to be taken into account. This tolerance is also applied to the five year electoral projections for 2013.
- 11.3 The other statutory criteria cover the need to ensure that the Wards reflect local community identities and the links between communities, and also that the Wards will help to provide convenient and effective local government. The Committee is willing to consider proposals which include one, two or three Member Wards, provided the proposals address the foregoing criteria. All of these considerations together with the views of Town and Parish Councils and other bodies have, if known, been taken into account as far as possible in the attached draft submission.
- 11.4 Since the Review was launched, a valid Petition has been received requiring the Council to conduct a Community Governance Review (CGR) of the unparished area of Crewe Town. Discussions have taken place with the officers of the Boundary Committee to try to ensure that the outcomes from the CGR consultations are identified and taken into consideration by the Committee prior to the publication of their formal recommendations in spring/summer 2010. The Committee has now written to confirm that their draft recommendations on Warding arrangements will be published for public consultation over a twelve week period from 10 November. Accordingly any proposals from the Crewe CGR should be submitted to the Boundary Committee as evidence as soon as possible during this formal consultation period.

12.0 Overview of Year One and Term One Issues

- 12.1 There will be an ongoing need to respond to and influence the Boundary Committee's conduct of the Electoral Review during year one, so that new electoral arrangements can be decided during term one for the elections in 2011.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Chris Chapman

Designation: Borough Solicitor and Monitoring Officer

Tel No: 01270 529637

Email: chris.chapman@cheshireeast.gov.uk

**CHESHIRE EAST BOROUGH COUNCIL
UNITARY AUTHORITY ELECTORAL REVIEW 2009/10**

Submission to the Boundary Committee on Warding Arrangements

1. INTRODUCTION

- 1.1. The Electoral Review of Cheshire East Council commenced on 24th February 2009, when Stage 1 representations were invited on Council size. The Council made a submission proposing a Council size of 82 Members. On 7th May the Committee wrote to the Council, confirming that the Committee was minded to adopt a Council size of 82.
- 1.2. The next Stage of the Review is the initial consultation on electoral arrangements, which commenced on 12th May and runs for a 12 week period until 4th August. Representations are now invited on the warding arrangements for the Authority, based on the Council size of 82 Members. This submission sets out Cheshire East Council's proposals for the Ward boundaries for the Authority, the number of Councillors to serve in each Ward, and the proposed Ward names. It also comments on proposals from other bodies and persons which were received before the Council finalised the document.
- 1.3. The submission follows the Technical Guidance for Electoral Reviews published by the Committee in February 2008 and is based on electoral data for 2008 with forecasts to 2013, as provided to the Committee at the start of the Review. Electorate forecasts for 2013 have been produced in line with the guidance from the Boundary Committee and to a common methodology with those for Cheshire West and Chester Council. The methodology is set out in detail in a document provided to the Committee at the same time as the forecasts. The forecasts include a realistic allowance for new housing development currently with the benefit of planning permission, and projected demographic changes.

2. CONTEXT

- 2.1. The need for the Electoral Review was raised by the decision of Government to abolish Cheshire County Council and the 6 District Councils in the area, and to replace these with 2 Unitary Councils, namely Cheshire East, and Cheshire West and Chester. This decision was brought into effect by the Cheshire (Structural Changes) Order 2008 which established Shadow Unitary Councils following elections in May 2008. Cheshire East Council became fully vested on 1st April 2009. The Order provided that the elections to the Shadow Council would be based on the former County Council Electoral Divisions in the area, and that 3 Unitary Councillors should be elected for each Ward (County Division) to the Unitary Council. This Electoral Review is now required with the aim of ensuring that appropriate new Warding arrangements are in place before the next Elections in 2011.

- 2.2. The Wards (County Divisions) on which the Shadow Elections were based were last reviewed under the Periodic Electoral Review of Cheshire County Council conducted in 1999. As such the Wards concerned had been reviewed relatively recently but inevitably some shifts in electoral numbers have taken place in the intervening period (see para 2.6. below).
- 2.3. The Council's Stage 1 submission (Section 1) contained some context and information about Cheshire East Council and its area. This indicated that Cheshire East is one of the largest Unitary Councils in England with a population of 360,700. The Council covers an area of 116,674 hectares, and has a diverse Urban/Rural profile. There are 8 towns in the area, but none of them are large enough to dominate. The main centres of population are Macclesfield (50,160), Crewe (49,520) and Wilmslow (30,070). Nearly 40% of the population lives in rural areas.
- 2.4. Other geographical features include the fact that the Borough is bordered by the Manchester conurbation to the north and east; Stoke-on-Trent to the south; and the new Unitary Council of Cheshire West and Chester to the west. Also to the east the Borough has strong physical boundaries with the Pennines and the Peak District National Park, and the Derbyshire and Staffordshire Moorlands. The main rivers of Cheshire East are the Bollin, the Dane and the Wheelock, with a number of canal systems including the Trent and Mersey and Macclesfield canals.
- 2.5. Other transport features include the motorway system which traverses the Borough both North-South (M6) and East-West (M56); the West Coast main railway line from London and the nationally important railway junction at Crewe; and Manchester Airport which lies partly within the Council's area.
- 2.6. The area administered by Cheshire East Council has an electorate of 286,942, which is projected to increase to 291,180 by 2013. The Council currently has 81 elected Members, and each Councillor has an average of 3542 electors. The intended Council size of 82 will give an average of 3499 electors per Councillor. Currently the disparity from the average elector ratio of 3542 ranges from 2975 to 4200, but of the 27 current Wards only 9 fall outside a +/- 10% disparity level.

3. PREPARATION OF THE BOROUGH COUNCIL'S SUBMISSION

- 3.1. The Council's response to the Review has been guided by a Members Task Group, consisting of Councillors representing all of the Political Groups on the Council. The Members of the Task Group are Councillors A. Arnold, G. Barton, T. Beard, D. Brown, P. Edwards, D. Flude, P. Mason (Chairman), R. Menlove, H. Murray and R. Westwood. Although the Task Group has no delegated decision-making powers, it has ensured that all of the necessary information has been brought forward and has supervised the drafting of the Council's submission at successive stages of the Review, for determination by the full Council meeting. The Task Group has been at pains to ensure that full consultation has taken place on the implications of the Review, and that all Elected Members of the

Council are aware of the issues. This is particularly so in relation to Town and Parish Councils (and other appropriate bodies in unparished areas) given the close working relationships with these bodies, including the Local Area Partnership arrangements which is a major feature informing this submission (see paras 3.7 – 3.11. below).

- 3.2. The Task Group has encouraged such bodies to make representations, and has sought, where possible, to take these into account in bringing forward the Council's own submission.
- 3.3. In addition, in its approach to the Warding Arrangements stage of the Review, the Panel considered at the outset the criteria which it would adopt in order to inform its draft Submission on the Warding arrangements. These principles were agreed as follows:-
 - (a) That existing ward boundaries should be maintained in those cases where the Councillor – Elector ratio is within tolerance.
 - (b) Where possible, weight should be given to ward boundaries “nesting within” Local Area Partnership boundaries.
 - (c) A preference for multi member wards in urban areas with single member wards in rural areas but recognising the need for flexibility so other criteria are met.
 - (d) That Polling Districts and Parishes should be used as the lowest level building blocks where possible; but recognising that there may be a few exceptions to this principle.
 - (e) That weight should not necessarily be given to the maintenance of numerical equality – for example if there was a natural community which would justify a proposal toward the extreme end of the tolerance.
 - (f) That weight should be given to the reflection of Community identity.
 - (g) Consideration should be given to natural or man made physical features when ward boundaries are drawn in cases where these features help to define the community.
- 3.4. With regard to the issue of multi – Member or single – Member Wards, the Council's approach reflects a preference for multi – Member Wards particularly in the urban areas, with proposals where appropriate for single – Member Wards in the rural areas. This recognises that there will be some smaller well populated areas which might be combined with a rural hinterland, leading to a two Member Ward configuration. Whilst taking account of all of the Boundary Committee's criteria, one of the Council's key considerations has been to ensure that natural

communities are not divided, which tends towards a multi – Member Ward approach.

- 3.5. In many respects multi – Member Wards offer advantages over single – Member arrangements (whilst recognising the clear electoral accountability provided by single – Member arrangements), such as:-
- (a) Members are able to share the workload created in the Ward, making it easier for electors to contact their Councillors, this maximises the level of Councillor capacity, experience and expertise available to the public.
 - (b) Members are able to develop specialist knowledge of particular services (which is important in a large all purpose Authority such as Cheshire East).
 - (c) The opportunity is preserved for electors' views on local issues to be conveyed through their elected representatives, even when an individual Councillor may have a conflict of interest in a matter, or is unable to participate in (eg.) a planning or licensing decision affecting the area – or even where a Member is unavailable due to other commitments or illness.
 - (d) Councillor capacity to “cover” for each other is maximised, eg. Members in full time employment who cannot make some daytime commitments, or Members with a disability who cannot travel easily. This facility may also encourage people to stand for election if they know they could be working with other more experienced Councillors in the Ward.
 - (e) There is more flexibility to make arrangements which achieve Councillor – Elector ratios closer to the average for the Council as a whole.
- 3.6. It is the case that the volume of Ward business will be higher in the more urban areas (especially elector caseloads, planning and licensing applications) and that there is more potential for conflicts of interest to arise in these areas. Even in the more rural areas the number of Town/Parish Council meetings to be attended by Councillors can be high, and more than one Member will deliver better capacity to do so. The need for Members to engage effectively with Local Area Partnerships (see paras 3.8 – 3.10 below) will make significant demands on their time in both urban and rural areas. These are good examples of where multi – Member Wards will help the Council to achieve its priorities of effective community engagement and partnership working.
- 3.7. The reference to Local Area Partnership (LAP) boundaries (principle (b) above) is important. The Council's policies with regard to Local and Partnership Working were set out in considerable detail in the Stage 1 Submission (Section 10). The setting up of the LAPs and their effective operation are a key priority for Cheshire East Council.

- 3.8. The 7 LAPs have been based on the main towns in Cheshire East and their surrounding areas (Congleton, Crewe, Knutsford, Macclesfield, Nantwich, Poynton and Wilmslow). The LAP boundaries are shown in detail in the attached Plan (Appendix 1). The intention that the proposed Ward boundaries should “nest” within the LAP areas is to promote local identity and local accountability for Ward Councillors in each LAP area. This approach will also help the Ward Councillors to build effective working relationships with the Town and Parish Councils and other bodies within each identified LAP area. Accordingly the proposals in this Submission are based on Warding arrangements for the 7 LAP areas. The Council intends to review the LAP boundaries again in the light of the final outcome of the Electoral Review, to ensure that the LAP areas are fully consistent with the Warding arrangements.
- 3.9. The LAPs are intended to deliver an effective and co-ordinated approach to tackling local needs and priorities, including responsive and locally managed services. They aim to improve engagement with and the empowerment of citizens, to enhance community governance and to enable more effective community leadership by elected Councillors. They will prepare an annual Area Delivery Plan which will reflect the Parish and Neighbourhood Plans produced more locally for the area. The LAPs will work closely with neighbourhood and community groups in the area as well as Town and Parish Councils. Therefore it is important that the Warding arrangements within each LAP will satisfy the community identity and effective local governance criteria to enable the LAP model to succeed.
- 3.10. LAPs will have a significant role in the deployment of resources locally – through ensuring that mainstream services are delivered to agreed standards and helping to identify service priorities for the area. In future they may be allocated a budget to be spent locally, and will be able to access additional resources to address priorities identified in the Area Delivery Plans. LAPs will engage and support Town and Parish Councils, Neighbourhoods and other Groups to deliver services directly, where this is appropriate and desired.
- 3.11. As part of developing the case put forward in the submission on Council size, the Authority looked very carefully at the number of Councillors which might best fit the LAP configuration, and came to the following conclusion:

Congleton 21
Crewe 17
Knutsford 6
Macclesfield 16
Nantwich 8
Poynton 6
Wilmslow 8

This partly informed the conclusion that a Council of 82 was the best proposal, and this approach is now confirmed in this submission and set out in detail in section 4 below.

- 3.12. As required by the Boundary Committee, the following information has been produced and provided for them since the commencement of the Review.

Paper based map information:

Map of Cheshire East showing Local Area Partnership boundaries

Map of Crewe town showing ward and parish boundaries

Map of Macclesfield town showing ward and parish boundaries

Digital GIS data

MapInfo tables of polling districts for the Cheshire East area.

Submission on Council Size and Supplementary Submission

Summary of Responses to Consultation on Council Size

Electoral Registers as at December 2008

Electorates for Parishes and Polling Districts for December 2008

Forecast of Electorates for 2013

Methodology behind the Forecasts

- 3.13. Copies of the appropriate maps and data have been made available to all Town and Parish Councils in the area and to interested persons. This information is also available on the Boundary Committee website. The Council has ensured that local MP's, Strategic Partners, individual Councillors and the Political Parties have been engaged in the Review and encouraged to make a response. The Council's draft Submission has been sent to these bodies or individuals and comments invited. In addition, on 30 June the Boundary Committee itself arranged briefing in a workshop format directly to Town and Parish Councillors on the process to be followed during this stage of the Review, and how individual representations can be made. The workshop illustrated the need for evidence based submissions and how submissions have influenced the Boundary Committee's decision making in other Electoral Reviews.

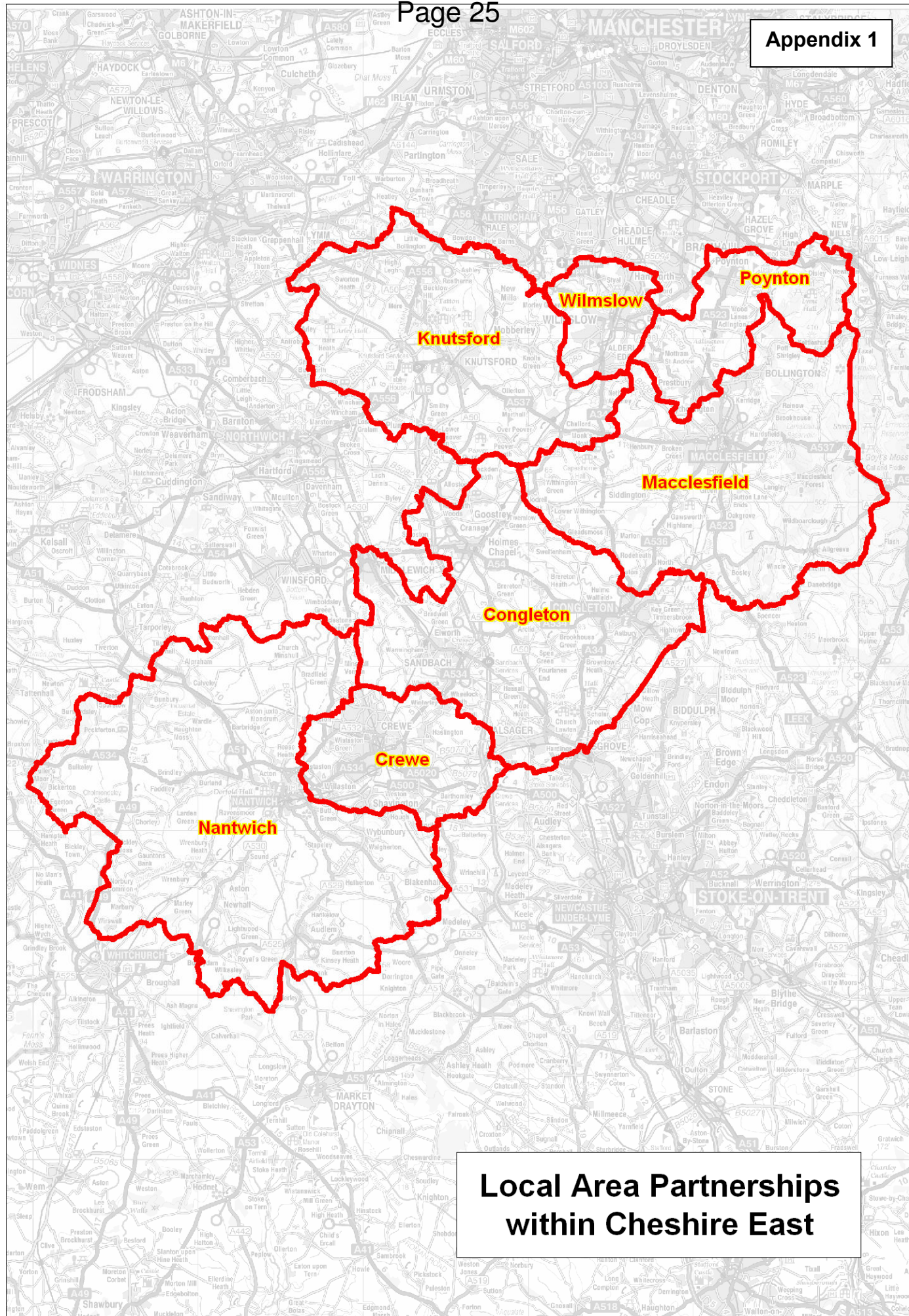
- 3.14. Since the commencement of the Electoral Review, the Council has received a valid Petition (under the Local Government and Public Involvement in Health Act 2007) for a Community Governance Review (CGR) of the unparished area of Crewe Town. The CGR involves the review of the local governance arrangements for the area concerned, and can lead to the creation of new Parish or Town Council(s) and the alteration of existing Parish boundaries. The CGR will cover similar ground to the issues raised in a Boundary Committee review, and potentially it could produce a result which is inconsistent with the Boundary Committee's proposals for the area. Accordingly, the Boundary Committee discourages the conduct of an elective CGR during the period of an Electoral Review. These may follow the Electoral Review in other unparished areas of Cheshire East and in other areas.

- 3.15. However the 2007 Act places the Council under a legal duty to complete the CGR within 12 months of the receipt of the Petition. This means that the CGR process in Crewe will have to be carried out during the period of the Electoral Review, the timetable for which has been established with the aim of having new Warding arrangements in place for elections in 2011 and therefore there is little scope for alteration to accommodate Crewe CGR.
- 3.16. Informal and without prejudice discussions have taken place with the Boundary Committee's officers, to examine the respective public consultation timetables and to try to minimise the potential for confusion which might arise from the reviews in the Crewe area. Although the Boundary Committee cannot take into account the possible outcome of an incomplete CGR in making their formal recommendations, they have confirmed in writing that, if necessary, further representations can be made by the Council (and indeed other persons). This will be possible at the stage on consultation on the Boundary Committee's own proposals, and would be based on the outcomes and evidence from the CGR public consultation. It is therefore intended that the CGR consultation should be substantially completed before the Boundary Committee formally consults on its draft recommendations on Warding arrangements, which is scheduled to be from 10 November for a 12 week period. This timetable will enable outcomes from the CGR to be taken into account as evidence by the Boundary Committee.

4. PROPOSED WARDING ARRANGEMENTS

- 4.1. The Council's proposals for Warding Arrangements are set out in detail in the remainder of this submission, and take fully into account the Boundary Committee's requirements on electoral equality, community identity and convenient and effective local governance. The detailed proposals for each Ward are described in Appendix 4 attached; The Wards are grouped under each of the 7 LAP areas. Where alternative proposals were made and known to the Council during the initial consultation, these are referred to under the information for the Ward concerned, together with the Council's views on the proposal. A summary of representations received are attached as Appendix 5 to this Submission. (to follow)
- 4.2. The attached Map (Appendix 2) and Table (Appendix 3) describe the proposed Warding for the whole of Cheshire East Council. The Table contains a summary of the proposals for each Ward, including the proposed Ward name, the current and forecast electorate, and the numerical and percentage differential from the average Councillor/Elector ratio of 3499 per Member.
- 4.3. In summary, the Council is proposing sixteen 3 – Member Wards, twelve 2 – Member Wards and ten single –Member Wards, resulting in a total of 38 Wards for the 82 Councillors. All but one of the proposed Wards conform to the +/-10% tolerance on electoral equality, both currently and during the five year projection.

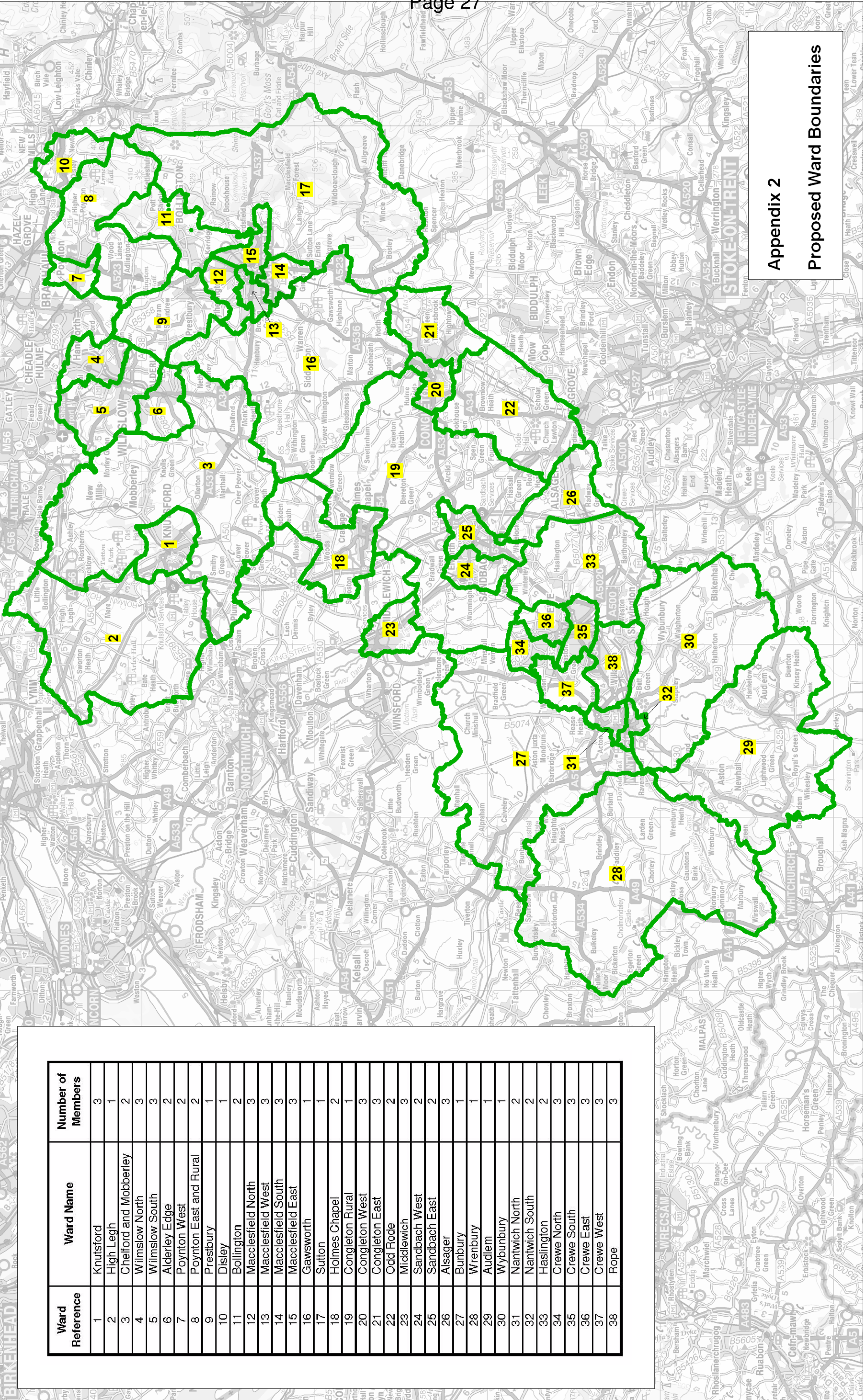
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Local Area Partnerships within Cheshire East

Scale 1:300000 at A4

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Council Meeting 23 July 2009

Agenda item 8 Electoral Review - Submission on Warding

Appendix 3 revised 23/07/09 Warding Table

Reference	LAP	Ward Name	Number of Members	Current Electorate (Dec. 2008)			Forecast Electorate (Dec. 2013)		
				Number	Ratio	% deviation	Number	Ratio	% deviation
1	Knutsford	Knutsford	3	10,261	3,420	-2.3	10,240	3,413	-3.9
2	Knutsford	High Legh	1	3,528	3,528	1.1	3,530	3,530	-0.6
3	Knutsford	Chelford and Mobberley	2	6,911	3,456	-1.2	6,890	3,445	-3.0
4	Wilmslow	Wilmslow North	3	10,625	3,542	1.2	10,660	3,553	0.1
5	Wilmslow	Wilmslow South	3	10,679	3,560	1.7	10,740	3,580	0.8
6	Wilmslow	Alderley Edge	2	7,175	3,588	2.5	7,190	3,595	1.2
7	Poynton	Poynton West	2	6,389	3,195	-8.7	6,360	3,180	-10.4
8	Poynton	Poynton East and Rural	2	6,591	3,296	-6.8	6,550	3,275	-7.8
9	Poynton	Prestbury	1	3,350	3,350	-4.3	3,340	3,340	-5.9
10	Poynton	Disley	1	3,726	3,726	6.4	3,740	3,740	5.3
11	Macclesfield	Bollington	2	7,007	3,504	0.1	6,990	3,495	-1.6
12	Macclesfield	Macclesfield North	3	10,185	3,395	-3.0	10,420	3,473	-2.2
13	Macclesfield	Macclesfield West	3	10,217	3,406	-2.7	10,480	3,493	-1.6
14	Macclesfield	Macclesfield South	3	10,093	3,364	-3.8	10,160	3,387	-4.6
15	Macclesfield	Macclesfield East	3	10,158	3,386	-3.2	10,440	3,480	-2.0
16	Macclesfield	Gawsworth	1	3,424	3,424	-2.1	3,420	3,420	-3.7
17	Macclesfield	Sutton	1	3,604	3,604	3.0	3,610	3,610	1.7
18	Congleton	Holmes Chapel	2	7,562	3,781	8.0	7,590	3,795	6.9
19	Congleton	Congleton Rural	1	3,642	3,642	4.1	3,700	3,700	4.2
20	Congleton	Congleton West	3	10,797	3,599	2.9	11,000	3,667	3.3
21	Congleton	Congleton East	3	10,656	3,552	1.5	10,810	3,603	1.5
22	Congleton	Odd Rode	2	6,919	3,460	-2.6	6,860	3,430	-3.5
23	Congleton	Middlewich	3	10,550	3,517	0.5	10,640	3,547	-0.1
24	Congleton	Sandbach West	2	7,128	3,564	1.9	7,800	3,900	9.8
25	Congleton	Sandbach East	2	7,485	3,743	7.0	7,550	3,775	6.3
26	Congleton	Alsager	3	9,980	3,327	-4.9	10,260	3,420	-3.6
27	Nantwich	Bunbury	1	3,595	3,595	2.7	3,720	3,720	4.8
28	Nantwich	Wrenbury	1	3,602	3,602	2.9	3,690	3,690	3.9
29	Nantwich	Audlem	1	3,502	3,502	0.1	3,650	3,650	2.8
30	Nantwich	Wybunbury	1	3,552	3,552	1.5	3,570	3,570	0.5
31	Nantwich	Nantwich North	2	6,686	3,343	-4.5	6,990	3,495	-0.3
32	Nantwich	Nantwich South	2	6,596	3,298	-5.7	6,650	3,325	-0.5
33	Crewe	Haslington	2	6,960	3,480	-0.5	7,220	3,610	1.7
34	Crewe	Crewe North	3	10,977	3,659	4.6	11,140	3,713	4.6
35	Crewe	Crewe South	3	10,428	3,476	-0.7	10,680	3,560	0.3
36	Crewe	Crewe East	3	10,895	3,632	3.8	11,140	3,713	4.6
37	Crewe	Crewe West	3	10,474	3,491	-0.2	10,680	3,560	0.3
38	Crewe	Rope	3	11,033	3,678	5.1	11,090	3,697	4.1
Total			82	Av. Ratio 3,499			Av. Ratio 3,551		

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Appendix 4

Detailed proposals for each Ward – organised by Local Area Partnership (LAP)

Proposed Wards within the Knutsford Local Area Partnership

Knutsford Local Area Partnership (LAP) is situated towards the north-west of Cheshire East, and borders Wilmslow to the north-east, Macclesfield to the south-east and Congleton to the south. The M6 and M56 motorways pass through this LAP. Hourly train services link Knutsford, Plumley and Mobberley to Chester and Manchester, while in the east of this LAP hourly trains link Chelford with Crewe and Manchester.

The town of Knutsford was the model for Elizabeth Gaskell's novel *Cranford* and scenes from the George C. Scott film *Patton* were filmed in the centre of Knutsford, in front of the old Town Hall.

Barclays Bank employs thousands of people in IT and staff support functions at Radbroke Hall, just outside the town of Knutsford.

Knutsford is home to numerous sporting teams such as Knutsford Hockey Club, Knutsford Cricket Club, Knutsford Rugby Club and Knutsford Football Club. Attractions include Tatton Park, home of the RHS Flower show, the stately homes Arley Hall, Tabley House and Peover Hall, and the Cuckooland Museum of cuckoo clocks.

In detail, the proposals are:

Knutsford is a historic, self-contained urban community with established extents and comprises the former County Ward of Knutsford, containing 7 polling districts. The Parish of Knutsford also mirrors the boundary of this proposal. Knutsford Town is surrounded by Green Belt which covers 58% of this proposed division.

The proposed ward has excellent communications by road, motorway and rail and is bounded to the north by Tatton Park and to the east by Birkin Brook. Knutsford High School provides the focus for secondary education for the town and beyond.

It is proposed that Knutsford is represented by 3 members.

High Legh is a sparse rural area to the west of Knutsford Town with High Legh its largest settlement. It is comprised of Agden, Little Bollington, Millington, High Legh, Mere, Aston by Budworth, Tabley Superior, Pickmere and Tabley Inferior parishes. The proposal forms just over a third of what was Bucklow Ward and provides this rural north-west corner of Cheshire East Council with a clearer identity. The North Cheshire Green Belt covers over 99% of this proposed division.

The proposal uses the natural boundary of the A556 in the north with the M6 and Smoker Brook forming the southern boundary.

It is proposed that High Legh is represented by 1 member.

Chelford and Mobberley – covers 106sq km and borders Knutsford to the north, east and south and is a sparse, rural area with Chelford and Mobberley its largest settlements. It also contains Manchester Airport's 2nd runway and Tatton Park. The North Cheshire Green Belt covers over 99% of this proposed division.

It is composed from the following parishes:

Plumley	Marthall
Bexton	Snelson
Toft	Chelford
Peover Inferior	Nether Alderley
Peover Superior	Rostherne
Ollerton	Ashley
Tatton	Little Warford
Great Warford	Mobberley

It is proposed that Chelford and Mobberley is represented by 2 members.

Proposed Wards within the Wilmslow Local Area Partnership

Wilmslow Local Area Partnership (LAP) is situated in the North of Cheshire East, between Poynton to the East and Knutsford to the West. The area contains good road links to the M6, M56 and M60 motorways, and regular trains connect Wilmslow to Manchester in the north and Crewe to the south. Manchester International Airport is also within easy reach by car or train.

Lindow Man, believed to be from the Iron Age, was found in a peat bog at the northern border of Wilmslow, although he is now housed in the British Museum. Alan Turing, the father of modern computer science, lived in Wilmslow when he was working at the University of Manchester.

Attractions in Wilmslow LAP include Quarry Bank Mill, one of the best preserved cotton mills from the Industrial Revolution, which is now a museum of the cotton industry, owned by the National Trust. The Alderley Edge red sandstone escarpment is also National Trust owned, and is a popular destination for day trippers; it is a site of geological importance, with a history of copper mining dating back to the Bronze Age.

In detail, the proposals are:

Wilmslow North – is predominantly urban in nature comprising of Handforth, the north east outskirts of Wilmslow and Dean Row. The boundary is coterminous with the existing Wilmslow North ward boundary. Land beyond the urban fringe is covered by the North Cheshire Green Belt and accounts for 52% of the area of the proposed division.

It is proposed that Wilmslow North be represented by 3 members.

Wilmslow South – covers the centre and surrounding urban areas of Wilmslow and includes Styal Country Park along with other local villages which have community ties with Wilmslow. This ward is comprised of the existing Wilmslow South ward along with a proportion of Polling District ref. 8FA1. The North Cheshire Green Belt surrounds the urban area and covers nearly 75% of this proposed ward.

It is proposed that Wilmslow South be represented by 3 members.

Alderley Edge – is a self-contained settlement, surrounded by Green Belt (which accounts for 68% of the ward), to the south of Wilmslow. Traversed by major routes of communication but still a natural community this ward proposal follows the existing ward boundary but is enlarged to the north by the addition of part of the Polling District ref. 8FA1 and all of 8FB1 covering the Davenport Green area.

It is proposed that Alderley Edge is represented by 2 members.

Proposed Wards within the Poynton Local Area Partnership

Poynton Local Area Partnership (LAP) is situated in the north-east of Cheshire East, between Macclesfield to the south and Wilmslow to the west, bordering with Greater Manchester to the north. The area is within easy distance of both the M6 and M60 motorways. Hourly trains connect Poynton, Adlington and Prestbury with Stockport and Manchester to the north and Macclesfield to the south.

Attractions include Lyme Park, a mansion house with gardens, moorland and an ancient deer park, that was featured in *Pride and Prejudice*, and Adlington Hall, a manor house dating back to Saxon times.

In detail the proposals are:

Poynton West – is a compact, urban centre buffered from nearby Bramhall and Hazel Grove by the North Cheshire Green Belt (covering 58% of the proposed division) and the severe constraints on development which this provides. It is composed from three Polling Districts (4JC2, 4JG1, 4JH1) and benefits from a well developed road and rail communications network with Poynton High School providing secondary education for this area and beyond.

Exceptionally this ward is slightly outside the electoral ratio tolerance, however with public sector development which does not yet have planning permission the proposal will fall within the normal tolerance.

It is proposed that Poynton West be represented by 2 members.

Poynton East and Rural – is a sparse rural division with several small settlements and much open countryside. It is created from the following polling districts: 4JC1, 4JD1, 4JE1, 4JF1, 4JA1, 4JB1. The many small settlements are connected by a comprehensive network of roads and the area is traversed by Macclesfield Canal running north-south. To the west of the area and south of the town of Poynton in Adlington Parish are two business parks which sit on the A523 trunk road.

All but 1% of this proposal is covered by Green Belt land or the Peak District National Park (54% of the proposal being Green Belt and 45% being within the Peak District National Park).

It is proposed that Poynton East and Rural be represented by 2 members.

Poynton Town Council supports these proposals.

Prestbury – is comprised of Mottram St Andrew and Prestbury parishes. Its major settlement is the village of Prestbury with sparse settlements beyond connected by a network of rural roads. The ward has the River Bollin passing through it which has shaped the landscape giving the area its strong visual and geographic identity. 91% of this proposed ward falls within the North Cheshire Green Belt.

It is proposed that Prestbury be represented by 1 member.

Disley – is a self-contained settlement in the north east corner of Cheshire East. It has strong east-west communications of both road and rail with the Peak Forest Canal sharing the same route.

87% of this proposed ward is covered by Green Belt and the Peak National Park. It borders sparsely populated, open countryside, with Lyme Park in the south west and the hills of Derbyshire completing the eastern border. The proposed ward mirrors the boundary of Disley and Lyme Handley parishes and contains 4 polling districts.

It is proposed that Disley be represented by 1 member.

Proposed Wards within the Macclesfield Local Area Partnership

Macclesfield Local Area Partnership (LAP) is situated towards the north-east of Cheshire East, between Congleton to the south and Knutsford, Wilmslow and Poynton to the north. The area is within easy reach of the M6, M56 and M60 motorways.

Macclesfield has good railway links, due to its situation on the West Coast Main Line. Hourly services depart to London Euston, with an average journey time of just under two hours, with thrice-hourly services departing to Manchester at peak times.

The town of Macclesfield is home to the football team Macclesfield Town FC (founded in 1874), and the rugby team Macclesfield RUFC. Attractions in the LAP area include the Silk Museum, West Park Museum and Paradise Mill.

The LAP includes extensive rural areas.

Bollington – consists of the parishes of Bollington, Pott Shrigley and, to the south, Higher Hurdsfield. A polling district (4FE1) has been added to include the eastern fringes of Bollington which also contains the local landmark of White Nancy.

This configuration retains the geographic separation of Bollington from the northern extents of Macclesfield's Tytherington and Hurdsfield districts. Macclesfield Canal is a natural boundary to the south east part of the ward where open countryside meets industrial and urban development. To the east, Kerridge Ridge is a clear boundary with open countryside beyond. 90% of this proposed ward lies within the North Cheshire Green Belt.

It is proposed that Bollington be represented by 2 members.

It is understood that Pott Shrigley Parish Council supports this proposal.

Macclesfield North – would consist of 4 existing polling districts with a proportion of a 5th (4AE1) covering north Macclesfield from its boundary with the village of Henbury in the west to the obvious boundary of the Silk Road in the east. The proposal brings together Tytherington and northern areas of Macclesfield. Previously Tytherington formed the southern part of the much larger Prestbury and Tytherington ward. Tytherington, with its buffer of green space between it and Prestbury, has natural functional identity with Macclesfield. The proposed area is essentially residential and contains all levels of schools and other community facilities including a leisure centre and a golf course. The North Cheshire Green Belt accounts for 47% of this proposed ward.

It is proposed that Macclesfield North be represented by 3 members.

Macclesfield West – would consist of 8 existing polling districts and part of one other. The proposed ward has a strong communication network with the main east-west A537 traversing the area and the Silk Road forming the eastern boundary. This nature of the area is strongly residential and contains the District General Hospital. Only 7% of this proposed division is Green Belt.

It is proposed that Macclesfield West be represented by 3 members.

Macclesfield South – would consist of 4 complete polling districts and elements of 2 others. Polling District 4BB1 would be shared with Macclesfield East to balance the electorate, while a small portion of Polling District 4GD1 would also be added.

This proposed ward is currently part of the much larger Macclesfield Forest ward and the creation of Macclesfield South would restore its identity as the natural southern community within the town. The proposal has strong north-south road access and contains the recently completed Macclesfield Learning Zone, local football club stadium as well as having a strong local identity. Macclesfield canal forms a clear boundary to the east and open countryside beyond. 15% of this proposal lies within the North Cheshire Green Belt.

It is proposed that Macclesfield South be represented by 3 members.

Macclesfield East – would follow closely the boundary of the existing Macclesfield Town ward with the reduction of one polling district on the west side (4BA1) but with the inclusion of a section of a neighbouring polling district (4BB1). The Hurdsfield area is contained by the Silk Road to the west and the Macclesfield Canal to the east. The northern-most part of the area houses several major employers. The main east-west route into the town, A523, traverses the eastern part of the proposal which is contained by the natural topography of the area. The North Cheshire Green Belt accounts for 39% of this proposed ward.

It is proposed that Macclesfield East be represented by 3 members.

Gawsworth – is a sparsely populated rural extent of some 86 sq km, 48 of which are Green Belt land (55% of the proposed ward). It is comprised of Over Alderley, Henbury, Siddington, Lower Withington, Marton, Gawsworth, Eaton and North Rode Parishes. Although geographically large this predominantly farmed landscape is dotted with many settlements of a similar size and a well developed network of roads ensures that no area within this proposal is isolated. As well as the minor road network the area is served by several major routes. The well established parish extents of this provide a clear geographic boundary for the proposed ward.

It is proposed that Gawsworth be represented by 1 member.

Sutton – is comprised of six parishes, namely Rainow, Kettleshulme, Macclesfield Forest & Wildboarclough, Sutton, Bosley and Wincle, Sutton being the largest. At just over 100 sq km this proposed ward reflects that of its neighbouring proposal – Macclesfield Rural West with the wards of Macclesfield cushioned between the two.

However the landscape of the proposal takes on the more undulating nature of the Peak fringe from Kettleshulme in the north to Wincle in the south. The proposed division is crossed by several key roads, which in turn provide the backbone for a network of smaller roads which link up the disparate communities. More than 80% of this proposed division is within the Peak District National Park or the North Cheshire Green Belt (18% of the proposed division is Green Belt and 65% is within the Peak District National Park).

It is proposed that Sutton be represented by 1 member.

Sutton Parish Council supports this proposal.

Proposed Wards within the Congleton Local Area Partnership

Congleton Local Area Partnership (LAP) lies between Crewe and Nantwich to the south-west, Macclesfield to the east and Knutsford to the north west. The M6 passes through the area. Hourly trains link Congleton with Manchester to the north and Stoke-on-Trent and Birmingham to the south. Airbags International is a major employer in the area.

Attractions include *The Cloud*, a hill 1,125 feet high, and the National Trust owned Little Moreton Hall, a half-timbered house dating back to the 15th century. Alsager hosts the UK's biggest 5 Mile Road Race each year in February and is home to Manchester Metropolitan University's Contemporary Arts and Sports Science Departments. Sandbach has an annual transport festival which usually takes place during April. It originally started in 1992 as 'Transport through the Ages parade', and was such a success that it became an annual event; since its inception it has been run alongside the National Town Criers' competition.

Holmes Chapel – consists of four parishes – Goostrey, Cranage, Holmes Chapel and Twemlow which are linked by a network of local roads as well as benefiting from nearby regional rail, road and motorway access. Holmes Chapel itself is a sizeable settlement with over 4603 electors warranting more than one councillor but suggesting the addition of the adjoining parishes which have community links with Holmes Chapel.

It is proposed that Holmes Chapel be represented by 2 members.

Congleton Rural – is a large (88sq km) proposal consisting of eleven parishes:

Warmingham	Swettenham
Moston	Arclid
Brereton	Bechton
Smallwood	Somerford Booths
Bradwall	Hulme Walfield
Somerford	

It is bordered to the north by Middlewich and Holmes Chapel, to the south by Elworth and Sandbach and to the east by Congleton. Its many small settlements are linked with a comprehensive, minor road network and wider access to these towns and beyond is provided by major road, motorway and rail links.

It is proposed that Congleton Rural be represented by 2 members.

Congleton West – involves retaining the existing ward which reflects community identity well, however a small portion (450 electors) of the COC1 polling district would be transferred to Congleton Town East to aid continuity between neighbourhoods. This also helps balance the electorate figures between the two wards.

It is proposed that Congleton West be represented by 3 members.

Congleton East – is comprised of the former Congleton Town East ward (which in the most part reflects community identity well) minus Newbold Astbury and Moreton cum Alcumlow Parishes which would relate better to rural neighbours. A small portion of the COC1 polling district would be added to this ward.

It is proposed that Congleton East be represented by 3 members.

Odd Rode – is a largely rural extent comprised of the parishes of Newbold Astbury, Moreton cum Alcumlow, Odd Rode and Church Lawton with Odd Rode being the largest of these with some 4475 electors. The larger settlements are found in the south of the area. The main routes of communication follow the same orientation and topography of the proposed ward with the Macclesfield Canal a central feature along with several long distance footpaths (Gritstone Trail, South Cheshire Way and the Staffordshire Way).

It is proposed that Odd Rode be represented by 2 members.

Newbold Astbury and Moreton cum Alcumlow Parish Council supports this proposal.

Middlewich – is a self-contained town with a long community tradition and it is proposed to retain the current ward boundary which also serves as its parish boundary. The River Wheelock forms the west boundary and the River Dane its north boundary which act as a clear border between Cheshire East Council and Cheshire West and Chester Council. The ward is comprised of 6 polling districts and the town has excellent motorway, road and rail links with its neighbours.

It is proposed that Middlewich be represented by 3 members.

This proposal is supported by the Middlewich Independent Councillors

Sandbach is a well established historic settlement with 14613 electors and is too large for a three member ward therefore two 2 member wards are

proposed with some minor adjustments. The town contains all levels of schooling and is the home of Cheshire East Council's Headquarters.

Proposals in more detail:

Sandbach West – is a thriving town composed from 5 polling districts and a small proportion of a 6th which is shared with the proposal for Sandbach East. The proposed ward has a full range of services including schools and a leisure centre as well as comprehensive road and rail links.

It is proposed that Sandbach West be represented by 2 members.

Sandbach East – is similar to its neighbour, both in size, configuration and services. It is composed of five polling districts and shares a proportion of a sixth. The M6 motorway passes through this proposed ward with junction 17 a major feature.

It is proposed that Sandbach East be represented by 2 members.

Alsager – follows the boundary of the parishes of Alsager, based on a long established community, along with Hassell. The proposed ward includes land to the east of the M6 which is more naturally associated with Alsager. The proposed ward has excellent communications and could be classed as a traditional market town.

It is proposed that Alsager be represented by 3 members.

Proposed Wards within the Nantwich Local Area Partnership

Nantwich Local Area Partnership (LAP) is situated towards the south-west of Cheshire East, bordering both Crewe, to the east, and Congleton, to the north-east. The area is within easy reach of the M6 motorway and the A500. The A51, A49 and A534 roads run through the area.

Trains link Nantwich and Wrenbury to Shrewsbury and South Wales to the south, and Crewe and (in the morning) Manchester.

The town of Nantwich is well-known for its architecture and has over one hundred listed buildings. The Battle of Nantwich has been re-enacted as *Holly Holy Day* on its anniversary every year since 1973 by the Sealed Knot, a registered charity devoted to re-enacting English civil war battles for educational purposes. In recent years Audlem has been voted 'Village of the Year' in both Cheshire and the North of England. Every year sees 3 major events in Audlem: an outdoor midsummer music concert, transport festival and a Guy Fawkes bonfire and fireworks display. Wrenbury is known for its annual scarecrow trail, which is held on the first weekend in July as part of a Summer Fayre.

The Shropshire Union Canal, one of Thomas Telford's achievements, passes through the area and attracts visitors each year.

At the earlier consultation phase of the review several of the rural parish councils in this area expressed broad support for the creation of single member rural wards.

Bunbury – at 86sq km is a large, sparsely populated rural division consisting of 16 parishes. Although the settlement pattern is disparate the local road infrastructure forms an inclusive network, along with major routes which cross the area. This proposed division sits adjacent to the Shropshire border leaving few alternative warding options.

It is proposed that Bunbury be represented by 1 member.

Wrenbury – is the largest (at 111sq km) of the four rural proposals in the Nantwich area and comprises of 17 parishes. With the natural boundary of the Peckforton Hills in the west the proposed division, though sparsely populated, has a contiguous character, again with an inclusive road network. Many features characterise this area including Cholmondeley Castle, the Llangollen Canal and the South Cheshire Way.

It is proposed that Wrenbury be represented by 1 member.

Audlem – is the southern-most proposed ward in the Cheshire East area and is 74sq km rural in nature with the village of Audlem the largest settlement. The proposed division contains 8 parishes and a number of features including Combermere Park and a section of the Shropshire Grand Union Canal.

It is proposed that Audlem be represented by 1 member.

Wybunbury – is the smallest of the four rural ward proposals in the Nantwich area at 67 sq km but contains a greater proportion of more sizeable settlements with Wybunbury the largest. It is made up of 16 parishes and has good communications along with several features including portions of the Shropshire Grand Union Canal and the South Cheshire Way as well as Doddington Park.

It is proposed that Wybunbury be represented by 1 member.

Nantwich North – is comprised of three polling districts (NA0, NA3 and NA4). However, part of NA1 (south of Welsh Row) is proposed to be amalgamated with Nantwich South. While part of NA5 (centred on the Pillory Street area) would move northwards, providing a more balanced boundary and preserving a clearer community identity. The proposed ward contains a historic centre along with a full range of housing, community and recreational facilities including Barony Park

It is proposed that Nantwich North be represented by 2 members.

Nantwich South - is comprised of four polling districts (NA2, NA5, FC1 and FC2) and part of one other: a proportion of NA1 which covers the area south of Welsh Row. The area has a full range of housing types along with schools and recreational facilities. Other features include Stapeley Water Gardens and Nantwich swimming pool.

It is proposed that Nantwich South be represented by 2 members.

The proposals of Nantwich Town Council are awaited.

Proposed Wards within the Crewe Local Area Partnership

Crewe Local Area Partnership (LAP) is situated towards the south of Cheshire East, between Nantwich to the west and Congleton to the north east. The area is bordered on the east by the M6 motorway and in the south by the A500 trunk road.

Crewe LAP is probably best known for its railway station, which is a major intersection station on the West Coast Main Line. It opened in 1837 and led to growth in the population of the area – Crewe was made a Municipal Borough in 1877. Crewe has had a strong history of train manufacturing, through the Crewe Railway Works, but now provides a range of engineering services. Employment is heavily dependent on the service industry, and manufacturing continues through such employers as Bentley Motors.

The town is home to Leighton Hospital and the football teams Crewe Alexandra FC (founded in 1877 and named after Princess Alexandra) and Crewe FC (founded in 1998), and the rugby teams Crewe Wolves RLFC and Crewe & Nantwich RUFC. Attractions include the Crewe Heritage Centre, which houses railway memorabilia; Englesea Brook Museum of Primitive Methodism; Lakemore Country Park and Rare Breeds Centre; and the Lyceum theatre, which holds art exhibitions as well as plays and concerts.

Haslington – consists of five parishes with Haslington being the largest and containing the greatest population. The other parishes are Crewe Green, Barthomley, Weston, Oakhanger and Basford. The proposed ward is crossed by several major routes with all the small communities being linked by a network of minor roads. This rural grouping of parishes forms a buffer between Crewe and Sandbach and is crossed by the South Cheshire Way.

It is proposed that Haslington be represented by 2 members.

Crewe North – is comprised from 13 polling districts. It is proposed that Crewe North be represented by 3 members. The proposed ward contains a full range of housing from traditional 19th century terraces and social housing to more recent developments over the last 30 years. To the south are the railway works while the north of the area becomes a more traditional farming landscape.

Crewe South – is comprised from 11 polling districts and contains the major features of Crewe Railway station, Crewe Alexander Football Club and the South Cheshire College. The proposed ward has a full range of residential developments and has a good range of community facilities and schools.

It is proposed that Crewe South be represented by 3 members.

Crewe East – is comprised from 8 polling districts and part of one other. The main town centre facilities are found here including the Civic Centre and Council Offices, the theatre and law courts. The proposed ward has a thriving indoor and outdoor market and benefits from a pedestrianised shopping area as well as purpose-built retail parks. There is a full range of schools and recreational facilities.

It is proposed that Crewe East be represented by 3 members.

Crewe West – is comprised from 7 polling districts. The area has a mix of uses and is largely residential in nature with open countryside to the west of the proposed ward where it borders the River Weaver. However, motor manufacturing is also a feature here along with municipal recreation facilities and farming.

It is proposed that Crewe West be represented by 3 members.

Rope – is comprised of 7 polling districts and is bisected by A500 and other main road and rail routes. The villages of Shavington, Willaston and Wistaston are a feature of this area and contain a range of housing types along with a range of community facilities. These villages are surrounded in the main by farming land.

It is proposed that Rope be represented by 3 members.

Council meeting 23 July 2009**Agenda item 8 Electoral Review – Submission on Warding Arrangements****Appendix 5****Summary of representations received on the warding arrangements being recommended to Council**

Town and Parish Councils (in addition to those already reported in Appendix 4)

General observations

There have been a few adverse comments about the limited period of time allowed for consultation.

Some parish councils have indicated that they will reserve their position until the Boundary Committee's own proposals are known.

Some have expressed concerns about workloads of Councillors representing rural wards in terms of attending Parish Council meetings.

Town or parish Council	Representation received	Observations
Knutsford LAP area		
Knutsford Town Council	None received	
High Legh Parish Council	Supportive of proposed High Legh Ward with some reservations about electoral ratio	Support noted
Wilmslow LAP area	None received	
Poynton LAP area		
Poynton Town Council	The proposals have full support	Support noted
Adlington Parish Council	Concerned at parish being located in 2 member Poynton Rural Ward	Little scope to relocate without adverse knock on effect on other proposed wards. Poynton Industrial Estate is located in Adlington Parish. Consideration could be given to renaming the Ward.
Disley Parish	Supports the proposed	Support noted

Council	Disley Ward pointing out an anomaly between the proposed ward map and the commentary in Appendix 4 concerning the location of Lyme Handley Parish	The anomaly should be corrected by amending the ward map to locate Lyme Handley in the Disley Ward
Macclesfield LAP area		
A Bollington Town Councillor	Bollington has little in common with Higher Hurdsfield. Rainow Parish should be added in its entirety to Bollington ward	Little scope to substitute as suggested. See views of Rainow. Views of Higher Hurdsfield not known.
Rainow Parish Council	Support location of the Parish in proposed Sutton Ward	Support noted
Henbury Parish Council	Suggested renaming of Gawsworth ward to Gawsworth and Henbury Ward	Whilst in general proposed wards have been named after the largest settlement in the Ward an exception could be made.
Sutton Parish Council	Clarification of comment in Appendix 4 – The Parish Council's view is confined to support for the location of the parish in a Sutton rural ward.	Clarification noted Sutton Parish's Lyme Green ward is located in the proposed Macclesfield South Ward
Congleton LAP area		
Congleton Town Council	Broadly supportive of the proposal	Support noted
Middlewich Town Council	Supportive of retention of the existing 3 member ward	Support noted
Sandbach Town Council	Proposals are being developed for 4 single member wards	The proposals for Sandbach in line with those for more urban areas incorporate two 2 member wards.
Holmes Chapel Parish Council	Recommend two member ward for the existing Holmes Chapel Parish only	The Ward would have insufficient electors to support two members. Instead Holmes Chapel has been kept intact by aligning with it adjacent Parish Councils
Moston Parish Council and Warmingham Parish Council and Bradwell Parish	Proposal is inconsistent re number of members to represent Congleton Rural Ward	Proposal is for single member ward. The inconsistency should be corrected

Council		
Moston Parish Council	One member not sufficient for Congleton Rural Ward	The ratio of one member per approximately 3500 electors is a result of the Boundary Committee's decision on Council size
Betchton Parish Council	Suggest relocate parish from Congleton Rural ward into Odd Rode Ward where community links are stronger	This suggestion can not be accommodated without detriment to electoral equality. Betchton has much in common with both Odd Rode Ward and Congleton Rural Ward
Odd Rode Parish Council	Welcome proposed Odd Rode 2 member ward	Support noted
Smallwood Parish Council	Welcome proposed Congleton Rural ward	Support noted
Bradwell Parish Council	Support the location of the parish in the Congleton Rural Ward	Support noted
Alsager Town Council	Support the proposed Alsager Ward	Support noted
Crewe LAP area		
Leighton Parish Councillor	Leighton Rural Parish Ward incorporating Leighton Hospital should be located in a Crewe North ward rather than rural Bunbury Ward	The change could be made without detriment to electoral equality. Although mainly serving Crewe Town, the hospital has a rural setting. The Crewe LAP description in Appendix 4 wrongly locates Leighton Hospital in the Crewe LAP
Haslington Parish Council	General comments about the relationship between proposed wards and LAP boundaries and about proposals in other LAPs and about the LAP commentaries	<p>The use of LAP boundaries was a fundamental principle used in the decision on Council size.</p> <p>LAP commentaries will be refined prior to submission in line with the proposed delegation to finalise the submission.</p> <p>There will be scope to amend LAP boundaries once new warding arrangements are in place during 2010.</p>
Haslington Parish Council	Strong objection to part of the Oakhanger parish ward being located in proposed Alsager Ward	The parish ward is split by the M6 motorway.
Haslington	Propose that Wheelock	The Parish Council proposal has

Parish Council	Heath be both located in the proposed Haslington Ward rather than in Sandbach West Ward	strong evidence of community identity and could be accommodated without detriment to electoral equality
Nantwich LAP area		
Nantwich Town Council	Retain boudaries of existing Nantwich Town Council with preference for single member wards.	The proposals for Nantwuch in line with those for more urban areas incorporate two 2 member wards
Dodcott-Cum-Wilkesley Parish Council	Object to Audlem single member ward	There were submissions at the previous stage in the review from the rural parts of the Nantwich LAP area seeking single member wards for sparse rural areas.

Members of Parliament

General observations

Stephen O Brien (Eddisbury) via constituency association	General comment about wards overlapping constituency boundary	Parliamentary constituencies are not a criterion is this review
Stephen O Brien (Eddisbury) via constituency association	Multi members wards strongly favoured within the Constituency	The proposal is based on single member wards in sparsely populated rural areas following informal guidance from the Boundary Committee

Local Strategic Partnership members

No observations received

CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting: 23 July 2009
Report of: Borough Solicitor and Monitoring Officer
Subject/Title: Coat of Arms

1.0 Report Summary

- 1.1 The report sets out the next steps required to enable the Council to be granted a Coat of Arms, for use by the Mayor only, as previously agreed in principle, and invites the Council to approve the design of the Arms and consider the Motto, so that a formal Petition can be submitted to the College of Arms.

2.0 Recommendations

- 2.1 That the Council –
- a) approves the design of the Coat of Arms for Cheshire East Council, together with the descriptive text
 - b) decides an appropriate Motto for the Coat of Arms
 - c) authorises the submission of a Petition to the College of Arms, in order that the Grant of Arms may be made.

3.0 Reasons for Recommendations

- 3.1 To enable the Council to complete the formalities and to obtain its Coat of Arms, as agreed in principle by the Shadow Council in July 2008.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 None

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 Costs to College of Arms fee, £11,500 already paid in January 2009

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 Costs to produce Mayoral items e.g. stationery, crests for Mayor's attendants uniforms etc. Approx £1,000. Cost of producing Mayoral chains of office have not yet been explored but could be considerable if commissioned from new, alternatively adaptations to the existing items may be possible.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 None

10.0 Risk Management

- 10.1 There are no risks associated with this matter

11.0 Background and Options

- 11.1 On 30 July 2008, the Shadow Council resolved: "the Council is of the view that approval should be sought to the adoption of an appropriate Coat of Arms for the Authority."

With regard to the Coats of Arms owned by the predecessor Councils, if it is intended that an existing Coat of Arms should be used for formal purposes (e.g. letterheads or civic regalia) this may be achieved by a transfer which requires the approval of the College of Arms. Otherwise such pre-existing Coats of Arms may not be used by successor bodies. A transfer may be granted to another Council, including Town & Parish Councils, or to Charter Trustees, and is achieved by an Order in Council or through Royal Licence.

- 11.2 The Grant of a Coat of Arms is achieved through the College of Arms. It is necessary for an applicant seeking a newly designed set of Arms (rather than the transfer of existing Arms) to draw up and submit the proposed Coat of Arms for consideration by the College. The College is responsible for approving the design, and for issuing the Letters Patent which make the formal Grant of Arms. Work has already been undertaken by the Communications Service on the design of the new Coat of Arms for Cheshire East Council. Following consultation with Members, the design has been submitted informally and has received approval from the College. **A copy of the proposed Arms together with the explanatory text is appended to this report.**

- 11.3 It is possible to incorporate a Motto and it is proposed that this will be:-

"Working Together for Excellence",

as these four words sum up Cheshire East's purpose and best describe our destiny. This motto results from discussion between Members.

- 11.4 Should the Council agree the design and adopt a Motto for the Coat of Arms, the next stage will be to submit a formal Petition to the College seeking the Grant of Arms. This Petition is drawn up by the College. The resulting Grant of Arms is made by Letters Patent, which contain the Coat of Arms painted on Vellum, with inscribed text which describes the meaning and construction of the Arms. The Letters Patent are signed and sealed by the Kings of Arms, and once issued become the property of the applicant.
- 11.5 The Council is therefore invited to approve the design of the Coat of Arms, the descriptive text and the proposed Motto, so that a formal Petition can be made to the College for the issuing of the Letters Patent.

12.0 Overview of Year One and Term One Issues

- 12.1 Even though Cheshire East is a new Council and has acquired Borough Status from 1 April 2009, there is no deadline for applying for a Coat of Arms. However it is suggested that it would be appropriate for the Arms to be granted early in the life of the Council. This will enable the Arms to be used by the Mayoral Office, particularly in connection with the Civic insignia, and for example the Mayoral stationery if so desired. Accordingly this may be viewed as a Year One issue.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Appendix

Coat of Arms - Proposed Design and guidance on a motto



The proposed design, left, and proposed heraldic badge below, from the College of Arms have taken elements from all our predecessor authorities. Please note this will only be used in Mayoral applications and will not be used in place of our main corporate identity. See below for the detailed explanation the notes from the College of Arms:

In putting together the design, officers have borne in mind the heraldry of the three predecessor borough councils (and the county council).

Wheat sheaves (or garbs as they are known in heraldry) are the symbols most associated with Cheshire and are a prominent feature of the shields of all three predecessor

authorities. In all four cases, the traditional colour combination of gold garbs on a blue background was employed. Whereas the Council is using a freer version of a wheat sheaf in its logo this now has to take a more conventional heraldic form.

Mural crowns are often used in local government heraldry (and a red mural crown was used as a crest coronet in the coats of arms of the county council and Crewe and Nantwich). A combination of three such crowns would serve very well to represent the amalgamation of the three boroughs that has created the new council's area of jurisdiction. The crest uses a different form of crown – known in heraldry as an Eastern crown - referring to the fact that the authority covers the eastern half of the county.

The main feature of the crest is a stag. Two gold stags supported the arms of Macclesfield Borough Council (having in turn been a feature of the arms of various local families) and stags are common in Tatton Park

Lions figure a great deal in the existing heraldry – the county council had a lion in its crest and two lions as its supporters, Congleton had a lion in its shield and a lion as one of its supporters, Crewe and Nantwich had a lion in its crest and Macclesfield had lions in its shield and crest. A lion has therefore been made one of the two supporters in the new design.

Crewe and Nantwich's supporters were two griffins and the other supporter is therefore a griffin. This has additional symbolism because in classical mythology the griffin was the guardian of treasure. It is therefore an allusion to the council's role as custodian of the district's heritage. Both the lion and the griffin have garlands of laurel round their neck in the same fashion as the stags in Macclesfield's coat of arms. Some further difference was needed to make the supporters distinctive and they are therefore shown standing on a grassy mound, emblematic of the countryside. This includes some wavy blue

lines to suggest rivers and waterways: similar imagery was employed in the arms of Congleton and Crewe and Nantwich.

Finally, a single garb and an Eastern crown have been combined to form a simple heraldic badge.

There remains the question of a motto, which is the one thing usually left to the grantee to suggest. It is customary (though certainly not obligatory) to include one. Unlike the coat of arms, which has to be distinctive as compared to anything previously recorded, the Council is at liberty to adopt a motto already in use by some other institution or family. It can be in any language but should be no more than a few words long.

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CHESHIRE EAST COUNCIL

EXPLANATORY NOTE

Date of Meeting: 23rd July 2009
Note upon: Substitute Members at Planning Meetings

1.0 Background

- 1.1 On 17th June, the Strategic Planning Board considered the appended report. For the reasons set out at paragraph 11.4 of the report, the Board made the following recommendation to the Governance and Constitution Committee and to Council:

“That the scheme of substitution in the Constitution be amended as follows:

- a) No substitution shall be made to the North Area Planning Committee except with a Member from the South Area Planning Committee and vice versa. The substitute Member should wherever possible come from the same political group but may come from a different political group
- b) No substitutions shall be made to the Strategic Planning Board from the area committees or at all.”

- 1.2 On 25th June, the Governance and Constitution Committee considered the recommendations of the Strategic Planning Board and, whilst it supported recommendation (a) and recommends this to Council, the Committee did not support recommendation (b).

- 1.3 The Governance and Constitution Committee therefore recommends to Council only that:

- a) “No substitution shall be made to the North Area Planning Committee except with a Member from the South Area Planning Committee and vice versa. The substitute Member should wherever possible come from the same political group but may come from a different political group.”

- 1.4 Council must now decide whether it wishes the Constitution to be changed to reflect both recommendations (a) and (b), according to the wishes of the Strategic Planning Board, or just recommendation (a), in line with the wishes of the Governance and Constitution Committee.

1.5As indicated to the political groups, and explained at paragraph 9.0 of the appended report and paragraph 2 this report, if the recommendation at paragraphs 1.1(a) & 1.3 (a) above is to succeed, it must be accepted by Council without any vote being cast against the proposal.

1.6It is therefore suggested that recommendations (a) and (b) should be voted upon separately at the Council meeting.

Legal Implications

- 2.1 In order for the Council's Constitution to be changed, the proposed changes must first have been considered by the Governance and Constitution Committee. Council must then determine what changes should be made.
- 2.2 The rules regarding political proportionality are fixed by the Local Government and Housing Act 1989 and subordinate legislation contained in the Local Authorities (Committees and Political Groups) Regulations. Departures from the normal rules are only possible on a "nem con" vote basis. These proposals are intended to reduce the scope for legal challenge to planning decisions.

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Appendix

STRATEGIC PLANNING BOARD

Date of Meeting:	17 th June 2009
Report of:	Borough Solicitor
Subject/Title:	Attendance by Substitute Members

1.0 Report Summary

- 1.1 This report proposes alternative arrangements to restrict the appointment of substitute members for planning matters.

2.0 Recommendations

- 2.1 That Members indicate whether they would wish the proposals contained in Paragraph 11.4 to be brought forward to Governance and Constitution Committee and Council.

3.0 Reasons for Recommendations

- 3.1 To canvass a suggestion by the Chairman and the Portfolio Holder

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications

- 6.1 There are no corporate policy implications but the proposal is intended to ensure propriety and consistency in the application of planning policies.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 The rules regarding political proportionality are fixed by the Local Government and Housing Act 1989 and subordinate legislation contained in the Local Authorities (Committees and Political Groups) Regulations. Departures from the normal rules are only possible on a “nem con” vote basis. These proposals are intended to reduce the scope for legal challenge to planning decisions.

10.0 Risk Management

10.1 Legal challenge and the related award of costs would have a significant impact on the Council’s development control function.

11.0 Background and Options

11.1 The Local Government and Housing Act 1989 Sections 15 – 17 (“the Act”) prescribe a regime of proportional representation for political groups on Committees. The Local Government (Committees and Political Groups) Regulations 1990 (“the Regulations”) provide more detailed working rules – in particular that seats allocated to political groups can only be filled by the nominations of the Group Leaders (not by Council or a Committee) and that seat allocations must be revisited at least annually and at or as soon as possible after the first meeting of the authority each year.

11.2 The responsibility for constitutional change and for the allocation of seats to groups rests with full Council on the advice of Governance and Constitution Committee. Council has given Strategic Planning Board special powers regarding the makeup of planning committees.

11.3 A local protocol contained in the Constitution provides that no member can sit or be a substitute on a planning committee without planning training. Following previous discussion by the members of the Strategic Planning Board support for further restrictions were recommended. It is intended that such proposals if supported by this Board would be considered by Governance and Constitution Committee and Council. This report is written to articulate a proposal from those Members. It should be noted that any such scheme is an exception to the strict rules on proportionality and can only be effected if passed at Council with no member voting against it.

11.4 The proposals are that: -

a) No substitution shall be made to the North Area Planning Committee except with a Member from the South Area Planning Committee and vice versa. The substitute Member may come from a different political group.

Reasons:

- Planning decisions should not be political in any event
- The potential for inconsistency is an inherent weakness of an area planning committee approach to development control. Although cases are sometimes moved north or south when workload or special circumstances dictate, this proposal would provide further assurance.
- The proposal mitigates the effect on small groups by giving them a wider scope for substitution.

b) No substitutions shall be made to the Strategic Planning Board.

Reasons:

- The Board may have to decide an application on which an area planning committee have made a resolution contrary to policy. It would be inappropriate for a member of that area planning committee to participate at the Board.

The Board has a monitoring role over the Area Committees and this should not involve area committee members.

12.0 Overview of Year One and Term One Issues

12.1 None relevant

13.0 Access to Information

No background papers

For further information:

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Extract from the Minutes of the Governance and Constitution Committee which met on 21 May 2009

PROCEDURAL MATTERS (COMMITTEE MEMBERSHIP CHANGES)

The Conservative Group had notified the following proposed changes to Committee places:

Licensing Committee

Replace Councillor Parker with Councillor Hardy

Governance and Constitution Committee

Replace Cllr Bentley with Cllr Livesley

Public Rights of Way Committee

Replace Cllr Rhoda Bailey with Cllr Wray

RESOLVED

That Council be recommended to approve the proposed changes to Committee places

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CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of meeting: 21 May 2009
Report of: Democratic Services Manager
Title: Procedural Matters

1.0 Purpose of Report

- 1.1 To bring to the attention of the Committee any procedural matters which are in need of consideration and/or recommendation to Council.

2.0 Recommendation

- 2.1 That the recommendation set out in the Appendix to this report be approved.

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 legal implications of this report will be addressed in the Appendix.

6.0 Risk Assessment

- 6.1 Any risk issues will be addressed in the Appendix.

7.0 Background and Options

- 7.1 From time to time, the Committee will need to consider issues of a procedural nature and make recommendations to Council.
- 7.2 The Appendix to this report identifies the issue in question and the recommendation of officers to the Committee.

For further information:

Officer: Brian Reed, Democratic Services Manager

Tel No: 01270529670

Email: brian.reed@cheshireeast.gov.uk

Background Documents: Nil

Documents are available for inspection at:

The offices of Cheshire East Borough Council

Westfields

Middlewich Road

Sandbach

CW11 1HZ

Appendix

Procedural Matter

At its Annual Meeting on 2nd April 2009, Council agreed nominations of Members to various Committees and other bodies.

From time to time, seats on committees and other bodies can be expected to change. Section 16 of the Local Government and Housing Act 1989 enables political groups to notify the Borough Solicitor of any proposals to change their representation on committees and other bodies.

The Borough Solicitor has been notified of the Conservative Group's proposed changes as set out below.

The terms of reference of the Governance and Constitution Committee include: "recommending to the Council, as appropriate, the appointment of Members to Committees.....".

The Committee therefore needs to make recommendations to Council upon the proposed changes.

Licensing Committee

Replace Cllr Parker with Cllr Hardy

Governance and Constitution Committee

Replace Cllr Bentley with Cllr Livesley

Public Rights of Way Committee

Replace Cllr Rhoda Bailey with Cllr Wray

Recommended

That Council be recommended to approve the proposed changes to Committee places set out above.

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Extract from the Minutes of the Governance and Constitution Committee which met on 25 June 2009

ADDITIONAL FUNCTIONS-HEAD OF SAFER AND STRONGER COMMUNITIES

That Council be recommended to agree

- (1) that the list of legislation as amended and re-circulated at the meeting be added to the list in the Appendix to the “Powers and Responsibilities of Officers” (section of Part 3 of the Constitution) which will have the effect of bringing responsibility for this legislation within the remit of the Head of Safer and Stronger Communities by virtue of paragraph 25.1.2 of that Part; and**
- (2) that such consequential amendments be made to the Constitution as the Borough Solicitor considers are necessary to give effect to the wishes of Council.**

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CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of Meeting: 25 June 2009
Report of: Borough Solicitor
Subject/Title: Additional Functions – Head of Safer and Stronger Communities

1.0 Report Summary

- 1.1 This report seeks a recommendation from the Committee to Council that reference to additional pieces of legislation be added to the list contained in the Constitution relating to matters which fall within the remit of the Head of Safer and Stronger Communities.

2.0 Recommendations

That Council be recommended to agree

- (1) that the appended list of legislation be added to the list in the Appendix to the “Powers and Responsibilities of Officers” (section of Part 3 of the Constitution) which will have the effect of bringing responsibility for this legislation within the remit of the Head of Safer and Stronger Communities by virtue of paragraph 25.1.2 of that Part; and
- (2) that such consequential amendments be made to the Constitution as the Borough Solicitor considers are necessary to give effect to the wishes of Council.

3.0 Reasons for Recommendations

- 3.1 To ensure that powers have been delegated to an appropriate level to ensure the efficient discharge of the authority’s functions.

4.0 Wards Affected

- 4.1 All Cheshire East Borough Council wards

5.0 Local Ward Members

- 5.1 All Ward Members are affected since the proposed powers will apply to all Wards.

**6.0 Policy Implications including - Climate change
- Health**

- 6.1 The Council's officers need to be properly empowered to discharge the Council's functions.

7.0 Financial Implications for Transition Costs

- 7.1 None

8.0 Financial Implications 2009/10 and beyond

- 8.1 None

9.0 Legal Implications

- 9.1 In order for the Constitution to be changed, the Governance and Constitution Committee must make a recommendation, which must then be agreed by Full Council.
- 9.2 Appropriate delegations must be in place to ensure that the actions of the Council are appropriately authorised. It is particularly important in the work carried out by the Head of Safer and Stronger Communities where legal action could be challenged if delegations were not in place (as well as consequent designation of officers).

10.0 Risk Management

- 10.1 Without the addition of relevant references to legislation in Part 3 of the Constitution, officers would not have appropriate powers to carry out the Council's environmental health functions. This would carry with it significant risk in terms of the responsiveness of the Council to environmental health issues, as all action would need to be approved by Members.

11.0 Background and Options

- 11.1 The Council adopted its Constitution on 24th February 2009, which took effect on Vesting Day.
- 11.2 It has always been recognised that the Constitution is a "living document" which will need to change from time to time in order to meet the Council's needs.
- 11.3 It is necessary to add various pieces of legislation to the Appendix to Part 3 of the Constitution, which will enable officers to discharge the Council's environmental health functions. The list of legislation appears in the Appendix to this report.
- 11.4 The addition of references to these pieces of legislation will enable the Head of Safer and Stronger Communities, and officers who he appoints and authorises, to enforce the legislation.

- 11.5 The proposed changes to the Constitution will bring environmental health functions into line with the approach adopted in respect of trading standards and licensing legislation.
- 11.6 If officers are not given the powers proposed in this report, then there will be the need for proposed action to be authorised at Member level, which would be time consuming and inappropriate, given that the powers in question are used regularly.

12.0 Overview of Year One and Term One Issues

- 12.1 The proposed changes will enable the Council to undertake its duties and responsibilities in an efficient way.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Brian Reed
Designation: Democratic Services Manager
Tel No: 01270 529670
Email: Brian.reed@cheshireeast.gov.uk

AMENDED APPENDIX

List of legislation to be added to the Appendix contained in Part 3 of the Constitution entitled “Powers and Responsibilities of Officers” which will fall within the remit of the Head of Safer and Stronger Communities by virtue of paragraph 25.1.2 of that Part.

Administration of Justice Act 1985
Agriculture (Safety, Health and Welfare Provisions) Act 1956
Agriculture Act 1947
Animal Boarding Establishments Act 1963 and 1970
Animal Health Acts 1971/2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Breeding of Dogs Act 1973/91
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Burials Act 1857
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Cheques Act 1992
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Consolidation (Consequential Provisions) Act 1985
Contracts (Rights of Third Parties) Act 1999
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
County Courts Act 1984
Courts and Legal Services Act 1990
Criminal Justice Act 1982/1988/ 1991,
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Defective Premises Act 1972
Dogs (Amendment) Act 1928
Dogs (Fouling of Land) Act 1996
Dogs (Protection of Livestock) Act 1953
Environment Act 1995
Environment and Safety Information Act 1988
Environmental Damage (Prevention and Remediation) Regulations 2009
Environmental Protection Act 1990
European Communities Act 1972
Factories Act 1961
Farm and Garden Chemicals Act 1967
Farriers (Registration) Act 1975
Food Safety Act 1990
Guard Dogs Act 1975
Home Safety Act 1961
Indictable Offences Act 1848

Land Drainage Acts 1991
Law of Property (Miscellaneous Provisions) Act 1989
Legislative and Regulatory Reform Act 2006
Licensing Act 2003
Litter Act 1983
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Local Government Act 1972/1987
Local Government and Housing Act 1989
Misrepresentation Act 1967
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices, Shops & Railway Premises Act 1963
Olympic Symbol etc (Protection) Act 1995
Patents, Designs and Marks Act 1986
Performing Animal (Regulation) Act 1925
Pesticides (Fees and Enforcement) Act 1989
Pesticides Act 1998
Pet Animals (Amendment) Act 1983
Pet Animals Act 1951
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Private Security Industry Act 2001
Private Water Supply Regulations 1991
Proceeds of Crime Act 1995
Property Mis-descriptions Act 1991
Prosecution of Offences Act 1985
Protection Against Cruel Tethering Act 1988
Protection from Harassment Act 1997
Protection of Children (Tobacco) Act 1986
Public Health (Control of Disease) Act 1984
Public Health (Infectious Disease) Regulations 1988
Public Health Acts 1936 and 1961
Refuse Disposal (Amenity) Act 1978
Registered Designs Act 1949
Regulation of Investigatory Powers Act 2000
Riding Establishments Act 1964/70
Rivers Prevention of Pollution Act 1961
Sale and Supply of Goods Act 1994
Sale of Goods (Amendment) Act 1994/1995
Sale of Goods Act 1979
Sunday Trading Act 1994
Supply of Goods and Services Act 1982
Tattooing of Minors Act 1969
Torts (Interference with Goods) Act 1977
Town Police Clauses Act 1847 / 89
Traffic Management Act 2004
Unfair Contract Terms Act 1977
Vagrancy Act 1824

Veterinary Surgeons Act 1966

Water Act 1989

Water Industry Act 1991

Water Supply (Water Quality Regulations 2000

Water Resources Act 1963

Weeds Act 1959

Wildlife and Countryside Act 1981

Zoo Licensing Act 1981

Extract from the Minutes of the Governance and Constitution Committee which met on 25 June 2009

AMENDMENTS TO FINANCE AND CONTRACT PROCEDURE RULES

That Council be recommended to approve

(1) the amendments to the Finance and Contract Procedure Rules set out in the Appendix: and

(2) that the Borough Solicitor be authorised to continue to exercise his corrective powers with regard to the Constitution in those cases where he considers it appropriate to do so.

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CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of Meeting: 25 June 2009
Report of: Internal Audit Manager
Subject/Title: Amendments to Finance and Contract Procedure Rules

1.0 Report Summary

- 1.1 The purpose of this report is to present proposed amendments to the Finance and Contract Procedure Rules

2.0 Recommendations

That Council be recommended to approve

- (1) the amendments to the Finance and Contract Procedure Rules set out in the Appendix; and
- (2) that the Borough Solicitor continue to have authority to approve amendments to the Finance and Contract Procedure rules on an ongoing basis.

3.0 Reasons for Recommendations

- 3.1 To make appropriate amendments to the framework for managing the Authority's financial affairs

4.0 Wards Affected

- 4.1 n/a

5.0 Local Ward Members

- 5.1 n/a

6.0 Policy Implications including - Climate change - Health

- 6.1 None

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 The Finance Procedure rules are part of the authority's framework for financial control and the continuous review of these rules contributes to our aim of using resources in the most effective way.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 No specific legal implications. The changes recommended are supported by the Borough Solicitor

10.0 Risk Management

- 10.1 The procedure rules contribute to the management of risk in relation to use of resources.

11.0 Background and Options

- 11.1 The Finance and Contract Procedure Rules were approved by full Council on 24th February 2009.
- 11.2 In addition, the Borough Solicitor was authorised to make such amendments and additions to the Constitution as were necessary to give effect to the Council's wishes.
- 11.3 During the first few months of the new Authority, various issues have been highlighted where Finance and Contract Procedure Rules require amendment. Those amendments considered to be non-substantive have been approved by the Borough Solicitor under the authority delegated to him, following consultation with the Group Whips.
- 11.4 Those amendments that are considered more substantive are included as an Appendix to this report. The Appendix contains a schedule of the amendments required and the reasons for each change.
- 11.5 Unless expressly delegated, amendments to the Constitution must be approved by full Council, having first received the advice of this Committee

12.0 Overview of Year One and Term One Issues

- 12.1 N/a

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Vivienne Quayle

Designation: Head of Internal Audit

Tel No: 01270 539684

Email: Vivienne.quayle@cheshireeast.gov.uk

Amendments to Finance and Contract Procedure Rules

Differences between the “before” and “after” version of the relevant section of the Finance & Contract Procedure Rules are highlighted in italics for ease of identification.

1 Exception to Capital Approval process

Reason: This exception relates to Highways improvements funded by developers and Rechargeable works and was included previously in Cheshire County Council’s Finance Procedure Rules.

Current

Proposed

Capital Monitoring and Amendments to the Capital Programme

B.33 Where possible, all capital schemes contained within the block provision should be approved through the annual capital programme setting process, within the timetable set out by the Borough Treasurer and Head of Assets and approved by Council in February. Any subsequent further breakdown of block approvals must follow the appropriate approval route, with completion of a delegated decision proforma where necessary.

B.34 Any ‘in year’ approval sought for capital schemes in excess of £250,000 must be supported by a complete Business Case Template, in the format prescribed by the Borough Treasurer and Head of Assets, which has been endorsed by the officer Capital Appraisal Panel prior to submission to the appropriate Members.

B.33 Where possible, all capital schemes contained within the block provision should be approved through the annual capital programme setting process, within the timetable set out by the Borough Treasurer and Head of Assets and approved by Council in February. Any subsequent further breakdown of block approvals must follow the appropriate approval route, with completion of a delegated decision proforma where necessary.

B.34 Any ‘in year’ approval sought for capital schemes in excess of £250,000 must be supported by a complete Business Case Template, in the format prescribed by the Borough Treasurer and Head of Assets, which has been endorsed by the officer Capital Appraisal Panel prior to submission to the appropriate Members.

Current

B.35 Project managers must ensure that the project specification remains consistent with the approved capital appraisal and continues to represent value for money for the Authority. Where project outcomes or costs alter significantly from those set out in the original appraisal a revised Business Case Template must be completed and submitted to the officer Capital Appraisal Panel.

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Proposed

B.35 Project managers must ensure that the project specification remains consistent with the approved capital appraisal and continues to represent value for money for the Authority. Where project outcomes or costs alter significantly from those set out in the original appraisal a revised Business Case Template must be completed and submitted to the officer Capital Appraisal Panel.

B.36 *Wherever possible, expenditure in respect of Highways improvements funded by developers and Rechargeable works should be included in the Capital Programme. Where this is not possible Heads of Service may approve capital expenditure in respect of:*

- *Highway improvements fully funded by developers under Section 278 of the Highways Act 1980, provided that a formal agreement has been completed with the developer*
- *Other rechargeable reinstatement work costing in excess of £10,000*
- *Urgent work to repair, replace or reinstate vehicles, buildings or equipment, where the work is to be fully funded from insurance monies following consultation with the Head of Finance.*

Current

-

Proposed

B.37 *In addition, Heads of Service may authorise essential design work required in advance of the start of the financial year on capital schemes which are in the programme approved by Council in February.*

2 Removal of Framework Agreements from requirement to complete a Delegated Decision form

Reason: To remove the need to complete a Delegated Decision Form where there is a Government or Local Government Framework Agreement already in place, as it was not intended to cover that situation.

Current

Proposed

Other Exceptions to Requirements of Competition

E.23 A Delegated Decision form must be completed by the Chief Officer or his designated representative for every exemption listed below and sent for approval to the Borough Treasurer and Head of Assets and the Borough Solicitor. Any request to approve waiving of any Finance and Contract Procedure Rule is also subject to such approvals by the Borough Treasurer and Head of Assets and the Borough Solicitor.

E.24 Provided that a proposed contract award complies with national and EU legislation and any other Finance and Contract Procedure Rule and subject to the Chief Officer or his designated representative keeping a record of the reasons, reported annually to the Borough Treasurer and the Head of Assets, then the competition requirements may not apply to:

E.23 A Delegated Decision form must be completed by the Chief Officer or his designated representative for every exemption listed below and sent for approval to the Borough Treasurer and Head of Assets and the Borough Solicitor. Any request to approve waiving of any Finance and Contract Procedure Rule is also subject to such approvals by the Borough Treasurer and Head of Assets and the Borough Solicitor.

E.24 Provided that a proposed contract award complies with national and EU legislation and any other Finance and Contract Procedure Rule and subject to the Chief Officer or his designated representative keeping a record of the reasons, reported annually to the Borough Treasurer and the Head of Assets, then the competition requirements may not apply to:

Current

- The purchase of goods or services or the execution of works which in the opinion of the appropriate Chief Officer or his/her Authorised Officer and the Borough Treasurer and the Head of Assets is certain are obtainable only from one source or contractor, and where no reasonably satisfactory alternative is available;
- The purchase of a product required being compatible with an existing installation and procurement from any other source would be uneconomic given the investment in previous infrastructure as approved by the Chief Officer;
- The instruction of, advice from, or service provided by Counsel or, by exception, Solicitors to act on the Council's behalf;
- ***Procurements made from “Call Off” Contracts and Framework Agreements that have been subjected to competition or through ,or on behalf of, any local authority or Government consortium, association or similar body provided that tenders or quotations have been invited by these bodies and contracts placed in accordance with their procedures which are broadly equivalent to these Rules and also comply with any National or EU legislation;***
- Special education or social care contracts if, in the opinion of the Chief Officer, following consultation with the Borough Solicitor and the Borough Treasurer and the Head of Assets, it is considered

Proposed

- The purchase of goods or services or the execution of works which in the opinion of the appropriate Chief Officer or his/her Authorised Officer and the Borough Treasurer and the Head of Assets is certain are obtainable only from one source or contractor, and where no reasonably satisfactory alternative is available;
- The purchase of a product required being compatible with an existing installation and procurement from any other source would be uneconomic given the investment in previous infrastructure as approved by the Chief Officer;
- The instruction of, advice from, or service provided by Counsel or, by exception, Solicitors to act on the Council's behalf;
- Special education or social care contracts if, in the opinion of the Chief Officer, following consultation with the Borough Solicitor and the Borough Treasurer and the Head of Assets, it is considered the Client's interests are best met if there is exemption from the competition rules;
- The exercise of statutory grant aid powers delegated to a Chief Officer or his/her Authorised Officer (which shall be specified by that Chief Officer or his designated representative in each case);
- Circumstances which in the opinion of both the Borough Treasurer and Head of Assets and Borough Solicitor warrant an exception to the

Current

the Client's interests are best met if there is exemption from the competition rules;

- The exercise of statutory grant aid powers delegated to a Chief Officer or his/her Authorised Officer (which shall be specified by that Chief Officer or his designated representative in each case);
- Circumstances which in the opinion of both the Borough Treasurer and Head of Assets and Borough Solicitor warrant an exception to the requirements for competition, to include, but not limited to when an emergency requires an immediate contract (which should in any event be procured from an approved list of suppliers where available) or when exceptionally the Chief Officer his/her Authorised Officer considers that is inappropriate in the interests of the efficient management of the service;
- Any other general circumstances, up to the EU threshold, as agreed by both the Borough Treasurer and Head of Assets and the Borough Solicitor.

Proposed

requirements for competition, to include, but not limited to when an emergency requires an immediate contract (which should in any event be procured from an approved list of suppliers where available) or when exceptionally the Chief Officer his/her Authorised Officer considers that is inappropriate in the interests of the efficient management of the service;

- Any other general circumstances, up to the EU threshold, as agreed by both the Borough Treasurer and Head of Assets and the Borough Solicitor.

Extract from the Minutes of the Governance and Constitution Committee which met on 21 May 2009

MEMBER SPEAKING AT PLANNING COMMITTEES

Members considered an amendment to the Constitution to apply a Planning Public Speaking Protocol to Members' general speaking rights at Planning Board and Planning Committee meetings.

Procedure Rule 38 in the Constitution provided that any Member may attend Committees to which they had not been appointed. The Member had no right to vote, but could speak with the consent of the chairman. The Council had delegated authority to the Strategic Planning Board to adopt its own working protocols. The Board had now adopted a Protocol which gave enhanced speaking rights to a wide range of speakers who could address the Board and Committees. It was therefore necessary to amend the existing provisions within the Constitution relating to Member and public speaking.

The Committee had previously resolved to review Member and public speaking provisions in consultation with the Cabinet and Corporate Scrutiny Committee. This particular provision, however, had been approved by the Strategic Planning Board under its delegated powers and was now in operation. It was therefore necessary to reflect this in the Constitution.

RESOLVED

That Council be recommended that

(1) Procedure Rule 38 of the Constitution be amended to add a new paragraph 38.4: "At meetings of the Strategic Planning Board and Planning Committees, Members' speaking rights are subject to the protocol on public speaking entitled 'Public Speaking Rights at Strategic Planning Board and Planning Committees (contained in Part 5 of the Constitution)";

(2) the public speaking protocol set out as an Appendix to the report be added to the Constitution; and

(3) where practicable, Members be given priority when speaking on planning matters at meetings in order to avoid their having to wait.

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CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of meeting: 21 May 2009
Report of: Borough Solicitor
Title: Member Speaking at Planning Committees

1.0 Purpose of Report

To propose an amendment to the Constitution in order to apply a Planning Public Speaking Protocol to Members' general speaking rights at Planning Board and Committees.

2.0 Recommendations

That Council be recommended that

- (1) Procedure Rule 38 of the Constitution be amended to add a new paragraph 38.4, "At the Planning Board and Planning Committees, Members' Speaking Rights are subject to the Public Speaking Protocol in Part 5 of the Constitution"; and
- (2) the Public Speaking Protocol set out as an Appendix to this report be added to the Constitution.

3.0 Financial Implications for Transition Costs

None

4.0 Financial Implications 2009/10 and beyond

None

5.0 Legal Implications

Member speaking rights are contained in the Constitution. The Council granted power to the Strategic Planning Board to adopt a Public Speaking Protocol for the Board and Planning Committees. The Protocol approved also covers Members' speaking rights. For consistency and clarity, the Constitution and Protocol should be brought into line.

6.0 Risk Assessment

Provided that Members' speaking rights are clearly set out in relation to the Planning Board and Committees, there are no associated risks.

7.0 Background

Procedure rule 38 in the Constitution provides that any Member may attend Committees to which they have not been appointed. "The Member has no right to vote, but may speak with the consent of the chairman."

The Council delegated power to the Strategic Planning Board to adopt working protocols including a Public Speaking Protocol. On 4th March 2009 the Board adopted the Protocol at Appendix A. It gives enhanced speaking rights to a wide range of speakers who can address the Board and Committees before each application on the agenda.

The Protocol sets out rules to facilitate the smooth running of the meeting. It asks all speakers, including Members, to give the Democratic Services Section 24 hours written notice, to register with them 10-15 minutes before the meeting begins and to keep their speech to 3 minutes (5 minutes for ward councillors).

In exceptional circumstances and with the Board/Committee's approval, the Chairman may extend the speaking period for some or all speakers or to allow more speakers if appropriate.

These rules have worked at the former Macclesfield BC for many years and help the Chairman prepare for and regulate the length of meetings, which can be substantially extended by the exercise of the rights.

8.0 Conclusion

The Protocol differs from the general rule in the Constitution in two respects. First, it gives Members a right to speak, instead of relying solely on the Chairman's discretion. Secondly, it asks Members to abide by the same rules as the general public eg: 24 hours notice and a time limit for speaking, with flexibility to extend if appropriate. These changes are appropriate, given the volume of business transacted by the Planning Board and Committees. For consistency and clarity the general rule in the Constitution should be amended to take account of them and the Protocol should be appended to the Constitution for ease of reference.

For further information:

Portfolio Holder: Councillor Jamie Macrae

Officer: Sheila Dillon

Tel No: 01270 529725

Email: sheila.dillon@congleton.gov.uk

Background Documents:

Cheshire East Borough Council Constitution: available on the Council's website or at Westfields, Sandbach



PUBLIC SPEAKING RIGHTS AT STRATEGIC PLANNING BOARD AND PLANNING COMMITTEES

- a) The Strategic Planning Board and Planning Committees have to make decisions on the merits of each individual application, upon the basis of what is in the Development Plan and other material considerations. All written representations made to the Council will be taken into account in the Officers written report to Committee, but this procedure allows members of the public and Councillors who are not members of the Strategic Planning Board or Committees to attend a Strategic Planning Board or Planning Committee meeting and speak for or against an application prior to the Strategic Planning Board or Planning Committees making a decision about a planning application.
- b) The Strategic Planning Board normally meets at Westfield at 2.00 every 3 weeks
- c) The Planning Committees meet at the Crewe Municipal Buildings, Earle Street, Crewe, CW1 2BJ and at the Macclesfield Town Hall, Market Place, Macclesfield, SK10 1DX every 3 weeks
- d) The agenda for each Strategic Planning Board or Planning Committee meeting is available five working days before the meeting and is available via the Council's website. Interested groups and individuals should keep themselves informed about when a planning application will come to the Strategic Planning Board or Planning Committees. A list of meetings can be obtained from the Council Offices and officers will be able to advise on the progress of applications.

PROCEDURE:

1. WHO CAN SPEAK AND FOR HOW LONG

- 1.1 The following individuals/groups are eligible to speak
 - Objectors
 - Applicants or their agents
 - Supporters
 - The relevant Parish or Town Council
 - Local representative groups/Civic Society (where not covered by any of the above categories)
 - The Ward Member if they are not on the Board/Committee
 - Members who are not on the Board/Committee and are not the Ward Member

- 1.2 Each group identified shall be entitled to speak for a period of up to three minutes. If there is more than one person wishing to speak, from a particular group e.g. objectors, people are encouraged to consult each other and agree how to share their 3 minutes. The time limit will not be extended unless a specific extension of time is agreed by the Chairman. Where a listed building application is involved no extra time will be provided.
- 1.3 In order to be fair to all parties, no presentation aids will be permitted. Similarly the circulation of information, photographs and/or plans at the meeting will not be allowed.

2 HOW TO SPEAK AT STRATEGIC PLANNING BOARD AND PLANNING COMMITTEES

- 2.1 It is necessary to inform, in writing (email, fax or letter), the Democratic Services Section of an intention to speak at a Strategic Planning Board or Planning Committee meeting no later than 12.00 noon the day before.
- 2.2 Speakers should arrive for meetings approximately 10-15 minutes prior to the start of the meeting in order to register with the Democratic Services Officer.
- 2.3 A statement to the Strategic Planning Board or Planning Committee should only refer to planning issues, for example:
 - exterior design, size, appearance, layout, etc
 - residential amenity
 - highway safety
 - character of the area
 - trees and historic buildings
 - planning policy (Local Plan/Structure Plan)
 - Government guidance
- 2.4 The Strategic Planning Board or Planning Committee cannot take into account non-planning issues for example:
 - boundary disputes/property rights
 - personal comments about any individual
 - loss of property value or loss of view
 - matters covered in other laws
- 2.5 Speakers are reminded of the law relating to slander. If, at the meeting, they say something which is not true about another person, they could be at risk of legal action. Further, Race Relations and Human Rights legislation will not allow any discriminatory comments for example race, religious beliefs or disability.

2.6 The order of speaking at the meetings of the Strategic Planning Board and Planning Committees is as follows -

- Announcement of the item by the Chairman
- Introduction and description of the application by the Planning Officer, including an update of the Committee report and highlighting of the key issues
- Ward Councillor(s) if application 'called in' or if not Committee Member (5 mins in total)
- Members who are not on the Board/Committee and are not the Ward Member (3 mins)
- Parish/Town Council representations (3 mins)
- Civic Society/Local Representative Groups (3 mins)
- Objectors' representations (3 mins)
- Applicants/supporters' representations (3 mins)
- Further comments by Planning Officer
- Ward Councillor if a Member of the Board/Committee
- Board/Committee Members debate and decision taken

2.7 At the Chairman's discretion, members of the Strategic Planning Board or Planning Committee may ask, through the Chairman, a visiting speaker (not Council Member) to clarify an issue after a statement is made. The Chairman may also ask that questions of fact are answered by any speakers during the Members discussion to clarify matters. Speakers will not be permitted to ask questions of the Strategic Planning Board or Planning Committee or other speakers or to interrupt the Members discussion on an individual planning application.

2.8 In exceptional circumstances, the Chairman may (with the approval of the Board or Committee) extend the speaking period for some or all speakers or allow more speakers if appropriate. This power will be treated with caution for controversial or complex schemes and if additional time is granted to objectors, a similar allowance will be given to supporters and/or the applicant.

3 AFTER THE DECISION

3.1 Speakers are asked to respect the decision made by the Strategic Planning Board or Planning Committee during the course of the meeting. The Strategic Planning Board or Planning Committees decision is final but the applicants do have the right to appeal to the First Secretary of State if their application is refused or if conditions are attached which they do not like. Objectors do not have the right to appeal a decision to the First Secretary of State but they can seek to have a decision quashed by an application to the High Court by way of judicial Review.

3.2 If an application is deferred to a future meeting for consideration, speakers will be required to register to speak for that meeting in accordance with this procedure note.

3.3 This scheme comes into effect on 1 April 2009 and will be monitored and reviewed by the Strategic Planning Board initially after 6 months.

Cheshire East Borough Council

Public Participation at Strategic Planning Board and Planning Committees

Who can speak?

The following individuals/groups are eligible to speak

- Objectors
- Applicants
- Supporters
- The relevant Parish or Town Council
- Local representative groups/Civic Society (where not covered by any of the above categories)
- Members who are not on the Committee and are not the Ward Member.

How much time is allocated to each group?

A period limited to a total of 3 minutes. If there is more than one person wishing to speak, people are encouraged to consult each other and agree how to share their 3 minutes. This may be the most effective way of presenting views. Where a listed building application is involved no extra time will be provided.

How do you arrange to speak at the Planning Committee?

Please inform, in writing, Democratic Services, by 12.00 noon on the Tuesday (the day before the meeting).

When should you arrive for the meeting?

Speakers are *normally requested to arrive by: 1.45pm, prior to the start of the meeting at 2.00pm so that they can register with the Democratic Services Officer.

**Please note: These times may vary as the agenda dictates. Please contact the Democratic Services Section to confirm times/agenda order.*

What is the order of speaking at the meeting?

The order is as follows:

- Announcement of the item by the Chairman
- Introduction by the Planning Officer, who will update the Committee report and highlight the key issues
- Ward Councillors, if application 'called in' (call-in applies to Planning Committee only) or if not a Committee Member (5 minutes in total).
- Parish/Town Council representations (3 minutes)
- Civic Society/Local Representative Groups (3 minutes)
- Objectors' representations (3 minutes)
- Applicants/supporters' representations (3 minutes)
- Further comments by Planning Officer

What are the possible outcomes of the meeting?

The decision may be:

- to approve the application
- to refuse the application
- to defer for information/negotiations
- to defer for a site visit by the Committee.
- to refer the application from the Committee to the Strategic Planning Board.

What may the statement to the Committee include?

Only refer to relevant planning issues, e.g.:

- exterior design, size, appearance, layout, etc
- residential amenity
- highway safety
- character of the area
- trees and historic buildings
- planning policy (Local Plan/Structure Plan)
- Government guidance
- The Committee cannot take into account non - planning issues e.g.:
- boundary disputes/property rights
- personal comments about any individual
- loss of property value or loss of view
- matters covered in other laws

Will the use of presentation aids be allowed?

In order to be fair to all parties, no presentation aids will be permitted. Similarly, the circulation of late information, photographs and/or plans at the meeting will not be allowed.

Will there be an opportunity for questions?

At the Chairman's discretion, members of the Committee may ask a visiting speaker to clarify an issue after a statement is made. However, speakers will not be permitted to ask questions or interrupt the Members' discussion on an individual planning application.

Where are meetings held

Strategic Planning Board – Westfields, Sandbach
Northern Planning Committee – Macclesfield Town Hall.
Southern Planning Committee – Municipal Buildings, Crewe.

Agenda

Agendas for the Committee are available on-line, or from the Democratic Services Officer one week before the meetings

Contact

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Also see the Council's website: www.cheshireeast.gov.uk

Extract from the Minutes of the Governance and Constitution Committee which met on 16 April 2009.

CABINET DECISION-MAKING ARRANGEMENTS

The Committee considered a report on proposed decision-making powers and procedures relating to individual Members of the Cabinet.

Previous attempts to define individual decision-making powers for Cabinet Members had relied in part to the statutory definition of a Key Decision. It was felt that an alternative approach should be adopted and it was therefore proposed that Cabinet Members should make all executive decisions in respect of their portfolio areas except:

- (a) Decisions already taken by Cabinet or an officer acting under delegated powers.
- (b) Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.
- (c) Decisions involving expenditure or savings of £1 million or more.
- (d) Decisions which were significant in terms of their effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.
- (e) Decisions which the Leader wished to be taken by full Cabinet.

PROVIDED THAT all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions.

On a related matter, the Council has previously resolved to include the following provision within its Constitution to exclude certain decisions from the definition of a key decision:

"The Council has decided that the letting of any contract by the Council's [Business Services Officer] or the Council's [Policy Officer], which involves the provision of services to, or the purchase of goods and services by, the Council shall be excluded from the definition of a Key Decision where such contracts relate mainly to the internal workings of the authority and do not therefore have a significant impact directly on local communities in the same way as other Key Decisions. Such contracts include advertising, library books, vehicles, consumables, food, gas, electricity and cleaning of Council premises."

On further consideration, this provision was regarded as flawed and it was therefore proposed that it be removed from the Constitution.

The Cabinet on 24 March 2009 had supported the proposals and had also approved arrangements for public decision-making by individual Cabinet Members, details of which had been reported to the Committee for information.

RESOLVED

That Council be recommended that

- (1) the alternative approach in respect of the decision-making powers of individual Cabinet Members be approved;**
- (2) the provision within the Constitution excluding the letting of certain contracts from the definition of a key decision be rescinded; and**
- (3) the Constitution be amended accordingly.**

CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of meeting: 16 April 2009
Report of: Borough Solicitor
Title: Cabinet Decision-Making Arrangements

1.0 Purpose of Report

1.1 To finalise individual decision-making powers for Cabinet Members and to note the process for individual Cabinet Members making decisions.

2.1 This report was considered by the Cabinet on 24 March 2009. The decisions of the Cabinet are reported under paragraph 9.7.

2.0 Recommendations

2.1 That Governance and Constitution Committee recommend to Council that

(1) the provisions set out in paragraph 8.2 of this report be adopted in respect of individual Cabinet Member decision-making;

(2) the extra provision regarding Key Decisions referred to in paragraph 8.4 be rescinded; and

(3) these arrangements be incorporated into the Council's Constitution as appropriate.

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 proposals in this report depend on Cabinet Members making decisions in public. Were this not to be the case, the matter would have to be revisited.

6.0 Risk Assessment

6.1 Having clearly documented decision-making arrangements will minimise the risk of legal challenge.

7.0 Background/Context

- 7.1 Local authority decisions are taken either by the Council or by the executive (the Cabinet). The division of functions is determined by law. Executive functions may be delegated to an individual Cabinet Member (Portfolio Holder), a committee or sub-committee of the Cabinet or an officer.
- 7.2 Previous attempts to define individual decision-making powers for Cabinet Members have resorted in part to the definition of a Key Decision, as contained in paragraph 8 of Part III of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. This is:

an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

8.0 Alternative Approach to Individual Decision-Making

- 8.1 The existing scheme for individual decision-making by Cabinet Members requires further clarification. Members have found the concept of a 'Key Decision' difficult to interpret and confusing. It is therefore suggested that we do not attempt to redefine it and adopt simpler categories.
- 8.2 It is suggested that the Constitution be amended to empower individual Cabinet Members to make all executive decisions in respect of their portfolio areas except:
- (a) Decisions already taken by Cabinet or an officer acting under delegated powers.
 - (b) Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.
 - (c) Decisions involving expenditure or savings of £1 million or more.
 - (d) Decisions which are significant in terms of their effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.

(e) Decisions which the leader wishes to be taken by full Cabinet.

PROVIDED THAT all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions.

8.3 It should be noted that expenditure of under £1 million could still technically be significant in terms of its effect on local communities and Members might therefore wish to abandon exemption (d) on the basis that the scale of the operations of a large unitary council make this less relevant. Individual Members might still wish to refer such decisions to full Cabinet as a matter of commonsense.

8.4 The Council has previously resolved to include the following provision in respect of Key Decisions. This provision was taken from the County Council's Constitution.

"The Council has decided that the letting of any contract by the Council's [Business Services Officer] or the Council's [Policy Officer], which involves the provision of services to, or the purchase of goods and services by, the Council shall be excluded from the definition of a Key Decision where such contracts relate mainly to the internal workings of the authority and do not therefore have a significant impact directly on local communities in the same way as other Key Decisions. Such contracts include advertising, library books, vehicles, consumables, food, gas, electricity and cleaning of Council premises."

However, on further consideration, this provision is flawed. Significant expenditure on internal matters can still be a Key Decision because it is significant with regard to the budget or service.

8.5 Under the Constitution, Officers have delegated powers to take decisions up to specified financial thresholds. Any decisions exceeding these thresholds would be referred to individual Portfolio Holders or to full Cabinet as appropriate. It is therefore suggested that the exemption in paragraph 8.4 be rescinded.

9.0 Public Decisions by Individual Cabinet Members

9.1 The Cabinet, at its meeting on 6 January, approved outline arrangements for decision-making by individual Cabinet Members. These included arrangements for consultation with key Officers and for the recording of decisions. However, the question of whether such decisions should be taken at formal public meetings was left open, as was the question of participation by non-executive Members.

9.2 Full Cabinet meetings are held in public except during the consideration of confidential or exempt information. It is suggested that individual Portfolio Holders also take their decisions at formally constituted public meetings. This would serve to demonstrate that the new Council was open, inclusive and accountable, and would also ensure a consistent approach to all executive decision-making by

Members. It would furthermore enable non-executive Members to participate more fully in the democratic process by attending and contributing to such meetings.

- 9.3 It is suggested that as with full Cabinet, the relevant scrutiny chairman/spokesmen for the portfolio in question be entitled to attend such meetings and speak on any matter on the agenda. Members may wish to extend similar rights to any local Members whose areas are affected by a particular decision on the agenda for a meeting. In addition, as with full Cabinet, any other Member of the Council would have a right to attend any formal meeting and, with the permission of the person presiding, speak on an item. Agendas and reports would be produced for Cabinet Member meetings in the usual way and relevant Officers would be in attendance. Following the meeting, the decisions would be published on the Council's website.
- 9.4 It is proposed that scheduled meetings for individual Cabinet Members be included in the calendar of meetings. It may be possible to group some individual Members together for this purpose where there is a close relationship between portfolio areas. For instance, at the County Council, the two Executive Members responsible for Planning and Waste and for Highways and Transportation attend an 'Environment Executive' meeting.
- 9.5 There would also be no reason why individual Cabinet Members should not be able to take their individual decisions at meetings of the full Cabinet. This would be useful in those circumstances where a decision could not await the next scheduled meeting of the Portfolio Holder and a full Cabinet meeting was imminent. Such arrangements currently operate at the County Council and provide greater flexibility. The alternative approach would simply be to take the matter to full Cabinet for collective decision. It is suggested that both approaches be allowed in order to provide maximum flexibility in decision-making.
- 9.6 If Members decided not to adopt public decision-making, the more generous formula in section 8 would have to be revisited because of the implications for Key Decisions.
- 9.7 The Cabinet on 24 March 2009 approved the recommendations set out in paragraph 2.1 of this report. The Cabinet did not agree to remove exemption (d) in paragraph 8.2 as suggested in paragraph 8.3. The Cabinet also approved the arrangements for public decision-making by individual Cabinet Portfolio Holders as set out in paragraphs 9.1-9.5, to be implemented with effect from 1 April 2009. These latter arrangements are included in this report for information only.

10.0 Reasons for Recommendation

- 10.1 To determine the arrangements for Cabinet decision-making within the Cheshire East Council from 1 April 2009.

For further information:

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Background Documents: None

Extract from the Minutes of the Governance and Constitution Committee on
16 April, 2009

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

The Committee considered proposed procedure rules relating to the budget and Policy Framework.

In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Council at its meeting on 24th February 2009 had approved a list of documents which would form part of the Council's Policy Framework requiring approval by full Council. Regulation 4 of the Regulations provided that Cabinet had overall responsibility for preparing the draft budget, plans and strategies for submission to full Council for consideration.

A set of Budget and Policy Framework Procedure Rules had been drafted to comply with Government Guidance. The adoption of such Rules would ensure that the documents which formed part of the budget and Policy Framework were developed in accordance with legislative requirements. In addition such rules would ensure that there were systems in place for resolving conflict in the setting of the budget or Policy Framework and for dealing with urgent decisions.

RESOLVED

That

- (1) subject to (2) below, the draft Budget and Policy Framework Procedure Rules set out in Appendix B to the report be recommended to Council for adoption and incorporation into the Constitution; and**
- (2) consideration be given to extending the minimum period for consultation on the budget to six weeks and the Officers be authorised in consultation with the Chairman to make a final determination on the appropriate provision in the draft Rules for recommendation to Council.**

Note: The views of the Borough Treasurer and Portfolio Holder for Resources have been sought on the suggestion that the minimum period of consultation on the budget be amended from four to six weeks. While they are generally supportive of a six week consultation period in future years, it is considered that the complexity of compiling the Council's first operational budget would be better suited to a four week period for the year 2010/11. A copy of the Budget and Policy Framework procedure rules are attached, with the relevant provision shown at Rule 2.1(a). Rule 6 has been amended to clarify "in year" changes as required by the Governance and Constitution Committee.

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CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of meeting: 16 April 2009
Report of: Borough Solicitor
Title: Budget and Policy Framework Procedure Rules

1.0 Purpose of Report

- 1.1 To consider the proposed procedure rules relating to the budget and Policy Framework.

2.0 Decision Required

- 2.1 Governance and Constitution Committee is asked to:
 - 2.1.1 consider the draft Budget and Policy Framework Procedure Rules set out within Appendix B to the report; and
 - 2.1.2 recommend the draft Budget and Policy Framework Procedure Rules, subject to any amendments the Committee considers necessary, to Council.

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 As set out within the report.

6.0 Risk Assessment

- 6.1 The adoption of a set of Budget and Policy Framework Procedure Rules ensures that the documents which form part of the budget and Policy Framework is developed in accordance with legislative requirements. In addition the adoption of the rules would ensure that there are systems in place for resolving conflict in the setting of the budget or Policy Framework and for dealing with urgent decisions relating thereto.

7.0 Background and Options

7.1 The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 require certain plans and strategies to be approved or adopted by full Council. The Regulations also provide that the authority can choose that certain additional plans or strategies may be required to be adopted or approved by full Council. Members will recall that at its meeting on 24th February 2009 Council approved a list of documents which would form part of the Policy Framework and would, as such, require approval by full Council. The list of these documents is attached at Appendix A for information.

7.2 Regulation 4 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 provides that Cabinet has overall responsibility for preparing the draft budget, plans and strategies for submission to full Council for consideration.

7.3 Guidance from DETR at the time the provisions of the Local Government Act 2000 were introduced provided:

The executive should adopt an inclusive approach to preparing the draft budget, plans and strategies and to policy development more generally. It should ensure that the councillors outside the executive (whether or not they are a member of an overview or scrutiny committee) have the opportunity to put forward proposals for them for the budget or policy development. Overview and Scrutiny committees should also play an integral part in policy development and the executive should consult such committees regularly in the process of preparing the draft budget and draft plans and strategies. In the case of the Development Plan, the executive should consult all bodies within the local authority which take development control decisions.

7.4 The Budget and Policy Framework Procedure Rules appended to the report (at Appendix B) are drafted to comply with Chapter 2 of the DETR Guidance and are based on the format provided both within the Modular Constitution and that of predecessor Councils.

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

8.1 It is suggested that the approval of Budget and Policy Framework Procedure Rules is required soon as possible within Year One to ensure that there is an adopted system in place in relation both to the development of the budget and Policy Framework and to decisions emanating therefrom.

9.0 Conclusions and Recommendation

9.1 The Committee is requested to consider the proposed Budget and Policy Framework Procedure Rules and recommend them, subject to any amendments the Committee feels are necessary, to Council for approval.

For further information:

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Background Documents:

None

APPENDIX A

COUNCIL'S POLICY FRAMEWORK

- Annual Library Plan
- Best Value Performance Plan
- Children's Services Plan
- Community Care Plan
- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Early Years Development Plan
- Education Development Plan
- Local Transport Plan
- Plans and strategies which together comprise the Local Development Framework
- Youth Justice Plan
- Licensing Policy
- Gambling Statement of Principles
- Corporate Plan
- Food Law Enforcement Service Plan
- The plan and strategy which comprise the Housing Investment Programme
- Adult Learning Plan
- Local Agenda 21 Strategy

BUDGET AND POLICY FRAMEWORK RULES OF PROCEDURE

1 The Framework For Executive Decisions

- 1.1 The Council will be responsible for the adoption of its budget and Policy Framework as set out in Chapter 4. Once the budget and Policy Framework are in place, it will be the responsibility of the Cabinet to implement them.
- 1.2 The Cabinet has responsibility for proposing to Council a budget and policies that will form part of the Policy Framework. It also has responsibility for making day-to-day decisions within that budget and Policy Framework.
- 1.3 This part of the Constitution is concerned with the process of developing the budget and Policy Framework and settling any differences between the Council and the Cabinet on those matters. Call-in and consideration of day-to-day decisions made by the Cabinet are dealt with in the Cabinet Rules of Procedure and the Scrutiny Committee Rules of Procedure.

2 Process for developing the framework and budget

- 2.1 The process by which the budget and Policy Framework shall be developed is:
 - (a) The Cabinet will draw up initial proposals regarding the adoption of any plan, strategy or budget forming part of the budget and Policy Framework. The Cabinet will consult on those initial proposals and publish a timetable in which responses to the consultation are to be received. The relevant Overview or Scrutiny Committees shall be asked to give their views as part of that consultation. The consultation period shall in each instance be determined by Cabinet but will not be less than four weeks.
 - (b) At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses received from the consultation.
 - (c) Overview and Scrutiny Committees are responsible for fixing their work programmes and may investigate, research, or report in detail with policy recommendations in response to any such consultations within the period specified.
 - (d) The Cabinet will submit those firm proposals to the Council together with a report that will set out the comments made by consultees and, in particular the views of the Overview and Scrutiny Committees and the Cabinet's response to those views.
 - (e) Once Cabinet has approved the firm proposals they will be referred at the earliest opportunity to Council for decision.
 - (f) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or substitute its own "in principle proposals" in their place.
 - (g) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision, which has immediate effect. Otherwise, it may only make an

in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

- (h) The decision will be published and, if an in-principle decision has been made, a written copy shall be given to the Leader as soon as possible for the Cabinet to consider.
 - (i) An in-principle decision will automatically become effective 5 working days from the day following the date of written notification to the Leader of the Council's decision, unless the Leader informs the Chief Executive in writing within those 5 days that the Cabinet objects to the decision becoming effective and provides reasons why in writing.
 - (j) Where notification of objection is received under (i) above, a meeting of Council will be called to be held within 28 days of the objection being received by the Chief Executive, to reconsider the decision that is the subject of the objection. In reconsidering the decision the Council must take into account the objection of the Cabinet and reasons for it and any revised proposals submitted by the Cabinet and the Cabinet's reasons for those revised proposals. The Council may either:
 - approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
 - (k) The decision shall then be published and implemented immediately.
- 2.2 In approving its budget each year, the Council may specify in addition to such matters dealt within the Finance Procedure Rules, the extent to which the Cabinet can agree virements within the budget and the degree to which in-year changes can be agreed by Cabinet to the Policy Framework. Any other changes to the policy and budgetary framework are reserved to the Council.
- 2.3 Where a new plan or strategy is required to be produced as part of the Policy Framework, either by Council of its own motion, or following a recommendation to Council by an Overview or Scrutiny Committee, Cabinet shall develop the plan or strategy in accordance with the process set out within rule 2.1.

3 Decisions outside the budget or Policy Framework

- 3.1 Subject to the provisions of Rule 5 (virement), the Cabinet, or any decision-making arm of the Cabinet, may only take decisions that are in line with the budget and Policy Framework. If it wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to the provisions of Rule 4 below.
- 3.2 If the Cabinet, or any decision-making arm of the Cabinet, wants to make a decision, advice shall be taken first from the Monitoring Officer and/or the Section 151 Officer as to whether the decision would be contrary to the Policy Framework,

or contrary to or not wholly in accordance with the budget. If the advice of any of those Officers is that the decision would not be in line with the existing budget and/or Policy Framework, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 4 (urgent decisions outside the budget or Policy Framework) shall apply.

4 Urgent decisions outside the budget or Policy Framework

4.1 The Cabinet or an individual member of the Cabinet may take a decision, which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council, if the decision is a matter of urgency. However, the decision may only be taken:

- (i) if it is not practical to convene a quorate meeting of the full Council; and
- (ii) if the Chairman of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.

4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chairman of the relevant overview and scrutiny committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the relevant overview and scrutiny committee the consent of the Vice Chairman or, in the absence of both, the Mayor, will be sufficient.

4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5 Virement

5.1 The Council has set virement limits within which decision-makers can exercise discretion in approving or otherwise financial transfers within the Budget. The limits are set out within the Financial Procedure Rules.

5.2 Where the Cabinet or an individual is discharging executive functions to implement Council policy, then any decision to spend or make savings shall not exceed those budgets allocated to each budget head for which they have responsibility. However, the Cabinet or those individuals shall be entitled to vire across budget heads provided there is compliance with the Financial Rules of Procedure.

6 Policy Framework – In-year Changes

6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions of the Cabinet or an individual member of the Cabinet must be in line with it. Changes (including modifications, revisions, variations, withdrawal or revocation) to Policy Framework plans or strategies must ordinarily be approved by the Council. However the Council may, at the time when the plan or strategy is approved, authorise the Cabinet, or a body or individual exercising Cabinet functions, to make such changes, provided that those changes will:

Deleted: No changes to the Policy Framework shall be made by a body or individual exercising Cabinet functions unless those changes will:

- (i) result in the closure or discontinuing of a service, in whole or in part to meet a budgetary constraint; or
- (ii) ensure compliance with the law, ministerial direction or Government guidance; or
- (iii) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, determine matters where the existing policy document is silent on the matter under consideration.

7 Call-in of decisions outside the budget or Policy Framework

- 7.1 Where an overview and scrutiny committee is of the opinion that a decision of the Cabinet, or any decision-making arm of the Cabinet, is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer or Section 151 Officer.
- 7.2 In respect of functions which are the responsibility of the executive, and where the decision has already been made and implemented, the Monitoring Officer/Section 151 Officer, shall report to the Cabinet on the advice that has been given to the Scrutiny Committee and shall copy that report to each member of the Council. The Cabinet must consider the report of the relevant Officer and decide what action to take in respect of the report. Where the advice concluded that there was a departure from the Budget or Policy Framework, the Cabinet must report to Council on the action it intends taking. Where there was no such departure, the Cabinet must report to the Scrutiny Committee on any action to be taken.
- 7.3 If the decision has yet to be made or, has been made but not yet implemented, and the advice of the relevant Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, the Scrutiny Committee may refer the matter to the Council. In such cases, no further action may be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Scrutiny Committee or Sub-Committee. At the meeting the Council will receive a report of the decision or proposals and the advice of the relevant Officer. If the Cabinet has prepared a report on the matter, this will also be submitted to the Council. The Council may either:
- (i) endorse the decision or proposal of the Cabinet, or its decision-making arm, as falling within the existing budget and Policy Framework of the Council. In this case, no further action is required other than the decision of Council be minuted and circulated to all Councillors; or
 - (ii) amend the Council's Financial Rules of Procedure or the policy concerned to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required other than the decision of Council be minuted and circulated to all Councillors; or
 - (iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework or budget to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the relevant Officer.

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