

Mayor Making and Annual Council Meeting

Agenda

Date:	Wednesday, 12th May, 2010
Time:	11.15 am, on 12th May, to be reconvened at 2pm on 13th May
Venues:	12th May - The Tenant's Hall, Tatton Park, Knutsford
	13th May – The Main Hall, Congleton Town Hall, High Street, Congleton

The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

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

1. **Prayers**
2. **Apologies for Absence**
3. **Declarations of Interest**

To provide an opportunity for Members to declare any personal and/or prejudicial interests in any item on the agenda for 12 May 2010.

4. **Election of Mayor 2010/11**

To elect a Mayor for 2010/11, who will also act as Chairman of the Council.

5. **Appointment of Deputy Mayor 2010/11**

To appoint a Deputy Mayor for 2010/11, who will also act as Vice-Chairman of the Council.

6. **Vote of Thanks to the Retiring Mayor**

7. **Any Other Communications**

8. **Presentation of Grant of Arms**

To present the Council's Grant of Arms to the meeting.

9. **Reconvening of meeting - 2pm, Thursday 13 May 2010**

For Council to agree that the meeting be adjourned until 2pm on Thursday 13 May, in the Main Hall, Congleton Town Hall, in order to deal with the remainder of the business on the agenda.

10. **Prayers**

11. **Apologies for absence**

12. **Declarations of Interest**

To provide an opportunity for Members to declare any personal and/or prejudicial interests in any item on the agenda for 13 May 2010.

13. **Minutes of the meeting held on 22 April 2010** (Pages 1 - 6)

To approve Minutes of the meeting held on 22 April 2010, as a correct record.

14. **Mayor's Announcements**

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

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

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

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.

Members of the public must provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

16. **Political Representation on the Council's Committees** (Pages 7 - 12)

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

17. **Appointments of Members to Decision-Making and Other Bodies** (Pages 13 - 14)

To receive the political groups' nominations of Members to the Council's decision-making and other bodies, in accordance with the group representations at 16 above.

18. **Appointment of Chairmen and Vice-Chairmen** (Pages 15 - 16)

To determine the Chairmen and Vice-chairmen of the Council's decision making and other bodies.

19. **Leader's report to Council - Cabinet Appointments**

In accordance with Cabinet Procedure Rule 1, for the Leader to present to Council information about executive functions in the forthcoming year, including the names, addresses and electoral divisions of those Members appointed to the Cabinet.

20. **Questions**

In accordance with Council Procedure Rule 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.

21. **Designation of Statutory Roles** (Pages 17 - 20)

To designate the statutory roles of the Director of Adult Social Services and Director of Children's Services and to authorise consequential amendments to the Constitution.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 22nd April, 2010 at Assembly Room, Town Hall,
Macclesfield

PRESENT

Councillor M Simon (Chairman)
Councillor G Baxendale (Vice-Chairman)

Councillors E Alcock, C Andrew, A Arnold, M Asquith, Rhoda Bailey, G Barton, C Beard, T Beard, D Bebbington, D Beckford, S Bentley, D Brickhill, S Broadhurst, D Brown, D Cannon, R Cartlidge, S Conquest, J Crockatt, H Davenport, M Davies, S 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 Hollins, D Hough, B Howell, O Hunter, T Jackson, J Jones, S Jones, F Keegan, A Knowles, A Kolker, W Livesley, A Martin, M Martin, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, H Murray, J Narraway, D Neilson, R Parker, M Parsons, A Ranfield, B Silvester, L Smetham, D Stockton, D Thompson, C Thorley, R Walker, G M Walton, J Weatherill, R West, R Westwood, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors Rachel Bailey, A Barratt, M Hardy, J Macrae, A Thwaite, C Tomlinson and D Topping

184 PRAYERS

The Mayor's Chaplain, the Reverend Charles Razzall said prayers.

185 MINUTES OF THE MEETING HELD ON 25 FEBRUARY 2010

Having acknowledged that Councillor Arnold had requested that the numbers voting for and against the motion, at minute 175 be recorded, it was

RESOLVED

That the minutes of the meeting held on 25 February 2010 be approved as a correct record.

186 MAYOR'S ANNOUNCEMENTS**The Mayor:-**

(1) Announced that the Council had opened a Book of Condolence for the victims of the plane crash, which had claimed the lives of the Polish President and

scores of his top officials. There were many in the Borough with ties to Poland and she was sure that Members would wish to express their sympathies to the Polish people and the families of the crash victims. The Book of Condolence was situated at the Municipal Buildings in Crewe, which was open from 9am to 5pm, Monday to Friday.

- (2) Announced that, in time for the better weather, the Council had opened three new playareas at Lacey Green, Wilmslow, South Park, Macclesfield and Colshaw, near Handforth.
- (3)) Announced that the Vanuatu Ambassador had made a very successful visit to Crewe, in the previous week, to visit the Olympic training facilities, including the running track, Manchester Metropolitan University and Crewe Football Academy.
- (4)) Announced that a partnership, led by Cheshire East Council, had been selected from 32 nationwide to receive a £136,000 Government grant, to pioneer a social networking website, to support people affected by dementia and their Carers.
- (5) Sent best wishes to the troops from the 1st Battalion Mercian Regiment (Cheshire), who had deployed to Helmand Province, in Afghanistan, for a six month active service tour. The Battalion recruited from Congleton, Sandbach, Holmes Chapel, Middlewich, Macclesfield and Crewe and therefore, local men were involved.
- (6) Informed Members that notification had been received concerning the sad news of the death of Mr Arthur Molyneux, who was Chief Executive of Congleton Borough Council from 1972 to 1989. The funeral service would be held at 2.45pm on, Thursday 29 April 2010, at Lancaster and Morecambe Crematorium.
- (7) Made reference to Cheshire East Council's first birthday, on 1 April and thanked Members and Officers for all their hard work, during what had been a challenging, but extremely rewarding first year.
- (8) As this was the Mayor's last meeting as Mayor and Chairman of the Council, she took the opportunity to thank Members, Officers and her Chaplain for their help and support throughout her year as Mayor.

187 DECLARATIONS OF INTEREST

Councillor G Baxendale declared a personal and prejudicial interest in item 9 of the agenda, relating to the Election of Mayor and Deputy Mayor for the 2010/11 Civic Year, by virtue of the fact that it was recommended in the report that he be designated as Mayor Elect. Councillor R West declared a personal and prejudicial interest in item 9, as he understood that he was to be nominated to be designated as Deputy Mayor Elect.

In accordance with the Member Code of Conduct, Councillors Baxendale and West left the meeting during consideration of this item.

188 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to address the meeting.

189 NOTICE OF MOTION

A Notice of Motion, which had been submitted by Councillor J Weatherill, had been withdrawn, by written notice, prior to the meeting.

190 STANDARDS COMMITTEE ANNUAL REPORT

The Independent Chairman of the Standards Committee, Mr Nigel Briers, was unable to attend the meeting. Therefore, the Vice-chairman of the Committee, Mr David Sayer attended and presented the Standards Committee Annual report to Council. Mr Sayer thanked the Monitoring Officer, Chris Chapman, The Deputy Monitoring Officer, Julie Openshaw and Democratic Services Officer, Carol Jones for their support to the Committee during the past year.

Following the presentation, Members of the Council were given the opportunity to make comments and ask questions upon any issues raised in the report. However, it was noted that these should not relate to any personal issues arising from the deliberations of the Committee.

RESOLVED

That the report be noted and that Mr Sayer be thanked for presenting the report and that the Committee Members be thanked for their hard work during the year.

191 ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE 2010/11 CIVIC YEAR

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2010/11.

Council was requested to resolve that Councillor G Baxendale be designated as Mayor Elect and that a second Member be designated as Deputy Mayor Elect, with a view to their formal election as Mayor and appointment as Deputy Mayor for Cheshire East for 2010/2011.

It was proposed and seconded that Councillor R West be designated as Deputy Mayor Elect.

RESOLVED

That Councillor G Baxendale be designated as Mayor Elect and that Councillor R West be designated as Deputy Mayor Elect, with a view to their formal election as Mayor and appointment as Deputy Mayor for Cheshire East for 2010/2011, at the Mayor Making ceremony to be held on 12 May 2010.

192 INDEPENDENT REMUNERATION PANEL: MID-YEAR REVIEW OF MEMBERS' ALLOWANCES SCHEME - REFERRAL FROM GOVERNANCE AND CONSTITUTION COMMITTEE

Consideration was given to the recommendations of the Governance and Constitution Committee in respect of the Cheshire East Council Scheme of Members' Allowances 2009/10, following the mid-year review by the Independent Remuneration Panel, held on 8 January 2010.

RESOLVED

1. That subject to the following amendments, the Scheme of Member Allowances be adopted :-
 - (a) save as below, no increase be applied to the 2009/2010 rates fixed by the Cheshire East Council Scheme of Members' Allowances for 2010/2011 with effect from 1 April 2010;
 - (b) the position be reviewed following agreement of the Local Government Employers pay award to Local Government employees for 2010/2011;
 - (c) the following statements be incorporated into the Scheme:
 - (i) the rate applicable to Subsistence claims made in respect of attendance at the Local Government Association (LGA) Annual Conference to be the rate applied to London and abroad, irrespective of where in the UK the event is held;
 - (ii) where elected Members are billed directly for a broadband/telephone line used or partly used for the purpose of carrying out Council duties, the associated line rental cost be reclaimable from the Members' Allowances Scheme on submission of a bill;
 - (iii) where a Member is acting in an official capacity at an event as the Council's representative, travel allowance will be paid. Travel and subsistence allowance may also be claimed where a Member is contributing to the business of a meeting in any of the following capacities:
 - as a member of the body
 - as a substitute for a member of the body

- as a local ward member in attendance for an agenda item
 - having registered to speak
 - being required to give evidence
 - being expected to attend, eg Cabinet Members attending scrutiny meetings, Group Whips attending Governance and Constitution Committee Briefings, scrutiny chairmen and spokesmen attending Cabinet and Portfolio Holder meetings.
- (iv) the right to Basic Allowance, Special Responsibility Allowance and Travel and Subsistence Allowance may be withdrawn by the Council while a Councillor is suspended or partially suspended from his/her responsibilities or duties as a member of the Council as a result of a breach of the Members' Code of Conduct in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part;
2. That, subject to 1 above, the Guide to Members' Allowances 2010/2011 be approved and adopted, with effect from 1 April 2010.
3. That the Independent Remuneration Panel be invited to conduct a survey of the work of Cheshire East Members to help inform the Panel's future recommendations on Member allowances.

193 LEADER'S REPORT TO FULL COUNCIL

The Leader reported that, on 26 February, the Cabinet Member for Environmental Services had made a decision in respect of a proposed Traffic Regulation Order and Off-Street Parking Places Order, to facilitate civil enforcement of parking contraventions in the Congleton area.

The Chairman of the Environment and Prosperity Scrutiny Committee had agreed that the decision would be considered as urgent for the purposes of Scrutiny Procedure Rule 13.

194 QUESTIONS

The Mayor reported that one question had been submitted by Councillor Flude as follows :-

The Vision for Crewe

SQW Consulting, The Vision for Crewe, what is the cost of the contract for this work?

The Leader of the Council, in summary, responded :-

One of the early priorities of the new Council was to identify the development priorities for our major towns of Macclesfield and Crewe. The contract with SQW to prepare an economic vision for Crewe has cost a total of £210,616. The work has been jointly funded through the Council and the North West Development Agency.

This work was tendered through the North West Development Agency's Framework Contract for regeneration work. Seven tenders were considered and the submission by SQW was assessed to offer both the best value for money and be most likely to deliver an authoritative document that would command wide spread support.

As a result, we got some great value for money. Feedback from public and private stakeholders has been positive and SQW need to be congratulated.

Recent quotes from high profile figures include:

Bombardier Transportation UK chairman Colin S Walton said: "As a major employer in Crewe, Bombardier is pleased to be able to offer its expertise and support to this exciting plan to transform the town.

Chris Gibb, chief operating officer at Virgin Trains: "Crewe is a key part of the Virgin Trains network and we have been delighted with the growth in customer numbers using the service in Cheshire in recent years.

"Now we also need to move to another level of customer service at the station and today's announcement is a clear sign of the vision that is required to attract more customers to rail."

NWDA chief executive Steven Broomhead said of the recent Government announcement: "The decision over Crewe train station is a big step forward – plans for future development can begin to move forward and Crewe can maximise the opportunities of its excellent infrastructure.

Partners must now work together on a single vision for Crewe which will deliver real change."

Mr Broomhead has said that he would personally like to sit on what ever Task Group we appoint to move things on in Crewe. At last, we are now getting money coming through. Crewe also received a massive boost with the recent government announcements on the £3m National Skills Academy for Rail Engineering, which we anticipate will be based in Crewe and the DfT support of £22m for Crewe Green Link Road. This is sign that confidence in Crewe is growing and that the Crewe Vision work has provided a momentum that did not exist twelve months ago.

The meeting commenced at 6.00 pm and concluded at 6.45 pm

Councillor M Simon (Chairman)
CHAIRMAN

CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 12th May 2010

Report of: Borough Solicitor

Title: **Political Representation on the Council's Committees**

1.0 Purpose of Report

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

2.0 Recommendations

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

3.0 Legal Implications

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

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

4.0 Risk Assessment

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

5.0 LOCAL GOVERNMENT (COMMITTEE AND POLITICAL GROUPS) REGULATIONS 1990

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

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

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

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

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

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

Discussions were held with Group Leaders in April 2009 to ensure that the proportionality calculations were accurately carried out. Following these discussions, agreement was reached to the effect that some adjustments should be made to the original draft proportionalities calculation, in particular in respect of the Northern Planning Committee. The agreements reached in April 2009 have been carried forward to the calculations for 2010/11.

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

6. Reasons for Recommendations

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

For further information:

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Background Documents: None

APPENDIX ONE

CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES

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

NB:

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

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

<u>Committee</u> <u>Total</u>	<u>Con</u>	<u>Lib Dem</u>	<u>Lab</u>	<u>Ind</u>
Children and Families Scrutiny	10	2	1	1
Health/Adult Social Care Scrutiny	10	2	1	1
Environment and Prosperity Scrutiny	10	2	1	1
Sustainable Communities Scrutiny	10	2	1	1
Corporate Scrutiny	10	2	1	1
Strategic Planning Board	10	2	1	1
North Planning Committee	12	3	0	0
South Planning Committee	11	2	1	1
Licensing Committee	11	2	1	1
Governance and Constitution	10	2	1	1
Public Rights of Way	5	1	1	0
Staffing	5	1	1	0
Appeals	5	1	1	0
Lay Members Appointments	5	1	1	0
Cheshire East/West/Wirral Scrutiny	4	1	1	0
Standards Committee	5	1	1	1
School Governor Appointments Panel	5	1	1	1
Civic Sub Committee	5	1	1	1
Cheshire Fire Authority	6	1	1	0
Peak District National Park Authority	1			
Total Places 210	150	30	18	12
Proportional entitlement	153(72.8%)	31(14.8%)	16(7.4%)	10(5%)
Difference	-3	-1	+2	+2

(Note: In terms of Proportional Entitlement Independents rounded down rather than up as Smallest Group)

NB:

Not included in the above are:

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

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

Wilmslow Community Governance Review Sub-Committee. Although the appointments have been made on the basis of political proportionality the Sub Committee has been appointed on an ad hoc basis.

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

CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 12th May 2010

Report of: Borough Solicitor

Title: **Appointment of Members to Decision-Making and Other Bodies**

1.0 Purpose of Report

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

2.0 Recommendations

- 2.1 That the nominations made by the Group Leaders to the bodies listed in Appendix Two of the previous agenda item, as circulated prior to the meeting, be appointed.

3.0 Legal Implications

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

4.0 Risk Assessment

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

5.0 Appointments to Committees Under the Council's Political Structure for the Municipal Year 2010/11

- 5.1 Council at its Annual meeting is required to appoint its decision-making and other bodies, together with their memberships.

- 5.2 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question. The Political Groups have therefore been invited to submit their nominations and a schedule of the proposed memberships will be published as soon as possible before the meeting.
- 5.3 Council should note the following:
 - 5.3.1 The Licensing Sub-Committees will be appointed by the Licensing Committee when required, as provided for by the Constitution.
 - 5.3.2 The Council is required to appoint six Members to the Wirral Joint Scrutiny Committee and to nominate six reserve Members. This is the current practice with the existing constituent authorities.

6.0 Reasons for Recommendations

- 6.1 To determine memberships of the Council's decision-making and other bodies and their appointment.

For further information:

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Background Documents: None

CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 12th May 2010

Report of: Borough Solicitor

Title: **Appointment of Chairmen and Vice Chairmen**

1.0 Purpose of Report

- 1.1 To determine Chairmen and Vice Chairmen of the Council's decision-making bodies.

2.0 Recommendations

- 2.1 That a Chairman and a Vice Chairman be appointed for each of the Council's decision-making bodies listed in the previous agenda item.

3.0 Legal Implications

- 3.1 The Annual Meeting of Council appoints the Council's decision-making and other bodies and their Memberships. It also determines the Chairmen and Vice Chairmen of these bodies.

4.0 Risk Assessment

- 4.1 Failure to comply with the requirements of the Constitution would leave the Council open to legal challenge.

5.0 Appointment of Chairmen and Vice Chairmen Under the Councils Political Structure for the Municipal Year 2010/11

- 5.1 Council at its Annual meeting is required to appoint its decision-making and other bodies, together with their Memberships.
- 5.2 Council is also required to appoint a Chairman and Vice Chairman for each of the bodies in question.
- 5.3 Nominations have been invited and a schedule of proposed Chairmen and Vice Chairmen will be published as soon as possible before the meeting.
- 5.4 Council should note the appointment of Chairman and Vice-Chairman of the Wirral Joint Scrutiny Committee rotates annually among the constituent authorities with no one authority holding both the chairmanship and vice-chairmanship in any year. These appointments are made by the Committee itself.

6.0 Reasons for Recommendations

- 6.1 To determine the Chairmen and Vice Chairmen of the Council's decision-making and other bodies.

For further information:

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Background Documents: None

CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 12th May 2010

Report of: Borough Solicitor

Title: **Designation of Statutory Roles**

1.0 Purpose of Report

- 1.1 To assign the statutory roles of the Director of Adult Social Services and Director of Children's Services and to authorise consequential amendments to the Constitution.

2.0 Recommendations

That Council agree to:-

1. Transfer the statutory roles and responsibilities of the Director of Children's Services from the Strategic Director (People) to the Head of Children and Family Services with effect from 1st June 2010, until 1st September 2010, when it will transfer to the new post of Director of Children's Services.
2. Transfer the statutory roles and responsibilities of the Director of Adult Social Services from the Strategic Director (People) to the Head of Adult Services with effect from 1st June 2010, until 1st September 2010, when it will transfer to the new post of Director of Adult Services; and
- 3 Authorise the Borough Solicitor to incorporate these revised designations into the Council's Constitution and make such consequential amendments as he considers necessary.

3.0 Legal Implications

- 3.1 The Local Authority Social Services Act 1970 requires the Council to designate one of its chief officers as Director of Social Services (Adult Services only). The Childrens Act 2004 requires the Council to appoint one of its chief officers as Director of Childrens Services.
- 3.2 The designation of statutory roles is a function carried out by Council

4.0 Risk Assessment

- 4.1 Failure to comply with the Acts would leave the Council open to legal challenge.

5.0 Children's Services Department and an Adult Services Department

The Staffing Committee at its meeting on 8th April 2010 considered proposals for some structural reorganisation and, in that context, took note of the decision of the Strategic Director (People) to retire and end his employment by Cheshire East Council on Tuesday 31st August, 2010.

The Staffing Committee supported a proposal for the establishment from 1st September, 2010 of a Children's Services Department and an Adult Services Department. It was agreed that the current Health and Wellbeing Services should be part of the new Adult Services Department.

It was agreed by the Staffing Committee that the current Head of Services for Children and Families should be "slotted in" to the post of Director of Children's Services and that the current Head of Adult Services should be "slotted in" to the post of Director of Adult Services.

Those decisions of the Staffing Committee were shared with the Members of the Cabinet and of the Council and were accepted by them.

The Strategic Director (People) will continue to work until his retirement on 31st August, 2010. He will work to ensure a smooth transition from the arrangements of a People Directorate into the arrangements of two new service Directorates.

It will be important, even before all the new structural arrangements are put into place, that the two Directors designate are properly empowered to take decisions and to represent the Council. Inspections are anticipated imminently and it will be essential for the Inspectors to engage fully with those who will actually be taking the service agendas forward. Recommendations for new structures within the two new Directorates will need to be framed. The Budget process for 2011/12 will be starting up shortly and they will need to take leadership in that on behalf of the new Departments.

The two Director designates therefore need to be assigned the statutory roles for the period 1st June 2010 until 31st August 2010 pending the formal establishment from 1st September 2010 of separate Children's Services and Adult Services Departments. From the 1st September 2010 the new Directors of the Children's Services and Adult Services Departments will then be assigned the statutory roles.

6. Reasons for Recommendations

6.1 For all these reasons, it is recommended that the Council should decide to:-

Transfer the statutory roles and responsibilities of the Director of Children's Services from the Strategic Director (People) to the Head of Children and Family Services with effect from 1st June 2010, until 1st September 2010, when it will transfer to the new post of Director of Children's Services.

Transfer the statutory roles and responsibilities of the Director of Adult Social Services from the Strategic Director (People) to the Head of Adult Services with effect from 1st June 2010, until 1st September 2010, when it will transfer to the new post of Director of Adult Services.

For further information:

Officer: Paul Jones Democratic Services Team Manager

Tel No: 01270 686458

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Background Documents: None

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