

Council Agenda

Date: Thursday, 14th October, 2010
Time: 6.00 pm
Venue: 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. **Minutes of the meeting held on 22 July 2010** (Pages 1 - 20)

To approve the minutes as a correct record.

4. **Mayor's Announcements**

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

5. **Declarations of Interest**

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

6. **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.

7. **Notice of Motion** (Pages 21 - 22)

To consider the attached Notice of Motion, submitted by Councillor D Flude.

8. **Annual Report on Public Health in Central and Eastern Cheshire**

To receive the Annual report on Public Health in Central and Eastern Cheshire.

9. **Recommendation from Cabinet - Local Development Framework Process and Amendments to Constitution** (Pages 23 - 34)

To consider the recommendations of Cabinet.

10. **Recommendation from Cabinet - Local Development Framework Documents**

To consider the recommendations of Cabinet as set out in Item 10 which is circulated as a separate agenda pack.

11. **Recommendation from Constitution Committee - Review of the Constitution** (Pages 35 - 42)

To consider the recommendations of the Constitution Committee.

12. **Recommendation from Constitution Committee - Honorary Aldermen and Freemen** (Pages 43 - 62)

To consider the recommendations of the Constitution Committee.

13. **Recommendation from Constitution Committee - Flag Flying Policy** (Pages 63 - 72)

To consider the recommendations of the Constitution Committee.

14. **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.

15. **Exclusion Resolution**

The report relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter may be determined with the press and public excluded.

The Council may decide 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.

16. **Waste Treatment PFI Contract- Identification of provisional Preferred Bidder**
(Pages 73 - 92)

To advise Council of the executive decision taken in respect of the Identification of a provisional Preferred Bidder for the Waste Treatment PFI and to endorse the decision.

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CHESHIRE EAST COUNCIL

**Minutes of a meeting of the Council
held on Thursday, 22nd July, 2010 at Congleton Town Hall, High Street,
Congleton**

PRESENT

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

Councillors E Alcock, C Andrew, Rhoda Bailey, A Barratt, G Barton, T Beard, D Bebbington, S Bentley, D Brickhill, S Broadhurst, D Brown, D Cannon, R Cartlidge, S Conquest, J Crockatt, M Davies, S Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, J Hammond, D Hough, T Jackson, J Jones, S Jones, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, M Martin, P Mason, S McGrory, R Menlove, A Moran, B Moran, J Narraway, D Neilson, R Parker, M Parsons, A Ranfield, B Silvester, M Simon, L Smetham, D Stockton, D Thompson, C Thorley, A Thwaite, C Tomlinson, D Topping, R Walker, G M Walton, J Weatherill, R Westwood, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors A Arnold, M Asquith, Rachel Bailey, C Beard, D Beckford, H Davenport, J Goddard, M Hardy, M Hollins, B Howell, O Hunter, G Merry and H Murray

34 PRAYERS

In the absence of the Mayor's Chaplain and at the request of the Mayor, Councillor Steve Wilkinson said prayers.

Councillor Liz Gilliland

The prayers included a prayer giving grateful thanks for the life of Councillor Liz Gilliland, who sadly had recently passed away. Members and Officers stood for one minute's silent tribute in memory of Councillor Gilliland.

Following prayers, Councillors Fitzgerald, Neilson, Flude and Edwards paid tribute to Councillor Gilliland and her contribution as a Councillor over many years.

35 MINUTES OF THE MEETING OF THE COUNCIL HELD ON 27 MAY 2010**RESOLVED**

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

36 MAYOR'S ANNOUNCEMENTS

1. The Mayor referred to the recent news reports concerning the frequent casualties from the 1st Battalion, The Mercian Regiment (Cheshire), who were under a lot of pressure on the frontline, in the fight against the Taliban in Helmand. His thoughts were with the families of the soldiers concerned, at this sad time. He reported that all the families of soldiers who had been killed would receive a letter, on behalf of all the residents of Cheshire East.

With this in mind he announced that :-

2. The Mayor's Charity Ball would take place, from 7pm on Friday 3 September, in the Tenants Hall, at Tatton Park, Knutsford. Tickets were priced at £35 and included a three course dinner and champagne reception. Any Member wishing to purchase tickets should contact Karen Bedford, in the Democratic Services Section. All proceeds would go to towards the Soldiers' Charity. Members who were unable to attend could donate a raffle prize, if they wished to support the charity.
3. The Mayor also urged Members to support the hoedown and hog roast, which were to be held in a marquee at The Waggon and Horses pub, on Manchester Road, in Eaton, Congleton, on Saturday, August 21, at 7.30pm, to raise funds for the welfare of injured troops of the 1st Battalion. Tickets were priced at £10 and details of how they could be obtained were posted on the Council's website. Proceeds raised would be used to provide equipment and entertainment, such as computer consoles, games and DVDs, to help wounded troops, during their recovery and rehabilitation. If Members were unable to attend, they may wish to sponsor a ticket for a family of an injured soldier. Any donations of DVDs or Playstation games would also be much appreciated and the Mayor would be happy to pass them on to the soldiers.
4. The Mayor announced that he had attended the RHS Show, at Tatton Park, on the previous day and that the Authority's display had won a gold medal for an exhibit in the flowerbed competition, entitled 'Cheshire Cheese Please', which was a giant cheeseboard made entirely of flora and fauna. The Tatton gardens were also awarded a silver guilt medal for their garden. The Mayor congratulated all those staff involved in creating the displays.

5. The Mayor announced that the meeting was the final Council meeting at which John Weeks, Strategic Director for People, would be present and he felt it fitting for John's hard work, over many years, to be publicly acknowledged. He thanked John, on behalf of the Council and presented him with a small token of the Council's appreciation.

The Leader of the Council, Councillor Fitzgerald and Councillors Flude and Fletcher added their personal comments, together with comments on behalf of their respective groups.

37 URGENT ITEM OF BUSINESS - APPOINTMENT OF VICE-CHAIRMAN OF ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE

The Mayor reported that, following the sad passing away of Councillor Gilliland, in accordance with Council Procedure Rule 17, Council needed to elect a Vice-Chairman of the Environment and Prosperity Scrutiny Committee. This item was not included on the agenda for the Council meeting, due to the timescale for the publication of the agenda papers and in light of the timing of the very recent funeral. The Mayor stated that he was, therefore, content to deal with this as an urgent item, under the provisions of Section 100(B)(4) of the Local Government Act 1972, by reason of the special circumstances as indicated.

It was moved and seconded and :-

RESOLVED

That Councillor Andrew Martin be appointed as Vice Chairman of the Environment and Prosperity Scrutiny Committee.

38 DECLARATIONS OF INTEREST

Councillor Fletcher declared a personal interest in the item relating to the Wilmslow Community Governance Review, as one of the people listed in the Petition in respect of the area of Styal was related to his wife.

39 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs Denise Roberts attended the meeting and used public speaking time to voice her concerns relating to the Council's decision to close Cypress House Community Support Centre, in Handforth. She stated that, for many years this excellent centre has provided respite and day care services to Cheshire East residents, from as far afield as Disley, Higher Poynton, Knutsford and High Legh and also Warrington. It also provided convalescent care for Wythenshawe, Stepping Hill and Macclesfield Hospitals. She had personal concerns regarding its closure, as her aunt, being sole carer for her elderly, disabled husband, had used it regularly for much needed respite care. Whilst she fully understood that the Council

needed to make savings, she could not agree with the decision to close down one, out of only two, Local Authority owned Care Centres in Cheshire East, which had the Quality Care Commission's (CQC) 3 Star excellence award; the other centre being Lincoln House in Crewe. Cypress House had retained this award for the past 3 years, after the Care Quality Commission had visited and inspected the Centre without notification. She stated that very few Private Care Homes in Cheshire, East had this award of excellence. On speaking with Social Workers, Hospital Bed Managers, residents and carers she had heard nothing but praise for the dedicated, happy and professional team of staff. After speaking with Cheshire East's Head of Adult Services, she had established that bed under occupancy at Cypress house was the reason for closure. All service users had received a letter, late in March, after rumours about the proposed closure of the Centre were printed in the local press. They were given a list of alternative Support Centres, all located in Macclesfield, Congleton and Crewe and, with the exception of Lincoln House, only held CQC's 2 star standard award. Prior to service users receiving this letter, bed occupancy at Cypress house in March was 30 clients per night, February 25-30 per night, January 23-28 per night and December 2009, 21 per night. She stated that the Centre had been closed in November, due to an outbreak of diarrhoea and Vomiting and an illness such as this and C-DIFF and flu pandemics could close Hospital wards, Care Homes, etc in a matter of hours. She questioned, with the closure of Cypress House, whether Cheshire East Care Services had the necessary emergency respite and day care services available to users, when such emergencies happened again. She noted that the Council's Cabinet agenda stated that Cheshire East had a higher than average number of elderly and residents with dementia. As people were living longer, more pressure would be put on care resources. She stated that, at the recent Cabinet meeting, Councillor Roland Domleo had given a verbal guarantee to Cabinet and herself on his decision to close Cypress house, that all alternative respite and day care services offered to service users would continue to receive the same high standard of care. She hoped, for the sake of Cheshire East Council's Head of Adult and Social Care Team, that his statement was correct and she also hoped that the Council would give her comments due consideration.

40 RECOMMENDATION FROM CABINET MEETING ON 19 JULY 2010 - CORPORATE PLAN

Consideration was given to the recommendation from Cabinet in respect of the Corporate Plan, which was circulated at the meeting.

Cabinet had considered the final draft of the Corporate Plan, at its meeting on 19 July 2010 and had received a resume of the views and comments on the Plan, which had been considered by the Scrutiny Committees, at meetings throughout June and July. A number of drafting amendments/addition to the Corporate Plan arising from this consultation had been requested and these were agreed by the Cabinet as follows:-

1. The reference to household income at the end of the first paragraph on page 4 will be amended to read; "Household income also differs, ranging from £65,000 in parts of Macclesfield to £18,000 in parts of Crewe."
2. Section 10 on page 22 where it refers to the Overview and Scrutiny Committee will be amended so that the penultimate sentence reads; "Again, you are more than welcome to attend these meetings."
3. The final bullet point under "What we will do to achieve our ambition?" in Corporate Objective 4, in Appendix 1, will be amended to read "Improve our parks and green spaces across the Borough." This replaces "Achieve and increase existing level of Green Flags in our Greenspace sites." The related outcome under the column headed "How will we know if we have been successful?" which refers to Green Flags will be removed.
4. It is proposed to add an extra bullet point to Corporate Objective 4, in Appendix 1, under the column headed "What we will do to achieve our ambition?" stating that "Drive forward our work with local partners in the police and justice system to reduce the fear of crime and improve public safety in the borough." Likewise it is proposed to add a bullet point to the next column headed "How will we know if we have been successful? Stating that "The residents of Cheshire East will feel safer in their local communities."

RESOLVED

For the reasons set out in the report: -

That, subject to the inclusion of the amendments/addition detailed above, the Corporate Plan be approved and adopted.

41 RECOMMENDATION FROM CABINET MEETING ON 19 JULY 2010 - CHESHIRE EAST SUSTAINABLE COMMUNITY STRATEGY

Consideration was given to the recommendation from Cabinet in respect of the Sustainable Community Strategy, which was circulated at the meeting.

Cabinet had considered the final draft of the Sustainable Community Strategy, at its meeting on 19 July 2010. The Strategy had also been considered by the Sustainable Communities Scrutiny Committee, at its meeting on 15 July and the following comments had been made: -

- The document was well written and clear.
- A clear definition of a town is needed – the Strategy should refer to the fact that the LDF process will address this.

- Members questioned whether or not producing such a strategy represented value for money.
- Members noted that the strategy was aspirational and not compulsory.
- Members were disappointed that the contribution of agriculture, rural economy and productiveness of land, had not been given sufficient emphasis or greater reference, throughout the strategy.
- That any reference to the PCT should be replaced with health services

In considering these comments Cabinet had agreed that the following words be inserted as an additional bullet point under the heading 'We have a strong, sustainable economy' on page 17 (Cheshire East in 2005, Our Vision):-

'Farming and agriculture are valued and supported for the contribution they make to Cheshire East's economy and the distinctiveness of our rural communities.'

RESOLVED

That, subject to the inclusion of the additional words detailed above, the Sustainable Community Strategy be approved and adopted.

42 RECOMMENDATION FROM THE FORMER GOVERNANCE AND CONSTITUTION COMMITTEE. - COMMITTEE PROCEDURE RULES, RECORDED VOTES

Consideration was given to the recommendation from the former Governance and Constitution Committee in respect of Committee Procedure Rules, Recorded Votes.

RESOLVED

That the following provision and its incorporation into the Council's Committee Procedure Rules, be approved and adopted:

"At Committees, Sub-Committees or Special Committees, when a Member stands in his/her place and asks for a recorded vote to be taken and one other Member stands in his/her place to support the request, the vote will be recorded to show whether each Member present voted for or against the motion or abstained."

43 RECOMMENDATION FROM CONSTITUTION COMMITTEE - WILMSLOW COMMUNITY GOVERNANCE REVIEW, FIRST STAGE CONSULTATION

Consideration was given to the recommendation from Constitution Committee relating to the Wilmslow Community Governance Review, First Stage Consultation.

RESOLVED

1. That :-

(1) pursuant to Section 87 of the Local Government and Public Involvement in Health Act 2007; and having regard to the provisions of the Department for Communities and Local Government and Electoral Commission Guidance, issued in April 2008, for the conduct of Community Governance Reviews; and having received three valid petitions signed by the required number of electors calling for the constitution of new parishes for the three areas of (1) Handforth; (2) Wilmslow and Handforth; (3) Styal which triggered the Community Governance Review process:

Having taken into account

- the petitions;
- the results of the consultation with the electors in each of the areas concerned which show in each case that a majority of those who returned their ballot papers were in favour of a new parish council for their area;
- the results of the consultation exercise with stakeholders and the representations from other interested persons;
- the outcomes of the public meetings held in each of the review areas; and
- the information on existing community governance arrangements in the areas concerned and the alternative forms of community governance which might have been appropriate for the areas in question :-
 - a. that the interests of effective and convenient local government and community identities in these areas would be served by the creation of new parishes with a parish council for each of Handforth (not including polling district 8EE1 so as to recognise historic and traditional boundaries in the area), Wilmslow (including polling district 8EE1) and Styal, all as shown on the map appended to the minutes of the Constitution Committee held on 24 June 2010, with each parish comprising the polling districts indicated below; such parish councils to be called: Handforth Parish Council, Wilmslow Parish Council and Styal Parish Council respectively, and that Wilmslow Parish Council be advised to consider its designation as a Town Council;

Handforth Parish Polling districts:
8EF1, 8EG1, 8EH1, 8EJ1

Wilmslow Parish

Polling districts: 8EA1, 8EB1, 8EC1, 8ED1, 8EE1, 8EK1, 8FA1, 8FB1, 8FC1, 8FD1, 8FE1, 8FF1, 8FG1, 8FH1, 8FJ1

Styal Parish

Polling district:
8FK1

- b. that in Styal the election of parish councillors should be from the area of the parish as a whole;
- c. that given the substantial size of the proposed Wilmslow parish and in order to reflect longstanding community identities, the parish should be divided into wards for the purposes of election to the Parish Council;
- d. that the first year of elections to the new parish councils should be 2011; and
- e. that these proposals form the basis of a second stage of public consultations and that the Boundary Commission be informed of these proposals;

2. That :-

- (1) having regard to comparator information for Parish Councils in Cheshire East, and having regard to electoral equality, the number of Councillors to serve on each of the new Parish Councils should be as follows:
 - a. Handforth: 7 Councillors
 - b. Styal: 5 Councillors
 - c. Wilmslow: 15 Councillors
- (2) dependent upon the outcome of the Boundary Review, and bearing in mind the need to achieve overall electoral equality (i.e. the number of electors per councillor) as far as possible:
 - a. if no changes are made to the current Cheshire East Council Ward boundaries, five wards should be created for the Wilmslow Parish and named as follows:
 - i. Morley (comprising 3 Councillors: polling districts 8FH1, 8FJ1, 8FG1);
 - ii. Lacey Green (comprising 2 Councillors: polling district 8EK1);
 - iii. Dean Row (comprising 4 Councillors: polling districts 8EA1, 8EB1, 8EC1, 8ED1, 8EE1);

- iv. Hough (comprising 3 Councillors: polling districts 8FC1, 8FD1, 8FE1, 8FF1); and
 - v. Fulshaw (comprising 3 Councillors: polling districts 8FA1, 8FB1)
- b. if the anticipated final recommendations of the Boundary Committee in respect of Cheshire East Council boundaries are implemented, four wards should be created for the Wilmslow Parish and named as follows, to provide coterminous boundaries for electoral purposes:
- i. Wilmslow West (comprising 5 Councillors: polling districts 8FH1, 8FJ1, 8FG1, 8FC1, 8FA1(part), 8FB1(part), 8FD1(part);
 - ii. Lacey Green (comprising 2 Councillors: polling districts 8EK1, 8EA1(part), 8FD1(part);
 - iii. Dean Row (comprising 4 Councillors: polling districts 8EA1(part), 8EB1, 8EC1, 8ED1, 8EE1); and
 - iv. Hough (comprising 4 Councillors: polling districts 8FD1(part), 8FA1(part), 8FB1(part), 8FE1, 8FF1)
- (3) three wards should be created for the Handforth Parish and named as follows:
- i. Handforth West (comprising 3 Councillors: polling districts 8EG1, 8EJ1)
 - ii. Handforth East (comprising 2 Councillors: polling district 8EH1); and
 - iii. Handforth South (comprising 2 Councillors: polling district 8EF1)

and accordingly, the previous recommendation by the Sub-Committee and the Constitution Committee in relation to this matter should be disregarded; and

- (4) subject to consultation initially with the Chairman of the Wilmslow Community Governance Review Sub-Committee, the Borough Solicitor be authorised, in consultation with the Leader of the Council, to make any amendments required to electorate figures, polling district boundaries, or the proposed Wilmslow Parish ward boundaries, should this be required as a result of the final outcome of the Boundary review.

3. That :-

the stage two consultation will now take place between 11 August and 15 September 2010.

44 **RECOMMENDATION FROM CONSTITUTION COMMITTEE - OVERVIEW AND SCRUTINY WORKING ARRANGEMENTS**

Consideration was given to the recommendation from Constitution Committee relating to Overview and Scrutiny Working Arrangements, which sought amendments to the Constitution to reflect the realignment of the Overview and Scrutiny Committees with the new Portfolio responsibilities, reported at Council on 13 May 2010 and to make appropriate reference to the role of the Scrutiny Chairmen's Group.

RESOLVED

1. That the new Overview and Scrutiny remits, as set out below be approved, subject to the Performance and Capacity Portfolio being added to the list of Portfolios for the Corporate Scrutiny Committee, in relation to the Corporate Plan and risk management responsibilities of that Portfolio and that the Borough Solicitor be authorised to make any necessary amendments to the Constitution.

COMMITTEE	PORTFOLIOS	PORTFOLIO HOLDER
Corporate	Resources	Cllr F Keegan
	Procurement, Assets and Shared Services	Cllr P Mason
	Health and Wellbeing	Cllr A Knowles
Children and Families	Children and Family Services	Cllr H Gaddum
Health and Adult Social Care	Health and Wellbeing	Cllr A Knowles
	Adult Services	Cllr R Domleo
Sustainable Communities	Safer and Stronger Communities	Cllr R Bailey
	Performance and Capacity	Cllr D Brown
Environment and Prosperity	Environmental Services	Cllr R Menlove
	Prosperity	Cllr J Macrae

2. That the role of the Scrutiny Chairmen's Group, in resolving cross-cutting issues and reviewing work programmes and workloads, be

recognised and that the Borough Solicitor be authorised to make appropriate reference to the Group's role, in the Constitution.

45 SUPPLEMENTARY ESTIMATES APPROVALS

Consideration was given to a report of the Borough Treasurer and Head of Assets, which requested that the Council approve the following requests for Supplementary Revenue Estimates, previously approved as subject to outturn, which required funding from balances :-

£2,291,000 for Adults Social Care Redesign
£125,000 for Economic Development

RESOLVED

That the requests for Supplementary Capital Estimates be approved and that these be funded from capital reserves, as set out above and as detailed in Appendix 1 of the report.

46 OVERVIEW AND SCRUTINY ANNUAL REPORT 2009/2010

Consideration was given to the Overview and Scrutiny Annual Report 2009/2010.

RESOLVED

That the Overview and Scrutiny Annual Report 2009/2010 be received.

47 LOCAL ELECTORAL ARRANGEMENTS FOR CHESHIRE EAST

Consideration was given to the independent Local Government Boundary Commission for England's final recommendations for new local government electoral arrangements in Cheshire East, which had been published on 13 July 2010. An additional covering report relating to the recommendations was circulated at the meeting.

The following motion was proposed and seconded:-

That taking into account :-

- a) That the final recommendations of the Boundary Commission are unreasonable in that they fail effectively to take into account and give due weight to the submissions of this Council and other representatives of the local community.
- b) The final recommendations would be complex and very costly to introduce at a time when this Council is being urged to make budgetary savings.

- c) The final recommendations of the Boundary Commission having just been published will not be laid until October.
- d) If objections to the order are received, it will be at least a further 40 days from October before the proposals can be considered by Parliament and the outcome known.
- e) The proposals involve an increase in the number of Wards for Cheshire East from 27 at present to a total of 52 Wards, involving a mixture of 3, 2 and Single Member Wards, thereby making the administration of elections much more complex.
- f) That the next elections for both Cheshire East Council and the Town & Parish Councils in the area are to be held in May 2011, together with the proposed national referendum on electoral reform.
- g) The above uncertainties over the parliamentary timescale, which indicate it will not be possible to make boundary changes to the electoral registers in time for the annual canvass in the early autumn, meaning that the work would have to be repeated subsequently to enable new electoral registers to be produced based on the new electoral arrangements thereby creating more work and additional administrative cost.
- h) The proposals also involve consequential changes to the warding arrangements for the Parishes of Congleton, Gawsorth, Nantwich, Poynton, Sandbach, Weston & Willaston.

This Council resolves:

To ask Parliament to reject the Order containing the final recommendations of the Boundary Commission and requests the Leader of the Council to write to the local MP's and the Secretary of State for Communities and Local Government accordingly, so that a complete revision of the boundaries can take place at the same time as the Parliamentary Boundary Review in 2014. This would enable the Boundary Commission to take a holistic view of the impact that the radical changes, that are likely in the design of the Parliamentary constituency boundaries, will have on the local authority ward structure and town and parish boundaries.

A requisition for a named vote was submitted and duly supported with the following results :-

For

The Mayor, Councillor G Baxendle, the Deputy Mayor, Councillor R West, Councillors C Andrew, Rhoda Bailey, A Barratt, G Barton, D Bebbington, S Bentley, D Brickhill, D Brown, J Crockatt,, M Davies, S Davies, R Domleo, B Dykes, J P Findlow, R W J Fitzgerald, S Furlong, H Gaddum, L Gilbert, J

Hammond, T Jackson, J Jones, A J Knowles, A Kolker, W Livesley, J Macrae, A Martin, P Mason, R Menlove, A Moran, B Moran, R Parker, A Ranfield, B Silvester, M Simon, L Smetham, D Stockton, D Thompson A Thwaite, D Topping, R C Walker, G Walton, J Weatherill, R Westwood, P Whiteley, S Wilkinson and J V Wray.

Against

Councillors E Alcock, T Beard, S Broadhurst, D J Cannon, R Cartlidge, S Conquest, P Edwards, R Fletcher, D Flude, D Hough, S Jones, M Martin, S McGrory, J Narraway, D Neilson, M Parsons, C Thorley and C Tomlinson.

The motion was declared carried, with 48 voting for and 18 against.

The following motion was also moved and seconded and declared carried:-

That the final recommendations and report of the Boundary Commission in respect of the new local government electoral arrangements in Cheshire East be noted.

RESOLVED

1. That the final recommendations and report of the Boundary Commission in respect of the new local government electoral arrangements in Cheshire East be noted.
2. That taking into account :—
 - a) That the final recommendations of the Boundary Commission are unreasonable in that they fail effectively to take into account and give due weight to the submissions of this Council and other representatives of the local community.
 - b) The final recommendations would be complex and very costly to introduce at a time when this Council is being urged to make budgetary savings.
 - c) The final recommendations of the Boundary Commission having just been published will not be laid until October.
 - d) If objections to the order are received, it will be at least a further 40 days from October before the proposals can be considered by Parliament and the outcome known.
 - e) The proposals involve an increase in the number of Wards for Cheshire East from 27 at present to a total of 52 Wards, involving a mixture of 3, 2 and Single Member Wards, thereby making the administration of elections much more complex.

- f) That the next elections for both Cheshire East Council and the Town & Parish Councils in the area are to be held in May 2011, together with the proposed national referendum on electoral reform.
- g) The above uncertainties over the parliamentary timescale, which indicate it will not be possible to make boundary changes to the electoral registers in time for the annual canvass in the early autumn, meaning that the work would have to be repeated subsequently to enable new electoral registers to be produced based on the new electoral arrangements thereby creating more work and additional administrative cost.
- h) The proposals also involve consequential changes to the warding arrangements for the Parishes of Congleton, Gawsorth, Nantwich, Poynton, Sandbach, Weston & Willaston.

This Council resolves:

To ask Parliament to reject the Order containing the final recommendations of the Boundary Commission and requests the Leader of the Council to write to the local MP's and the Secretary of State for Communities and Local Government accordingly, so that a complete revision of the boundaries can take place at the same time as the Parliamentary Boundary Review in 2014. This would enable the Boundary Commission to take a holistic view of the impact that the radical changes, that are likely in the design of the Parliamentary constituency boundaries, will have on the local authority ward structure and town and parish boundaries.

48 **QUESTIONS**

Councillors Flude and Thorley had submitted the following questions to Council. They requested and Council agreed, that written responses be circulated to all Members of the Council, after the meeting, rather than the questions being answered at the meeting :-

(1) Boundary Committee Report

Question to the Cabinet Member for Democratic Services, submitted by Cllr Flude :-

The Local Government Boundary Commission has completed and published its review of Electoral Arrangements for the Borough of Cheshire East. The Commission recommends that there should be 82 members representing 28 single member wards, 18 two member wards and 6 3 member wards.

When accepted by Parliament, the Borough will be expected to put in place electoral arrangements to carry out the Borough elections of May 2011, based on the new wards.

Given the short time span to introduce these changes will the Cabinet Member;

1. Outline the expected time scale for the introduction of the new electoral system?
2. Exert all legitimate pressure for the Parliamentary Order to be laid and accepted as quickly as possible?
3. Assure the Council and the public that the resources are available to organise the changes?
4. Arrange to publicise the new arrangements to the electorate and all interested parties such as political parties and Town and Parish councils?
5. Ensure there is an appropriate induction process in place for prospective candidates in the 82 wards?
6. Run a campaign to encourage participation in the local elections?

(2) Affordable Housing

Question to the Cabinet Member with responsibility for strategic planning, submitted by Cllr Flude :-

Eric Pickles Secretary of State for Local Government announced that house building targets set by central government are to be scrapped.

There apparently has been established the need for 1200 houses per year to be provided in Cheshire East Borough to satisfy the need for affordable homes in urban and rural areas. Will the Cabinet member responsible.

1. Provide estimated figures for the affordable homes required in each of the 7 LAP areas divided into an urban category and a rural category for the next 5 years?
2. State how many affordable homes have been provided in Cheshire East in 2009/10 and where they have been provided?
3. State the planned provision of affordable homes in the LAP urban and rural areas for 2010/11 to 2014/15?
4. State what is being done by the Borough in partnership with other organisations to close the gap between estimated need and provision?
5. State how the newly formed service run by the Borough for the allocation of social housing will help those in need for that provision?

6. What encouragement is being given to Town and Parish Councils to work with housing associations to meet the need for affordable housing in rural areas of the Borough?

(3) Secondary Education in Macclesfield

Question to the Cabinet Member responsible for Children and Families, submitted by Cllr Flude :-

Parents and teachers are deeply concerned about the state of secondary education in the Macclesfield area of Cheshire East. One week the local newspaper highlights the shortcomings of a particular school, the next week describes how two schools will amalgamate and the following week announces the amalgamation is cancelled and there will be a long and complicated review lasting until October 8th. 2010 considering a wide variety of options many of which have never been heard of before a further 6 weeks of review. All this at the time when parents of Year 6 pupils need to be choosing their secondary school.

Will the Cabinet member ensure?

1. A clear timetable is set out for decision taking so uncertainty can be brought to an end as soon as possible?
2. Require officers and schools to reorganise to provide a fair and stable system of secondary education in Macclesfield by September 2011.
3. Ensure that the admission system to Macclesfield secondary school is fair to all parents in the area and that it does not require parents to move pupils during their primary schooling in order to exercise choice of secondary school as happens at present?
4. Ensure that whatever secondary school is chosen by parents in the Macclesfield area the education provided will be of the highest quality to meet the need to realise the full potential of our children?

And more controversially

5. Ensure that the admissions system offers parents with children with special needs and/or receive free school meals have the first choice of secondary school?
6. Ensure that children in the care of the local authority have their first choice of secondary school?

(4) Highways Contract October 2011 onwards

Question to the Cabinet Member responsible for Environmental Services and Transport, submitted by Cllr Flude :-

1. The maintenance of our Highways in East Cheshire is of top concern to those Council tax payers who live and work in Cheshire East. We have a vital responsibility in providing an effective and efficient and responsive maintenance and renewal service to encourage economic development as well as to serve our electors.
2. Will the Cabinet Member explain in detail the arrangements proposed for letting the new Highways Contract commencing in October 2011 and in particular describe:-
 - a) The expected cost savings to be achieved by the new contract outsourcing all Highways responsibilities?
 - b) The impact on the employment of highways staff by the Council proposed outsourcing?
 - c) How many staff are employed in the highways division/department?
 - d) How many staff will be asked to take voluntary severance be made redundant or be offered redeployment?
 - e) How many staff will move from the Borough into proposed new employer /contractor?
 - f) The full range of services that will be included in the contract to be outsourced to the private sector?
 - g) The arrangements for ensuring that the contract will be monitored effectively by Council staff including the costs of such monitoring?
 - h) The reporting system on highways maintenance to relevant responsible committees?
 - i) The way in which local Members will be able to monitor highway maintenance in their local areas?
 - j) How local Councils will be informed of road maintenance in their areas, road cleaning in their areas, gritting schedules in their areas and pothole repair in their areas?
 - k) How local Councils and local Members will be able to hold the contractors to account for work done?
 - l) The expected benefits of such a completely outsourced contract to Cheshire East residents?
 - m) What role will the contractors play, if any, in the Councils strategic planning of the road network?
 - n) How will the Council provide for traffic management requirements throughout Cheshire East as residents parking is introduced?

- o) What is the cost to the Council for the legal advice to be given by Bevan Britten?
- p) How much will be paid to Happold Consulting for their advice?
- q) Has consideration been given to an alliance with other authorities?

Does he agree with me that it is vitally important that the Council retains the expertise to monitor standards of Highways maintenance to ensure that the service is of the highest standard and that there is a serious risk of a loss of control and accountability in the model of a fully outsourced highways Contract that he has chosen to recommend?

Question's to the Cabinet Member with responsibility for Environmental Health, submitted by Cllr Thorley

(5) Wasp nests

What is the cost to a resident for the removal of a wasp's nest?

Does the Council offer a free service to pensioners and other residents who have a low income?

(6) Noise Nuisance

What services are offered to residents, by the Environmental Health Department, in relation to excessive noise from nuisance neighbours Department?

How many staff are employed in this department whose responsibilities are for noise abatement?

What assistance is available from this department for residents at weekends, evenings and during the night?

Is there full cover for staff holidays?

Question to the Cabinet Member for Highways, submitted by Cllr Flude :-

(7) Highways Contract

On the Thursday the 8th of July, at 10.24, I emailed Mr John Dodd, Highway Repairs Crew to request the replacement of a kerbstone, which had been removed by children [they had gone prepared with a shopping trolley!]

On Tuesday the 13th July at 2pm Mr Dodd e-mailed to inform me that the repair had been completed.

The work had been completed in less than 4 working days and I received a polite response from Mr Dodd.

Can the Cabinet Member assure this Council that when the Highways Department has been contracted out, this Council will receive the same excellent standard of service from the new contractors as we at this time receive from our outstanding highways staff?

Questions to the Leader of the Council, submitted by Cllr Flude

(8) One County

Eric Pickles, Secretary of State for Local Government, is encouraging local authorities to consider sharing one Chief Executive with their neighbour authorities. He also called on authorities to save money by merging planning, lawyers and other teams across boundaries.

Are there any plans to put Cheshire back to one County?

(9) Outsourcing of Council Services

When the Schools are Trusts or Academies, the highways are privatised and the residents who need social care have a direct payment or an individual budget to spend in the community and if the rumours are right, many other Council services will be outsourced, will there be any need for a Council?

Question for the Cabinet Member with responsibilities for Personnel , submitted by Cllr Thorley

(10) Redundancies and Severance

How many staff have been made redundant or have taken voluntary severance from 1st April 2009 to the 22nd July 2010?

What is the total cost of those redundancies and severances?

How many staff who have been made redundant or who took voluntary severance have been re-employed on temporary contracts?

Question to the Cabinet member Children and Families, submitted by Cllr Flude :-

(11) Educational Psychologists

How many Educational Psychologists are employed by Cheshire East?

The meeting commenced at 6.00 pm and concluded at 8.30 pm

Councillor G Baxendale (Chairman)
CHAIRMAN

Notice of Motion

Following the resolution of this Council on 25th January 2010 when it was,

Resolved

“To accept the vote from the people of Crewe and to reject a Town Council for Crewe at this time”;

in the light of the passage of time and the proposed Special Expenses Community Charge for the Town Crewe;

will this Council now return to the matters considered on the 25th January and ask the Constitution Committee to undertake a further Community Governance Review for Crewe

Cllr Dorothy Flude
Cllr Terry Beard.

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**Extract from the minutes of the meeting of Cabinet held on 20th
September 2010**

55 Local Development Framework - Process and Amendments to the Constitution

Consideration was given to the current arrangements for developing and finally approving the Local Development Framework (LDF) documents, and to proposed amendments to that process in order to streamline it whilst maintaining appropriate opportunities for members to be consulted and to contribute to the LDF preparation and approval process.

The Sustainable Communities Scrutiny Committee, and the Environment and Prosperity Scrutiny Committee, had considered the report on 2 and 14 September respectively, and their recommendations to Cabinet were circulated and noted.

RESOLVED

1. That the current arrangements for approving the LDF, and the recommendations of the Strategic Planning Board, the Sustainable Communities and the Environment and Prosperity Scrutiny Committees concerning the revised procedures, be noted.
2. That Council be recommended to approve the revised procedures for approving the LDF documents as set out in Appendix 2 of the report.
3. That Council be recommended to agree any necessary authority for the Borough Solicitor to make any necessary and consequential amendments to the Constitution including additions to the terms of reference of Strategic Planning Board.

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CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting: 20 September 2010
Report of: Borough Solicitor / Strategic Director Places
Subject/Title: Process for consideration and adoption of Local Development Framework (LDF) and amendments to the Constitution

1.0 Report Summary

- 1.1 This report sets out the current arrangement for developing and finally approving the LDF documents, and describes proposed amendments to streamline that process.
- 1.2 The report has been considered by Strategic Planning Board on 14 July, when no comments were raised. The Sustainable Communities and Environment and Prosperity Scrutiny Committees will also consider the documents on 2 and 14 September and the minutes of these meeting will be made available to Cabinet. The decision on the report is to be made by Council on 14 October.

2.0 Decision Requested

- 2.1 That Cabinet notes the current arrangements for approving the LDF and considers the comments made by the Strategic Planning Board, Sustainable Communities and Environment and Prosperity Scrutiny Committees concerning the revised procedures;
- 2.2 That Cabinet recommends that Council approve the revised procedures for approving the LDF documents as set out in Appendix 2;
- 2.3 That Cabinet recommends that Council agrees any necessary authority for the Borough Solicitor to make any necessary and consequential amendments to the Constitution including additions to the terms of reference of Strategic Planning Board.

3.0 Reasons for Recommendations

- 3.1 To streamline the process for approval of the LDF whilst maintaining appropriate opportunities for members to be consulted and to contribute to the LDF preparation and approval process.

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 All documents comprising the LDF are currently part of the Policy Framework, which in accordance with the Constitution must be finally approved by full Council. The alternative arrangements set out in this report seek to streamline the LDF process by removing some of these responsibilities from full Council, whilst still complying with the law.
- 6.2 Potentially, policies and documents included in the LDF may have climate change and/or health implications, although none can be specifically highlighted at this stage.

7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)

7.1 None.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The key pieces of legislation relating to this report are The Planning and Compensation Act 2004, the Town and Country Planning (Local Development) England) Regulations 2004 (SI 2004/2204) and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000/2853) as amended. The implications of this legislation are described in section 11 of this report.
- 8.2 The Council's Constitution makes provision for developing the budget and Policy Framework. Changing the route for approving the LDF documents involves a change to the Policy Framework. A process is set out for doing so. The process involves Cabinet initially drawing up proposals regarding any part of the Policy Framework (which includes the Local Development Framework, or LDF) and consultation on the initial proposals. The relevant Overview or Scrutiny Committees are to be consulted. Clearly in this instance it is also relevant to consult the Strategic Planning Board, given its proposed enhanced role in developing the LDF. Cabinet is then to draw up firm proposals having regard to consultation responses, and to submit these to the Council. The proposed timetable for the process is Cabinet on 19 July, Strategic Planning Board on 14 July, Sustainable Communities Scrutiny Committee on 2 September, Environment & Prosperity Scrutiny Committee on 14 September, Cabinet on 20 September and Council on 14 October.
- 8.3 It should be noted that the acceptance of this streamlined process does not, once implemented, preclude any decision maker from declining to

make a decision and referring the decision up to full Council if this is felt to be appropriate. That option remains open.

- 8.4 In the meantime, some LDF documents can be progressed through the existing process, and a separate report to Cabinet will be presented for this purpose. The future proposed procedure still remains relevant for all types of LDF documents, as it will provide for any future modifications of such documents.

9.0 Risk Management

- 9.1 The legal requirements for approving the LDF documents have been considered in formulating the recommendations in this report. Both the current and the proposed arrangements are considered to be legally compliant.

10.0 Background and Options

- 10.1 The Planning and Compensation Act 2004 provides a statutory duty obliging Local Planning Authorities to prepare and maintain a scheme known as the Local Development Framework (LDF). Following the revocation of Regional Spatial Strategies in July 2010, the Local Development Framework will become the statutory development plan for Cheshire East.
- 10.2 The LDF can be described as a “folder” of documents, comprising Local Development Documents (LDDs) which in turn are made up of Development Plan Documents (DPDs) and other documents. A list of all LDDs, with those which are also DPDs noted, is at Appendix 1. The distinction between the different types of document is important because it governs the decision making process within the Council.
- 10.3 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Functions Regulations”) set out the split of functions between the Executive (that is, Cabinet, or its individual members) and non-Executive (that is, full Council, or any other non-Executive committee to which full Council may choose to delegate such a function – in Cheshire East, this would be Strategic Planning Board). It is worth noting at this point that the term “Executive” in the Functions Regulations is simply an alternative term for “Cabinet”, which is the term which the Council prefers to use as the name for its Executive.
- 10.4 The Functions Regulations provide that DPDs under the Planning and Compensation Act 2004 (i.e. part of the category of LDDs) are not to be dealt with solely by the Executive. Moreover, the actual final adoption of DPDs cannot be done by the Executive. However, the Executive can be involved in the evolution of such documents. It is important to distinguish between the “evolution” stages of the documents, comprising the interim development stage, then the submission stage (where necessary) then finally the adoption/approval stage. It is the publication/submission

stage, and the adoption/approval stage to which the regulations constraining the decision making process apply. More flexibility is available in setting out the steps involved in the earlier stages of the process.

- 10.5 DPDs, according to Regulations made under the 2004 Act, comprise:
- the Core Strategy,
 - Area Action Plans, and
 - any other document including a site allocation policy.
- 10.6 These three documents must be finally approved at non-Executive level, which means full Council, or, should full Council agree, Strategic Planning Board. That does not, however, preclude Executive input, or input from any other appropriate part of the Council, into developing these documents, and having regard to the strategic importance of these documents, it is good practice to provide for this input. Additionally, there may be some documents which do not have to be finally approved by full Council, but which, because of their overarching significance, the Council may choose to include in this category. It is suggested that the Statement of Community Involvement is such a document.
- 10.7 Other LDDs, which are not DPDs, may be finally approved by the Executive (i.e. Cabinet) or, subject to the necessary delegation, the relevant individual Portfolio Holder. The function of dealing with LDF matters has since 1 April 2009 been delegated to the Portfolio Holder for Performance and Capacity.
- 10.8 Based on the reasoning above, the Core Strategy, Area Action Plans, and Site Allocation Policies must be finally approved at non-Executive level. This can be full Council or SPB. In passing, it is worth noting that on 5 May, Strategic Planning Board received two reports outlining the future impact on the Council of the Community Infrastructure Levy (CIL) and the Infrastructure Planning Commission. These issues impact on the Core Strategy. In the circumstances, and having regard generally to its particular strategic importance as part of the LDF it is suggested that the Core Strategy should remain to be finally approved by full Council. Although the Statement of Community Involvement is not a policy document, and not a DPD, its importance as the Council's overall statement of how the community will be involved in the preparation of the LDF suggests that it should also be finally approved by full Council.
- 10.9 Area Action Plans, and documents including Site Allocation policies, as DPDs, must be approved at non-Executive level, although it is suggested that this may be Strategic Planning Board rather than full Council.
- 10.10 Other LDDs which are not DPDs can be finally approved at Cabinet level, although this is not mandatory. SPB's Terms of Reference already include exercising a consultation and advisory role, commenting upon the content of the proposed planning policy and upon the effectiveness

of existing policies employed in development control decisions. It is suggested that SPB should first contribute to the development of these documents, and make final recommendations to Cabinet.

11.0 Overview of Year One and Term One Issues]

- 11.1 The current LDF approval arrangements were inserted into the Council's Constitution which was approved when the Council took up its full functions after its shadow period on the basis that Council approval of all LDF documents was legally compliant, but may be worthy of further consideration once the Council's systems had developed. Now that the Council has been in existence for more than a year, the opportunity can be taken to review and streamline the system.

12.0 Access to Information

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

Name: Julie Openshaw

Designation: Legal Team Manager (Places, Regulatory and Compliance (Deputy Monitoring Officer)

Tel No: 01270 685846

Email: Julie.openshaw@cheshireeast.gov.uk

Name: Adrian Fisher

Designation: Head of Planning and Policy

Tel No: 01270 686641

Email: Adrian.fisher@cheshireeast.gov.uk

Appendix 1 – List of LDDs (with DPDs shown)

- Core Strategy (DPD)
- Site Specific allocations (DPD)
- Area Action Plans e.g. Congleton Town Centre, Middlewich Canal Corridor (DPD)
- Local Development Scheme
- Statement of Community Involvement
- Annual Monitoring Report
- Supplementary Planning Documents (including Village Design Statements, Policy SPDs e.g. Affordable Housing, Planning Contributions)
- Area Supplementary Planning Documents, e.g. Alsager Town Centre

Appendix 2

Type of Document	Portfolio Holder	Cabinet	Strategic Planning Board	Council
The Core Strategy				
Interim Stage		2	1	
Submission Stage		2	1	3
Adoption stage		2	1	3(final)

Type of document	Portfolio Holder	Cabinet	Strategic Planning Board	Council
Site Specific Allocations and Area Action Plans				
Interim Stage		2	1	
Submission Stage		1	2	
Adoption Stage	1		2	3 (final)

Type of document	Portfolio Holder	Cabinet	Strategic Planning Board	Council
Local Development Documents (LDDs) which are not Development Plan Documents (DPDs) *				
Interim Stage	2		1	
(no submission stage)	N/A	N/A	N/A	N/A
Adoption Stage	2 (final) **	2 (final)**	1	

* Including:

- Local Development Scheme,
- Annual Monitoring Report,
- Supplementary Planning Documents (SPDs) - including Village Design Statements, Policy SPDs such as Affordable Housing Contributions, and Area SPDs such as Town Centre SPDs)

** N.B. Final approval of this category of documents may be effected by the Portfolio Holder, provided that the Council's delegations to that Member so allow, or by full Cabinet.

Type of document	Portfolio Holder	Cabinet	Strategic Planning Board	Council
Statement of Community Involvement				
Adoption	2		1	3 (final)

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Attached are the recommendations to Cabinet from the Sustainable Communities Scrutiny Committee on 2 September and the Environment and Prosperity Scrutiny Committee on 14 September.

ITEM 10 LDF PROCESS AND AMENDMENTS TO THE CONSTITUTION

RESOLVED-

- (a) That the current arrangements for approving the LDF are noted;
- (b) That the consultation process within the Council to take this matter forward, as described at Section 9.2 of the Cabinet report, be noted and commenced;
- (c) That it be noted that subject to the outcome of the consultation process, Cabinet be invited to make recommendations to full Council regarding the alternative arrangements described in the table at Appendix 2;
- (d) That it be noted that recommendations to full Council will need to address any necessary authority for the Borough Solicitor to make any necessary and consequential amendments to the Constitution including additions to the terms of reference of Strategic Planning Board.

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COUNCIL MEETING – 14TH OCTOBER 2010**Extract from the Minutes of the Constitution Committee Meeting on 30th September 2010****Review of the Constitution**

The Committee considered proposed changes to the Council and Committee Procedure Rules as part of the review of the Council's Constitution.

Cabinet Members and Directors had been consulted and no specific matters had been raised. However, Democratic Services Officers had identified the following issues:

1. The Constitution was silent on the specific requirements relating to the Local Government Act in relation to timescales for holding the Annual Meeting of Council. The following was therefore proposed:

“ANNUAL MEETING OF THE COUNCIL

Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May on a date the Council will decide at or before their last meeting prior to the Annual General Meeting. In the absence of a decision or statutory provision to the contrary the day will be the third Thursday in May.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve as a correct record and sign the minutes of the last meeting;
- (v) receive any communications from the Mayor;
- (vi) receive any declarations of interest from members;
- (vii) appoint the Overview and Scrutiny Committees, the Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions;

(viii) consider any business set out in the notice convening the meeting.”

2. The Constitution was silent on the Order of Business for ordinary Council meetings. This should be listed so that members, officers and the public had certainty. The following was therefore proposed:

“Council will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve as a correct record and sign the minutes of the last meeting;
- (iii) receive any communications from the Mayor;
- (iv) receive any declarations of interest from members;
- (v) deal with any business outstanding from the previous Council meeting;
- (vi) receive questions from the public;
- (vii) receive any recommendations from the Cabinet or any Council Committee;
- (viii) receive questions from Members;
- (ix) consider any motions moved without notice;
- (x) consider any motions;
- (xi) consider any urgent items;
- (xii) consider any other business set out in the notice.”

3. The existing provision relating to special Council meetings was considered incomplete and the following was proposed in its place:

“EXTRAORDINARY MEETINGS

Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;

- (iii) the Monitoring Officer; and
- (iv) any eight members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

Only business for which the extraordinary meeting has been called may be considered.”

4. The Constitution was silent on the control of agenda items. The agreed arrangements for pre-agenda meetings should be reflected in the Constitution. These provided for the Chairman or, in his absence, the Vice-Chairman to settle committee agendas.

RESOLVED

That Council be recommended to approve the proposed additions to the Council and Committee Procedure Rules as set out above and the Constitution be amended accordingly.

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	30 th September 2010
Report of:	Democratic Services Manager
Subject/Title:	Review of the Constitution

1.0 Report Summary

- 1.1 To recommend proposed changes to the Council and Committee Procedures as part of the review of the Council's Constitution.

2.0 Decision Requested

That the Committee consider the proposals set out in the report, together with any other matters raised by Members, and where it considers appropriate, make recommendations to Council

3.0 Wards Affected

- 3.1 All Council Wards are affected by the Constitution, which has application across the Borough.

4.0 Local Ward Members

- 4.1 All local Ward Members are affected for the reasons set out in paragraph 3.0.

5.0 Policy Implications

- 5.1 The Constitution sets out the procedures by which Council policy is set. Any proposed changes to the Constitution would need to align with the requirements of legislation which often stipulates the Council decision-making route associated with the adoption of policies.

6.0 Financial Implications

- 6.1 There are no financial implications associated with the proposed review.

7.0 Legal Implications

- 7.1 Any changes to the Constitution would need to be agreed by Council, following a recommendation from the Constitution Committee. Proposed changes would need to align with any statutory requirements.

8.0 Risk Management

- 8.1 There would appear to be no risks associated with this element of review of the Constitution. The proposed review will provide an opportunity to ensure that all elements of the document are consistent with one another.

9.0 Background

- 9.1 The Constitution is a document of significant size and critical importance to the work of the Council. In its 450 pages, it provides important information about the Council, its Members and officers. It also provides a record of the officer and Member processes which underpin all decisions made by the Council. The rules by which Council, Committee and Cabinet business are conducted are recorded in the Constitution.
- 9.2 This information is not only of great importance to Members, officers and members of the public, in order for them to understand the Council's decision-making processes and rules; it is also of critical importance in directing the way in which decisions are made. Failure to follow the procedural requirements of the Constitution could invalidate decisions made.
- 9.3 The Constitution is published on the Council's website, and is available to all Members. It ensures transparency of decision-making and enables all who are interested in doing so, to check that procedures have been followed properly. Members of the public and other interested parties are able to influence decisions made by reference to the procedures and mechanisms set out in the Constitution.
- 9.4 The preparation of the Council's existing Constitution had to be carried out within a narrow timeframe but the Constitution is robust and fit for purpose. The Council has approved a number of refinements to it was originally approved. The Constitution continues to serve the Council well, but the Committee agreed at its last meeting that a review of the Constitution should take place. It agreed a schedule to help manage the process.
- 9.7 The Committee agreed that it would consider Council and Committee Procedure Rules at this meeting. Cabinet Members and Directors have been consulted and no specific matters have been raised.
- 9.8 Democratic Services Officers have identified the following issues:-
1. The Constitution is silent on the specific requirements relating to the Local Government Act in relation to timescales for holding the Annual Meeting of Council.

Set out below is a proposal.

ANNUAL MEETING OF THE COUNCIL

Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May on a date the Council will decide at or before their last meeting prior to the Annual General Meeting. In the absence of a decision or statutory provision to the contrary the day will be the third Thursday in May.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
 - (ii) elect the Mayor;
 - (iii) elect the Deputy Mayor;
 - (iv) approve as a correct record and sign the minutes of the last meeting;
 - (v) receive any communications from the Mayor;
 - (vi) receive any declarations of interest from members;
 - (vii) appoint the Overview and Scrutiny Committees, the Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions;
 - (viii) consider any business set out in the notice convening the meeting.
2. The Constitution is silent on Order of Business for ordinary Council meetings. This should be listed so that members, officers and the public have certainty.

Set out below is a proposal.

Council will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve as a correct record and sign the minutes of the last meeting;
- (iii) receive any communications from the Mayor;

- (iv) receive any declarations of interest from members;
 - (v) deal with any business outstanding from the previous Council meeting;
 - (vi) receive questions from the public;
 - (vii) receive any recommendations from the Cabinet or any Council Committee;
 - (viii) receive questions from the public;
 - (ix) consider any motions moved without notice;
 - (x) consider any motions;
 - (xi) consider any urgent items.
3. The Constitution is silent on the control of agenda items. The agreed arrangements for pre-agenda meetings should be reflected in the Constitution. These provide for the Chairman or, in his absence, the Vice-Chairman to settle committee agendas.

10.0 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 686670

Email: Brian.reed.@cheshireeast.gov.uk

COUNCIL MEETING – 14TH OCTOBER 2010**Extract from the Minutes of the Constitution Committee Meeting on 30th September 2010****Honorary Aldermen and Freeman**

The Civic Sub-Committee had previously considered a report on matters relating to the Honorary Aldermen and Freeman of Cheshire East Council who had been admitted from the demised authorities.

Cheshire East Council now needed to consider its own arrangements. A draft Scheme had been drafted for Members' consideration as attached as Appendix 5 to the report to the Sub-Committee.

The Sub-Committee had resolved that the draft scheme be recommended to the Constitution Committee subject to the following:

1. for the purposes of the scheme, the term 'eminent service' shall mean a minimum of 12 years' service, whether consecutive or otherwise;
2. the rights and privileges previously afforded to County Honorary Aldermen as set out in Appendix 4 shall be conferred on newly-appointed Honorary Aldermen in Cheshire East and incorporated into the scheme accordingly, subject to the following amendments:
 - a. parking passes shall be provided for Westfields and Macclesfield Town Hall
 - b. a life pass to Tatton Park and its facilities shall be granted to an Honorary Alderman and one guest
3. the rights and privileges conferred on Honorary Aldermen under this Scheme shall also apply to newly-appointed Honorary Freeman; and
4. where the title of Honorary Freeman has been conferred on a body or organisation, an appropriate representative of that body shall be invited to attend any relevant functions.

The Constitution Committee considered the Sub-Committee's recommendations.

Members agreed that for the purpose of calculating 12 years' service, Members who had served on both the County and a District Council within Cheshire East, or on the shadow authority, should have the number of years' service on each body taken into account separately.

Members also had regard in particular to the arrangements for providing Honorary Aldermen and Freeman with access to parking facilities and to key civic functions such as the County Show and the RHS Show. Members felt that any arrangements should apply indiscriminately to all Cheshire East

Aldermen and Freeman irrespective of the rights and privileges bestowed on them by individual legacy authorities. Members also recognised the need to consider carefully the potential resource implications of any such privileges.

During consideration of this matter, Members also felt that the arrangements for serving councillors should also be clarified, particularly with regard to attendance at civic functions.

It was clear from the discussion that more information was required in certain areas and that some aspects of the scheme would need to be deferred for further consideration.

RESOLVED

That the draft scheme relating to the appointment, rights and privileges of Honorary Aldermen and Freeman as set out at Appendix 5 to the report to the Civic Sub-Committee be recommended to Council for adoption and incorporation into the Constitution subject to the following:

1. for the purposes of the scheme, the term 'eminent service' shall mean a minimum of 12 years' service, whether consecutive or otherwise. Where a Member has served on more than one former authority of Cheshire East, whether concurrently or otherwise, including the shadow authority, the service with each authority shall be taken into account separately for the purpose of determining eminent service.
2. Honorary Aldermen of Cheshire East Council shall enjoy such privileges as may properly be conferred by the Council from time to time and in particular shall be entitled:
 - (1) to attend civic receptions and other civic functions or ceremonies to which all Members of the Council are invited and to be provided with a car parking pass, and where the spouses and partners of Members are able to attend so shall the spouses and partners of Aldermen;
 - (2) to attend meetings of the Full Council and be provided with a car parking pass and be allocated a seat in the reserved part of the Council Chamber, and receive Council papers, including Part 1 reports, by email or post as desired;
 - (3) to be notified on a regular basis of significant civic matters by the Democratic Services Manager, including the deaths of Members, former Members and Honorary Aldermen/Freemen;
 - (4) to be provided with a pass on request when visiting Council premises;
3. the rights and privileges conferred on Honorary Aldermen under this Scheme shall also apply to Honorary Freeman;

4. where the title of Honorary Freeman has been conferred on a body or organisation, an appropriate representative of that body shall be invited to attend any relevant functions;
5. a further report be submitted to the Committee's next meeting dealing with the rights and privileges of Honorary Aldermen/Freemen and serving councillors in relation to attendance at civic functions, including the County Show and RHS Show, and access to Tatton Park, the report to include any resource implications and the rationale for any charges involved.

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APPENDIX A

Extract from the minutes of the Civic Sub-Committee's meeting of 3rd August 2010

4. HONORARY ALDERMEN AND FREEMEN

The Sub-Committee considered proposals relating to the Honorary Aldermen and Freemen of Cheshire East Council who were admitted under the Local Government (Structural Changes) (Transitional Arrangements) (No2) Regulations 2008.

The Sub-Committee had previously considered a report on matters relating to the Honorary Aldermen and Freemen of Cheshire East Council who had been admitted from the demised authorities. A provisional list of Honorary Aldermen and Freemen, who had been admitted by the demised authorities, had been circulated at the previous meeting together with a list of rights and privileges that had been extended to them. The Civic Sub-Committee had resolved that the Democratic Services Manager write to all Members of the Council with a view to confirming the accuracy of the list of Honorary Aldermen and Freemen and to consult with all Members of the Council on what rights and privileges should be granted by Cheshire East Council.

Cheshire East Council now needed to consider its own arrangements. A draft Scheme had been drafted for Members' consideration which dealt with:

- the criteria for the appointment of Honorary Alderman and Freemen;
- the rights and duties to be conferred on Honorary Alderman and Freeman;
- the order of proceedings for the ceremony for their admission; and
- arrangements for their attendance at meetings and events and notification of events.

RESOLVED

That the draft scheme relating to the appointment, rights and privileges of Honorary Aldermen and Freemen as set out at Appendix 5 to the report be approved and recommended to the Constitution Committee subject to the following:

1. for the purposes of the scheme, the term 'eminent service' shall mean a minimum of 12 years' service, whether consecutive or otherwise;
2. the rights and privileges previously afforded to County Honorary Aldermen as set out in Appendix 4 shall be conferred on newly-appointed Honorary Aldermen in Cheshire East and incorporated into the scheme accordingly, subject to the following amendments:

- a. parking passes shall be provided for Westfields and Macclesfield Town Hall
 - b. a life pass to Tatton Park and its facilities shall be granted to an Honorary Alderman and one guest
 3. the rights and privileges conferred on Honorary Aldermen under this Scheme shall also apply to newly-appointed Honorary Freeman; and
 4. where the title of Honorary Freeman has been conferred on a body or organisation, an appropriate representative of that body shall be invited to attend any relevant functions.
-

Note:

The recommendations of the Sub-Committee make reference to the issuing of parking passes for Westfields and Macclesfield Town Hall. The Car Parking Team has been consulted on the implications of this and has expressed concerns about placing further demands on the limited parking capacity at the two sites. The Committee may therefore wish to revise the scheme to take into account their comments concerning the capacity at Westfields and other car parks. The provision of life passes for Tatton Park has no implications.

A proposal is set out below.

5. An Honorary Alderman of the Cheshire East Council shall enjoy such privileges as may properly be conferred by the Council from time to time and in particular shall be entitled:
 - (1) to attend civic receptions and other civic functions or ceremonies to which all Members of the Council are invited *and to be provided with a car parking space* and where the spouses and partners of Members are able to attend so shall the spouses and partners of Aldermen;
 - (2) to attend meeting of the Full Council *and to be provided with a car parking space* and to be allocated a seat in the reserved part of the Council Chamber;
 - (3) to be notified on a regular basis of significant civic matters by the Democratic Services Manager;
 - (4) *to be provided with a life pass for Tatton Park;*
 - (5) *to be provided with a pass on request when attending visiting Council premises.*

The Committee is asked to consider the additional information and what changes if any it wishes to make to the Scheme and recommend it to Council for approval.

CHESHIRE EAST COUNCIL

Civic Sub Committee

Date of Meeting: 3 August 2010
Report of: Democratic Services Manager
Subject/Title: Honorary Aldermen and Freeman

1.0 Report Summary

- 1.1 To make recommendations upon several matters relating to the Honorary Aldermen and Freeman of Cheshire East Council who were admitted under the Local Government (Structural Changes) (Transitional Arrangements) (No2) Regulations 2008. This includes the benefits, rights and privileges to which they should be entitled. Recommendations are also made in respect of the criteria for the appointment of Honorary Alderman and Freeman.

2.0 Recommendations

That the Civic Sub-Committee make recommendations to the Constitution Committee upon the benefits, rights and privileges to which Honorary Aldermen and Freeman should be entitled and the criteria for the appointment of Honorary Alderman and Freeman.

3.0 Financial Implications

- 4.1 Section 249 (6) of the Local Government Act 1972 allows Councils to spend 'such reasonable sum as they think fit' on presenting an address or casket containing the address to the Honorary Alderman or Freeman. Excluding any charges for a civic reception the cost of a framed scroll and a gift to commemorate the award of the title of Honorary Aldermen or Freeman are estimated to be a maximum of £1000. Any costs associated with the benefits, rights and privileges to which Honorary Aldermen and Freeman might be entitled will be met from the Civic and Democratic Services budgets.

4.0 Legal Implications

- 4.1 Section 248 of the Local Government Act 1972 permits the council of a relevant authority, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, to admit to be Honorary Freeman of the borough persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the borough.

- 4.2 With regard to Honorary Aldermen, under the provisions of Section 249 of the Local Government Act 1972, “a principal council may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the title of honorary aldermen on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are not then members of that council”.
- 4.3 Sections 32 and 33 of the Local Government (Structural Changes) (Transitional Arrangements) (No2) Regulations 2008 confirm that a person who has been admitted as an Honorary Alderman or Freeman of a local government area that has been abolished shall be treated as being admitted as an Honorary Alderman and Freeman of the new reorganised area.
- 4.4 Part 1 Chapter 5 – of the Local Democracy, Economic Development and Construction Act 2009 makes new provisions on Local Freedoms and Honorary titles and amends Sections 248 and 249 of the Local Government Act 1972. These measures extend existing privileges to include the daughters as well as sons of a Freeman of a city or town, and provide for women to use the title of ‘Honorary Freewoman’. A civil partner will be in the same position as a spouse or surviving spouse of a person admitted to the Freedom of a city or town. The honorary title of ‘Honorary Alderwoman’ may also be awarded. This legislation came into force on 1st April 2010 and is intended to make changes which have not already been made by principal councils.

5.0 Risk Management

- 5.1 No issues can be identified as arising from the proposals contained in this report.

6.0 Background

- 6.1 At a meeting of the Civic Sub-Committee held earlier this year Members considered a report on matters relating to the Honorary Aldermen and Freeman of Cheshire East Council who had been admitted from the demised authorities.
- 6.2 A provisional list of Honorary Aldermen and Freeman, who were admitted by the demised authorities, was circulated at the meeting together with a list of rights and privileges that had been extended to them.
- 6.3 The Civic Sub-Committee resolved that the Democratic Services Manager write to all Members of the Council with a view to confirming the accuracy of the list of Honorary Aldermen and Freeman and to consult with all Members of the Council on what rights and privileges should be granted by this Council.

- 6.4 A letter was sent to all Members seeking their views on these different matters.
- 6.5 Following consultation with Members a revised list of Honorary Aldermen and Freeman, who have been admitted by the demised authorities has been prepared. This is attached at Appendix 1. The rights and privileges that each authority had conferred upon Honorary Aldermen is attached at Appendix 2. Attached at Appendix 3 is a copy of the letter sent to members. Appendix 4 summaries the responses received.
- 6.6 Correspondence on this matter has also been received from Honorary Alderman Melrose and she has given additional information that is included in Appendix 4.
- 6.7 Generally an Honorary Alderman may attend and take part in such civic ceremonies as the council may from time to time decide but shall not have the right to:
- Attend meetings of the council, cabinet or a committee of the council other than as a member of the public (including a joint committee upon which the council is represented)
 - To receive any of the allowances or other payments to which councillors are entitled.
- 6.8 The admission of a person to be an Honorary Freeman does not confer the rights granted to be an Honorary Alderman.
- 6.9 Every Council should have its own criteria for the appointment of Honorary Alderman, a list of rights and duties and its own ceremony for their admission.
- 6.10 Cheshire East Council needs to consider its own arrangements. Attached at Appendix 5 is a Scheme for the appointment of Honorary Alderman and Freeman. The Scheme confirms the rights an privileges that the Council will confer and includes an indicative Order of Proceedings for the Ceremony.

7.0 Proposals for the Sub Committee to Consider?

Set out below are the main matters for the Sub Committee to consider:

- the criteria for the appointment of Honorary Alderman and Freeman
- a list of rights and duties conferred on Honorary Alderman and Freeman
- the ceremony for their admission

- arrangements for their attendance at meetings and events and notification of events

8.0 Access to Information

- 8.1 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 686670

Email: brian.reed@cheshireeast.gov.uk

Appendix 1

ALDERMEN AND FREEMAN OF THE FORMER CHESHIRE COUNTY AND BOROUGH COUNCILS

Prior to disbandment on 31 March 2009, Cheshire County Council, Crewe & Nantwich Borough Council, Congleton Borough Council and Macclesfield Borough Council had conferred the title of Honorary Alderman and Freeman onto the following recipients:

Cheshire County Council

Alderman

Mrs J E Hill	Pre 1998
Mr D P Hood	Pre 1998
Mr Alan Barnes	2001
Mrs Margaret Melrose DL	2001
Mr David Palmer	2001
Mr William Talbot	2001
Mr D A Bould	2005
Mr K A Hemsley	2005
Cllr John Paul Findlow	2009
Mr John Gordon Alexander Fyffe	2009
Mr Barrie Rushworth Hardern	2009
Mr David Lloyd-Griffiths	2009
Cllr Peter Herbert Mason	2009
Cllr Arthur Moran	2009
Mr David John Newton DL	2009
Mr Peter Nurse	2009
Mr Neville Thomas Price	2009
Cllr Stephen Roger Wilkinson	2009

No Honorary Freemen have been admitted. Advice from the Former County Secretary suggests that the County was not empowered to do so.

Crewe and Nantwich Borough Council

Alderman

Mr Wilfred Talbot	1979
Mr Alan Gilderthorpe Chapman	1990
Mr John Michael Bedson JP	1991
Mr Roland Peter Birchall	1995
Mr Richard A Ellwood	1999
Leslie Cooper	1999
Mr Douglas Neville Butterill	2005
Mr Peter Kent	2009
Mr Howard Curran	2009
Mrs Maureen Grant	2009
Mr Steve Hogben	2009
Mr Michael Roberts	2009
Mr Steven Roberts	2009
Mr Gwyn Griffiths	2009
Mr Ray Stafford	2009
Mr Ron Salmon	2009
Mr Leslie Wood	2009
Cllr Terry Beard	2009
Cllr Brian Silvester	2009
Cllr Christopher Thorley	2009
Cllr Stanley Davies	2009

Freeman

The 22nd (Cheshire) Regiment	1986
Mrs Anne B Blacklay BSc	1989
HMS Ambuscade (de-commissioned)	1993
Mr John Michael Bedson JP	1998
Mr Michel-Antoine Rognard	2001
Mr Edward John Bowler	2003
Mr Dario Gradi MBE	2003

Congleton Borough Council

Alderman

Mr R Tomlinson	1998
Mr R C Parry	2004
Mr K A Hemsley	2004
Mrs K A Thompson	2004
Mr M J Cooper	2009
Mr T Farrell	2009
Mr R A Giltrap	2009
Mr L Morris	2009
MR F Walton	2009
Cllr D T Brown	2009
Cllr RM Domleo	2009
Cllr P J Edwards	2009
Cllr RI Fletcher	2009
Cllr DI Hough	2009

Freeman

Mr G Chambers	2009
First Battalion of the Mercian Regiment was also a Freeman of the Borough	

Macclesfield Borough Council

Alderman

Mr P. O. Davies	2009
Mrs. S. L. Hardern	2009
Mr K. Jagger	2009
Mr A. Wall	2009
Mr R. F. Short	2009
Mrs. M. D. Clampett	2009
Mrs. D. M. Millett	2009
Mrs. J. M. Barnes	2009
Mr N. H. Edwards	2009
Councillor Miss C.M. Andrew	2009
Mr G W Wright	2009
Councillor P. P. Whiteley	2009
Councillor J. B. Crockatt	2009
Mr B E Burkhill	2009
Councillor Mrs T Jackson	2009
Councillor Mrs A I E Harewood	2009
Mrs J. M. Palmer	2009
Mrs J.A. Jackson	2009
Mrs S. E. Roberts	2009

Freeman

Margaret Duddy OBE	2002
Sir Nicholas Winterton MP	2002
The Kings School, Macclesfield	2002
The Cheshire Regiment was also a Freeman of the Borough	

Appendix 2

CRITERIA FOR THE APPOINTMENT OF HONORARY ALDEREMAN AND THE RIGHTS AND PRIVILEGES CONFERRED BY THE FORMER CHESHIRE EAST COUNCILS

Cheshire County Council

SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN

1. The Organisation Committee shall have the duty of submitting, from time to time, to the full Council, the names of past Members of the Council who, in the opinion of the Committee, have rendered eminent services to the Council and on whom should be conferred the title of "Honorary Alderman" in accordance with the provisions of Section 249 of the Local Government Act 1972.
2. When the Committee has approved such a recommendation, the Chief Executive, in consultation with the Chairman of the Council, shall convene a special meeting of the Council for the purposes of considering the proposition that the title of Honorary Alderman be conferred on the person or persons recommended by the Committee.
3. The resolution of the Council conferring the title of Honorary Alderman on a former Member shall be suitably engrossed and embodied in a Roll of Honorary Aldermen of the Cheshire County Council.
4. The Roll of Honorary Aldermen shall be kept by the County Secretary.
5. An Honorary Alderman of the Cheshire County Council shall enjoy such privileges as may properly be conferred by the Council from time to time and in particular shall be entitled:
 - (1) to attend civic receptions and other civic functions or ceremonies to which all Members of the Council are invited;
 - (2) to attend meeting of the County Council and to be allocated a seat in the Council Chamber;
 - (3) to use, by invitation, the facilities in the Group Rooms;
 - (4) to receive the privileges accorded to Members of the Council in respect of admission to Tatton Park.
6. For the purposes of this Scheme the term "eminent services" shall mean three full terms of office and/or service as Chairman or Vice-Chairman of the Council and/or the holding of a senior political office.

PRIVILEGES

As set out in Section 5 above.

Crewe and Nantwich Borough Council

SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN

The title of Honorary Alderman was normally awarded to long serving Members on retirement.

PRIVILEGES

The privileges were the same as those for Honorary Freemen which were invitations to all major civic events and copies of the Borough Council Agenda and Minutes.

Congleton Borough Council

SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN

The title of Honorary Alderman was normally awarded to long serving Members on retirement.

PRIVILEGES

Invitations to all major civic events.

Macclesfield Borough Council

SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN

To be considered for the appointment of Honorary Alderman Members had either been Mayors of the Borough and/ or are still serving Councillors who have completed over three terms of office as Councillor.

PRIVILEGES

Invitations to all major civic events.

Appendix 3

To All Members of the Council

Brian Reed

Democratic Services Manager

Westfields, Middlewich Road

Sandbach, Cheshire

CW11 1HZ

Tel: 01270 686670

Fax: 01270 529891

email: brian.reed@cheshireeast.gov.uk

DATE: 26th March 2010
REF:

OUR REF:

YOUR

Dear Member

Honorary Freeman and Alderman

At a recent meeting of the Civic Sub-Committee, Members considered a report on several matters relating to the Honorary Aldermen and Freeman of the Council who had been admitted from the demised East Cheshire authorities.

A provisional list of Honorary Aldermen and Freeman, who were admitted by the demised East Cheshire authorities, was circulated at the meeting.

In addition, information was also circulated on the rights and privileges that each authority had conferred upon Honorary Aldermen.

The Civic Sub-Committee will consider this matter further in due course, but before doing so asked that I write to all Members of the Council with a view to confirming the accuracy of the list of Honorary Aldermen and Freeman and to consult with all Members of the Council on what rights and privileges should be granted by this Council.

I should be grateful therefore if you would consider the attached provisional list of Honorary Aldermen and Freeman to confirm its accuracy. Secondly please could you consider the rights and privileges that each authority had conferred upon Honorary Aldermen and let me have your views upon them?

The intention is that the Council should have its own criteria for the appointment of Honorary Aldermen and a list of rights and duties together with a civic ceremony for their Admission.

Yours sincerely

Democratic Services Manager

Appendix 4
Summary of Responses

Name of Respondent	Comment
Councillor Brown	Correction of Name
Councillor Thorley	Addition of Wilfred Talbot
Councillor Gilbert	Confirmation that list is correct in so far as he is aware
Councillor Stella Furlong	Confirmation that list is correct in so far as she is aware
Councillor Topping	Confirmation that list is correct in so far as he is aware
Councillor Hammond	Addition of First Battalion of the Mercian Regiment (Cheshire)
Councillor Carolyn Andrew	Confirmation that list is correct in so far as she is aware

In addition to the above the Council has received correspondence on this matter from Alderman Margaret Melrose. She anticipates that Cheshire East Council will remain in regular contact with Alderman and has notified the Council of the following privileges that were extended to Aldermen by Cheshire County Council.

“County Alderman were:-

- 1. Invited to all meetings of the full Council*
- 2. Sent all papers for the meeting at the same time as Councillors*
- 3. Given a seat in the Council Chamber (not staff or visitors galleries)*
- 4. Invited to all functions to which the whole Council were invited, with spouses if Councillors spouses were invited*
- 5. Provided with a top grade parking pass for all council premises and space provided*
- 6. Given a life pass to Tatton Park and all its facilities*
- 7. Given a pair of tickets for one day at the County Show at Tabley and a pair of tickets for one day at the RHS Flower Show at Tatton and invited to the Chairmen’s Lunch on both occasions (paid for by the Alderman)*
- 8. Provided with Internal Telephone directory and Council Calendar”*

Appendix 5

SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN AND FREEMEN

1. The Civic Sub Committee shall have the duty of submitting, from time to time, to the full Council, the names of past Members of the Council who, in the opinion of the Sub Committee, have rendered eminent services to the Council and on whom should be conferred the title of "Honorary Alderman" or "Honorary Alderwoman" in accordance with the provisions of Section 249 of the Local Government Act 1972.
2. The Civic Sub Committee shall have the duty of submitting, from time to time, to the names of persons of distinction and persons who have, in the opinion of the Sub Committee, rendered eminent services to the borough who have rendered eminent services to the Council and on whom should be conferred the title of "Honorary Freeman" or "Honorary Freewoman" in accordance with the provisions of Section 248 of the Local Government Act 1972.
3. When the Sub Committee has made such a recommendation, the Constitution Committee shall consider the recommendation and if approved will request the Chief Executive, in consultation with the Mayor and Leader of the Council, to convene a special meeting of the Council for the purposes of considering the proposition that the title of Honorary Alderman or Honorary Freeman be conferred on the person or persons recommended by the Sub Committee.
4. The resolution of the Council conferring the title of Honorary Alderman on a former Member or Honorary Freeman shall be suitably engrossed and embodied in a Roll of Honorary Aldermen and Honorary Freeman of Cheshire East Council. A framed scroll and civic gift will be presented
4. The Roll of Honorary Aldermen and Honorary Freeman shall be kept by the Borough Solicitor.
5. An Honorary Alderman of the Cheshire East Council shall enjoy such privileges as may properly be conferred by the Council from time to time and in particular shall be entitled:
 - (1) to attend civic receptions and other civic functions or ceremonies to which all Members of the Council are invited and where the spouses and partners of Members are able to attend so shall the spouses and partners of Alderman;
 - (2) to attend meeting of the Full Council and to be allocated a seat in the public part of the Council Chamber;
 - (3) to be notified on a regular basis of significant civic matters by the Democratic Services Manager.

6. For the purposes of this Scheme the term “eminent services” shall mean ten years of office and/or service as Leader of the Council or Mayor. (Note for those Members who served on the demised authorities this service will be taken in to account for the purposes of calculating years of office.)
7. An Honorary Freeman of the Cheshire East Council shall enjoy such privileges as may properly be conferred by the Council from time to time and in particular shall be entitled to attend civic receptions and other civic functions or ceremonies to which all Members of the Council are invited and where the spouses and partners of Members are able to attend so shall the spouses and partners of Freeman.

CEREMONY FOR THE APPOINTMENT OF HONORARY ALDERMEN AND FREEMEN

The Mayor will open the meeting and welcome everybody to the Meeting

The Leader will move a formal motion

The Mayor will invite a Member to second the motion

The Leader will give a tribute

The Mayor will invite other members to give tributes

The Mayor will invite the Council to pass the formal resolution

The Mayor will invite the recipient(s) to come forward and sign the Roll of Honorary Alderman and Freeman

The Mayor will present a scroll and civic gift to the recipient

The recipient will give a response

The Mayor will conclude proceedings and invite Members and guests to attend a civic reception

COUNCIL MEETING – 14TH OCTOBER 2010**Extract from the Minutes of the Constitution Committee Meeting on 30th September 2010****Flag Flying Policy**

The Civic Sub-Committee had considered proposals for a flag flying policy for civic buildings in Cheshire East as appended to the report to the Sub-Committee.

The policy covered those occasions on which it would be appropriate to fly different flags from the Council's public buildings, in particular the Union Flag, English National Flag, Cheshire East Borough Flag, Armed Forces Flag and the national flags of overseas visitors. The manner of flying the flag in particular circumstances was also dealt with. The Sub-Committee had agreed that the Union Flag should also be flown at half mast in the event of the death of a soldier from the Mercian Regiment whilst on active service.

The Sub-Committee had recommended the proposed Flag Flying Policy to the Constitution Committee.

RESOLVED

That the proposed Flag Flying Policy in respect of civic buildings in Cheshire East be recommended to Council for approval.

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APPENDIX C**Extract from the minutes of the Civic Sub-Committee's meeting of 3rd August 2010****6 FLAG FLYING POLICY**

Members were asked to consider proposals for a flag flying policy for civic buildings in Cheshire East.

Cheshire East Council had not yet adopted a Flag Flying Policy. The Cheshire East flag was flown permanently from a variety of Cheshire East buildings. In the last year, the Leader and the Chief Executive had agreed on an ad hoc basis that flags be flown as follows from the three main administrative buildings:

- Birthday of Her Majesty Queen Elizabeth II (Union flag)
- St George's Day (English National Flag)
- Official celebration of Her Majesty's birthday (Union flag)
- Armed Forces Week (Armed Forces flag)
- Remembrance Day (Union Flag at half mast)

The Council had also flown the English National Flag during the English Football team's participation in the World Cup, and the Polish flag at half mast outside the Municipal Building Crewe as a mark of respect following the Polish air disaster (12 April). The Cheshire East flag had also been flown at half mast following the death of Councillors.

The Department of Culture Media and Sport encouraged local authorities to fly the Union and English National Flags on a regular basis.

Members considered a proposed Flag Flying Policy for Cheshire East Council as appended to the report. This covered those occasions on which it would be appropriate to fly different flags from the Council's public buildings, in particular the Union Flag, English National Flag, Cheshire East Borough Flag, Armed Forces Flag and the national flags of overseas visitors. The manner of flying the flag in particular circumstances was also dealt with. Members agreed that the Union Flag should also be flown at half mast in the event of the death of a soldier from the 1st Battalion of the Mercian Regiment whilst on active service.

RESOLVED

That the proposed Flag Flying Policy in respect of civic buildings in Cheshire East be recommended to the Constitution Committee for approval.

Note:

There is no additional information in respect of this item. The Committee is therefore asked to recommend the policy to Council for adoption.

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CHESHIRE EAST COUNCIL

Civic Sub Committee

Date of Meeting: 3 August 2010
Report of: Democratic Services Manager
Subject/Title: Flag Flying Policy

1.0 Report Summary

- 1.1 To invite the Sub-Committee to consider making recommendations in respect of a flag flying policy for civic buildings in Cheshire East Borough.

2.0 Recommendations

That the Sub-Committee considers the contents of the report and makes recommendations to the Constitution Committee on a flag flying policy in respect of civic buildings in Cheshire East.

4.0 Financial Implications

- 4.1 The cost of replacing Flags can be met from within existing resources.

5.0 Legal Implications

- 5.1 There is no legislation relating to the flying of the Union and other flag. The Union Flag is the national flag by long established custom and practice, rather than having been provided for by statute.
- 5.2 Under Schedule 1 Class H of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, national flags, the flags of the Commonwealth, European Union, the United Nations, English counties and certain saints can be flown without the express consent of local authorities as long as they satisfy the standard conditions for the display of advertisements generally and the conditions and limitations set out within Class H itself.

6.0 Risk Management

- 6.1 Failure to fly flags to celebrate or commemorate significant events, and in particular the Union Flag and National Flag of England, can attract adverse publicity for the Council. A Flag Flying Policy will ensure that flags are flown to show Cheshire East Council's support and respect for significant events.

7.0 Background

- 7.1 Cheshire East Council has not yet adopted a Flag Flying Policy. The Cheshire East flag is flown permanently from a variety of Cheshire East buildings. In the last year the Leader and the Chief Executive have agreed on an ad hoc basis that flags be flown as follows from the three main administrative buildings:-

Birthday of Her Majesty Queen Elizabeth II (Union flag)
St George's Day (National Flag)
Official celebration of Her Majesty's birthday (Union flag)
Armed Forces Week (Armed Forces flag)
Remembrance Day (Union Flag at half mast)

- 7.2 The Council also flew the National Flag during the English Football team's participation in the World Cup, and the Polish flag at half mast outside the Municipal Building Crewe as a mark of respect following the Polish air disaster (12 April). The Cheshire East flag has also been flown at half mast following the death of Councillors.

- 7.2 The Department of Culture Media and Sport has published guidance for Government Departments that recommends that the Union Flag is flown on the following days:

- 20 January - Birthday of The Countess of Wessex
- 6 February - Her Majesty's Accession
- 19 February - Birthday of The Duke of York
- March (2nd Monday) - Commonwealth Day
- 10 March - Birthday of The Earl of Wessex
- 21 April - Birthday of Her Majesty The Queen
- 9 May - Europe Day
- 2 June - Coronation Day
- 10 June - Birthday of The Duke of Edinburgh
- June (date varies) - Official Celebration of Her Majesty's Birthday
- 17 July - Birthday of The Duchess of Cornwall
- 15 August - Birthday of The Princess Royal
- November (2nd Sunday) - Remembrance Sunday
- 14 November - Birthday of The Prince of Wales
- 20 November - Her Majesty's Wedding Day

- 7.4 The Department of Culture Media and Sport encourages local authorities to regularly fly the Union and National Flag.

- 7.5 Enclosed at Appendix 1 is a recommended Flag Flying Policy for Cheshire East Council.

- 7.6 The Flag Institute, in association with the Flags & Heraldry Committee, an all party group of the United Kingdom Parliament, has produced guidance to help and guide public bodies when flying the flag in a variety of situations.

8.0 Access to Information

- 8.1 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 686670

Email: brian.reed@cheshireeast.gov.uk

FLAG FLYING POLICY AT CHESHIRE EAST COUNCIL

1. GENERAL

The Cheshire East Borough Flag will be flown permanently at full mast on all Cheshire East establishments where a safe and serviceable flag pole exists. It will be the responsibility of the Property Team to ensure that Cheshire East Flag is suitably maintained and flown.

The Cheshire East Flag will only be flown at half mast on the death of the following until sunset on the day of the funeral:

- a Member of the Council;
- an Ex-Mayor of the Borough;
- an Ex-Leader/Leader of the Council;
- an Honorary Freeman;
- an Honorary Alderman;
- a serving Member of Parliament of a Parliamentary Constituency within the Borough.

Set out below are those occasions when an alternative flag will be flown at the Administrative Centres in Sandbach, Macclesfield and Crewe only.

2. UNION FLAG

The Union flag will be flown full mast on the following days:

- 9 March – Commonwealth Day
- 21 April – Birthday of Her Majesty the Queen
- 13 June – Official Birthday of Her Majesty the Queen
- Second Sunday in November – Remembrance Sunday

The Union Flag should be flown at half mast on the day of the death of the following:

- The Sovereign; or
- The Mayor.

The flag will remain half mast until after the funeral (except in the case of the Sovereign when flags are hoisted right up from 11:00 a.m. to sunset on Proclamation Day – and then lowered back to half mast after sunset until after the funeral).

In the case of deaths within the Royal Family (except the Sovereign), the flag will be flown on the day of the funeral and subject to special commands from the Sovereign in each case.

The Union Flag will be flown to support the Great British Team during the Olympics.

3. NATIONAL FLAG OF ENGLAND

St. George's Day 23rd April.

The National Flag will be flown to support the English Team during the Commonwealth Games and, at the discretion of the Leader of the Council, in support of other National Teams.

4. ARMED FORCES

The following flags will be flown in support of the Armed Forces:

Army 18th June (Waterloo)
Merchant Navy 3rd September (Red Ensign)
Royal Air Force 15th September (Battle of Britain)
Royal Navy 21st October (Trafalgar)
Armed Forces Week (June each year)

5. OVERSEAS VISITORS

The relevant national flag will be flown when Cheshire East Borough formally receives visitors from overseas.

6. MARK OF RESPECT

The Leader of the Council will determine when Cheshire East Council will fly its flags at half mast as a mark of respect to express the sympathies of the Council in appropriate circumstances.

7. OTHER OCCASIONS

Ad hoc requests to fly flags that are not covered by this policy will be determined by the Leader of the Council.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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