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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 27th May, 2010 in The Assembly Room, Town Hall,
Macclesfield

PRESENT

Councillor G Baxendale (Chairman)
Councillor R West (Vice-Chairman)

Councillors C Andrew, A Arnold, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, C Beard, T Beard, D Bebbington, D Beckford, S Bentley, D Brickhill, S Broadhurst, D Cannon, R Cartlidge, S Conquest, J Crockatt, M Davies, S Davies, P Edwards, P Findlow, R Fletcher, H Gaddum, L Gilbert, E Gilliland, J Goddard, J Hammond, M Hardy, D Hough, B Howell, O Hunter, T Jackson, J Jones, S Jones, F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, M Martin, P Mason, S McGrory, A Moran, H Murray, J Narraway, D Neilson, R Parker, M Parsons, A Ranfield, B Silvester, M Simon, L Smetham, D Stockton, D Thompson, C Thorley, C Tomlinson, R Walker, G M Walton, J Weatherill, R Westwood, P Whiteley, S Wilkinson and J Wray

APOLOGIES

Councillors E Alcock, M Asquith, D Brown, H Davenport, R Domleo, B Dykes, W Fitzgerald, D Flude, S Furlong, R Menlove, G Merry, B Moran, A Thwaite and D Topping

22 PRAYERS

The Mayor's Chaplain, Father W Kilkenny, said Prayers, at the request of the Mayor.

23 DECLARATIONS OF INTEREST

There were no Declarations of Interest from Members.

24 MINUTES OF THE ANNUAL COUNCIL MEETING HELD ON 12 MAY AND RECONVENED ON 13 MAY 2010

That the minutes, together with the circulated lists of Members appointed to Committees and Chairmen/Vice-chairmen and also the details of the Leader's appointments to the Cabinet and functions delegated to Cabinet Members, be approved as a correct record and signed by the Mayor, subject to the deletion of Councillor M Hardy from the list of apologies for the meeting on 12 May 2010, as he was present.

25 MAYOR'S ANNOUNCEMENTS

The Mayor :-

1. Announced that since the Annual Council meeting, he had carried out a large number of engagements and had been extremely busy.
2. Thanked Members for making time available for this special meeting of Council which had been arranged at relatively short notice. The date and time of the meeting had to be arranged with Cheshire West and Chester Council, so that both meetings would take place simultaneously. Because of this, the Leader and Deputy Leader were not able to be present at the meeting, since they had leave commitments which were in place prior to the date of the meeting being agreed.

26 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present, wishing to use the public speaking facility.

27 NOTICE OF MOTION

Consideration was given to the following Notice of Motion, submitted by Councillor G Baxendale :-

That Council approve, in principle, a homecoming parade for the 1st Battalion Mercian Regiment and that the Chief Executive be authorised to make the necessary arrangements, in conjunction with the officer commanding the Rear Operations Group, for the Freedom of the Borough to be awarded and the Homecoming Parade, in November 2010.

Background

The following background information was provided :-

The 1st Battalion Mercian Regiment (Cheshire), had recently deployed to the Helmand Province in Afghanistan, for a six month active service tour. The Battalion recruited from Congleton, Sandbach, Holmes Chapel, Middlewich, Macclesfield and Crewe. Therefore, local men were involved. The Mayor, Councillor Baxendale, had been in contact with Major Barney Barnbrook, the officer commanding the Rear Operations Group, to discuss this matter. The Regimental Secretary from the 1st Battalion Mercian Regiment has also contacted him.

The demised Councils of Crewe and Nantwich, Macclesfield and Congleton had all admitted the Regiment to the Freedom of their Boroughs. He proposed that, to coincide with the Homecoming Parade, that Cheshire East should, in its own right, admit the Regiment and make arrangements for an appropriate ceremony. The reason for this motion was to ensure that

appropriate arrangements could be made for the Parade and to agree a process, to ensure that matters affecting the Mayoralty could be agreed in a timely manner, with appropriate Member input.

Following a request from the Mayor, the Borough Solicitor advised Council that the motion should stand referred to the Constitution Committee, subject to Council approval being given to the item relating to Proposed Changes to the Council's Committee Structure.

RESOLVED

That, subject to approval of the item relating to Proposed Changes to the Council's Committee Structure, at minute 28, the motion stand referred to the new Constitution Committee.

28 PROPOSED CHANGES TO THE COUNCIL'S COMMITTEE STRUCTURE

Consideration was given to the report to and recommendations of the Governance and Constitution Committee, which met earlier in the day, in respect of proposed changes to the Council's Committee Structure, the minutes of which were circulated at the meeting.

RESOLVED

- (1) That a new Audit and Governance Committee be established, with the powers and functions set out in Appendix B of the report, as submitted to Council (together with the expanded responsibility at paragraph 4 of the report, as recommended by the Governance and Constitution Committee), (as attached to these minutes) and with an allocation of seats to the political groups of 7:2:1:0 (Conservative: Liberal Democrat: Labour: Independent), this being achieved by the deletion of the Labour Group's seat on the Lay Member Appointments Committee;
- (2) That the Leaders of the Political Groups, as appropriate, notify the Borough Solicitor of their nominations to the Audit and Governance Committee.
- (3) That a Constitution Committee be established to replace the existing Governance and Constitution Committee, with the powers and functions set out in Appendix C of the report, (as attached to these minutes) and with the same allocation of seats to the political groups as the existing Governance and Constitution Committee.
- (4) That the Constitution Committee shall retain the membership and current schedule of meetings of the existing Governance and Constitution Committee as agreed by Council, subject to any changes of meeting dates agreed by the Chairman.

(5) That the Chairman and Vice-Chairman of the Audit and Governance Committee be elected by the Committee at its first meeting, which shall be arranged to take place on a date to be agreed by the Democratic Services Manager, in consultation with the Leaders of the Political Groups.

(6) That the political group representation in respect of the Council's ordinary committees, as agreed by Council at its annual meeting, be amended in accordance with these proposals, resulting in a new proportional entitlement of seats as follows:

New	131	27	13	9
Proportional	(72.8%)	(14.8%)	(7.4%)	(5%)
Entitlement				

(7) That the Borough Solicitor be authorised to make such changes to the Constitution as he considers necessary, to give effect to the wishes of Council.

29 **STATUTORY SCRUTINY OFFICER**

Consideration was given to the recommendations of the Governance and Constitution Committee in respect of the designation of an officer as the Council's Statutory Scrutiny Officer.

RESOLVED

That the Democratic Services Manager be appointed as the Statutory Scrutiny Officer.

30 **PETITIONS - THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 AND THE LOCAL AUTHORITIES (PETITIONS) (ENGLAND) ORDER 2010**

Consideration was given to a report relating to the introduction of a scheme, by the Council, for dealing with petitions.

RESOLVED

1. That the draft Petition Scheme be approved.
2. That the Borough Solicitor be designated as the Petitions Officer and that he be requested to report annually to Council on the operation of the Scheme,
3. That the Borough Solicitor be authorised to incorporate the Petition Scheme in the Council's Constitution and make consequential amendments.

4. That the Borough Solicitor be authorised to report to the Constitution Committee on the development of an on-line petition facility.

31 QUESTIONS

Consideration was given to the following question, submitted by Councillor R Fletcher :-

Some years ago Cheshire County Council accepted that signalled crossings met the required criteria and were needed in Alsager at Sandbach Rd. North, close to the junction with Lodge Rd, Sandbach Rd. South, by the Health Centre, Crewe Rd, in the vicinity of the west end shops, where three people have been killed in recent years, as well as some seriously injured.

Due to concerns about the safety of pupils going to and coming from the High School, preference was given to the crossing on Sandbach Rd. North and because of the high number of pupils involved, it would be paid for out of the safer routes to Schools budget. After about two years of consultation, Alsager Councillors were advised that this would no longer be proceeding out of the safer routes to Schools budget.

Can I have an assurance from the Cabinet Member that the three signalled crossings are still on the list of highway improvements to be carried out in Alsager in the future?

Councillor A Knowles, on behalf of Councillor R Menlove, the Portfolio Holder for Environmental Services, in response stated :-

The current position with regards to the crossing outside the High School on Sandbach Road is that no solution that was put forward was acceptable to all parties and therefore the scheme was not able to be fixed in time for submission to the Safer Routes to School programme this year.

With regard to the remaining 2 pedestrian crossings, they have been assessed and ranked within the Ward Minor Works funding option. Unfortunately they have not ranked sufficiently high to be in this year's delivery plan. The schemes will remain on a list for improvements however it is not possible to guarantee at this point that they will be brought forward in the short-term due to strong likelihood of reduced funding next year from Government.

Although these proposed sites may have been ranked according to footfall, and had some accidents history, none of them are among the worst accident sites/routes in our Borough and therefore have not attracted Road Safety funding.

I regret the news is not of a more positive nature, but it is an unfortunate fact that there is demand for more schemes generally than funding can support, and we all wish it were otherwise.

32 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

33 WASTE TREATMENT PFI CONTRACT - AFFORDABILITY CEILING

Consideration was given to the recommendations from Cabinet relating to the Waste Treatment PFI Contract Affordability Ceiling.

RESOLVED

That the recommendations contained in the report to Cabinet, with the additional recommendation of the Environment and Prosperity Scrutiny Committee be approved.

The meeting commenced at 6.00 pm and concluded at 7.25 pm

Councillor G Baxendale (Chairman)

Appendix B**AUDIT AND GOVERNANCE COMMITTEE**

The Audit and Governance Committee is responsible for:

1. overseeing the Council's role and responsibilities in respect of Corporate Governance and Audit;
2. developing a Code of Corporate Governance and to undertake as appropriate an assessment of wider governance issues;
3. supporting the Council's audit function, both internal and external;
4. ensuring the Council has in place appropriate policies and mechanisms to safeguard the Council's resources and test value for money;
5. supporting the Chief Financial Officer in relation to the performance of their duties;
6. approving any Council Statement of Accounts as may be required by the relevant Account and Audit Regulations;
7. ensuring any Council's Risk Management arrangements are operating effectively;
8. where necessary, overseeing and agreeing the arrangements for Members to be indemnified for and insured against risks and liabilities arising from the performance of their duties as Members of the Council, and as the Council's representatives on outside bodies;
9. considering the Head of Internal Audit's annual report and opinion and a summary of internal audit activity and the level of assurance over corporate governance arrangements;
10. receiving the Internal Audit Plan and summary reports on performance against the plan;
11. reviewing and approving the Annual Governance Statement;
12. seeking assurance that customer complaint arrangements are robust;
13. reviewing and making recommendations upon the whistle blowing arrangements process;
14. considering external audit and other external agencies reports to those charged with governance as a source of assurance;

15. ensuring that the Council maintains a robust counter fraud culture via the implementation of an anti fraud and corruption policy and strategy.

CONSTITUTION COMMITTEE

The Constitution Committee is responsible for:

1. overseeing, monitoring, co-ordinating and implementing the Council's administrative and political business, including electoral matters; administrative boundaries and parishing; support for and facilities for Members, including Members' learning and development and party groups for the purpose of their duties as councillors; and administrative arrangements for and the conduct of the Council and other meetings;
2. determining policies and conventions in relation to the political management of the Council, including statutory requirements concerning political balance and rights to information;
3. reviewing the Council's Constitution and recommending any changes to the Council;
4. advising the Council on, and overseeing the promotion of private legislation on behalf of the Council;
5. recommending to the Council, as appropriate, the appointment of Members to Committees and Sub-Committees (including any co-opted members other than in respect of Scrutiny Committees);
6. appointing representatives to serve on outside bodies and organisations (including education bodies and establishments) not falling to the Cabinet to appoint;
7. overseeing and monitoring the Members' Allowance budget, including pensions, and keeping under review the scheme for the payment of allowances to Members through the appointment of an Independent Remuneration Panel to advise the Council on the adoption or the scheme and on any proposed amendments;
8. approving annual conference and seminar attendance;
9. making recommendations to the Council on civic issues, including those affecting the Mayor, Freeman and Aldermen.
10. approving reasons for absence for Members;
11. approving the overall seating plan for Council meetings;

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