

# Council Agenda

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**Date:** Thursday, 16th December, 2010  
**Time:** 2.00 pm  
**Venue:** Macclesfield Town Hall, Macclesfield, SK10 1DX

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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 Ordinary Council Meeting and the Special Council Meeting held on 14 October 2010** (Pages 1 - 16)
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 17 - 18)

To consider the attached Notice of Motion submitted by Councillor S Jones, in accordance with Procedure Rule 12.

8. **Recommendation from Constitution Committee - Local Service Delivery in Unparished Areas** (Pages 19 - 24)

To consider the recommendations from the Constitution Committee.

9. **Recommendation from Constitution Committee - Calendar of meetings 2011/12** (Pages 25 - 54)

To consider the recommendation from Constitution Committee.

10. **Report back from the Constitution Committee on the Notice of Motion relating to the Crewe Community Governance Review** (Pages 55 - 60)

To consider the recommendations from the Constitution Committee.

11. **Recommendation from Constitution Committee - Honorary Aldermen and Freeman** (Pages 61 - 66)

To consider the recommendations from the Constitution Committee.

12. **Recommendation from Constitution Committee - New Executive Arrangements** (Pages 67 - 80)

To consider the recommendations from the Constitution Committee.

13. **Recommendation from Constitution Committee - E Petitions - The Local Democracy, Economic Development and Construction Act 2009 and the Local Authorities (Petitions) (England) Order 2010** (Pages 81 - 96)

To consider the recommendations from the Constitution Committee.

14. **Recommendation from Constitution Committee - Wilmslow Community Governance Review - Outcome of Stage 2 Consultation** (Pages 97 - 134)

To consider the recommendations from the Constitution Committee.

15. **Recommendation from Resources Portfolio Holder Meeting - Council Tax Base** (Pages 135 - 148)

To consider the recommendation from the Resources Portfolio Holder Meeting.

16. **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.

17. **Leader's Announcements to Council**

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**CHESHIRE EAST COUNCIL**

**Minutes of a meeting of the Council  
held on Thursday, 14th October, 2010 at Congleton Town Hall, High  
Street, Congleton**

**PRESENT**

Councillor G Baxendale (Chairman)

Councillor R West (Vice-Chairman)

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

**Apologies**

Councillors Bebbington, S Broadhurst, M Hollins, B Howell, T Jackson, A Kolker, W Livesley, J Macrae and H Murray.

**49 PRAYERS**

Councillor S Wilkinson said prayers, at the request of the Mayor.

**50 MINUTES OF THE MEETING HELD ON 22 JULY 2010****RESOLVED**

That the minutes be approved as a correct record.

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

1. Welcomed Cllr Matthew Lloyd to his first meeting of the Council. Councillor Lloyd had been elected to the Council at the by-election, held on 30 September 2010, due to the sad death of Councillor Liz Gilliland.
2. Referred to the Grant of Arms made to the Council, a few weeks earlier. At the time, it had not been possible to display the document,

but he was pleased to announce that the necessary work has now been carried out and that the document was on display at the rear of the Council Chamber.

3. Announced that he had recently met many young people from Cheshire East who have signed up for the new De Vere Academy of Hospitality at Wychwood Park in Crewe. The Academy had been supported by the Economic Recovery Task Group and as a result, 73 apprentices were now working towards careers in the hotel and catering industry with more joining in November and January.
4. Announced that the Council had a very successful campaign at the recent Nantwich Food and Drink Festival, with over 30,000 people attending the event. The final Love Food Hate Waste campaign would take place at the North West Food Lovers Festival at Tatton Park 22-24 October.
5. Announced that on Tuesday 12 October, he had had the pleasure of meeting over 100 young people, from Cheshire East's primary schools who had signed up to be Junior Energy Monitors. He was there as part of European Democracy Week, together with Councillors Livesley and Smetham. The Junior Energy Monitors were sending in ideas on how to save money on their school's energy bills and those with the best ideas would be invited to have lunch with the Mayor, before the December Council meeting, at Macclesfield Town Hall and then watch that part of the Council meeting when their ideas would be presented to Members.
6. Reported that the Mayoral Diary has been very busy, with wall to wall engagements and made further reference to the recent Mayor's Ball, which had raised £2,000 for the Mayor's Charity. The Mayor thanked all those who had attended.

## 52 DECLARATIONS OF INTEREST

With reference to minute 59, Honorary Aldermen and Freeman, the Mayor reported that personal interests would be recorded for all those Members who were Honorary Aldermen and Freeman as follows :-

Councillors :-

JP Findlow

A Moran

S Wilkinson

S Hogben

T Beard

B Silvester

C Thorley

D Brown

R Domleo

P Edwards  
E Fletcher  
D Hough  
C Andrew  
P Whiteley  
J Crockatt  
T Jackson

With reference to item 16, Waste Treatment PFI Contract-Identification of Provisional Preferred Bidder, Cllr Menlove declared a personal interest, as Chairman of the Tatton Conservative Association, in view of the fact that the MP for Tatton, George Osborne was the Honorary Life president of CHAIN.

**53 PUBLIC SPEAKING TIME/OPEN SESSION**

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

**54 NOTICE OF MOTION**

Consideration was given to the following Notice of Motion, submitted by Cllr D Flude :-

Following the resolution of this Council on 25<sup>th</sup> 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 25<sup>th</sup> January and ask the Constitution Committee to undertake a further Community Governance Review for Crewe.

**RESOLVED**

That the motion stands referred to the Constitution Committee for consideration.

**55 ANNUAL REPORT ON PUBLIC HEALTH IN CENTRAL AND EASTERN CHESHIRE**

Consideration was given to the Annual Report on Public Health in Central and Eastern Cheshire, which had been the subject of an informal presentation, given by Dr Heather Grimbaldeston, Director of Public Health, in advance of the formal meeting.

**RESOLVED**

That the report be received and noted.

**56 RECOMMENDATION FROM CABINET - LOCAL DEVELOPMENT FRAMEWORK PROCESS AND AMENDMENTS TO CONSTITUTION**

Consideration was given to the recommendation from Cabinet regarding the Local Development Framework Process and consequential amendments to Constitution.

Cabinet had considered 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 also considered the report and their recommendations had been submitted to Cabinet.

**RESOLVED**

1. That the revised procedures for approving the LDF documents as set out in Appendix 2 of the Cabinet report, be approved.
2. That the Borough Solicitor be authorised to make any necessary and consequential amendments to the Constitution, including additions to the terms of reference of Strategic Planning Board.
3. That regular meetings of the LDF Panel take place during each stage of the process.

**57 RECOMMENDATION FROM CABINET - LOCAL DEVELOPMENT FRAMEWORK DOCUMENTS**

Consideration was given to the recommendation from Cabinet relating to the Local Development Framework Documents.

Cabinet had considered those reports forming part of the Cheshire East Local Development Framework , which had been revised in the light of comments received during the consultation process. The Sustainable Communities Scrutiny Committee and the Environment and Prosperity Scrutiny Committee had also considered the report and their recommendations had been submitted to Cabinet.

**RESOLVED**



That the Statement of Community Involvement, the Alsager Town Centre Supplementary Planning Document, the Smallwood Village Design Statement Supplementary Planning Document, the Local List of Historic Buildings and its accompanying Supplementary Planning Document be approved and adopted.

**58 RECOMMENDATION FROM CONSTITUTION COMMITTEE - REVIEW OF THE CONSTITUTION**

Consideration was given to the recommendations from Constitution Committee relating to a review of the Constitution. The Committee had 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 the proposed additions to the Council and Committee Procedure Rules, as set out above, be approved and the Constitution be amended accordingly.

#### **59 RECOMMENDATION FROM CONSTITUTION COMMITTEE - HONORARY ALDERMEN AND FREEMEN**

Consideration was given to the recommendation from Constitution Committee relating to 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 considered by the Civic Sub-Committee and the Constitution Committee and it had been resolved that the draft scheme be recommended to Council for approval, subject to several changes:-

#### **RESOLVED**

That the draft scheme relating to the appointment, rights and privileges of Honorary Aldermen and Freeman as appended to the report to the Constitution Committee be approved and adopted and incorporated 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 next meeting of the Constitution Committee, 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.

60 **RECOMMENDATION FROM CONSTITUTION COMMITTEE - FLAG FLYING POLICY**

Consideration was given to the recommendation from Constitution Committee relating to the Council's Flag Flying Policy. The Civic Sub-Committee had considered proposals for a flag flying policy for civic buildings in Cheshire East. 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, who had, in turn, recommended the policy to Council for approval.

## **RESOLVED**

That the proposed Flag Flying Policy in respect of civic buildings in Cheshire East, as attached to the report to the Constitution Committee, be approved.

## **61 QUESTIONS**

### **Question 1**

**Councillor S Furlong had submitted the following question :-**

#### **NHS White Paper**

“On July the 13<sup>th</sup> the Secretary of State for Health Andrew Lansbury announced the NHS White Paper “Equity and Excellence - Liberating the NHS” How will this paper improve the health care and choice for the residents of Sandbach in the future”?

**Councillor A Knowles, Portfolio Holder for Health and Wellbeing responded as follows :-**

“Thank you very much for your question. Although you stipulate Sandbach, the answer will be relevant for all our Villages and Towns in Cheshire East. The basic principles of the NHS White Paper are very straight forward and simple:-

- (1) Putting Patients and Public First
- (2) Focusing on Improvements in Quality and Healthcare Outcomes
- (3) Autonomy, Accountability and Democratic Legitimacy
- (4) Cutting Bureaucracy and Improving Efficiency

There are many benefits, but I want to focus on just one. The main part of the legislation that will impact on us as a local authority is transferring local health improvement functions to us from the PCT. What this can mean for us now is taking ownership of really getting to grips with tackling the Health issues in Cheshire East, such as consequences of an aging population, Health Inequalities and preventable deaths, through lifestyle modification, all mentioned by Dr Heather Grimbaldeston, in her presentation earlier today. As a Council, we know where our deprived estates are and where we need to focus on to tackle health inequalities,

but also involving regeneration, housing and education, to bring a joined up approach. Because Public Health has come to the Authority we can for the first time come at this problem, bringing all the Councils departments to tackle this issue.

For a long time we have known that C.E.C has the fastest growing ageing population in the North West and with this demographic scenario we have to start planning and prioritising service delivery towards them. We know, for example, that 10% of all ambulance call outs are for people aged 65 and over, who have fallen, of which 60% end up being taken to hospital.

Preventable deaths through lifestyle modification - this again is very tied up with health inequalities. The main causes of premature deaths - 36% are cardiovascular disease. With Public Health coming to the Authority, we can work with our Leisure Services, getting the population more active, educate on non smoking and lifestyle change. So it brings everything together.

Finally, the LAPS will act as the conduit for us to burrow down to the street level, to recognise where to put our time, effort and resources on health prevention.

So this is only one aspect of the NHS White Paper that will impact on us. Positively, there's more, but this alone will, I believe, improve dramatically the future health of our residents, whether it be in towns or rural areas".

## **Question 2**

**Councillor R Cartlidge had submitted the following question :-**

### **Allotments Crewe**

"Is the Cabinet member aware of the considerable distress that has been caused by this Council to many of the plot holders by:

the threatening reminder and final demands from this Council for rents that, in some cases, lead to allotment holders paying twice for last years plot rent, before this years deadline date of October 2010.

Can the Portfolio Holder explain the rationale behind the decision to award gift vouchers, instead of the traditional cash prizes?

Would he agree with me that the Consultation Panel Allotments would be the forum to allow frank dialogue with the plot holders, to avoid this kind of misunderstanding"?

Councillor Cartlidge requested that a written response to his question be provided.

## **Question 3**

**Councillor D Flude had submitted the following question :-**

**Housing Condition Survey**

“Will the Cabinet Member assure this Council that all of the survey staff employed by CPL Ltd are CRB checked and will be carrying some form of identity?”

When were the Members of this Council informed that this survey was to take place in the Borough?

**Councillor A Knowles responded on behalf of Councillor J Macrae, the Portfolio Holder for Prosperity, who had submitted apologies for the meeting, as follows :-**

1. “All surveyors employed by CPC Ltd are CRB checked, which was a requirement of our tender specification.
2. All surveyors carry photographic identification as well as a letter of authority from Cheshire East Council, together with a laminated copy of the letter that has been sent to all households. We have had two reports from householders concerned that they did not see photographic ID. As a result we have liaised with CPC Ltd and they have issued reminder instructions to all surveyors to ensure that they carry and show all three forms of identification. Our customer services staff have been briefed about the survey, so that should a member of the public contact us, they can handle the call effectively and confirm or deny the surveyor’s identity.
3. Members were briefed about the house condition survey in the Members’ briefing on 20<sup>th</sup> August 2010”.

**Supplementary Questions**

Councillor Flude asked the following supplementary questions :-

- (1) “What sort of survey is it and will the householders who have taken part in the survey receive a copy of the report?”
- (2) “When this type of survey is undertaken, should ward Councillors not receive a copy of the letter sent to residents, so that they know it is taking place?”

Councillor Knowles undertook to request that Councillor Flude be provided with a written response to her supplementary questions.

**Question 4**

Councillor T Beard had submitted the following question :-

### **Markets and Car Boot Sale Crewe**

“Since the refurbishment of the Lyceum Square in Crewe started, the outside market at Crewe has been relocated to the Square. This appears to have been generally welcomed by the public and has certainly helped to keep the town centre lively. It is obviously important that traders at the indoor market should be confident that their interests are being protected by the Council, but before taking a final decision on the future location of the outside market, would the Portfolio Holder agree to a public consultation exercise, to enable a full and informed debate to establish what is best for the economic health of the town centre, at this difficult time? This consultation should include reference to the Car Boot Sale held each Wednesday and located, at this time, on the Oak Street Car Park”.

### **Councillor R Menlove, Portfolio Holder for Environmental Services, in summary responded :-**

“The Council has already carried out a consultation on the future location of the market in Crewe. However, bearing in mind the nature of the question, we are prepared to carry out a further consultation, particularly with the public and Market Traders, before making a final decision on whether the market will return to Lyceum Square.

I would like to draw Members’ attention to the fact that there would be additional revenue costs, if the market was to stay on Market Square.”

### **Supplementary Questions**

Councillor Beard asked the following Supplementary Question :-

“Would the Portfolio Holder also consider a public consultation with the people of Crewe, as it is their Market?”

Councillor Menlove undertook to provide Councillor Beard with a written response to his supplementary question.

## **62 ADJOURNMENT OF MEETING**

As Members of the public and representatives from the Mercian Regiment were present for the Special meeting of the Council, which was to consider the granting of the Freedom of the Borough to the Mercian Regiment, the Mayor adjourned the meeting, before consideration of items 15 and 16 of the agenda, in order to allow consideration of the agenda for the Special Council Meeting, before the public were excluded from the meeting, in order that they would not be kept waiting.

The meeting was reconvened, following the Special Council Meeting and the following items of business were then considered.



**63 EXCLUSION RESOLUTION**

**RESOLVED**

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involved 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.

**64 WASTE TREATMENT PFI CONTRACT- IDENTIFICATION OF PROVISIONAL PREFERRED BIDDER**

At a meeting earlier in the day, Cabinet had considered the report of the Waste Treatment PFI Project Director, in relation to the Waste Treatment PFI Project. The report had been considered by Chester West and Chester Borough Council's Executive on 29 September 2010 and that decision was due to be considered at its full Council meeting later in the day.

Cabinet had resolved that approval be given to the choice of a Provisional Preferred Bidder for the Waste Treatment Contract, subject to the availability of the Government PFI revenue support over the life of the project, in accordance with the report to Cabinet and that Council be requested to endorse this decision.

**RESOLVED**

That the Cabinet decision be noted and endorsed.

The meeting commenced at 6.00 pm and concluded at 7.30 pm

Councillor G Baxendale (Chairman)  
CHAIRMAN

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## **CHESHIRE EAST COUNCIL**

Minutes of a **Special Meeting of the Council**  
held on Thursday, 14th October, 2010 at Congleton Town Hall, High Street,  
Congleton

### **PRESENT**

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

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

### **Apologies**

Councillors Bebbington, S Broadhurst, J P Findlow, M Hollins, B Howell, O Hunter, T Jackson, A Kolker, W Livesley, J Macrae and H Murray

### **65 PRAYERS**

Councillor S Wilkinson said prayers, at the request of the Mayor.

### **66 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **67 FREEDOM OF THE BOROUGH - THE MERCIAN REGIMENT**

Following the submission of a Notice of Motion to Council by the Mayor, on 27 May 2010, the Civic Sub-Committee had considered proposed arrangements for the granting of the Freedom of the Borough to the 1<sup>st</sup> Battalion Mercian Regiment (Cheshire).

The Sub-Committee had recommended to the Constitution Committee that the Freedom of the Borough be granted to the 1<sup>st</sup> Battalion Mercian Regiment (Cheshire) and a special meeting of Council be convened for that purpose and that arrangements be made for at least two, possibly three, homecoming parades to be held in Macclesfield, Crewe and possibly Congleton, during the second week of November 2010 and that the Mayors of Town Councils in Cheshire East be invited to attend the relevant homecoming parade for their area.

The Assistant Regimental Secretary had requested that the Freedom be granted to "The Mercian Regiment", rather than the 1st Battalion as they wished to be recognised as a whole Regiment rather than a federation of Battalions. In addition, the Regiment's 4th Battalion was a TA Company stationed in Crewe, which also sent soldiers to serve in Afghanistan. The Mayor had been consulted and had supported the request.

Since the Sub-Committee meeting, the Assistant Regimental Secretary and Officers had agreed the final, detailed arrangements for three, homecoming parades, to be held on Monday 8 November, at midday in Macclesfield and 3.15pm in Crewe and Wed 10 November in Congleton, at 3pm.

The Constitution Committee had resolved that the recommendations of the Civic Sub-Committee be approved, subject to the above and that Council be recommended to grant Freedom of the Borough to "the Mercian Regiment".

### **RESOLVED**

That pursuant to the powers contained in the Local Government Act 1972, Freedom of Entry to the Borough be granted to the Mercian Regiment and the Regiment be admitted to the Roll of Honorary Freemen of the Borough, in recognition of the long and close association between the Cheshire East area and the Regiment and the right, privilege and honour of marching through the streets of Cheshire East on ceremonial occasions, with swords drawn, bayonets fixed, drums beating, bands playing and colours flying, be conferred upon the Regiment."

(The motion was carried unanimously, in accordance with section 249(5) of the Local Government Act 1972 (amended by Section 180 of the Local Government Planning and Land Act 1980), which requires that the resolution is passed by not less than two-thirds of the Members voting).

The meeting commenced at 7.35 pm and concluded at 7.50 pm

Councillor G Baxendale (Chairman)  
CHAIRMAN

**NOTICE OF MOTION RE FAIRTRADE**

Fairtrade is an alternative approach to international trade. It is a trading partnership which aims at sustainable development for excluded and disadvantaged producers. It seeks to do this by providing better trading conditions by awareness raising and by campaigning.

Cheshire East Council has already resolved to support Fairtrade in principle, but must develop a strategy, if it wishes to formally acquire Fairtrade status for the Borough. This would be achieved by :-

- i) continuing to offer Fairtrade marked food such as tea ,coffee and sugar internally for meetings and functions.
- ii) promoting the Fairtrade Mark using Fairtrade Foundation materials in refreshment areas keeping our commitment to value for money in mind.
- ii) promoting the Fairtrade Towns initiative in internal communications and external newsletters.
- iv) encourage towns, schools, businesses ,faith groups and voluntary organisations in the Borough to promote Fairtrade
- v) use its influence to urge local retailers to provide Fairtrade options for the residents of the borough
- vi) participating in community activities during Fairtrade Fortnight .
- vii) setting up a Steering Group in partnership with Fairtrade organisations in the Borough, representatives of businesses, not for profit organisations , schools and other public bodies to oversee this strategy.

Therefore, Council is requested to consider taking these steps in order to acquire Fairtrade status.

Proposed by Cllr Shirley Jones

Seconded by Cllr Gillian Merry

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**COUNCIL MEETING – 16<sup>TH</sup> DECEMBER 2010**

**Extract from the Minutes of the Constitution Committee Meeting on 18<sup>th</sup> November 2010**

**28 LOCAL SERVICE DELIVERY IN UNPARISHED AREAS**

The Committee considered a report proposing the appointment of two local service delivery committees for the unparished parts of Crewe and Macclesfield respectively.

It was proposed that the Council create the Local Service Delivery (Crewe) Committee and the Local Service Delivery (Macclesfield) Committee, whose membership in each case would be those members who represented wards in the respective unparished areas. The powers of each committee would be:

“To make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise).”

In considering the matter, Members felt that in due course the proposed committees, which were currently intended as advisory bodies, could be given delegated powers. Given that possibility, it was felt that it would be appropriate for the membership of the committees to reflect the political proportionality of the Council as a whole.

**RESOLVED**

That it be recommended to Council that

- (1) a Local Service Delivery (Crewe) Committee be constituted on a politically proportionate basis, the size and membership of the committee to be determined by Council;
- (2) a Local Service Delivery (Macclesfield) Committee be similarly constituted;
- (3) the powers of each committee be:

“To make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise).”

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# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 18<sup>th</sup> November 2010  
**Report of:** Borough Solicitor & Monitoring Officer  
**Subject/Title:** Local Service Delivery in Unparished Areas

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### 1.0 Report Summary

- 1.1 This report proposes structures for discussion of service delivery issues in unparished areas, where devolution to a local council is not possible.

### 2.0 Recommendation

- 2.1 That it be recommended to Council that

- (1) A Local Service Delivery (Crewe) Committee be constituted where membership shall be those councillors who represent wards within the unparished area of the town.
- (2) A Local Service Delivery (Macclesfield) Committee be similarly constituted.
- (3) The powers of each committee be:  
  
‘to make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise)’.

### 3.0 Reasons for Recommendations

- 3.1 The Council’s programme of devolution to local councils requires complementary arrangements for unparished areas to promote equality of treatment.

### 4.0 Wards Affected

- 4.1 Crewe North, Crewe East, Crewe South, Crewe West, Broken Cross, Macclesfield Town, Macclesfield West, Macclesfield Forest, Prestbury and Tytherington (partly unparished).

### 5.0 Local Ward Members

- 5.1 Cllrs. T. Beard, D. Bebbington, J. Jones, S. Conquest, M. Martin, C. Thorley, D. Cannon, D. Flude, B. Howell, R. Cartlidge, R. Parker, J. Weatherill,

Cllrs. A. Arnold, J. Goddard, J. Narraway, S. Broadhurst, D. Neilson, C. Tomlinson, D. Beckford, S. Bentley, M. Hardy, M. Asquith, H. Gaddum, L. Smetham, J. P. Findlow, T. Jackson and B. Livesley.

## **6.0 Policy Implications**

- 6.1 The proposals are an important element in the Council's local agenda.

## **7.0 Financial Implications**

- 7.1 Any extra service requirements for unparished areas should be reflected in the budget.

## **8.0 Legal Implications**

- 8.1 The Local Authorities (Groups) Regulations 1990 enable local ward members to form the membership of local area committees as an exception to the strict proportionality rules.

## **9.0 Risk Management**

- 9.1 Failure to hold representative discussions in unparished areas could create inequalities of treatment and a perception of democratic deficit.

## **10.0 Background and Options**

- 10.1 The Council is actively promoting the transfer of assets and service delivery to town and parish councils. Initial discussions are taking place with representatives of those bodies.
- 10.2 Local councils are independent bodies, with power to precept to enable them to run services and the legal capacity to enter into agreements with this Council. However, some areas (Crewe, Wilmslow, Styal, Handforth and Macclesfield) are unparished.
- 10.3 Crewe and Macclesfield have charter trustees. They are independent precepting bodies but their function is to preserve civic traditions and the mayoralities. They have no general powers to run services and are therefore not able to negotiate the transfer of assets and contractual terms.
- 10.4 Wilmslow, Styal and Handforth will shortly have independent local councils (subject to the decisions of Council) and the Wilmslow Community Governance Review Sub Committee is competent to carry forward preparatory discussions in advance of elections in May 2011.
- 10.5 For the unparished areas of Crewe and Macclesfield, it is proposed that separate local committees of Cheshire East councillors be created, with the purpose of representing the interests of those areas in matters of local service delivery. Normally, committees have to follow the proportionality ratios of the

Council but a statutory local area exception can be used to ensure that only the members who represent the relevant wards can serve on the committee, irrespective of their group membership.

- 10.6 It is therefore proposed that the Council creates the Local Service Delivery (Crewe) Committee and the Local Service Delivery (Macclesfield) Committee, whose membership in each case would be those members who represent wards in the respective unparished areas. The powers of each committee would be:

‘to make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise)’.

#### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer: None.

Name: Chris Chapman

Designation: Borough Solicitor and Monitoring Officer

Tel No: 01270 686637

Email: [chris.chapman@cheshireeast.gov.uk](mailto:chris.chapman@cheshireeast.gov.uk)

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**COUNCIL MEETING – 16<sup>TH</sup> DECEMBER 2010****Extract from the Minutes of the Constitution Committee Meeting on 18<sup>th</sup> November 2010****30 CALENDAR OF MEETINGS FOR 2011-2012**

The Committee considered the draft Calendar of Meetings for Cheshire East Council for 2011-12.

A summary timetable was attached as Appendix 1 to the report. Explanatory notes had been provided at Appendix 2.

The frequency of meetings had followed the practice adopted in 2010-2011.

Meetings which did not form part of the formal decision-making process would be omitted from the public calendar but would be added to the Members' Diary for convenience.

As for 2010-2011, the Committee Suite at Westfields, Sandbach had been reserved on Monday mornings for Portfolio Holder meetings. However, meetings would as now be arranged at alternative venues where a decision was likely to have a significant impact on a particular locality so that interested parties could attend.

The following had been consulted on the draft calendar and any comments received had been taken into account in producing the draft Calendar.

Corporate Management Team  
Cabinet  
Committee Chairmen  
Group Leaders  
Group Whips

With regard to Council meetings, Members noted that the Calendar had, as last year, been prepared on the basis that such meetings would be held at 6.00 pm in the summer and at 2.00 pm in the winter. It was suggested that the new Council elected in May 2011 should be asked to consider a consistent starting time for all Council meetings and that this should be during the working day so that Members and others had sufficient time to take part fully in the proceedings.

**RESOLVED**

That

- (1) the draft Calendar of Meetings for Cheshire East Council for 2011-2012 be referred to Council for approval;

- (2) Council be recommended to agree that the starting time of Council meetings should be included on the agenda for the first meeting of the new Council in May 2011; and
- (3) Mrs Carol Jones of the Democratic Services Team be commended for her work in preparing the draft Calendar of Meetings.

## **CHESHIRE EAST COUNCIL**

### **Constitution Committee**

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<b>Date of Meeting:</b>	18 <sup>th</sup> November 2010
<b>Report of:</b>	Democratic Services Manager
<b>Subject/Title:</b>	Calendar of Meetings for 2011-2012

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#### **1.0 Report Summary**

- 1.1 The report includes a draft Calendar of Meetings for Cheshire East Council for 2011-2012, together with an appendix of explanatory notes.
- 1.2 The Committee is invited to refer the draft calendar to Council for approval.

#### **2.0 Recommendation**

- 2.1 The Committee is asked to resolve that the draft Calendar of Meetings for Cheshire East Council 2011-2012 be referred to Council for approval.

#### **3.0 Reasons for Recommendation**

- 3.1 The Council is required to give public notice of its meetings in order to fulfil its legal obligations under the Access to Information rules set out in the Constitution and to meet its obligations under the Local Government Act 1972. The timetable will assist the Council in meeting these requirements

#### **4.0 Wards Affected**

- 4.1 All wards are affected.

#### **5.0 Local Ward Members**

- 5.1 All local ward members are affected.

#### **6.0 Policy Implications**

- 6.1 None identified.

#### **7.0 Financial Implications**

- 7.1 None identified.

## **8.0 Legal Implications**

- 8.1 There are no specific legal implications other than those identified in the main body of this report.

## **9.0 Risk Management**

- 9.1 A published calendar of meetings enables effective business planning and decision-making procedures.

## **10.0 Background and Options**

- 10.1 As set out in its Constitution, (Part 4 – Procedure Rule 1), the Borough Council is required to decide when its meetings will take place and these will be contained in a calendar of meetings.

It is for full Council to approve the calendar.

- 10.2 Under Part 3 of the Constitution, the Governance and Constitution Committee is responsible for:

“overseeing, monitoring, co-ordinating and implementing the Council’s administrative and political business, including ..... administrative arrangements for ..... the Council and other meetings;”

### **10.3 Calendar**

A summary timetable is attached as Appendix 1.

Explanatory notes have been provided (Appendix 2) which indicate the assumptions made in drawing up the calendar; further details in respect of each of the Committees are also given.

Appendix 3 gives a more detailed month-by-month calendar.

### **10.4 Scheduling of Meetings**

The frequency of meetings has followed the practice adopted in 2010-2011. As far as possible, only one Committee per day has been scheduled. Fridays have been avoided for Committee meetings; these are to be used for Member Development sessions as and when required.

Scheduling of meetings has taken into account the business planning/performance reporting cycles. In addition, dates have been scheduled for financial briefing/budget engagement events. These will not be included in the public calendar but will be added to the Members’ Diary.

School term times have not been included.

Meetings which do not form part of the formal decision-making process will be omitted from the public calendar but will be added to the Members’ Diary for convenience. These comprise (i) financial briefings/budget



consultation events; (ii) Member Development sessions; (iii) Meetings of the Police Authority, the Fire Authority; Manchester Airport Consultative Committee; (iv) LGA General Assembly and Annual Conference; and (v) Political Party Conferences.

10.5 Portfolio Holder Meetings: As for 2010-2011, the Committee Suite at Westfields, Sandbach has been reserved on Monday mornings for Portfolio Holder meetings. However, meetings will be arranged at the most appropriate venue, following consultation with Portfolio Holders.

10.6 Scrutiny Committees: The Corporate Management Team (CMT) meets on Tuesday mornings. Scrutiny Committee meetings which are held on Tuesdays have been scheduled in the afternoons to avoid coinciding with CMT. This will enable appropriate CMT Officers to attend Scrutiny Committee meetings.

10.7 Sub-Committees: There are a number of sub-committees and other bodies which meet on an *ad-hoc* basis and are therefore not included in the calendar.

10.8 Consultation:

The following have been consulted:

- Corporate Management Team
- Cabinet
- Committee Chairmen
- Group Leaders
- Group Whips

The only comments made during this consultation are as follows:

- (i) The formal Calendar of Meetings should not include dates of outside bodies; for example Manchester Airport Consultative Committee, Cheshire Police Authority and Cheshire Fire Authority. These meetings should be added to the new corporate calendar.
- (ii) School holidays should not be included.
- (iii) Portfolio Holder meetings should be held at the most appropriate location; for example, where a decision to be taken will have an impact in a particular geographical location, the meeting should be held as close as possible to that location, if practicable, to allow interested parties to attend.

10.9 Subject to any additional recommendations which Members may wish to make, the Committee is asked to refer the calendar to Council at its meeting to be held on 16 December 2010 for approval.

### **11.0 Access to Information**

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

Name: Carol Jones  
Designation: Democratic Services Officer  
Tel No: 01270 686471  
E-mail: [carol.jones@cheshireeast.gov.uk](mailto:carol.jones@cheshireeast.gov.uk)

Committee	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2012	Feb	Mar	Apr	May
Council (Thursday) Times vary. Venue: to rotate around the Borough	18		21			13		15		23		19	16
Cabinet (Monday) 2.00 pm Venue: to rotate around the Borough	3 <sup>1</sup>	6	4	1	5	3 31	28	5	9	6	5	2 30	
Constitution Committee (Thursday) 2.00 pm Westfields		2	14		22		17		26		22		
Audit & Governance Committee (Tues/Th) 2.00 pm: Westfields		30 (Th)			29 (Th)				31 (Tues)		27 (Tues)		
Health and Adult Social Care Scrutiny (Thursday) 10.00 am: Westfields, Sandbach		9	28		8	11 (Tues)	10	8	12	9	8	3 (Tues)	
CE/CWAC/Wirral Joint Scrutiny Committee (Monday) Times/Venues tba			11			10			23			16	
Corporate Scrutiny (Tuesday) 2.00 pm: Westfields, Sandbach		14	12		6	4	1	6	10	7	6	17	
Children and Families Scrutiny (Tuesday) 2.00 pm: Westfields, Sandbach	31	28	26		20	18	15	13	17	14	13	10	8
Environment and Prosperity Scrutiny (Tuesday) 2.00 pm: Westfields, Sandbach		7	5		13	25	22	20	24	21	20	24	
Sustainable Communities Scrutiny (Thursday) 10.30 am: Westfields, Sandbach		2	7		1	6	3	1	5	2	1	5	10
Standards Committee (Monday) 2.00 pm: Westfields, Sandbach		6 <sup>2</sup>	25		26		21		23		26		
Staffing Committee 2.00 pm: Westfields, Sandbach			22 (F)			20 (Th)			13 (F)			12 (Th)	

<sup>1</sup> This Cabinet meeting has been added to avoid a long gap between the last meeting of 2010-2011 and the first meeting of 2011-2012

<sup>2</sup> Meeting to be held at 10.00 am to avoid clash with Cabinet in the afternoon.

Committee	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2012	Feb	Mar	Apr	May
Appeals Committee (Thursday) 2.00 pm Westfields, Sandbach		16	28	25	15	27	24		19	16	29	26	
Public Rights of Way Committee (Monday) 2.00 pm: Westfields, Sandbach		13			19			12			12		
Strategic Planning Board (Wednesday) 2.00 pm Town Hall, Macclesfield	25 <sup>3</sup>	15	6 27	17	7 28	19	9 30	21	18	8 29	21	11	2
Northern Planning Committee (Wednesday) 2.00 pm Town Hall, Macclesfield		8 29	20	10 31	21	12	2 23	14	11	1 22	14	4 25	
Southern Planning Committee (Wednesday) 2.00 pm Municipal Buildings, Crewe		1 22	13	3 24	14	5 26	16	7	4 25	15	7 28	18	9
Licensing (Monday) 2.00pm Westfields, Sandbach		20	18		12		7		16		19		
Local Authority School Governor Appointments Panel (Friday) 10.30 am: Town Hall, Macclesfield	27					21				3			
Shared Services (Friday) 2.00 pm: Venue to be advised.		24	29	26	30	28	25	23	27	24	30	27	

Member Training Sessions	20	10 17 <sup>4</sup>	15		9	7	11	9	13	10	16	13	
Financial Briefings/Budget Engagement			19				14, 15,17, 18,21		11,12 13,16 17,18, 24	17			

<sup>3</sup> Strategic Planning Board (25<sup>th</sup> May) was agreed as part of the calendar of meetings 2010-2011

<sup>4</sup> The 17 May is for training for Members of the Licensing Committee

**EXPLANATORY NOTES : CALENDAR OF PUBLIC MEETINGS 2011/2012****INTRODUCTION**

The draft Calendar of Meetings has been drawn up on the following basis –

1. The local elections are being held on 5 May 2011, and for this reason, the earliest that Annual Council can be held is 18 May 2011. This is being held on one-day only at the request of Members, although there has been no formal resolution to this effect.
2. Committee memberships will be agreed at Annual Council. Given the requirement to give adequate public notice of meetings, the first Committee meeting cannot be held before 27 May 2011 (LA School Governor Appointments Panel).

Note: Notwithstanding the above, there is a meeting of the Strategic Planning Board on 25 May 2011 and notice of the meeting will need to be given on 17 May 2011. This meeting was agreed in the previous year to ensure the maintenance of the planning cycle.

3. Portfolio Holder meetings have not yet been scheduled into specific dates, but for ease, Committee Suite 1+2 (Westfields) has been booked on Monday mornings between 9.00 am and 1.00 pm throughout the Municipal Year.
4. Although most of the Scrutiny Committee meetings are held in the morning, arrangements have been made for those scheduled on Tuesdays, to be held in the afternoon, to avoid coinciding with CMT.
5. As was the practice in 2010-2011, Council meetings and Cabinet meetings will rotate around the borough.
6. Meetings are held at Westfields, Sandbach unless otherwise specified.
7. Scheduling of meetings has taken into account the business planning/performance reporting cycles. In addition, dates have been scheduled in for financial briefing/budget consultation events and these will be included in the Members' Diary.
8. August has been retained as a recess for all Scrutiny Committee meetings.
9. As far as practicable, there is only one Committee meeting on each day and where possible, meetings of each Committee have been scheduled on a set day (eg Standards Committee meets on a Monday).
10. Police Authority and Manchester Airport Consultative Committee meetings have been added. Dates for the Fire Authority are not yet available. Dates of the LGA Annual Conference have also been included in Appendix 3. These meetings will not be shown in the public calendar.
11. A number of days have been reserved for induction for new Members in the first week after the elections in May 2011.

12. As was the practice in 2010-2011, provisional Member Development sessions have been added on a Friday each month.
13. The draft Calendar of Meetings was subject to the following consultation timetable.

Consultation group	Date	Deadline for comments/ Meeting date
Consultation with colleagues in Democratic Services	Last week July	Comments by end of August
Consultation with Officers in Finance and Performance Monitoring for budget setting implications	3 September	Comments by 15 September
Draft calendar to CMT: Comments made by individual Officers.		
Draft calendar to Cabinet Members, Committee Chairmen, Group Leaders, Group Whips	15 October	Comments by 3 November

14. Following submission to the Constitution Committee on 18 November 2010, the Calendar will be referred to Council on 16 December 2010, and Members' diaries will be prepared and published in January 2011.

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**Note 1**

**Council:** In addition to Annual Council/Mayor-Making, there are 4 ordinary meetings and 1 budget meeting (Note: ordinary business is also dealt with at the budget meeting in February).

**Meetings:** During British Summer Time, meetings commence at 6.00 pm. Winter meetings commence at 2.00 pm.

**Venue:** Annual Council/Mayor-Making will be held at Tatton Park, Knutsford. Other meetings of Council will rotate around the Borough, to include (a) Municipal Buildings, Crewe (b) Town Hall, Congleton (c) Macclesfield Town Hall.

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**Note 2**

**Cabinet:** Held every four weeks as far as possible.

**Exceptions:** There are some 5-week gaps where a bank holiday has prevented the scheduling of a meeting.

**Meetings:** 13 meetings: Mondays - 2.00 pm.

The last meeting of the Municipal Year 2010-2011 is 11 April; to minimise the impact of a long gap between the last meeting of 2010-2011 and the first meeting of 2011-2012, an additional meeting has been added to the current Municipal Year on 3 May 2010, to be held in Macclesfield at 10.00 am.

**Venue:** Cabinet meetings rotate around the Borough. Meetings are held in Macclesfield, Sandbach and Crewe.

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**Note 3**

**Audit and Governance Committee:** Financial and performance monitoring has been factored into the scheduling of meetings of the Audit and Governance Committee. Meetings have broadly followed the timetabling of the former Governance and Constitution Committee.

**Meetings:** 4 meetings: held in 2011 in June (Thurs) and September (Thurs); and in 2012 January (Tues) and March (Tues): 2.00 pm.

**Venue:** Committee Suite 1, 2 and 3, Westfields, Sandbach

=====

**Note 4**

**Constitution Committee:**

**Meetings:** 6 meetings: Thursdays: 2.00 pm (June and July, and bi-monthly thereafter.)

**Venue:** The former Governance and Constitution Committee agreed to rotate its meetings around the Borough. At present, the meetings of this Committee have been booked at Westfields, Sandbach.

=====

**Note 5**

**Scrutiny Committees General**

**Meetings:** There is a requirement that Scrutiny Committee meetings are not held on the same day as other Committee meetings. This request has been accommodated with one exception - a mid-point Health and Adult Scrutiny Committee meeting is to be held on the same day as an Appeals Committee meeting (28 July 2011: Scrutiny – am : Appeals – pm).

Meetings of Corporate Management Team (CMT) are held on Tuesday mornings and to avoid coinciding with CMT meetings, Tuesday meetings of Scrutiny Committees have been transferred to the afternoons

**Frequency:** Meetings to be held monthly with an August recess.

*(Note: See specific notes against appropriate Scrutiny Committee.)*

**Venue:** Westfields, Sandbach

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**Note 6**

**Health and Adult Social Care Scrutiny Committee:** Monthly – recess in August.

**Meetings:** 10 meetings, starting at 10.00 am. Thursdays.

**Exceptions:** October 2011 and April 2012 meetings – Tuesday.

**Note:** Some of these meetings are regarded as “mid-point meetings” at which agenda items are agreed for future meetings. These are not, therefore, open to the public

**Dates for these meetings will need to be agreed with the Primary Care Trust (PCT).**

**Venue:** Westfields, Sandbach.

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**Note 7**

**CEC/CWAC/Wirral Joint Scrutiny Committee**

There are four meetings each year.

Dates have been scheduled, but need to be agreed with Cheshire West and Chester Council and Wirral Metropolitan Borough Council.

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**Note 8**

**Corporate Scrutiny:** Monthly meetings – recess in August.

**Meetings:** Scheduled to take into account the performance and financial reporting procedures. 10 meetings: held on Tuesdays at 2.00 pm.

**Venue:** Westfields, Sandbach

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**Note 9**

**Children and Families Scrutiny:** Monthly meetings – recess in August.

**Meetings:** 12 meetings: held on **Tuesday afternoons** at 2.00 pm..

**Venue:** Westfields, Sandbach

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**Note 10**

**Environment and Prosperity Scrutiny:** Monthly meetings – recess in August

**Meetings:** 10 meetings held on **Tuesday afternoons** at 2.00 pm start

**Venue:** Westfields, Sandbach

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**Note 11**

**Sustainable Communities Scrutiny:** Monthly meetings – recess in August

**Meetings:** 11 meetings: Thursdays at 10.30 am

**Venue:** Westfields, Sandbach

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**Note 12**

**Standards Committee:** Meetings have been scheduled bi-monthly.

**Meetings:** 6 meetings: Mondays at 2.00 pm

In view of the local elections in May 2011, and the scheduling of Annual Council, it is not possible to hold a meeting in May 2011.

**Sub-Committee meetings:** There are three Sub-Committees, the membership of which is drawn from the main Committee; these will meet as and when required.

=====

**Note 13**

**Staffing Committee:** Meetings scheduled in July (Fri), October (Thurs) January 2012 (Fri) and April (Thurs).

It has not been possible to schedule meetings of this Committee on a set day.

**Meetings:** 4 meetings: 2.00 pm. These meetings are preceded by a briefing meeting starting at 1.00 pm.

=====

**Note 14**

**Appeals Committee:** Meetings have been scheduled monthly.

**Exception:** No meeting in December.

**Meetings:** 10 meetings: Thursdays – 2.00 pm

In view of the local elections in May 2011, and the scheduling of Annual Council, it is not possible to hold a meeting in May.

**Venue:** Committee Suite 1-2 Westfields, Sandbach (Meeting held in No. 1 with No. 2 used as waiting area for appellants.)

=====

**Note 15**

**Public Rights of Way Committee:** Meetings scheduled in June, September, December and March.

**Meetings:** 4 meetings: Mondays: 2.00 pm – preceded by a briefing meeting at 1.00 pm.

**Venue:** Westfields, Sandbach

=====

**Note 16**

**Strategic Planning Board:** Scheduled on 3-week cycle.

**Meetings:** 17 meetings: Wednesdays - 2.00 pm

**Note:** The meeting scheduled for 25 May 2011 was agreed in 2010-2011 to maintain the planning cycle. In view of the requirement to give public notice of meetings, the agenda will need to be published prior to Annual Council.

**Venue:** Capesthorne Room, Macclesfield Town Hall.

=====

**Note 17**

**Northern Planning Committee:** 3-week cycle

**Meetings:** 16 meetings: Wednesdays - 2.00 pm

**Venue:** Capesthorne Room, Town Hall, Macclesfield

**Note:** There is a 5-week gap between the last meeting in 2010-2011 (13 April) and the first meeting of the new Municipal Year (8 June 2011).

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**Southern Planning Committee:** 3-week cycle

**Meetings:** 17 meetings: Wednesdays -2.00 pm

**Note:** In 2010-2011, it had been agreed that a meeting be scheduled for 24 May 2011 to maintain the planning cycle. As a consequence of consultation, this meeting has now been cancelled. The first meeting in the new Municipal Year is 1 June, giving a 5-week gap between the April 2011 meeting (27) and the first one in the new Municipal Year.

**Venue:** Council Chamber, Municipal Buildings, Crewe

=====

**Note 18**

**Licensing:** Meeting to be held in June and July 2011 and then bi-monthly.

**Meetings:** 6 meetings: Mondays: 2.00 pm

**Venue:** Westfields, Sandbach

**Sub-Committees** will meet as and when required.

=====

**Note 19**

**Shared Services Joint Committee:** Scheduled monthly.

**Meetings:** 11 meetings: Fridays: 2.00 pm

**Venue:** Municipal Buildings, Crewe

Dates have been scheduled, but need to be agreed with Cheshire West and Chester Council.

=====

**Note 20**

**Budget Consultation/Financial Briefings**

Budget consultation meetings are an essential part of the budget-setting process. Financial Briefings and Budget Engagement events have been included. These will not be added to the public calendar but will be included in the Members' Diary.

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**Note 21**

**Meetings of Outside Organisations/Other Bodies**

The following meetings have been included -

- Manchester Airport Consultative Committee
- Police Authority
- LGA Annual Conference.

Dates of Fire Authority meetings are not yet available.

These meetings will not be added to the public calendar but will be included in the Members' Diary.

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## CHESHIRE EAST COUNCIL – DRAFT CALENDAR OF PUBLIC MEETINGS 2011-2012

<b>April 2011</b> (included for information only <input type="checkbox"/> April forms part of the Calendar for 2010-2011 which has been approved)						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 CEC/CWAC/Wirral Joint Scrutiny	5 Staffing Committee	6	7 Sustainable Communities	8 Member Training Session	9
10	11 Cabinet (Crewe)	12 Children & Families Scrutiny	13 Northern Planning Committee	14 Health & Adult Social Care Scrutiny	15	16
17	18	19 Police Authority 9.30 am Corporate Scrutiny	20 Strategic Planning Board	21 COUNCIL (6 pm)	22	23
24	25	26 Environment & Prosperity Scrutiny	27 Southern Planning Committee	28 Appeals Committee	29	30

May 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 BANK HOLIDAY	3 Cabinet (10.00 am – Macc) Strategic Planning Board	4 Northern Planning Committee	5 Local Elections	6	7
8	9	10	11	12	13	14
		NEW COUNCILLORS' INDUCTION				
15	16	17	18 ANNUAL COUNCIL (11.00 AM) (Tatton Park)	19	20 Planning Training	21
22	23	24	25 Strategic Planning Board	26	27 LA School Governor Appointments Panel	28
29	30 Half-term BANK HOLIDAY	31 Children & Families Scrutiny				

June 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1  Southern Planning	2  • Sustainable Communities Scrutiny • Constitution Committee	3	4
5	6 Standards Committee 10.00 am <b>Cabinet (Sandbach)</b> Transformation of Highways S-C (3.30 pm) <sup>1</sup>	7  Environment & Prosperity Scrutiny	8  Northern Planning	9  Health & Adult Scrutiny	10  Training Day	11
12	13 am Reserved for P/H Meeting  Public Rights of Way	14  Corporate Scrutiny	15  Strategic Planning Board	16  Appeals Committee	17  Provisional Licensing Training	18
19	20 am Reserved for P/H Meeting  Licensing	21	22  Southern Planning	23	24  Shared Services JC	25
26	27  am Reserved for P/H Meeting	28 Children & Families Scrutiny  LGA Conference	29 Northern Planning  LGA Conference	30 Audit & Gov. Comm  LGA Conference		

<sup>1</sup> The “Transformation of Highways S-C” has been added for ease of reference. Sub-Committee meetings are arranged as and when required and do not feature as part of the Calendar of Meetings.

July 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 am Reserved for P/H Meeting  Cabinet (Crewe)	5  Environment & Prosperity Scrutiny	6  Strategic Planning Board	7  Sustainable Communities	8  Manchester Airport Consultative Comm	9
10	11 am Reserved for P/H Meeting  CEC/CWAC/Wirral Joint Scrutiny	12 Police Authority 9.30 am  Corporate Scrutiny	13  Southern Planning	14  Constitution Committee	15  Training Day	16
17	18 am Reserved for P/H Meeting  Licensing	19  Member Finance Briefing	20  Northern Planning	21  Council (6.00 pm) Venue tba	22  Staffing Committee	23
24	25 am Reserved for P/H Meeting  Standards Committee	26  Children & Families Scrutiny	27  Strategic Planning Board	28 Health and Adult Scrutiny Comm (am mid-point) Appeals Committee	29  Shared Services JC	30
31						



August 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 am Reserved for P/H Meeting  Cabinet (Sandbach)	2	3  Southern Planning	4	5	6
7	8  am Reserved for P/H Meeting	9	10  Northern Planning	11	12	13
14	15 am Reserved for P/H Meeting	16	17  Strategic Planning Board	18	19	20
21	22 am Reserved for P/H Meeting	23	24  Southern Planning	25  Appeals Committee	26  Shared Services	27
28	29  BANK HOLIDAY	30 am Reserved for P/H Meeting	31  Northern Planning			

September 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 Sustainable Communities	2	3
4	5 am Reserved for P/H Meeting  Cabinet (Macclesfield)	6 Corporate Scrutiny	7 Strategic Planning Board	8 Health & Adult Scrutiny	9 Training Day	10
11	12 am Reserved for P/H Meeting  Licensing	13 Environment & Prosperity Scrutiny	14 Southern Planning	15 Appeals Committee	16	17
18	19 am Reserved for P/H Meeting  Public Rights of Way	20 Children & Families Scrutiny	21 Northern Planning	22 Constitution Committee	23	24
25	26 am Reserved for P/H Meeting  Standards Committee	27 Police Authority 9.30 am	28 Strategic Planning Board	29 Audit & Gov Comm	30 Shared Services JC	

October 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3 am Reserved for P/H Meeting  Cabinet (Sandbach)	4  Corporate Scrutiny	5  Southern Planning	6  Sustainable Communities Scrutiny	7  Training Day	8
9	10 am Reserved for P/H Meeting  CEC/CWAC/Wirral Joint Scrutiny	11  Health & Adult Scrutiny 2.00 pm	12  Northern Planning	13  Council – 6.00 pm Venue tba	14	15
16	17 am Reserved for P/H Meeting	18  Children & Families Scrutiny	19  Strategic Planning Board	20  Staffing Committee	21  LA School Governor Appointments Panel	22
23	24 am Reserved for P/H Meeting	25  Environment & Prosperity Scrutiny	26  Southern Planning	27  Appeals Committee	28  Manchester Airport Consultative Comm Shared Services JC	29
30	31 am Reserved for P/H Meeting  Cabinet (Crewe)					

November 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Corporate Scrutiny	2 Northern Planning	3 Sustainable Communities Scrutiny	4 Member Finance Briefing am	5
6	7 am Reserved for P/H Meeting Licensing	8	9 Strategic Planning Board	10 Health & Adult Scrutiny	11 Training Day	12
13	14 am Reserved for P/H Meeting Reserved for Budget Engagement (evening)	15 Children & Families Scrutiny pm Reserved for Budget Engagement (evening)	16 Southern Planning pm	17 Reserved for Budget Engagement (am) Constitution Committee pm	18 Reserved for Budget Engagement (pm)	19
20	21 am Reserved for P/H Meeting Standards Committee pm Reserved for Budget Engagement (evening)	22 Environment & Prosperity Scrutiny	23 Northern Planning	24 Appeals Committee	25 Shared Services Joint Committee	26
27	28 am Reserved for P/H Meeting Cabinet (Sandbach)	29	30 Strategic Planning Board			

December 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 Sustainable Communities Scrutiny	2	3
4	5 am Reserved for P/H Meeting  ? Special Cabinet (Macclesfield)	6 Corporate Scrutiny	7 Southern Planning	8 Health & Adult Scrutiny	9 Training Day	10
11	12 am Reserved for P/H Meeting  Public Rights of Way Committee	13 Police Authority 9.30 am Children & Families Scrutiny	14 Northern Planning	15 Council – 2.00 pm Venue tba	16	17
18	19 am Reserved for P/H Meeting	20 Environment & Prosperity Scrutiny	21 Strategic Planning Board	22	23 Shared Services Joint Committee	24
25	26 BANK HOLIDAY	27 BANK HOLIDAY	28	29	30	31

January 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 BANK HOLIDAY	3	4 Southern Planning	5 Sustainable Communities Scrutiny	6	7
8	9 am Reserved for P/H Meeting  Cabinet (Sandbach)	10 Corporate Scrutiny pm	11 Reserved for Budget Engagement am  Northern Planning pm	12 Health & Adult Scrutiny am  Reserved for Budget Engagement pm	13 Staffing Committee  Budget Engagement – TUs  Training Day	14
15	16 am Reserved for P/H Meeting Licensing pm Reserved for Budget Engagement (evening)	17 Children & Families Scrutiny pm  Reserved for Budget Engagement (evening)	18 Strategic Planning Board pm  Reserved for Budget Engagement (evening)	19 Appeals Committee	20 Manchester Airport Consultative Comm	21
22	23 am Reserved for P/H Meeting CEC/CWAC/Wirral Joint Scrutiny  Standards Committee	24 Member Finance Briefing am  Environment & Prosperity Scrutiny pm	25 Southern Planning	26 Constitution Committee	27 Shared Services Joint Committee	28
29	30 am Reserved for P/H Meeting	31 Audit & Gov Committee				

February 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 Northern Planning	2 Sustainable Communities Scrutiny	3 LA School Governor Appointments Panel	4
5	6 am Reserved for P/H Meeting Cabinet (Crewe)	7 Corporate Scrutiny	8 Strategic Planning Board	9 Health & Adult Scrutiny	10 Training Day	11
12	13 am Reserved for P/H Meeting	14 Children & Families Scrutiny	15 Southern Planning	16 Appeals Committee	17 Member Finance Briefing am	18
19	20 am Reserved for P/H Meeting	21 Police Authority 9.30 am Environment & Prosperity Scrutiny	22 Northern Planning	23 Council – 2.00 pm Venue tba	24 Shared Services Joint Committee	25
26	27 am Reserved for P/H Meeting	28	29 Strategic Planning Board			

March 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1  Sustainable Communities Scrutiny	2	3
4	5 am Reserved for P/H Meeting  Cabinet (Sandbach)	6  Corporate Scrutiny	7  Southern Planning	8  Health & Adult Scrutiny	9	10
11	12 am Reserved for P/H Meeting  Public Rights of Way Committee	13  Children & Families Scrutiny	14  Northern Planning	15	16  Training Day	17
18	19 am Reserved for P/H Meeting  Licensing	20  Environment & Prosperity Scrutiny	21  Strategic Planning Board	22  Constitution Committee	23	24
25	26 am Reserved for P/H Meeting  Standards Committee	27  Audit & Gov Comm	28  Southern Planning	29  Appeals Committee	30  Shared Services Joint Committee	31



April 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 am Reserved for P/H Meeting  Cabinet (Macclesfield)	3  Health & Adult Scrutiny 2.00 pm	4  Northern Planning	5  Sustainable Communities Scrutiny	6  GOOD FRIDAY	7
8	9  EASTER MONDAY	10  Children & Families Scrutiny	11  Strategic Planning Board	12  Staffing Committee	13  Training Day	14
15	16 am Reserved for P/H Meeting  CEC/CWAC/Wirral Joint Scrutiny	17  Corporate Scrutiny	18  Southern Planning	19  Council – 6.00 pm Venue tba	20  Manchester Airport Consultative Comm	21
22	23  am Reserved for P/H Meeting	24 Police Authority 9.30 am  Environment & Prosperity Scrutiny	25  Northern Planning	26  Appeals Committee	27  Shared Services Joint Committee	28
29	30 am Reserved for P/H Meeting  Cabinet (Sandbach)					

May 2012						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2 Strategic Planning Board	3 No planned Elections	4	5
6	7 BANK HOLIDAY	8 Children & Families Scrutiny	9 Southern Planning	10 Sustainable Communities Scrutiny	11	12
13	14	15	16 ANNUAL COUNCIL (11.00 AM) (Tatton Park)	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

**COUNCIL MEETING – 16<sup>TH</sup> DECEMBER 2010****Extract from the Minutes of the Constitution Committee Meeting on 18<sup>th</sup> November 2010****31 NOTICE OF MOTION**

The Committee considered the following Motion which had been proposed by Councillor D Flude and seconded by Councillor T Beard at the Council meeting on 14<sup>th</sup> October 2010 and had been referred to the Committee for consideration:

*“Following the resolution of this Council on 25<sup>th</sup> 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 25<sup>th</sup> January and ask the Constitution Committee to undertake a further Community Governance Review for Crewe.”*

In considering this matter, Members were conscious that if the Committee were to undertake a further review within a very short timescale of the conclusion of the last review (in January 2010) for the unparished area of Crewe, the Council could receive public criticism for the use of further financial resources for this purpose, particularly in the current financial climate. In addition, given the wording of the Council's previous decision in accepting the vote of the people of Crewe, another review at this time could be seen as ignoring the democratic outcome of the previous, recent review, which may also leave the Council open to criticism.

Careful consideration would also need to be given to the staff resources required and the timing of such a review, so that no risk was introduced to the efficient conduct of other key democratic processes such as the May 2011 elections; the anticipated Alternative Vote referendum; the implementation of significant ward boundary changes as a result of the pending outcome of the Cheshire East Boundary Review by the Boundary Commission; and the statutory review of all Polling Places by November 2011.

The Wilmslow Community Governance Review was also still ongoing and may not conclude until February 2011, due to the implications of the Cheshire East Boundary Review. It was considered sensible to conduct only one review at a time, which allowed for the most efficient use of resources and allowed time to incorporate lessons learnt and experience gained.

The Committee also needed to bear in mind that if a further petition were received in the near future, then the Council would be under a duty to conduct and complete a Community Governance Review within a timescale of 12 months. This would be very difficult to manage if the Council was mid-way through another review at that time.

Rather than conducting Community Governance Reviews in a piecemeal fashion, it was suggested that the Committee may wish to take a more holistic approach by considering the needs of the Borough as a whole.

**RESOLVED**

That Council be recommended to defer any further consideration of the subject matter of the Motion until after the May 2011 elections, at which time Council also be asked urgently to consider undertaking a holistic Borough-wide review of community governance arrangements in Cheshire East.

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 18<sup>th</sup> November 2010  
**Report of:** Democratic Services Manager  
**Subject/Title:** Notice of Motion

---

### 1.0 Report Summary

- 1.1 At the Council meeting held on 14<sup>th</sup> October 2010, consideration was given to the following Notice of Motion, submitted by Cllr D Flude :-

*“Following the resolution of this Council on 25<sup>th</sup> 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 25<sup>th</sup> January and ask the Constitution Committee to undertake a further Community Governance Review for Crewe”.*

- 1.2 Having considered the above notice of motion, the Council resolved “That the motion stands referred to the Constitution Committee for consideration”.

### 2.0 Recommendation

- 2.1 That the Constitution Committee consider the notice of motion set out above and resolve whether or not to undertake a further Community Governance Review for Crewe.

### 3.0 Wards Affected

- 3.1 All the Wards in the unparished areas of Crewe

### 4.0 Local Ward Members

- 4.1 As above

### 5.0 Policy Implications

- 5.1 None

## **6.0 Financial Implications**

- 6.1 The cost of conducting a further Community Governance Review for the unparished area of Crewe would be approximately £12,000 and would need to be met from within existing budget resources.

## **7.0 Legal Implications**

- 7.1 Community Governance Reviews are conducted under the provisions of the Local Government and Public Involvement in Health Act 2007. With effect from 2008, the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission under the Local Government and Rating Act to local authorities under Chapter 3 of the Local Government and Public Involvement in Health Act 2007.
- 7.2 The Guidance on Community Governance Reviews, published jointly by the Government and the Electoral Commission, indicates that where a review has been conducted within the last two years, the principal council still has the power to undertake another review if it so wishes. The duty for the Council to undertake a community governance review in response to the receipt of a petition, however, does not apply if the council has conducted a review within the last two years.
- 7.3 The 2007 Act provides for a principal council to conduct a Community Governance Review at any time. It is suggested good practice for principal authorities to consider conducting a review every 10-15 years.

## **8.0 Risk Management**

- 8.1 Should the Committee determine to undertake a further review within a very short timescale of the conclusion of the last review (in January 2010) for the unparished area of Crewe, the Council may receive public criticism for the use of further financial resources for this purpose, particularly in the current financial climate. Also, given the wording of the Council's previous decision in accepting the vote of the people of Crewe, another review at this time could be seen as ignoring the democratic outcome of the previous, recent review, which may also leave the Council open to criticism.
- 8.2 Should the Committee decide that a further review is merited at this time, then careful consideration would need to be given to the staff resources required and the timing of such a review, so that no risk was introduced to the efficient conduct of other key democratic processes. For example, significant staff resources are already committed to the conduct of the May 2011 elections; the anticipated Government Alternative Vote referendum; the implementation of significant ward boundary changes as a result of the pending outcome of the Cheshire East Boundary Review by the Boundary Commission; and the statutory review of all Polling Places by November 2011. The Wilmslow Community Governance Review is also still ongoing and may not conclude until February 2011, due to the implications of the Cheshire East Boundary Review.

It is sensible to conduct only one review at a time, which allows for the most efficient use of resources and allows time to incorporate lessons learnt and experience gained into future reviews. The Committee also needs to bear in mind that if a further petition was received in the near future (say from electors in Macclesfield) then the Council would be under a duty to conduct and complete a Community Governance Review within a timescale of 12 months. This would be very difficult to manage if the Council was mid-way through another review at that time.

## **9.0 Background**

- 9.1 On 30<sup>th</sup> March 2009, Crewe and Nantwich Borough Council received a petition which called for a Community Governance Review and identified recommendations arising from a Review (i.e. that a new parish be constituted and that the new parish should have a council to be known as Crewe Town Council). Following receipt of the petition, the Council had a duty to conduct and complete a Community Governance Review for the area within a period of 12 months from receipt of the petition. The Government Guidance was followed in terms of the conduct of the review, and the final decision was made by Council on 25<sup>th</sup> January, when it was resolved :- “To accept the vote from the people of Crewe and to reject a Town Council for Crewe at this time”.
- 9.2 Rather than conducting Community Governance Reviews in a piecemeal fashion, the Committee may wish to take a more holistic approach by considering the needs of the Borough as a whole. The main areas of the Borough which are unparished ( i.e. the central areas of Crewe, Wilmslow and Macclesfield) may be considered by members as the areas which would perhaps benefit the most from the conduct of a Community Governance Review. A Community Governance Review for Crewe has already been conducted, following the receipt of a petition; and a Community Governance review for Wilmslow is currently being undertaken following receipt of three separate petitions. The Council could determine to conduct a Macclesfield Community Governance Review if it so wished; or could instead respond, under its duty to conduct a review, should a valid petition from electors in Macclesfield be submitted at some point in the future. In summary, it may be helpful for members to consider and prioritise those areas where they feel that community Governance Reviews are required. It may also be helpful to formulate a view on what would constitute a reasonable time period for any Community Governance Review to be repeated in a particular area, should a petition or member request be received. The only reference in the relevant legislation which may help with deliberations is that there is no duty on the Council to conduct a community governance review upon receipt of a petition if the principal council has concluded a previous Community Governance Review within a two year period.

## **10.0 Access to Information**

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

Name: Mrs Lindsey Parton

Designation: Elections and Registration Team Manager

Tel No: 01270 686477; Email: [lindsey.parton@cheshireeast.gov.uk](mailto:lindsey.parton@cheshireeast.gov.uk)

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**COUNCIL MEETING – 16<sup>TH</sup> DECEMBER 2010****Extract from the Minutes of the Constitution Committee Meeting on 18<sup>th</sup> November 2010****27 HONORARY ALDERMEN AND FREEMEN**

The Committee considered a report on the rights and privileges to be extended to Honorary Aldermen and Freemen of the Borough.

The Civic Sub-Committee at its meeting on 3<sup>rd</sup> August 2010 had considered a number of matters on which it made recommendations to this Committee and Council. At the meeting of Council held on 14<sup>th</sup> October, the majority of recommendations were accepted. Council agreed that a further report be submitted to the next meeting of the Constitution Committee, 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.

Further investigations had been carried out to establish the historical position in relation to the County Show and RHS Show and how this had changed since vesting day.

The report set out further details in respect of the RHS Flower Show, the Cheshire County Show, passes for Tatton Park and invitations to civic events.

**RESOLVED**

That Council be recommended to agree that

- (1) the rights and privileges of all Cheshire East Honorary Aldermen and Freemen be extended to include:
  - a. Admission tickets to the Cheshire County Show and the RHS Flower Show provided for by the Council;
  - b. A life Pass for Tatton Park provided for by the Council;
- (2) the rights and privileges of all Cheshire East Members be extended to include:
  - a. Admission tickets to the Cheshire County Show and the RHS Flower Show provided for by the Council;
  - b. A life Pass for Tatton Park provided for by the Council;
- (3) the organising committee for the Cheshire County Show, with the support of Cheshire East Council, be invited to consider following its past practice of offering tickets to Cheshire East Honorary Aldermen and Freemen,

Members or other local dignitaries on the basis that the cost of the tickets would be met by the individuals concerned.

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 18<sup>th</sup> November 2010  
**Report of:** Democratic Services Manager  
**Subject/Title:** Honorary Aldermen and Freemen

---

### **1.0 Report Summary**

- 1.1 This report invites the Constitution Committee to consider further the rights and privileges to be extended to Honorary Aldermen and Freemen of the Borough.

### **2.0 Recommendation**

- 2.1 That the Committee consider the information set out in the report and make recommendations to Council.

### **3.0 Reasons for Recommendations**

- 3.1 To enable the proposals to be adopted and implemented.

### **4.0 Wards Affected**

- 4.1 N/A

### **5.0 Local Ward Members**

- 5.1 N/A

### **6.0 Policy Implications**

- 6.1 The report deals with the adoption of policies in relation to Honorary Aldermen and Freemen appointed by Cheshire East Council.

### **7.0 Financial Implications**

- 7.1 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. Council can also provide benefits, rights and privileges to which Honorary Aldermen and Freemen.
- 7.2 A budget realignment exercise is being undertaken through an analysis of civic spend since vesting day. As part of the Business Planning Process efficiency targets of £49K have been set for the Civic Budget.

- 7.3 The cost of providing tickets to Councillors for general admission to the Cheshire County Show is provided for in the Civic Budget. This can be extended to provide tickets to Aldermen and Freemen.
- 7.4 There is no provision in the Civic budget for providing tickets to Councillors, Aldermen and Freemen to the RHS Flower show which are currently provided free of charge.
- 7.5 There is no provision in the Civic Budget to meet any fees for providing Life Passes to Tatton Park for Aldermen and Freemen.
- 7.6 There is no provision in the Civic Budget to provide hospitality to Councillors, Honorary Aldermen and Freemen in relation to the County Show and the RHS Show. A typical civic event including room hire and free hospitality costs £5000.
- 7.6 The cost of inviting Aldermen and Freemen to other civic events will be provided for within the Civic Budget.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 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 Freemen of the Borough persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the Borough.
- 8.2 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".

## **9.0 Risk Management**

- 9.1 None identified.

## **10.0 Background and Options**

- 10.1 The Civic Sub-Committee at its meeting on 3<sup>rd</sup> August 2010 considered a number of matters on which it made recommendations to this Committee and Council.
- 10.2 At the meeting of Council held on 14<sup>th</sup> October the majority of recommendations were accepted.

- 10.3 Council agreed that a further report be submitted to the next meeting of the Constitution Committee, 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. Further investigations have been carried out to establish the historical position in relation to the County Show and RHS Show and how this has changed since vesting day.

#### **RHS Flower Show**

- 10.4 Members of the County Council had tickets for the RHS Flower Show under the County Council arrangements (by arrangement with RHS but not contractual). In addition, the RHS President and County Council Chairman used to have a joint VIP lunch event in the Tenants Hall that included access to the show for those attending. The invitation list was drawn up and managed by the County's Chief Executive and the Chairman's Office and included Honorary Aldermen.
- 10.5 Since vesting day, only Members receive RHS tickets. They have not been offered to Aldermen. The joint VIP lunch event in the Tenants Hall no longer takes place. The tickets for Cheshire East members are by arrangement and the good will of the RHS rather than being an obligation or contractual arrangement and remain at no cost to the Council.

#### **Cheshire County Show**

- 10.6 Members of the County Council had tickets for the County Show under the County Council arrangements. These were paid for by the County Council. In addition, the President and Vice-President of the Show used to have a VIP lunch events to which the Chairman of the County Council was invited. The County Council sub-let a Marquee to provide a lunch and again an invitation list was drawn up and managed by the County's Chief Executive and the Chairman's Office and included Honorary Aldermen.
- 10.7 Since vesting day all Members are offered show tickets as before, paid for by Cheshire East Council. They have not been offered to Aldermen. The Chairman and President of the County Show continue to hold lunches but these are by invitation only from the event organisers. For 2010 the Leader of the Council and the Mayor were invited for lunch. Neither Cheshire East nor Cheshire West provided any hospitality last year.

#### **Passes for Tatton**

- 10.8 The Policy of the County Council was that passes for Tatton were issued to Aldermen upon the advice of the Chief Executive and the Chairman's office. It was the policy of the County Council to do this 'gratis'. There has been no statement of policy since vesting day. The Committee may wish therefore to recommend to Council a policy for adoption by Cheshire East.

- 10.10 Tatton passes were, and still are, issued on request for retiring employees on a payment of between £150 and £200, dependent on number of years' service. The fee is in lieu of estimated lost income to Tatton and to cover administration costs. Sometimes this is paid for by the individuals themselves or more usually as part of a leaving present or by the department or school. They are issued with a 5 year period that is renewable until the demise of the individual.

### **Civic Events**

- 10.11 Honorary Aldermen and Freemen are included on the Civic Invitation list which ensures they are invited to events including Annual Council, The Mayors Charity Ball and Homecoming Parades etc. Any costs associated with these events are met from the Civic Budget.

### **Issues to consider**

- the rights and privileges of Honorary Aldermen and Freemen in relation to attendance at civic functions, including the County Show and RHS Show, and access to Tatton Park,
- the rights and privileges of serving Councillors in relation to attendance at the County Show and RHS Show, and access to Tatton Park
- the level of hospitality, if any, to be extended to Councillors, Honorary Aldermen and Freemen in relation to the County Show and the RHS Show.

## **11.0 Access to Information**

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

Name: Paul Jones

Designation: Democratic Services Team Manager

Tel No: 01270 686458

Email: paul.jones@cheshireeast.gov.uk

**COUNCIL MEETING – 16<sup>TH</sup> DECEMBER 2010****Extract from the Minutes of the Constitution Committee Meeting on 18<sup>th</sup> November 2010****32 NEW EXECUTIVE ARRANGEMENTS**

The Committee considered the outcome of a public consultation exercise on options for future executive arrangements for Cheshire East Council.

The Local Government and Public Involvement in Health Act 2007 required local authorities to choose one of two new models of executive leadership: either a directly-elected Mayor with a Cabinet, or a strong Leader and Cabinet. The period of office of either a Mayor or a Leader was to be for four years. The change in executive arrangements had to come into effect from May 2011, and the Council had to pass a resolution giving effect to the change by 31<sup>st</sup> December 2010.

Guidance had recently been issued in the form of a letter from the Minister for Housing and Local Government. This indicated that whilst the statutory requirement to follow the consultation process had to be adhered to, Councils were encouraged not to incur any significant expenditure in doing so.

At the last meeting, the Committee resolved that a public consultation exercise be undertaken between 1<sup>st</sup> October and 12<sup>th</sup> November 2010, by way of an article and press release via the Council's website, on the options for future executive arrangements for Cheshire East Council, the consultation to make reference to the advice received from the Minister for Housing and Local Government. The result of the consultation exercise would be reported to the Constitution Committee on 18<sup>th</sup> November 2010 with a view to making a recommendation to Council on 16<sup>th</sup> December 2010.

The results of the Consultation were set out in Appendix 3 to the report. There was no clear outcome in favour of either option with responses weighted against a directly-elected Mayor.

Members were advised that the legislation was likely to be repealed through the Localism Bill, but not before the Council was required to make an appropriate resolution. Communities Minister Andrew Stunell had announced that under the Localism Bill the Government would let councils decide, in consultation with local people, what system was best for their community, whether that be a Mayor or Leader and Cabinet or a Committee system.

**RESOLVED**

That

- (1) the outcome of the public consultation exercise undertaken between 1<sup>st</sup> October and 12<sup>th</sup> November 2010 on the options for future executive arrangements for Cheshire East Council be noted;

- (2) Council be recommended to adopt the new Strong Leader and Cabinet model of governance, to be brought into effect at the beginning of the next municipal year subject to any subsequent amending legislation;
- (3) Council be asked to authorise the Borough Solicitor to amend the Constitution as necessary to give effect to the decision of Council; and
- (4) those who had responded to the public consultation exercise be notified of the Council's decision at the appropriate time.



# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 18<sup>th</sup> November 2010  
**Report of:** Democratic Services Manager  
**Subject/Title:** New Executive Arrangements

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### **1.0 Report Summary**

- 1.1 The Local Government and Public Involvement in Health Act 2007 requires all local authorities to agree and implement a new leadership model.

### **2.0 Recommendations**

- 2.1 That

- (1) The Committee consider the outcome of the public consultation exercise undertaken between 1<sup>st</sup> October and 12<sup>th</sup> November 2010, on the options for future executive arrangements for Cheshire East Council; and
- (2) The Committee make a recommendation to Council on 16<sup>th</sup> December 2010 on a new leadership model.
- (3) That the Borough Solicitor be given authority to amend the Constitution as he considers necessary to give effect to the decision of Council.

### **3.0 Reasons for Recommendations**

- 3.1 To comply with Government requirements to consult on two options for future executive arrangements for Cheshire East Council.

### **4.0 Wards Affected**

- 4.1 All wards will be affected by the proposed change.

### **5.0 Local Ward Members**

- 5.1 All local ward members will be affected by the proposed change.

### **6.0 Policy Implications including**

- 6.1 There are no direct policy implications although changes to the Council's executive arrangements will need to be embodied in the Constitution.

## **7.0 Financial Implications**

- 7.1 None at this stage. If the Council is minded to move to an Elected Mayor model of executive arrangements a further report setting out the detailed process and potential financial implications will be required.

## **8.0 Legal Implications**

- 8.1 The actions outlined in this report are required in order for the Council to comply with the provisions of the Local Government and Public Involvement in Health Act 2007.

## **9.0 Risk Management**

- 9.1 No risks have been identified.

## **10.0 Background and Options**

- 10.1 The Local Government Act 2000 put in place a new decision-making framework, which introduced a separation of the decision-making and scrutiny roles of local authorities. Cheshire East Council, in common with the majority of local authorities, adopted a Leader with Cabinet style of executive. Cheshire East Council chose the 'strong leader' model in which Council elects the Leader, and the Leader appoints Cabinet Members. and determines their responsibilities.
- 10.2 The Local Government and Public Involvement in Health Act 2007 requires local authorities to choose one of two new models of executive leadership: either a directly-Elected Mayor with Cabinet, or a strong Leader and Cabinet style of governance. The requirement to hold a referendum before proceeding with the option of a directly-Elected Mayor has now been removed.
- 10.3 The 2007 Act does not change the existing requirement for the Council to have arrangements to review and scrutinise executive decisions and any actions taken as a result of them. Other 'non-executive' functions (e.g. planning and regulatory functions and standards) also remain unaffected.
- 10.4 However, this change in executive arrangements, to Leader or Elected Mayor with a 4 year term of office, must come into effect from May 2011. The Council must pass a resolution giving effect to the change by 31 December 2010.

### **New Leadership Model**

- 10.5 Once in office, there is little difference between what a new strong Leader and an Elected Mayor can do. The Elected Mayor or Leader will continue in office for a full four year term and will have the Council's executive powers formally vested in him/her. (The term of office of the Leader is from the date of election as Leader to the first annual meeting after their normal

day of retirement as a councillor i.e. up to 4 years.) The main differences between the two models are the methods of selection and removal.

- 10.6 The Leader can be removed by a vote of no confidence requiring a simple majority of the Council. In this event, the motion must be set out in the agenda for the meeting. An Elected Mayor is elected separately by the electorate for a set term of office, in addition to the 81 Councillors. Therefore an Elected Mayor might not be a Councillor.
- 10.7 Either an Elected Mayor or a Council-appointed Leader will initially hold all the Council's executive functions under their personal control. It will then be for him/her to choose whether to exercise some or all of these functions personally or to make arrangements for their discharge by an executive, by an individual member of the executive, or by officers.
- 10.8 As now, executive members must be appointed from amongst elected councillors, and it will be for the Council Leader or Elected Mayor to choose how many members to appoint to the Cabinet (between two and nine) as well as themselves (as per the existing arrangements). He/she will also decide what (if any) executive functions are delegated to executive portfolio holders. The Mayor or Leader must appoint at least one deputy who, unless they resign or cease to be a councillor, will hold office until the end of the Mayor/Leader's term. A deputy can also be removed and replaced at any time by the Leader or Mayor as can other members of the executive. The Act specifies that the deputy will take up the role of the Leader/Mayor if the latter is unable to act or the office becomes vacant.
- 10.9 Those functions which are the remit of the full Council remain unchanged by the 2007 Act. Therefore, setting the budget and major policies remain a decision for all Council Members.
- 10.10 The Council will continue to elect a traditional Civic ceremonial Mayor and Deputy Mayor of the Borough on an annual basis and their roles will not be altered by either of the new forms of executive. The Civic Mayor will continue to preside over meetings of the Council and carry out the ceremonial and civic duties attached to the office.
- 10.11 The new legislation requires that the Council make a formal resolution on its new executive arrangements before the end of December 2010. A table summarising the main differences between Cheshire East Council's current executive model and the two options available under the Local Government and Public Involvement in Health Act 2007 is set out in Appendix 1.
- 10.12 Although the Council already has a strong Leader model, if it wishes to opt for the new strong leader model (as opposed to the Elected Mayor model) it will still be required to confirm this formally by passing a resolution to do so before 31<sup>st</sup> December 2010 for implementation at the Annual meeting in May 2011. If the Council wishes to retain the Leader and Cabinet model,

the Constitution will not need major amendment as its arrangements are largely compliant with the new requirements.

### **Consultation**

- 10.13 The legislation requires that the Council consult with electors and other interested persons within the Borough. At its last meeting, the Committee authorised officers to undertake a consultation between 1<sup>st</sup> October and 12<sup>th</sup> November 2010. Guidance was recently issued in the form of a letter from the Minister for Housing and Local Government (Appendix 2). It could be seen that whilst the statutory requirement to follow the consultation process must be adhered to, Councils were encouraged not to incur any significant expenditure in doing so. The Council used press releases and its website to undertake the consultation.
- 10.14 The legislation is likely to be repealed through the Localism Bill, but not before the Council is required to make an appropriate resolution. Communities Minister Andrew Stunell announced that under the Localism Bill the Government will let councils decide, in consultation with local people, what system is best for their community, whether that be a Mayor or Leader and Cabinet or a Committee system.
- 10.14 The results of the Consultation are given in Appendix 3. There is no clear outcome in favour of either option with responses weighted against a directly Elected Mayor.

### **Matters to Consider**

- 10.15 The Council must draw up proposals to make a change in its executive arrangements and in so doing must consider the extent to which the proposals would be likely to help in securing continuous improvement in the way the Council's functions are exercised, having regard to economy, efficiency and effectiveness. These proposals will be approved at a meeting of Council on 16<sup>th</sup> December 2010. After the Council has drawn up its proposals it must make copies available for public inspection and publish them in local newspapers.
- 10.16 The Committee must now make recommendations to Council upon one of two options:
- a) Leader with a 4 year term or
  - b) Elected Mayor with a 4 year term
- 10.17 If the Council wishes to retain the Leader and Cabinet model, the Constitution will not need major amendment as its arrangements are largely compliant with the new requirements.

## **11.0 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 686457

Email: [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)

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## Summary of main differences between current executive model and the two options available under the LG &amp; PlIH Act 2007

		Options available under the Local Government and Public Involvement in Health Act 2007	
	Current 'strong Leader' and Cabinet model	New 'strong Leader' and Cabinet model	Elected Mayor
Appointment and term of office	<b>Leader appointed by full council with no fixed term</b>	<b>Leader appointed by full council for a 4 year term (or until the expiry of the leader's term of office as a councillor)</b>	<b>Elected directly by the electorate for a 4 year term</b>
Removal	<b>The Council may, by resolution, remove the Leader from the office</b>	<b>Councils may include procedures which would allow the removal of the leader from office during the 4 year period by resolution of the council: It is suggested that this is by voting at full council, which requires only a simple majority (Section 44C of the Act).</b>	<b>Cannot be removed during his/her term of office</b>
Executive Functions	<b>Leader agrees the delegation of executive functions</b>	<b>All executive functions would be vested in the Leader who can then delegate.</b>	<b>All executive functions would be vested in the Mayor who can then delegate</b>
Appointment of Cabinet	<b>Leader appoints the Cabinet Members and notifies Council. Leader allocates Portfolio Holder responsibilities</b>	<b>Council appoints Leader who then appoints his/her Cabinet Members and allocates responsibility.</b>	<b>Mayor appoints his/her Cabinet Members and allocates responsibility</b>
Deputy	<b>No legal requirement to have a Deputy Leader</b>	<b>Legal requirement to have a Deputy Leader.</b>	<b>N/A</b>

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Leaders of Non-Metropolitan District Councils  
in England

**The Rt Hon Grant Shapps MP**  
*Minister for Housing and Local Government*

**Department for Communities and Local  
Government**

Eland House  
Bressenden Place  
London SW1E 5DU

Tel: 0303 444 3460  
Fax: 020 7828 4903  
E-Mail: [grant.shapps@communities.gsi.gov.uk](mailto:grant.shapps@communities.gsi.gov.uk)

[www.communities.gov.uk](http://www.communities.gov.uk)

Dear Leader

### **Requirement to consult under the Local Government and Public Involvement in Health Act 2007**

I am writing to you about the requirements on your council to adopt a new governance model from May 2011, and before doing so to consult your local electorate and interested parties in the area. Whilst it is for each council to decide how it will meet these requirements, I would wish to highlight the Government's view that councils need not incur any significant expenditure on these requirements, and our expectation in today's circumstances that all councils will pursue this at minimal cost.

These requirements are in the Local Government and Public Involvement in Health Act 2007 and necessarily remain in force unless or until that Act is repealed by fresh primary legislation. It is our intention to do this. For your council the requirements mean that you must resolve by 31 December 2010 to move to either the new leader and cabinet model or mayor and cabinet model, and before so resolving you must take reasonable steps to consult the local electorate and other interested parties in your council's area.

In considering how to approach these requirements you will wish to have regard to the circumstances of today, including both the priority of cutting out all wasteful spending and the Government's commitments to allow councils to return to the committee system, should they wish to, and on elected mayors. We also intend to remove the necessity to elect a leader for four years. We intend to provide for these commitments in our Localism Bill to be introduced later in this Parliamentary session. This may mean that any governance model you adopt in May 2011 may be further changed within a year or so. Your decisions about consultation will also be taken in the context of the greater transparency and openness agenda which I am confident you will be putting in place throughout your council.

Accordingly, the case is strong for any consultation now about future governance arrangements to be the minimal cost option. It will be for each council to decide, but in our view no more than a small newspaper advert/article or press release on your website may be proportionate and right in these circumstances.

Yours sincerely

A handwritten signature in black ink, reading "Grant Shapps". The signature is written in a cursive, flowing style with a small dot at the end.

**GRANT SHAPPS M**

## APPENDIX 3

## Summary of Responses

Name of Respondent	Area	Method	Comment
Mrs Hudson	Alsager	Phone	Against an Elected Mayor. Cannot see any value in an Elected Mayor and considers that it might be disruptive to the running of the Council
Mr Watmough	Alderley Edge	Phone	For an Elected Mayor. Believes that the existing model is not working and that a different approach is needed. Would be concerned about the level of allowances that an Elected Mayor might receive
Mr Dodson		email	<p>Against an Elected Mayor. Of the two alternatives he favours the current position ie a leader rather than an Elected Mayor.</p> <p>This is because the councillors are surely in the best position to choose one of their number to lead them. A directly Elected Mayor might well be in conflict with the councillors, like the Elected Mayor of Doncaster.</p> <p>He also thinks that, wonderful though democracy is, the public are getting electoral fatigue and one more election next May on top of the 3 Cheshire East are already going to have might be the last straw that breaks the camel's back.</p> <p>He does have some reservations about the cabinet system because it diminishes the role of the councillors who are not in the cabinet and therefore tends to discourage people from standing for election and reduce voter turnout</p>
Mr Moore	Rope	email	Against an Elected Mayor He responded to an article in the 'Crewe Chronicle' about seeking opinions about an Elected Mayor. He could not over emphasise how dubious he was

			about responding to the request as the last public opinion poll, about the formation of Cheshire East, totally disregarded the vast majority and went ahead with it anyway. Since the formation of Cheshire East he feels that the southern part of the council area has become the poor relation to the northern area. The election of a Mayor would only exacerbate this situation if any such person was elected from that area.
Mr Nicholas		email	He sought clarification on Why would the Elected Mayor not sit at the Council as the Mayor? Why would that be left to the Civic Mayor? An explanation was provided on the different roles.
Amanda Grandison		email	<p>Sought more information about how the changes will affect Cheshire East and how would the list of proposed mayors will be arrived at – should this option be chosen.</p> <p>She also asked on what basis will the council make the decision of which option to put in place and how she could make herself available for election should the circumstances arise?</p>
David Priaulx	Sandbach	email	For an Elected Mayor. He wished to record that his preference was for an Elected Mayor. He understood that this was a paid role and the individual should not be decided by the councillors themselves
Councillor Andrew	Alderley Edge	email	Against an Elected Mayor. She favours the Leader model. Councillors can change the leader more easily than it can change an Elected Mayor

**COUNCIL MEETING – 16<sup>TH</sup> DECEMBER 2010**

**Extract from the Minutes of the Constitution Committee Meeting on 18<sup>th</sup> November 2010**

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

The Committee considered a proposed revision to the scheme for dealing with petitions to include provision for e-petitions.

The Local Democracy, Economic Development and Construction Act 2009 required all principal local authorities in England to establish a scheme for handling petitions made to the authority. Under the Local Authorities (Petitions) (England) Order 2010 and in accordance with the Statutory Guidance the Council had approved its Petition Scheme on 27<sup>th</sup> May 2010 and had requested that the Borough Solicitor report to the Constitution Committee on the development of an on-line petition facility.

The Order required the authority to develop an On-Line Petition Facility, to be available from 15<sup>th</sup> December 2010. In the absence of any further guidance the Council's Modern.gov agenda management system had been upgraded at no extra cost with an e-Petitions module. The system met the necessary legislative requirements and allowed the Petitions Officer to moderate petitions and decide if a petition should be rejected before it was published.

The Council's Petition Scheme needed to be revised to reflect e-petitioning. A proposal was set out in Appendix A to the report.

**RESOLVED**

That

- (1) Council be recommended that the Petitions Scheme be amended to include the additional section dealing with e-petitions as set out in Appendix A to the report and the Constitution be amended accordingly; and
- (2) the proposed online e-petition facility be launched with effect from 1<sup>st</sup> December 2010.

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# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 18<sup>th</sup> November 2010  
**Report of:** Borough Solicitor  
**Subject/Title:** E Petitions - The Local Democracy, Economic Development and Construction Act 2009 and the Local Authorities (Petitions) (England) Order 2010

---

### 1.0 Report Summary

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 places a new duty on Councils to promote local democracy and introduce facilities for receiving and dealing with petitions. The Act received Royal Assent on 12<sup>th</sup> November 2009. The majority of provisions came into force through the publication of orders. The Local Authorities (Petitions) (England) Order 2010 was published on 22<sup>nd</sup> March and came into effect on 15<sup>th</sup> June 2010. The effect of the order required every local authority, from 15<sup>th</sup> June 2010, to have adopted a "Petition Scheme" which sets out how it will handle petitions, and by 15<sup>th</sup> December 2010 every local authority must have an on-line petition facility, under which anyone may set up a petition on the authority's website. Other petitioners would be able to "sign up" to the petition on-line. This report invites the Committee to revise the Scheme for dealing with petitions to include provision for e petitions.

### 2.0 Recommendations

That the Committee

(1) approve the revised Petition Scheme; and

(2) authorise the launch of the proposed on-line e petition facility with effect from 1<sup>st</sup> December 2010.

### 3.0 Reasons for Recommendations

- 3.1 Petitions are the most widely used form of civic action by individuals and communities to make representations to different public bodies on matters affecting them. The Government has decided that Councils must introduce facilities for both paper and electronic petitions. The new duty being introduced increases the range of opportunities for individuals and groups to engage with the Council.

### 4 Wards Affected

- 4.1 All

### 5.0 Local Ward Members

- 5.1 All

## **6.0 Policy Implications**

- 6.1 Not applicable.

## **7.0 Financial Implications**

- 7.1 The Council's Modern.gov agenda management system has been upgraded at no extra cost, with an e-Petitions module. The cost of controlling, moderating and dealing with paper and e petitions is being met from within existing resources.

## **8.0 Legal Implications**

- 8.1 Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act places a duty on the Council to have a Scheme in place to handle petitions and to provide a facility for making electronic petitions to the authority. The Local Authorities (Petitions) (England) Order 2010 requires the Council to adopt a Petitions Scheme by the 15<sup>th</sup> June. The order requires e petitioning to be introduced by 15<sup>th</sup> December 2010. The Scheme must receive formal approval of the Council before it comes into force. There are specific requirements about the way petitions should be acknowledged and categorised and which require officers to be held to account. The Act also requires publication of details of the petition and action taken by the authority. The legislation also proposes that, if the petitioner so requests, an Overview and Scrutiny Committee may review the steps taken or action proposed to be taken by the Council.

## **9.0 Risk Management**

- 9.1 The Council will need to moderate petitions and criteria were established to decide if a petition should be rejected. The Government had indicated that further guidance on e-petitions would be available, including practical advice for selecting and setting up an e-petitions facility. This has yet to be published.
- 9.2 The Council's IT Service are running a diagnostics check to ensure that the module meets the Council's IT Strategy requirements.

## **10.0 Background and Options**

- 10.1 The Local Democracy, Economic Development and Construction Act 2009 requires all principal local authorities in England to establish a scheme for handling petitions made to the authority. Under the Local Authorities (Petitions) (England) Order 2010 and in accordance with the Statutory Guidance the Council approved its Petition Scheme on 27<sup>th</sup> May 2010 and requested that the Borough Solicitor report to the Constitution Committee on the development of an on-line petition facility.
- 10.2 The Order requires the authority to develop an On-Line Petition Facility, to be available from 15<sup>th</sup> December 2010. In the absence of any further guidance the Council's Modern.gov agenda management system has been upgraded at no extra cost with an e-Petitions module. This has allowed officers to trial the system to ensure that it meets the legislative requirements to allow anyone to set up a petition on the authority's website, and other petitioners may "sign up" to the petition on-line.



- 10.3 The system meets these legislative requirements and allows the Petitions Officer to moderate petitions and decide if a petition should be rejected before it is published.
- 10.4 The Council's Petition Scheme needs to be revised to reflect e-petitioning. A proposal is made at Appendix A. Appendix B is the existing scheme.

**11.0 Access to Information**

- 11.1 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

**Appendices:**

Appendix A –Additional Section to Model Scheme to deal with E petitioning  
Appendix B – existing scheme

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## **E Petitions**

### **Who can sign an e-petition?**

An e-Petition can be signed by a person of any age who lives, works or studies in the Cheshire East area. You do not have to be a registered user to sign all e- Petitions but you will need to provide your name and a valid email address, for verification purposes.

You can only sign an e-Petition once. The list of signatories will be checked by officers and any duplicate signatures or frivolous responses removed.

### **How to create a new e-Petition**

An e-Petition can be created by a person of any age who lives, works or studies in the Cheshire East area. To submit an e-Petition you will need to be a registered user. Registration is a simple process that just requires you to provide us with a few details in case we need to contact you about the e-Petition. On the e-Petitions homepage, select the 'Submit a new e-Petition' option and follow the prompted steps from there. Your online form will be submitted to the Democratic Services Section who may contact you to discuss your e-Petition before it goes live.

### **What information should an e-Petition contain?**

Your e-Petition will need to include:

- A title or the subject of the e-Petition
- A statement explicitly setting out what action you would like the Council to take (e.g. to take action or stop doing something action”).
- Any information which you feel is relevant to the e-Petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites.
- A date for your e-Petition to go live on the website. It may take Democratic Services five working days to check your e-Petition request and discuss any issues with you so please ensure that you submit the request a few days before you want the e-Petition to go live.
- A date for when your e-Petition will stop collecting signatures. We will host your e-Petition for up to 12 months but would expect most to be significantly shorter in length than this.

### **What issues can my e-Petition relate to?**

Your e-Petition should be relevant to some issue on which the Council has powers or duties or on which it has shared responsibilities. Your petition should be submitted in good faith and be decent, honest and respectful. Your e-Petition may be rejected if it does not meet these criteria. In addition, during politically sensitive periods, such as during the period prior to an election, politically controversial material may need to be restricted. The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council.

## **Promoting an e-Petition**

Whilst the Council will host e-Petitions on its website, it will not generally promote individual e-Petitions. Raising awareness of your e-petition can be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters.

## **What happens when the e-Petition is complete?**

When the e-Petition reaches its closing date, you will no longer be able to sign it online. An officer from Democratic Services will submit the final petition to the relevant Portfolio Holder and Council department for action. If appropriate Ward members will also be notified. A response indicating how your e petition will be dealt with will be sent to you within 5 working days and this will set out the timescales involved. The final response will be posted on the Council's website.

If, unusually, the petition is to be considered by a committee, you will be invited to attend the meeting. If you feel that your petition has not been dealt with properly, you have the right to request that the relevant scrutiny committee review the steps that have been taken in response to your petition.

## **What can e-Petitions achieve?**

When you submit an e-Petition to the Council it can have positive outcomes that lead to change and inform debate. It can bring an issue to the attention of the Council and show strong public approval or disapproval for something which the Council is doing. As a consequence, the Council may decide to, for example, change or review a policy, hold a public meeting or run a public consultation to gather more views on the issue.

## **Privacy policy**

The details you give us are needed to validate your support of a petition and, beyond your name, will not be published on the website. This is generally the same information required for a paper petition. All petitions are a matter of public record and the public have a right to visit the Councils Offices at Westfields Sandbach to view the details of those who have signed a particular petition.

**APPENDIX B****Petitions**

Cheshire East Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in Cheshire East, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the District on the subject of facilities at one of our visitor attractions.

Petitions can also be presented to the Mayor prior to a meeting of the Council. These meetings take place on a bi monthly basis, dates and times can be found on the Cheshire East Website [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk). If you would like to present your petition to the Mayor, or would like your councillor to present it on your behalf, please contact the Democratic Services Manager at the address below at least 10 working days before the meeting and they will talk you through the process.

**What should a petition contain?**

A petition should include –

A clear statement of your concerns and what you want the authority to do. This must relate to something which is the responsibility of the authority, or over which the authority has some influence. Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision;

The name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an Email address;

The names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which may be useful to the authority, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential. If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), or to trigger a public meeting of an Overview and Scrutiny Committee at which a specific officer will be required to report (“A Petition to hold an Officer to Account”), your petition will need to contain a higher number of signatories or petitioners (see below);

If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with original matter.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

### **Who should you send a petition to?**

Where you submit a petition in response to consultation by the authority, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

We have appointed a Petitions Officer, who is responsible for receiving, managing and reporting all other petitions sent to the authority. Please address petitions to –

The Petitions Officer  
Cheshire East Council,  
Westfields,  
Middlewich Road,  
Sandbach,  
Cheshire CW11 1HZ

Or to [petitons@cheshireeast.gov.uk](mailto:petitons@cheshireeast.gov.uk).

The Petitions Officer will ensure that your petition is acknowledged to the petition organiser and entered on the authority's petitions website and that the website is regularly up-dated with information on the progress of your petition. The Petitions Officer can also provide you with advice about how to petition the authority or the progress of your petition, at either of the above addresses or by telephone at 01270 686458.

### **Types of Petition**

There are five different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit –

#### Ordinary Petitions

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards Committee, rather than considered under this Petitions Procedure.

#### Consultation Petitions

These are petitions in response to an invitation from the authority for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

## Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

## Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 3000<sup>1</sup> signatories or petitioners (this is reduced to 1500 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area). The Petitions Officer will request the appropriate Chief Officer to prepare a report. This report together with the Petition will be presented to full Council who will debate it fully. Council may then refer the Petition to the appropriate decision making body for further consideration.

## Petitions to Hold an Officer to Account

If you want your petition to be considered at a meeting of an Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 2000 signatories or petitioners (this is reduced to 1000 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area). The authority has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.<sup>2</sup>

## The Petitions Website

The authority maintains a petitions web page on its website.

When a petition is received, within 5 working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who the petition will be considered by within the authority, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the authority's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

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<sup>1</sup> The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold and Officer to Account have been set by the authority to try to ensure that matters of genuine concern can be brought to the authority's attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive.

<sup>2</sup> Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key-words to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

### The role of Ward Councillors

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petition Officer will send a copy of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.

### What happens when a petition is received?

Whenever a petition is received –

Within 5 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

At the same time as responding to the petition organiser, the Petitions Officer will notify Ward Councillors of receipt of the petition and the relevant officers and Portfolio Holders. In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Portfolio Holder or officer to take appropriate action. For example where the petition relates to fly-tipping and the authority can arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether s/he considers that the matter is resolved.

Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will within 5 working days of receipt of the petition provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration,

Within 5 working days of receipt of a petition, the Petitions Officer will open a new public file for the petition on the authority's petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

At each stage of the consideration of the petition, within 5 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

The process after this stage differs for the various types of petitions – see below.

### What happens to a Consultation Petition?

Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees.



Where the petition relates to a matter which is within the delegated power of an officer, s/he will not exercise those delegated powers but will automatically refer the matter up to the relevant Portfolio Holders for decision.<sup>3</sup>

Where the petition relates to a matter which is within the delegated powers of an individual Portfolio Holders, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.

### What happens to a Statutory Petition?

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

### What happens to Petitions for Debate?

Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition.

As set out below, the petition organiser will be invited to address the meeting on the subject of the petition.

### What happens to a Petition to Hold an Officer to Account?

Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.

In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairman of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairman will invite the petition organiser to address the Committee on the issue<sup>4</sup>, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.

### What happens to an Ordinary Petition?

The Petitions Officer will arrange for each ordinary petition to be reported to the appropriate officer and Portfolio Holder which has responsibility for the subject matter of the Petition for them to deal with under delegated powers. If appropriate to do so the petition organiser will be invited to meet the Portfolio Holder to make representations in support of the petition

Within 5 working days of the consideration of the petition by the relevant Portfolio Holder, the Petitions Officer will notify the petition organiser of the Portfolio Holder's decision and

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<sup>3</sup> The exceptions to delegated powers set out in Paragraphs 3.8.3 and 3.8.4 will need to be carried over to the Scheme of Delegations in the Council's Constitution

<sup>4</sup> Note that the 2009 Act does not give the petition organiser a right to speak at the Committee meeting, but the Council has decided that s/he should be invited to set out the petitioners' concerns in relation to the subject matter of the petition.

advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.

At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.

### Appeal to an Overview and Scrutiny Committee

If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may appeal to an Overview and Scrutiny Committee by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.

Within 5 working days of receipt of intention to appeal, the Petitions Officer will determine which is the relevant Overview and Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee on why they considers that the authority's decision on the petition is inadequate.

At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Council's response was insufficient. The Overview and Scrutiny Committee may not over-ride the decision maker's decision but the decision maker must consider any recommendations made by the Overview and Scrutiny Committee.

### The role of the Petition Organiser

The petition organiser will receive acknowledgement of receipt of the petition within 5 working days of its receipt by the authority.

Where the petition is not accepted for consideration the petition organiser will be advised by the Petitions Officer of the rejection and the grounds for such rejection.

Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within 5 working days of receipt by the authority as to who the petition will be considered by, and the date, time and place of the meeting at which it will be considered, and will be invited to address the meeting for up to 3 minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.

The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

The petition organiser will be regularly informed by the Petitions Officer of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision.

The petition organiser may notify the Petitions Officer of his/her intention to appeal to an Overview and Scrutiny Committee against the decision of the authority relating to the petition within 20 working days of being notified of that decision, and may attend and address the meeting of the Overview and Scrutiny Committee as to why he/she considers that the authority's decision on the petition was inadequate.

### Petitions which will not be reported

#### Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

#### Repeat Petitions

Where a petition will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

#### Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time-wasting, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

If your petition is about something over which the council has no direct control we will pass on the petition on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

Wherever possible, it is expected that the petition will be dealt within six weeks of it being received by the Council. If this is not possible, then a holding response will be sent to the lead petitioner and relevant Portfolio Holder(s).

#### E-petitions

The council will be introducing e-petitions. It will be possible to create and submit E-petitions through our website and will follow the same guidelines as paper petitions.

This Scheme will be revised when e-petitions are introduced.

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## **CHESHIRE EAST COUNCIL**

### **Wilmslow Community Governance Review Sub-Committee**

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**Date of Meeting:** 9th December 2010  
**Report of:** Borough Solicitor  
**Subject/Title:** Wilmslow Community Governance Review - Outcome of Stage 2 Consultation

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#### **1.0 Report Summary**

- 1.1 The report attached as Appendix 1, considered by this Sub-Committee on 27 September 2010, details the outcomes of the second stage of public consultations, based on the Council's draft recommendations for the Wilmslow Community Governance Review. The issues have also been further considered by the Sub-Committee on 21 October, together with the detail of the draft Order which would be required, should the Council finally determine to implement its previous recommendations. This report summarises the conclusions reached by the Sub-Committee, makes recommendations for consideration by the Constitution Committee on 15 December and by Council on 16 December, and includes the proposed Order which would be required to bring these recommendations into effect.

#### **2.0 Recommendation**

- 2.1 The Sub-Committee is asked to RESOLVE:

That having taken into account all responses made during the Second Stage of consultation, and having regard to the need to ensure that Community Governance within the area reflects the identities and interests of the Community, and is effective and convenient, the Constitution Committee be asked to recommend to Council to affirm its recommendations made on 22 July and that:

1) having regard to comparator information for Parish Councils in Cheshire East, and having regard to electoral equality, three new parishes be created and the number of Councillors to serve on each of each of the new Parish Councils be as follows:

- a. Handforth: 7 Councillors
- b. Styal: 7 Councillors
- c. Wilmslow: 15 Councillors

(2) four wards be created for the Wilmslow Parish and named as follows, to provide as far as possible 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 .Wilmslow East (comprising 4 Councillors: polling districts 8FD1(part), 8FA1(part), 8FB1(part), 8FE1, 8FF1)

(3) three wards 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)

(4) accordingly, the detailed provisions of the draft Cheshire East Borough Council (Re-organisation of Community Governance) Order 2010, as submitted to the meeting be approved and that the Borough Solicitor be authorised to issue the Order and to make any necessary technical and detailed amendments as may be required; and

(5) in accordance with Section 96 of the Local Government and Public Improvement in Health Act 2007, the Borough Solicitor be authorised to make the necessary arrangements to publicise the outcome of the Community Governance Review.

### **3.0 Reasons for Recommendations**

- 3.1 To enable the Constitution Committee and the Council finally to determine the outcome of the Community Governance Reviews of Wilmslow, Handforth and Styal and to make the legal Order required to give effect to such decisions.

### **4.0 Wards Affected**

- 4.1 Wards covering the areas of Wilmslow, Handforth and Styal.

### **5.0 Local Ward Members**

- 5.1 As above

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

6.1 None

**7.0 Financial Implications (Authorised by the Borough Treasurer)**

7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking the Community Governance Reviews. These costs will be met as far as possible from within existing budget provision.

7.2 In the event that parish councils are established, there will be costs associated with the administration of the elections, which will be met by the Borough Council, as they are proposed to be held on the same day as elections for Cheshire East Councillors on 5<sup>th</sup> May 2011. The cost of any future by-elections would be met by the Parish Councils.

7.3 Parish precepts will need to be raised for any new Parish Councils created, to cover the administration costs for the municipal year 2011/12.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 With effect from April 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission under the Local Government and Rating Act 1997 to local authorities under Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

**9.0 Risk Management**

9.1 The Council has followed the Guidance on Community Governance Reviews published by the Electoral Commission and the Department of Communities and Local Government. There are no other risk management issues.

**10.0 Background**

10.1 The Sub-Committee has given detailed consideration to the outcomes of the second stage of public consultations, which have raised a number of issues which need to be addressed and provided for in the recommendations to Council. Attached as Appendix 2 is the proposed final draft of the "Cheshire East Borough Council (Reorganisation of Community Governance) Order". It is based on the Council's previous draft recommendations, but also deals with the implications of the Boundary Commission's Review of the Cheshire East Electoral Arrangements; the need to make provision for the 2011/12 budget requirement; Options for Transitional Arrangements before the elections to new Parish Councils; and other more detailed references in the draft.

- 10.2 The Boundary Commission's final recommendations for electoral arrangements for the whole of Cheshire East were laid in Parliament on 11 October in the form of a draft Order. Under the relevant procedures, the draft Order is approved provided it is not debated and rejected by Parliament within a period of 40 days. Although the Cheshire East Order was "prayed against" it has not been debated and, the 40 days having expired on 19 November, it can now be made. The Boundary Commission has indicated that it will issue the final Order early in the new year.
- 10.3 Accordingly it is now clear that the borough ward boundaries in the Wilmslow area will be those as determined by the Commission. The Sub-Committee has previously considered a pattern of warding for new parishes in Wilmslow and Handforth which will broadly conform to the new borough wards, in that, with one exception, none of the proposed parish wards is split by a borough ward boundary. The exception occurs in the case of the Wilmslow parish ward of Dean Row, part of which will be in the borough ward of Handforth. The Sub-Committee has previously been of the view that the proposed parish ward boundaries for Dean Row better reflect in particular the community identities of the area. Members are asked to give further consideration to this issue and make appropriate recommendations to the Council.
- 10.4 The proposed parish ward boundaries and ward names are shown in detail on the attached map, which will form part of the CGR Order. The name for the Hough parish ward has been changed to Wilmslow East, and in Article 7 the number of Styal Parish Councillors is set at 7 in accordance with the Sub-Committee's previous decisions. The warding arrangements are prescribed in Article 8, but no longer by reference to polling district numbers, as these may be subject to review across the whole Borough and may therefore change in the future.
- 10.5 The Sub-Committee has previously considered the need to set an appropriate budget and for the levying of a precept in each of the new parish areas if created. The amounts involved will be required to cover the estimated administration costs in the year 2011 – 12. Following their election the new Parish Councils will subsequently consider the level of the precept for future years. In coming to their conclusions, the Sub-Committee had regard to the balance between providing adequate resources to new parishes in their first year, and setting reasonable limits to precepts in the current financial situation. The Sub-Committee's recommended precepts are set out in Article 10, and an appropriate sentence has been added to the "Explanatory Note" attached to the Order. In accordance with the wishes expressed by the Sub-Committee at the last meeting, Jackie Weaver, Chief Officer Cheshire Association of Local Councils (Chalc), has been invited to attend the meeting to provide additional detailed information to support the proposed budgets for the three proposed parish Councils for 2011/12.



- 10.6 At the last meeting, Members considered whether transitional provisions should be included in the draft Order. Such provisions would cover the period between the making of the Order, and the election of councillors to new parishes. They would enable some preparatory work to be undertaken in the “shadow” period to help the new bodies to assume their responsibilities effectively once elected. It was, however, noted that the “shadow” period between January and May was relatively short.
- 10.7 Members considered the alternatives of either the current 6 Borough Councillors for the area representing the interests of the 3 parishes, or of the Sub-Committee itself carrying out this role. The extended terms of reference for the Sub-Committee agreed by Constitution Committee and reported to the last meeting would enable this Sub-Committee to deal with the necessary transitional arrangements. If Members conclude that this as the preferred option there would be no need to make provisions in the Order itself. The attached Order as drafted does not specify “Transitional Provisions” but if the Sub-Committee recommends the alternative option [of the 6 local Borough Councillors] a suitable form of words can readily be drafted.
- 10.8 The recommendations of the Sub-Committee and the Constitution Committee will be presented to Council on 16 December, where the final outcome of the Community Governance Review will be decided. If Council decides to constitute new parish councils, it should also approve the Order which, once signed and sealed by the Borough Solicitor, will bring the new arrangements into legal effect. It is also recommended that appropriate publicity is given to the final outcome of the Review, and that all those who responded to the consultations should be informed.

## **11.0 Access to Information**

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

Name: Lindsey Parton  
Designation: Elections and Registration Team Manager  
Tel No: 01270 686477  
Email: [lindsey.parton@cheshireeast.gov.uk](mailto:lindsey.parton@cheshireeast.gov.uk)

- Guidance on Community Governance Reviews published by the Electoral Commission and the DCLG
- Explanatory Leaflet and Notice of Publication for the first stage of consultation
- Notice of Publication of Draft Recommendations arising from the first stage of consultation

**Appendices**

1. Sub-Committee report of 27<sup>th</sup> September 2010 - “Wilmslow Community Governance Review – Background and Outcome of Stage 2 Consultation”
2. Proposed Final Draft of the “Cheshire East Borough Council (Re-Organisation of Community Governance) Order

# CHESHIRE EAST COUNCIL

## Wilmslow Community Governance Review Sub Committee

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**Date of Meeting:** 27<sup>th</sup> September 2010  
**Report of:** Borough Solicitor  
**Subject/Title:** Wilmslow Community Governance Review

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### 1.0 Report Summary

- 1.1 This report provides the background in relation to the Wilmslow Community Governance Review under the provisions of the Local Government and Public Involvement in Health Act 2007, following receipt of three valid petitions from electors in Wilmslow, Handforth and Styal calling for a review to be undertaken. The report provides details of the outcome of stage two of the public consultation on the Council's draft recommendation for the review, as made by the Council on 22<sup>nd</sup> July 2010.

### 2.0 Recommendation

- 2.1 To consider the responses from the Stage 2 consultation and to recommend to the Constitution Committee that it makes an appropriate recommendation to Council, having regard to the results of consultation on the draft proposal formulated by Council on 22<sup>nd</sup> July 2010.

### 3.0 Reasons for Recommendations

- 3.1 The second stage of Consultation for the Wilmslow Community Governance review took place from 11<sup>th</sup> August to 15<sup>th</sup> September 2010 and following this meeting the results will be considered by the Constitution Committee on 30<sup>th</sup> September 2010. The recommendation of the Constitution Committee for the final outcome of the Review will then be reported to the Council meeting for approval, including approval of any Reorganisation Order required for the formation of new parishes as may be determined. The date of the Council meeting is yet to be confirmed, as the final outcome of the current Cheshire East Boundary Review has not yet been determined, and this will have an impact upon the Council's final decision for the outcome of the Wimslow Community Governance Review, in particular the detail of warding arrangements for the Wilmslow area.

### 4.0 Wards Affected

- 4.1 Wards covering the areas of Wilmslow, Handforth and Styal.

**5.0 Local Ward Members**

5.1 As above

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

6.1 None

**7.0 Financial Implications (Authorised by the Borough Treasurer)**

7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking the Community Governance Review. These costs will be met as far as possible from within existing budget provision.

7.2 In the event that parish councils are established, there will be costs associated with the administration of the elections, which will be met by the Borough Council, as they are proposed to be held on the same day as elections for Cheshire East Councillors on 5<sup>th</sup> May 2011. The cost of any future by-elections would be met by the Parish Councils.

7.3 Parish precepts will need to be raised for any new Parish Councils created, to cover the administration costs for the municipal year 2011/12.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 With effect from April 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission under the Local Government and Rating Act 1997 to local authorities under Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

**9.0 Risk Management**

9.1 The Council has followed the Guidance on Community Governance Reviews published by the Electoral Commission and the Department of Communities and Local Government. There are no other risk management issues.

**10.0 Background**

10.1 The Local Government and Public Involvement in Health Act 2007 permits the Council to undertake a community governance review of the whole or part of the Borough Council area.

**10.2 The Review**

Cheshire East Council in accordance with Section 83(2) of the Act is undertaking a community governance review following receipt of three valid petitions which called for community governance reviews and for the creation of parishes and parish councils in the areas of Wilmslow, Handforth and Styal.

In conducting the Review, the Council has responded to the proposals contained in the petitions, but in accordance with the guidance, has also considered other viable options for other forms of community governance including Area committees, Neighbourhood Management, Tenant Management organisations, Area/ Community forums, Residents and Tenants Associations, Community Associations and whether people would prefer a single parish Council for Wilmslow, Handforth and Styal or separate parish councils for these three areas to be created.

An explanatory leaflet about the community governance review was prepared and used as a basis for the first phase of consultation which ran from 10 May to 4 June 2010.

This community governance review has provided the Council with an opportunity to examine and review existing community governance arrangements and to consider whether or not new arrangements were required to best meet the needs of local people.

The first stage of consultation sought views from all electors by way of a voting paper delivered to each elector with the explanatory leaflet. A letter and explanatory leaflet about the review was sent to various stakeholders including local public and voluntary organisations, schools, health bodies and resident and community groups. Three public meetings were held in April 2010 at venues in Wilmslow, Handforth and Styal. The Cheshire East Council website was also used to allow people to record their views online.

Consideration was given to the comments and representations received from this first phase of consultation and on the basis of those representations the Council's draft recommendation was published on 11<sup>th</sup> August 2010.

### 10.3 Criteria and aim of the Review

Section 93 of the Local Government and Public Involvement in Health Act 2007 requires councils to ensure that community governance in the area under review will be reflective of the identities and interests of the community in that area and is effective and convenient. In considering this criteria the Council is required to take account of a number of influential factors including the impact of community governance arrangements on community cohesion.

The Guidance on community governance reviews published by the Department of Communities and Local Government in April 2008 sets out in detail the factors for consideration to help inform the Council's judgement against the statutory criteria.

#### 10.4 Previously Unparished Areas

The Council is required by law to consider other forms of community governance as alternatives or as stages towards establishing parish councils. The Council has noted the existing arrangements in place in the area for community representation and community engagement, including the Wilmslow Local Area Partnership, the Colshaw Community Development Group, Community Groups and Working Groups and the extent to which they were creating opportunities for engagement, empowerment and co-ordination in local communities.

#### 10.5 Consultation

In reaching its draft recommendation in this review, the Council took into account the representations received having regard to the criteria in the Local Government and Public Improvement in Health Act 2007.

#### 10.6 Result of consultation with electors

Just over 25, 000 voting papers were issued and 6876 were returned (27.48%). Electors were invited to respond to two questions on the voting paper and the results were as follows:-

##### **For Wilmslow Residents**

<b>Question 1</b>
1. Do you want a parish council? Yes/ No
<b>Question 2: If yes, please tick the option you agree with below</b>
A. I want a single parish council for Wilmslow, Handforth and Styal
B. I want a separate parish council for Wilmslow

##### In relation to Question 1 – the results were:

2894 electors indicated that they want a parish council.

2144 electors indicated that they did not want a parish council

##### In relation to Question 2 – the results were:

1090 electors expressed a view for a single parish council for Wilmslow, Handforth and Styal

1846 electors expressed a view for a separate parish council for Wilmslow

### For Handforth Residents

<b>Question 1</b>
1. Do you want a parish council? Yes/ No
<b>Question 2: If yes, please tick the option you agree with below</b>
A. I want a single parish council for Wilmslow, Handforth and Styal
B. I want a separate parish council for Handforth

In relation to Question 1 – the results were:

1023 electors indicated that they want a parish council.  
534 electors indicated that they did not want a parish council

In relation to Question 2 – the results were:

415 electors expressed a view for a single parish council for Wilmslow, Handforth and Styal

619 electors expressed a view for a separate parish council for Handforth

### For Styal Residents

<b>Question 1</b>
1. Do you want a parish council? Yes/ No
<b>Question 2: If yes, please tick the option you agree with below</b>
A. I want a single parish council for Wilmslow, Handforth and Styal
B. I want a separate parish council for Styal

In relation to Question 1 – the results were:

219 electors indicated that they want a parish council.  
23 electors indicated that they did not want a parish council

In relation to Question 2 – the results were:

25 electors expressed a view for a single parish council for Wilmslow, Handforth and Styal

201 electors expressed a view for a separate parish council for Styal

#### 10.7 Submissions received to Stage 1 consultation

In addition to the responses to the voting paper, the Council received a further 40 representations.

#### 10.8 Draft Recommendation

The second stage of consultation ran from 11 August 2010 to 15<sup>th</sup> September 2010 and sought views on the Council's draft recommendation. There were two proposed options for warding arrangements for Wilmslow which were

dependant upon the outcome of the current boundary review of Cheshire East Council wards by the Boundary Commission.

The draft recommendation of the Council for the outcome of the review, as agreed at the Council meeting held on 22 July 2010 was as follows:-

**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.**

Representations were invited from all interested persons, organisations, stakeholders and the public. Interested parties were encouraged to submit their views, together with any relevant supporting information, in writing, by email, or via a feedback form on the Council's website.

#### 10.9 Submissions received to Stage 2 Consultation

Copies of all responses received to the Second stage of consultation are attached as an appendix to this report.

#### 10.10 Key Issues

In making its final decision on the outcome of the Community Governance Review for Wilmslow, the Council must take into account representations received. The Council is also required to have regard to the need to ensure that community governance within the area reflects the identities and interests of the community and is effective and convenient.

As soon as practical after the Council has decided to what extent it will give effect to the recommendation made in the review, it must publish the decision and the reasons for making that decision. The Council must also take steps to ensure that people who are interested in the review are informed.

Should the decision be taken to establish Parish Councils, electoral arrangements would need be put in place and a formal Order made to give effect to the new arrangements which would then enable elections to take place in May 2011. The final outcome of the current Cheshire East Boundary Review has not yet been determined, and this could have an impact upon the Council's final decision for the outcome of the Wimslow Community Governance Review, in particular the consideration of the detail of warding arrangements for any parishes ultimately proposed.

### **12.0 Access to Information**

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

Name: Lindsey Parton  
Designation: Elections and Registration Team Manager  
Tel No: 01270 686477  
Email: lindsey.parton@cheshireeast.gov.uk

- Guidance on Community Governance Reviews published by the Electoral Commission and the DCLG
- Explanatory Leaflet and Notice of Publication for the first stage of consultation
- Notice of Publication of Draft Recommendations arising from the first stage of consultation

**Appendices** - Representations received from the Stage 2 consultation ending on 15<sup>th</sup> September 2010.

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**WILMSLOW COMMUNITY  
GOVERNANCE REVIEW**

**REPRESENTATIONS RECEIVED IN  
RESPONSE TO STAGE 2  
CONSULTATION**

**BASON, Ralph**

---

**From:** rkacton@talktalk.net  
**Sent:** 06 August 2010 10:19  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Stage 2 Consultation

Dear Sir I am very surprised that no copy of the Review Stage 2 is available in Wilmslow. Many people do not have computers and wish to see what is in the document. Do you expect them to go somewhere well outside Wilmslow in order to see what is being proposed for them? Could you place a copy in Wilmslow Library and announce you have done so in the local press? Thank you Ray Acton 1 Westgate Fulshaw Park Wilmslow 01625 527198

**PARTON, Lindsey**

---

**From:** Centre, Call  
**Sent:** 06 August 2010 10:59  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Wilmslow Community Governance Review

[Submitted by Anonymous User]

---

## Wilmslow Community Governance Review Feedback Form

**Name**

Ian Livingston

**Address**

18 Vale Rd  
Wilmslow

**Feedback**

1. The majority either voted against or did not vote. Those for the change were a clear minority.
2. No one has said precisely what the extra cost gives us. What powers does a parish council have?
3. It is just another level of bureaucracy at a cost we can ill afford.

If you require a copy of this form for your records, please print using your web browser print button before submitting.

18/08/2010

**PARTON, Lindsey**

---

**From:** wally.bell [wally.bell@tesco.net]  
**Sent:** 09 August 2010 11:44  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Town councils in Wilmslow, Handforth & Styal

**The Elections and Registration Team Manager**

I am writing to object to the plans for local town councils in Wilmslow, Handforth & Styal with 15 councillors for Wilmslow, 7 for Handforth and 5 for Styal.

OF the ballot papers issued only 28% responded. EVEN IF all those had voted in favour of town councils there is still an overwhelming majority who elected for a status-quo. Clearly 100% in favour is an impossibility. Note that I did vote (against) and did return my ballot!

In these days, when the country, according to all three major parties (Labour, Conservative, Liberal Democrat), is in dire straits, there is absolutely no need to create further bureaucracy in the public sector.

Cease your profligate empire-building now. We, national taxpayers & local community charge payers alike, cannot afford it.

W M BELL  
5 Pownall Court  
Wilmslow  
SK9 5QE



**PARTON, Lindsey**

---

**From:** Centre, Call  
**Sent:** 11 August 2010 17:38  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Wilmslow Community Governance Review

[Submitted by Anonymous User]

---

## Wilmslow Community Governance Review Feedback Form

**Name**

Patrick Tyrrell

**Address**

35 Handforth Road  
Wilmslow  
Cheshire  
SK9 2LX

**Feedback**

The maps of the proposed boundaries are practically unreadable.  
They must be replaced by ones that are readable.

**If you require a copy of this form for your records, please print using your web browser print button before submitting.**

**PARTON, Lindsey**

---

**From:** Centre, Call  
**Sent:** 12 August 2010 14:42  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Wilmslow Community Governance Review

[Submitted by Anonymous User]

---

## Wilmslow Community Governance Review Feedback Form

**Name**

David Allen

**Address**8, Bollin Court,  
Wilmslow SK9 2AP**Feedback**

I find the idea of voting in 3 Councillors per ward anti democratic. If we are to have 15 councillors then each councillor should represent one group of electors. If you only have 4 or 5 wards then we only need a council of 4 or 5 members. Lets us put a stop to party political jiggery pockery and give local residents, i.e. resident in the area they represent, a chance to make their mark on local issues.

We should also ensure that Wilmslow, being a larger parish and therefore more efficient, should have one of the lowest precepts. All new councillors should be volunteers i.e. NO PERSONAL EXPENSES

**If you require a copy of this form for your records, please print using your web browser print button before submitting.**

ELECTIONS OFFICE

12 AUG 2010

RECEIVED

Elections & Registration

Team Manager  
Cheshire East Council  
Westfields  
Sandbach  
Cheshire CW11 1BZ

29 Arlington Crescent  
Wilmslow  
Cheshire  
SK9 6BH

10 August 2010

Dear Sir

Proposed New Town Councils. Wilmslow, Handforth, Styal

As an elector I wish to express my views on the CEC recommendations for the formation of the above.

In the first case although the ballot produced a response this response of only 27.48% return of the ballot papers cannot be regarded as conclusive. What about the remaining 72.52% who did not return their papers? Had they voted and there must be a good valid reason why they did not vote, the result "for or against" could have been quite different and this needs to be taken into account before coming to any decision.

One further point which needs to be taken into account. It would appear that not all electors understand that new parish councils will mean yet more taxation. There has been but scant reference made to the amount of the precept which would be levied. To many of the electorate the amount of money having to be found to pay the existing crippling council tax makes it necessary to make not inconsiderable sacrifices in their family budgets and to impose yet a further tax could have dire results. The question must be asked to what avail?

At this present time when the economy is in such a fragile state with cuts and redundancies surrounding us the council should take a realistic and responsible view of this proposal and place any decisions in abeyance until such time as it can be afforded.

Yours faithfully

Edgar Curry

P.S. Does Wilmslow really need 15 councillors!!?

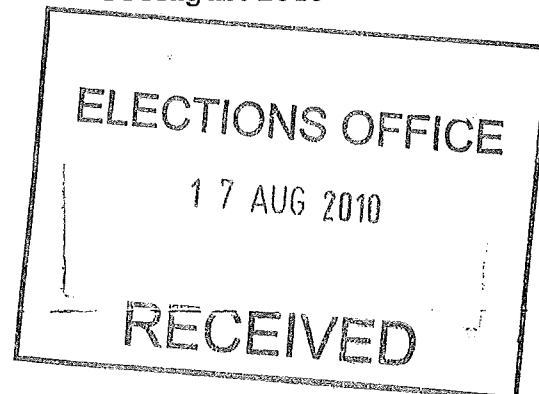
C

Tel: 01625 532435

7 Viewlands Drive  
Handforth  
Wilmslow  
SK9 3BR

14 August 2010

The Elections & Registration Team Manager  
Cheshire East Council  
Westfields  
Sandbach  
Cheshire  
CW11 1HZ



Dear Sirs

Wilmslow, Handforth & Styal Governance Review

I'm at a loss as to how you think you can proceed with these new town councils - in my view a total vote of 28% does not give you a mandate to proceed - the election criteria was flawed, it should have had a minimum voting return of at least 67% of the total eligible voting population to proceed.

Also, in the current economic climate and the Government's squeeze on public sector spending to even contemplate spending money unnecessarily on such a frivolous project like this is a disgrace.

We do not need an extra tier of local government - it will make not a scrap of difference to any services received, it's just a means of lining a few councillors pockets with exorbitant expenses claims.

Just for the record, I was one of the 28% who did return the voting form, but I certainly did not vote for this proposal.

Yours faithfully

Elaine Davies

cc George Osborne, MP

**PARTON, Lindsey**

---

**From:** Marion Duff [duff415@btinternet.com]  
**Sent:** 18 August 2010 11:53  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** community team manager sandbach

THE ELECTIONS AND REGISTRATION TEAM MANAGER, CHESHIRE EAST.

As you asked for suggestions for how CEC should use our taxes to create a fairer run society I have sent a short attachment on just that

How new Town Councils organise themselves using our money.

Local paper request

Suggestions

1. Many community halls are in a bad state and need to be modernised, through reducing the greed of Chief executives massive salary.
2. Trees are needed in new housing development, in scrubland, street ends etc (oak, ash, pine, beech etc) to ensure we live with nature, not outside nature. Too little nature develops as N.D.D (NATURE DEFICIT DISORDER) when lots of psychological problems such as depression, anger, short temper, fear and self-harm develop. Create small woodland for children's education, and recreation.
3. Work to integrate the various aspects of community, which at present is fragmented.
  - a. Introduce a volunteer scheme pulling the generations together
  - b. Reduce noise pollution...road use i.e. excessive traffic, poor planning regulations with buildings too close, too big, reducing our personal space...need green cover as a barrier to excessive noise.
4. Councils need to look at how they waste our community taxes money in stupid schemes, expenses, lack of communication between departments etc. We can have a road dug up two three times in one year for water, gas, or anything else when co-ordination of maintenance would be wiser.
5. Litter needs serious consideration. All unemployed people fit and able need to contribute something to the community, young offenders, and the 16-18 age group need to respect and understand how social harmony works.
6. We need a work force, not excessive managers with talk and no action. We need on the beat police, care workers for elderly hospital/school cleaners, nurses, and those key workers going into schools to teach the children about how community works.

We need less red tape putting people off doing anything. We need common sense, practicality, trained skilled trades men, and fairness.

Hope this helps

**PARTON, Lindsey**

---

**From:** JOHN GORDON [johnmoyragordon@btinternet.com]  
**Sent:** 26 August 2010 16:07  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** wilmslow parish council

Only 1846 votes were cast for a WILMSLOW Town Council !

Who are these potential Town Councillors who can provide a better service ?

I have been retired for 15 years on a fixed pension. I accept inevitably costs rise but to inflict extra expense, in this economic climate, without any assurance there will be a major improvement in services, would be totally unjust especially when the vast majority of residents have not voted for it. I trust Cheshire East will reject this proposal.

John Gordon

**PARTON, Lindsey**

---

**From:** Centre, Call  
**Sent:** 03 September 2010 12:02  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Wilmslow Community Governance Review

[Submitted by Anonymous User]

---

## Wilmslow Community Governance Review Feedback Form

**Name**

Mr M J Beanland

**Address**

Lacey Green Primary School  
Barlow Road  
Wilmslow  
Cheshire  
SK9 4DP

**Feedback**

The establishment of a Parish Council receives my full support and wish to register this interest.

M J Beanland  
Bursar

**If you require a copy of this form for your records, please print using your web browser print button before submitting.**

**PARTON, Lindsey**

---

**From:** Stuart Redgard [stuart.redgard@mac.com]  
**Sent:** 09 September 2010 01:37  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Re: Wilmslow Governance Review Stage 2 - Inadequate Information

Dear Ralph

When can I expect the map

Mr Stuart Redgard

On 27 Aug 2010, at 14:23, COMMUNITY GOVERNANCE REVIEW wrote:

> Dear Mr Redgard

>

> Thank you for your email. Please accept my apologies for the degree  
> of detail provided about the review. I appreciate that a more  
> detailed map would be useful as you suggest. I have now arranged for  
> one to be produced and made available for inspection at Wilmslow  
> Library and Macclesfield Town Hall. We will also post one to you.

>

> Any questions please call me on the direct line below

>

> Yours sincerely

>

>

>

> Ralph Bason

>

> Elections and Electoral Registration

>

> Cheshire East Council

>

> Westfields, Middlewich Road, Sandbach CW11 1HZ

>

> ralph.bason@cheshireeast.gov.uk

>

>

>

> Tel: 01270 686479

>

>

>

> www.cheshireeast.gov.uk

>

>

> -----Original Message-----

> From: Stuart Redgard [mailto:stuart.redgard@mac.com]

> Sent: 26 August 2010 22:40

> To: COMMUNITY GOVERNANCE REVIEW

> Cc: MENLOVE, Rod (Councillor); BARTON, Gary (Councillor); FITZGERALD, Wesley  
(Councillor)

> Subject: Wilmslow Governance Review Stage 2 - Inadequate Information

>

> To whom it may concern.

>

> I wish to lodge a complaint regarding the level of detail provided for  
> stage 2 of the the Wilmslow, Handforth and Styal Community Governance  
> Review.

>

> Having viewed the information online and finding it inadequate I have  
> today made a trip to the Council Offices at Macclesfield Town Hall.  
> This trip turned out to be a waste of time as the Customer Services  
> Centre were unable to find any more detailed information available and  
> were unable to make contact with the "elections and registrations  
> department".

>



Highfield  
Station Road  
Styal  
SK9 4JP

10<sup>th</sup> September 2010

Lindsey Parton  
Elections and Registration Team Manager  
Cheshire East Council  
Westfields  
Sandbach  
Cheshire CW11 1HZ

Dear Ms Parton

**Wilmslow Community Governance Review – 2<sup>nd</sup> Stage Consultation**

On behalf of Styal Village Association, I am writing to you with our input to the 2<sup>nd</sup> Stage Consultation for the Wilmslow Community Governance Review.

The Committee of SVA is unanimously pleased with the progress so far with the Community Governance Review, and in particular with the decision, agreed by Council in July 2010, that Styal should have its own Parish Council. We are particularly pleased that the democratic wishes of the majority of voters in Styal have been able to be heard so clearly, and we are grateful to you, your team and the Sub-Committee for the way in which the review has been performed.

We have only one comment that we would like to be considered in the second stage consultation, and that is regarding the number of Councillors proposed for Styal Parish Council.

The recommendations of the review we believe indicated that Styal should have 5 Councillors, Handforth 7 Councillors, and Wilmslow 15 Councillors. There would appear to be some logic here in terms of proportionality given the relative size of each Parish area.

However, we are very concerned that this may be very difficult in practical terms for Styal. With only five Councillors, it would not take very much for two to be unable to attend for business or personal reasons and one to be unwell, leaving the council presumably inquorate. Whilst we accept that it is not of direct relevance, if we look at the makeup of Styal Village Association, the majority of elected members are not retired and have many other demands on their time.

We also note that whilst five Councillors is the legal minimum under the Local Government Act 1972, the National Association of Local Councils (NALC) recommend that the minimum number of Councillors for any parish should be seven, presumably for some of the reasons we have outlined.

It would be a great pity if, after following a new process so carefully as part of this Community Governance Review, we end up with a solution which those with the greatest experience in this area would recognise as sub-optimal.

We therefore would like to strongly request that the Committee reconsider the number of Councillors that Styal Parish Council will have, and follow the NALC guidance to allow Styal to have seven Councillors. We would like to think that such a decision would have little impact outside of Styal, could make quite a difference to the initial workings of the embryonic Parish Council, and has the advantage of being in line with current best practice.

We hope the Committee is able to take this request into account.

Yours sincerely

Steve Dempsey  
Styal Village Association

Cc: Ian Jones                      Styal Village Association Chairman

**BASON, Ralph**

---

**From:** Jon.Bottomley@manairport.co.uk  
**Sent:** 15 September 2010 10:44  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** WILMSLOW COMMUNITY GOVERNANCE REVIEW

Thank you for updating us on progress with the review of governance arrangements in Wilmslow, Handforth and Styal.

We responded to your earlier consultation and we have nothing further to add to our letter of 2 June 2010.

Jon Bottomley  
Group Planning Manager  
The Manchester Airport Group

(t) 0161 489 3751  
(f) 0161 489 3812  
jon.bottomley@manairport.co.uk  
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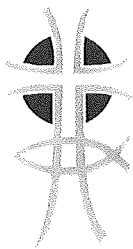
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The Church In Wilmslow



## Wilmslow United Reformed Church

in covenant with  
Wilmslow Methodist Church

September 10<sup>th</sup> 2010

Dear Mrs Parton

### Wilmslow Community Governance Review

I am responding on behalf of the Trustees and Elders of Wilmslow United Reformed Church as part of the Stage 2 Consultation on the Wilmslow Community Governance Review.

We note the results of the Stage 1 Consultation and the detailed proposals which have emerged to establish parish councils to represent Wilmslow, Handforth and Styal. We remain of the opinion that a single council would be the better arrangement and less bureaucratic but recognize that the electors have expressed the opposite view.

We were surprised to learn that individual households were not to be circulated with information on Stage 2 but reliant on notices in the local press – our experience is that this is not an effective method of communication (although it is obviously less expensive than a mail-drop).

We will support the council when it is established but trust that the nomination process encourages local representation and is not weighted in favour of the major political parties.

Please keep us informed of further developments in this process.

Yours sincerely

M H Williams  
Elder

Mrs Lindsey Parton  
Elections and Registrations Team Manager  
Cheshire East Council  
Sandbach  
Cheshire CW11 1HZ

## LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

### The Cheshire East Borough Council (Reorganisation of Community Governance) Order 2010

*Made [ December 2010]*

*Coming into force in accordance with article 1(2).*

Cheshire East Borough Council ("the Council"), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), has undertaken a community governance review and made recommendations dated December 2010.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

#### **Citation and commencement**

1. (1) This Order may be cited as the Cheshire East Borough Council (Reorganisation of Community Governance) Order 2010.

(2) Subject to paragraph (3) below, this Order comes into force on 1st April 2011.

(3) Articles 6, 7 and 8 shall come into force on the ordinary day of election of councillors in 2011.

#### **Interpretation**

2. In this Order—

"borough" means the borough of Cheshire East

"existing" means existing on the date this Order is made;

"map" means the map marked "Map referred to in the Cheshire East Borough Council (Reorganisation of Community Governance) Order 2010" and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number

"new parishes" means the parishes constituted by article 4

"ordinary day of election of councillors" has the meaning given by section 37 of the Representation of the People Act 1983 and

"electoral registration officer" means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

### **Effect of Order**

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

### **Constitution of new parishes**

- 4.(1) Three new parishes, comprising the areas outlined on the map, shall be constituted within the borough.
- (2) The names of the new parishes shall be:
- Wilmslow (area shaded grey on the map)
  - Handforth (area shaded blue on the map)
  - Styal (area shaded red on the map)

### **Parish Councils**

5. (1) There shall be a parish council for each of the parishes of Wilmslow, Handforth and Styal.
- (2) The name of those councils shall be “The Parish Council of Wilmslow”, “The Parish Council of Handforth” and “The Parish Council of Styal” respectively.

### **Election for the parishes of Wilmslow, Handforth and Styal**

6. (1) The election of all parish councillors for the parishes of Wilmslow, Handforth and Styal shall be held simultaneously on the ordinary day of election of councillors in 2011.
- (2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2011 for the parishes of Wilmslow, Handforth and Styal shall be four years until 2015 and thereafter coincide with the ordinary day of election of parish councillors every four years in accordance with s.16 (3) of the Local Government Act 1972.

### **Number of parish councillors**

7. The number of councillors to be elected for each of the new parish Councils shall be as follows:
- (1) Wilmslow – 15
  - (2) Handforth – 7
  - (3) Styal - 7

### **Wards of the new parishes of Wilmslow and Handforth and numbers of parish councillors**

8. (1) The Parish of Wilmslow shall be divided into four wards which shall be named: Wilmslow West Parish Ward; Lacey Green Parish Ward; Dean Row Parish Ward and Wilmslow East Parish Ward.
- (2) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by green lines.
- (3) The number of councillors to be elected for each ward is as follows:
- Wilmslow West Parish Ward shall be 5
  - Lacey Green Parish Ward shall be 2
  - Dean Row Parish Ward shall be 4
  - Wilmslow East Parish Ward shall be 4

(4) The Parish of Handforth shall be divided into three wards which shall be named:

Handforth West Parish Ward; Handforth East Parish Ward and Handforth South Parish Ward.

(5) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by yellow lines.

(6) The number of councillors to be elected for each ward is as follows:

Handforth West Parish Ward shall be 3

Handforth East Parish Ward shall be 2

Handforth South Parish Ward shall be 2

### **Annual meeting of parish councils**

9. The annual meeting of the new parish councils in 2011 shall be convened by the Chief Executive of Cheshire East Borough Council. The meeting for each of the new parish councils shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

### **Calculation of Budget Requirement**

10. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, the following sums are specified for each of the new parishes:

(1) Wilmslow - £375,000

(2) Handforth - £85,000

(3) Styal - £6000

### **Electoral register**

11. The Electoral Registration Officer for the borough shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

### **Order date**

12. 1st April 2011 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the council on the [     ] day of [December 2010].

**Borough Solicitor**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order gives effect to recommendations made by Cheshire East Borough council for the creation of a council for each of the parishes of Wilmslow, Handforth and Styal within the borough of Cheshire East.

The three new parishes will be created with effect from 1 April 2011. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2011.

Article 6 provides for parish elections in the parishes of Wilmslow, Handforth and Styal in 2011, and then to continue according to the established system of parish elections every four years.

Article 7 specifies the numbers of parish councillors for each of the new parishes.

Article 8 and the map establish the names and areas of the wards of the new parishes of Wilmslow and Handforth and the numbers of councillors for each ward. The new parish of Styal is not warded.

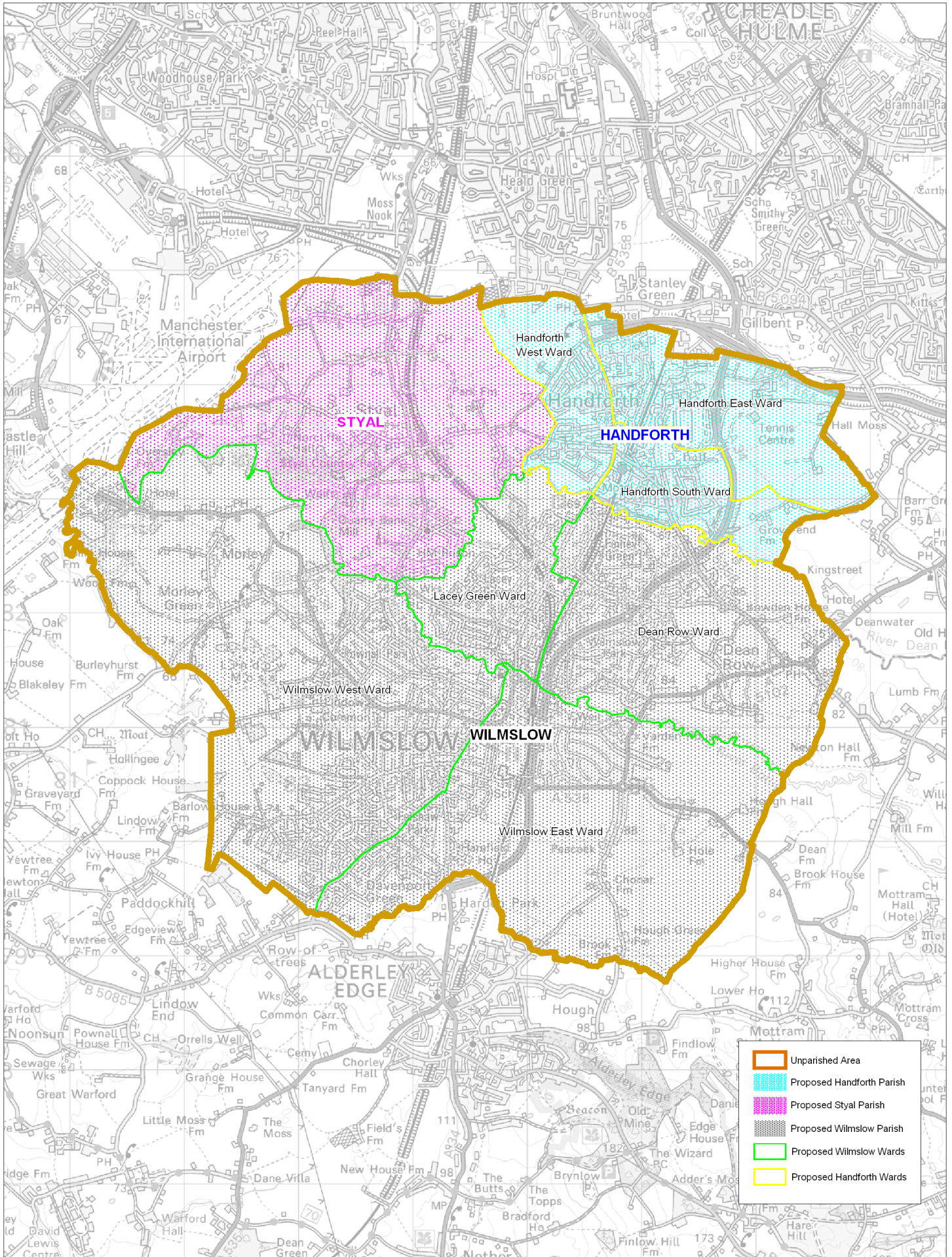
Article 10 specifies the amount of the initial precept for each of the new parishes to be applied in the 2011 – 12 financial year.

Article 11 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the areas comprising the three new parishes of Wilmslow, Handforth and Styal and the wards of the parishes of Wilmslow and Handforth. It is available for inspection, at all reasonable times, at the offices of Cheshire East Borough Council.



**Map referred to in the Cheshire East Borough Council (Reorganisation of Community Governance) Order 2010**



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# Decision Notice

Notice is given that the following decision has been taken under the Provisions set out in the Council's Constitution

**Decision-maker:** Resources Portfolio Holder

**Decision taken on:** 6 December 2010

**Decision in the matter of:** Council Tax Base 2011/12

**DECISION:** That the Resources Portfolio Holder recommends to Council that, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2011/12 is: for the whole area – 146,899.21 for each Parish area as set out in Appendix A to the report

**Background:** In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its Tax Base before 31<sup>st</sup> January 2011 so that the information can be provided to Cheshire Police Authority and Cheshire Fire Authority for their budget processes. The Portfolio Holder is therefore requested to recommend the Tax Base to Council.

The Tax Base for the area is the estimated number of chargeable dwellings expressed as a number of Band D equivalents adjusted for an estimated number of discounts, exemptions, disabled relief and appeals plus an allowance for non-collection.

The Tax Base has been calculated on the assumption that properties remaining empty for longer than six months are allowed a discount of 0% and that properties regarded as second homes are allowed a discount of 10%.

It is necessary to further adjust the Tax Base for

**Changes in the Valuation List**

These could arise for a variety of reasons such as appeals, disabled relief, new properties, deleted properties and changes in discount or exemption entitlements.

**Non-collection**

It is suggested that a reduction of 1% be made in the Tax Base to accommodate non-collection.

**Background Documents:**

The background papers for this matter may be inspected by contacting the report author.

**Approved:**

Councillor Wesley Fitzgerald (Portfolio Holder)

**Date:**

6<sup>th</sup> December 2010

**Advising Officer:**

Alex Thompson

**Title:**

Finance Lead, Strategy

**Issued by the Borough Solicitor's Department**

# **CHESHIRE EAST COUNCIL**

## **Resources Portfolio Holder**

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**Date of Meeting:** 6<sup>th</sup> December 2010  
**Report of:** Borough Treasurer and Head of Assets  
**Subject/Title:** Council Tax Base 2011/12  
**Portfolio Holder:** Councillor Wesley Fitzgerald

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### **1.0 Report Summary**

- 1.1 This report notifies Portfolio Holder of the Council Tax Base for Cheshire East.

### **2.0 Recommendation(s)**

- 2.1 That the Resources Portfolio Holder, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, agrees the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2011/12 as:

- for the whole area – 146,899.21 (Assuming option 4 below adopted)
- for each Parish area as set out in Appendix A

### **3.0 Reasons for Recommendation(s)**

- 3.1 In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its tax base before 31 January 2011.

### **4.0 Wards Affected**

- 4.1 All

### **5.0 Local Ward Members**

- 5.1 All

### **6.0 Policy Implications**

- 6.1 n/a

### **7.0 Financial Implications**

- 7.1 The calculation of the taxbase contributes to the calculation of overall funding for Cheshire East Council in each financial year.

- 7.2 The proposed reduction in the discounts to certain properties (when compared to those currently applied in 2010/2011) as detailed in the report could generate additional annual income of £928,800

## **8.0 Legal Implications**

- 8.1 Included in report

## **9.0 Risk Management Implications**

- 9.1 Confirmation of the Council Tax base for 2011/12 ensures that the statutory requirement to set the Tax Base is met.

## **10.0 Background and Options**

- 10.1 Cheshire East Council is required to approve its Tax Base before 31 January 2011 so that the information can be provided to Cheshire Police Authority and Cheshire Fire Authority for their budget processes.
- 10.2 The Tax Base for the area is the estimated number of chargeable dwellings expressed as a number of Band D equivalents adjusted for an estimated number of discounts, exemptions, disabled relief and appeals plus an allowance for non-collection. A reduction of 1% is included in the Tax Base calculation to allow for anticipated levels of non-collection.
- 10.3 Cheshire East has a high level of housing need with 8,444 households registered as in need of social housing, and a supply of around 1,000 lettings per annum. The affordable housing requirement is 1,243 dwellings per annum, and an average supply of 400 dwellings per annum. The need for housing is outstripping supply. Cheshire East currently has just over 3,000 empty homes which could assist to meet the high level of housing need in Cheshire East, and council tax discounts for long term empty properties act as an incentive to allow owners to leave properties empty.

Bringing empty homes back into use enhances the whole community, making the neighbourhood more attractive through maintained properties, reducing opportunities for anti-social behaviour such as fly-tipping, vandalism, graffiti, drug-taking, squatters and arson, and increasing presence and footfall in the area, promoting a feeling of community safety.

Local authorities have had the power to vary the level of discount on long term empty property since 2004/2005. Since then according to the latest statistics available 232 authorities have decided to use their powers to reduce the level of discount whilst 159 authorities have allowed the statutory discount of 50% to remain in place. The table below shows the various charging arrangements currently in place.



Number of authorities	Level of discount %
179	Zero
47	10%
6	25%
159	50%

(Source DCLG – CTB1 returns October 2009)

In 2008/2009 the Department for Communities and Local Government (DCLG) conducted research into the way local authorities had applied their discretionary powers in relation to empty properties.

Findings from the research included:

a) Those authorities who had seen a reduction in long term empty property following a reduction in the discount did not experience year-on-year reductions. Instead it appears that there was only an initial downward adjustment in year one of the change.

b) At least some of the downward adjustment was due to owners re-classifying their properties as being occupied once the tax incentive to declare them as empty was removed.

c) In general, authorities were sceptical that removing or reducing discounts alone could motivate owners to bring properties back into use given that in many areas the cost of leaving a property empty (in terms of rent forgone) far outweigh the burden of an additional tax.

d) Many authorities felt that at least some properties classed as 'long term empty' were actually part of market churn. This may include properties being inherited; taking a longer time to sell; or undergoing renovations lasting longer than six months.

e) Some authorities removed their discount simply to raise additional revenue or to bring tax policy into line with the treatment of discounts on Second Homes.

#### 10.4 **Option 1**

From 2009-2010 the Tax Base has been calculated on the assumption that properties remaining empty for longer than six months are allowed a discount of 25% and that properties regarded as second homes are allowed a discount of 25%. If the same policy was continued then the number of band D equivalent properties after allowing for non-collection for 2011/12 is 146,135.61. Appendix B shows this per parish area.

#### 10.5 **Option 2**

A proposal that the discount applicable to properties remaining empty for longer than six months is reduced to 0%, effectively no discount. This would increase the band D equivalent properties for 2011/2012 by 700.87 which would have the effect of increasing revenue from Council Tax by £852,500. Appendix C shows the Tax

Base per parish area based on the existing 25% discount for second homes but with no discount for empty properties.

**10.6 Option 3**

A proposal that the discount applicable to properties regarded as second homes is reduced to 10%. This would increase the band D equivalent properties for 2011/2012 by 62.73 and would have the effect of increasing revenue from Council Tax by £76,300. Appendix D shows the Tax Base per parish area based on the reduced discount of 10% for second homes and the existing discount of 25% for properties remaining empty for longer than six months.

**10.7 Option 4 (Recommended)**

A proposal to combine options 2 and 3 to remove the discount on properties remaining empty for longer than 6 months and reducing the discount on second homes to 10% will increase the band D equivalent properties for 2011/2012 by 763.6. This would have the effect of increasing revenue from Council Tax by £928,800. Appendix A shows this per parish area which is recommended for approval.

- 10.8** The area identified in the appendices as Wilmslow will be split into 3 separate parish areas known as Wilmslow, Handforth and Styal which will issue their own precept requests. It has not been possible to split the Tax Base into each of these areas at the time of this report but this will be done prior to billing.

**11.0 Access to Information**

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

Name: Lisa Quinn

Designation: Borough Treasurer and Head of Assets

Tel No: 01270 686628

Email: [lisa.quinn@cheshireeast.gov.uk](mailto:lisa.quinn@cheshireeast.gov.uk)



Based on Long Term Empty Properties Discount of 0% and Second Homes Discount of 10%

## COUNCIL TAX-TAX BASE 2011/12

Cheshire East	Band D Equivalents	Tax Base 99%
Acton, Edleston, Henhull	195.85	193.89
Adlington	604.14	598.10
Agden	78.55	77.76
Alderley Edge	2,670.57	2,643.86
Alpraham	186.25	184.39
Alsager	4,581.80	4,535.98
Arclid	117.69	116.51
Ashley	159.83	158.23
Aston-by-Budworth	180.51	178.70
Audlem	945.14	935.69
Barthomley	98.62	97.63
Betchton	280.82	278.01
Bickerton, Egerton	157.71	156.13
Bollington	3,113.31	3,082.18
Bosley	197.96	195.98
Bradwall	81.80	80.98
Brereton	579.36	573.57
Brindley, Faddiley	146.35	144.88
Buerton	219.26	217.07
Bulkeley, Ridley	200.95	198.94
Bunbury	626.67	620.40
Burland	278.02	275.24
Calveley	130.91	129.60
Chelford	656.21	649.65
Cholmondeley, Chorley	129.99	128.69
Cholmondeston, Wettenhall	178.95	177.16
Chorley	257.34	254.77
Church Lawton	904.82	895.77
Church Minshull	211.97	209.85
Congleton	10,224.92	10,122.67
Cranage	615.37	609.22
Crewe	15,085.44	14,934.59
Crewe Green	97.25	96.28
Disley	1,972.61	1,952.88
Dodcott-cum-Wilkesley	186.97	185.10
Doddington, Blakenhall, Bridgemere, Checkley-cum-Wrinehill, Hunsterson, Lea	304.99	301.95
Eaton	172.47	170.75
Gawsworth	859.07	850.48
Goostrey	1,110.24	1,099.14
Great Warford	454.36	449.82
Hankelow	130.78	129.47
Haslington	2,432.21	2,407.89
Hassall	111.73	110.61
Hatherton, Walgherton	235.68	233.32
Haughton	100.81	99.80
Henbury	357.53	353.95
High Legh	911.99	902.87
Higher Hurdfield	343.03	339.60
Holmes Chapel	2,470.26	2,445.56
Hough, Chorlton	853.20	844.67
Hulme Walfield & Somerford Booths	164.80	163.15
Kettleshulme	174.45	172.71
Knutsford	6,094.57	6,033.62
Little Bollington	89.50	88.61
Little Warford	36.98	36.61
Lower Peover	73.86	73.12
Lower Whithington	301.65	298.63
Lyme Handley	71.68	70.96

## COUNCIL TAX-TAX BASE 2011/12

Cheshire East	Band D Equivalents	Tax Base 99%
Macclesfield	19,246.25	19,053.79
Macclesfield Forest / Wildboardclough	116.20	115.04
Marbury-cum-Quoisley, Norbury, Wirswall	263.50	260.86
Marton	123.03	121.80
Mere	427.57	423.29
Middlewich	4,788.39	4,740.51
Millington	111.07	109.96
Minshull Vernon, Leighton, Woolstanwood	1,916.19	1,897.03
Mobberley	1,480.90	1,466.09
Moston	181.58	179.76
Mottram St Andrew	400.97	396.96
Nantwich	5,581.51	5,525.69
Nether Alderley	384.43	380.59
Newbold Astbury-cum-Moreton	350.93	347.42
Newhall	358.47	354.88
North Rode	123.13	121.90
Odd Rode	2,059.19	2,038.60
Ollerton / Marthall	306.84	303.77
Over Alderley	218.79	216.60
Peckforton	77.03	76.26
Peover Superior	395.45	391.50
Pickmere	375.59	371.83
Plumley with Toft and Bexton	398.91	394.92
Pott Shrigley	154.08	152.54
Poynton with Worth	6,147.59	6,086.11
Prestbury	2,152.39	2,130.87
Rainow	595.80	589.84
Rope	819.48	811.29
Rostherne	87.02	86.15
Sandbach	6,846.45	6,777.99
Shavington-cum-Gresty	1,690.48	1,673.58
Siddington	194.00	192.06
Smallwood	290.36	287.46
Snelson	84.16	83.32
Somerford	186.14	184.28
Sound, Austerson, Baddiley, Baddington, Broomhall, Coole Pilate	442.42	438.01
Spurstow	191.41	189.50
Stapeley, Batherton	1,368.52	1,354.84
Stoke, Hurleston	141.36	139.94
Sutton	1,183.72	1,171.88
Swettenham	166.63	164.96
Tabley	212.34	210.22
Tatton	12.91	12.78
Twemlow	92.58	91.65
Wardle	63.00	62.37
Warmingham	111.60	110.48
Weston, Basford	953.89	944.35
Willaston	1,318.91	1,305.72
Wilmslow	14,400.36	14,256.36
Windle	94.98	94.03
Wistaston	3,117.49	3,086.31
Worleston, Poole, Aston Juxta Mondrum	265.25	262.60
Wrenbury-cum-Frith	479.02	474.23
Wybunbury	623.03	616.80
<b>TOTAL BAND D EQUIVALENTS</b>	<b>148,383.04</b>	<b>146,899.21</b>

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COUNCIL TAX-TAX BASE 2011/12

### COUNCIL TAX-TAX BASE 2011/12

Cheshire East	Band D Equivalents	Tax Base 99%
Macclesfield	19,152.50	18,960.98
Macclesfield Forest / Wildboardclough	114.45	113.30
Marbury-cum-Quoisley, Norbury, Wirswall	260.60	257.99
Marton	122.95	121.72
Mere	422.36	418.14
Middlewich	4,769.62	4,721.92
Millington	108.77	107.68
Minshull Vernon, Leighton, Woolstanwood	1,912.61	1,893.49
Mobberley	1,469.48	1,454.79
Moston	180.89	179.08
Mottram St Andrew	393.83	389.89
Nantwich	5,549.76	5,494.27
Nether Alderley	378.61	374.82
Newbold Astbury-cum-Moreton	346.36	342.90
Newhall	357.39	353.81
North Rode	121.66	120.44
Odd Rode	2,048.89	2,028.40
Ollerton / Marthall	302.59	299.56
Over Alderley	214.12	211.98
Peckforton	76.86	76.09
Peover Superior	392.95	389.02
Pickmere	374.11	370.37
Plumley with Toft and Bexton	394.96	391.01
Pott Shrigley	151.89	150.37
Poynton with Worth	6,119.61	6,058.41
Prestbury	2,135.42	2,114.07
Rainow	593.03	587.10
Rope	818.81	810.62
Rostherne	86.85	85.98
Sandbach	6,821.83	6,753.61
Shavington-cum-Gresty	1,687.16	1,670.29
Siddington	193.75	191.81
Smallwood	288.92	286.03
Snelson	83.97	83.13
Somerford	185.89	184.03
Sound, Austerson, Baddiley, Baddington, Broomhall, Coole Pilate	440.56	436.16
Spurstow	190.80	188.89
Stapeley, Batherton	1,364.44	1,350.80
Stoke, Hurlleston	140.36	138.96
Sutton	1,175.87	1,164.11
Swettenham	166.16	164.50
Tabley	210.96	208.85
Tatton	12.47	12.35
Twemlow	91.95	91.03
Wardle	62.56	61.93
Warrington	110.38	109.28
Weston, Basford	948.86	939.37
Willaston	1,314.98	1,301.83
Wilmslow	14,304.56	14,161.51
Wincle	94.40	93.46
Wistaston	3,110.64	3,079.53
Worleston, Poole, Aston Juxta Mondrum	264.06	261.42
Wrenbury-cum-Frith	476.14	471.38
Wybunbury	621.42	615.21
<b>TOTAL BAND D EQUIVALENTS</b>	<b>147,611.71</b>	<b>146,135.61</b>

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Based on Long Term Empty Properties Discount of 0% and Second Homes Discount of 25%

COUNCIL TAX-TAX BASE 2011/12

Cheshire East	Band D Equivalents	Tax Base 99%
Acton, Edleston, Henhull	195.77	193.81
Adlington	603.97	597.93
Agden	78.55	77.76
Alderley Edge	2,668.89	2,642.20
Alpraham	186.17	184.31
Alsager	4,579.39	4,533.60
Arclid	117.61	116.43
Ashley	159.75	158.15
Aston-by-Budworth	180.43	178.63
Audlem	944.39	934.95
Barthomley	98.62	97.63
Betchton	280.74	277.93
Bickerton, Egerton	157.39	155.81
Bollington	3,111.64	3,080.52
Bosley	197.96	195.98
Bradwall	81.72	80.90
Brereton	578.95	573.16
Brindley, Faddiley	146.27	144.80
Buerton	219.26	217.07
Bulkeley, Ridley	200.79	198.78
Bunbury	626.18	619.92
Burland	277.77	274.99
Calveley	130.83	129.52
Chelford	655.96	649.40
Cholmondeley, Chorley	129.75	128.46
Cholmondeston, Wettenhall	178.79	177.01
Chorley	257.34	254.77
Church Lawton	904.50	895.46
Church Minshull	211.72	209.60
Congleton	10,219.84	10,117.64
Cranage	615.21	609.06
Crewe	15,077.69	14,926.92
Crewe Green	97.25	96.28
Disley	1,972.28	1,952.56
Dodcott-cum-Wilkesley	186.73	184.86
Doddington, Blakenhall, Bridgemere, Checkley-cum-Wrinehill, Hunsterson, Lea	304.58	301.54
Eaton	172.47	170.75
Gawsworth	858.90	850.31
Goostrey	1,109.90	1,098.80
Great Warford	454.03	449.49
Hankelow	130.70	129.39
Haslington	2,430.97	2,406.66
Hassall	111.73	110.61
Hatherton, Walgherton	235.43	233.07
Haughton	100.73	99.72
Henbury	357.53	353.95
High Legh	911.91	902.79
Higher Hursfield	343.03	339.60
Holmes Chapel	2,469.10	2,444.41
Hough, Chorlton	852.37	843.84
Hulme Walfield & Somerford Booths	164.47	162.83
Kettleshulme	174.37	172.63
Knutsford	6,091.40	6,030.49
Little Bollington	89.50	88.61
Little Warford	36.98	36.61
Lower Peover	73.86	73.12
Lower Whithington	301.65	298.63
Lyme Handley	71.60	70.88

COUNCIL TAX-TAX BASE 2011/12

Cheshire East	Band D Equivalents	Tax Base 99%
Macclesfield	19,242.24	19,049.82
Macclesfield Forest / Wildboardclough	116.12	114.96
Marbury-cum-Quoisley, Norbury, Wirswall	263.34	260.71
Marton	122.95	121.72
Mere	427.24	422.97
Middlewich	4,786.81	4,738.94
Millington	110.99	109.88
Minshull Vernon, Leighton, Woolstanwood	1,914.03	1,894.89
Mobberley	1,480.58	1,465.77
Moston	181.42	179.61
Mottram St Andrew	400.97	396.96
Nantwich	5,576.95	5,521.18
Nether Alderley	384.27	380.43
Newbold Astbury-cum-Moreton	350.69	347.18
Newhall	358.31	354.72
North Rode	123.13	121.90
Odd Rode	2,058.53	2,037.94
Ollerton / Marthall	306.84	303.77
Over Alderley	218.79	216.60
Peckforton	77.03	76.26
Peover Superior	395.45	391.50
Pickmere	375.59	371.83
Plumley with Toft and Bexton	398.91	394.92
Pott Shrigley	154.00	152.46
Poynton with Worth	6,146.84	6,085.37
Prestbury	2,151.81	2,130.29
Rainow	595.64	589.68
Rope	819.31	811.12
Rostherne	87.02	86.15
Sandbach	6,842.88	6,774.45
Shavington-cum-Gresty	1,690.24	1,673.34
Siddington	194.00	192.06
Smallwood	290.36	287.46
Snelson	84.16	83.32
Somerford	186.14	184.28
Sound, Austerson, Baddiley, Baddington, Broomhall, Coole Pilate	442.26	437.86
Spurstow	191.33	189.42
Stapeley, Batherton	1,367.69	1,354.02
Stoke, Hurleston	141.28	139.86
Sutton	1,183.48	1,171.64
Swettenham	166.47	164.81
Tabley	212.26	210.14
Tatton	12.91	12.78
Twemlow	92.34	91.42
Wardle	63.00	62.37
Warmingham	111.52	110.40
Weston, Basford	953.06	943.53
Willaston	1,318.24	1,305.06
Wilmslow	14,395.20	14,251.25
Windle	94.82	93.87
Wistaston	3,116.25	3,085.09
Worleston, Poole, Aston Juxta Mondrum	265.01	262.36
Wrenbury-cum-Frith	478.78	473.99
Wybunbury	622.87	616.64
<b>TOTAL BAND D EQUIVALENTS</b>	<b>148,319.66</b>	<b>146,836.48</b>

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Based on Long Term Empty Properties Discount of 25% and Second Homes Discount of 10%

## COUNCIL TAX-TAX BASE 2011/12

Cheshire East	Band D Equivalents	Tax Base 99%
Acton, Edleston, Henhull	194.71	192.76
Adlington	600.54	594.53
Agden	78.22	77.44
Alderley Edge	2,648.68	2,622.19
Alpraham	184.58	182.73
Alsager	4,564.28	4,518.64
Arclid	117.33	116.16
Ashley	159.22	157.63
Aston-by-Budworth	177.98	176.20
Audlem	937.94	928.56
Barthomley	97.62	96.64
Betchton	280.82	278.01
Bickerton, Egerton	156.99	155.42
Bollington	3,092.81	3,061.88
Bosley	197.96	195.98
Bradwall	81.80	80.98
Brereton	577.25	571.48
Brindley, Faddiley	145.99	144.53
Buerton	218.42	216.24
Bulkeley, Ridley	199.61	197.61
Bunbury	624.65	618.40
Burland	276.49	273.73
Calveley	130.91	129.60
Chelford	653.45	646.92
Cholmondeley, Chorley	129.99	128.69
Cholmondeston, Wettenhall	177.47	175.69
Chorley	254.91	252.36
Church Lawton	901.82	892.80
Church Minshull	211.23	209.12
Congleton	10,189.80	10,087.90
Cranage	612.63	606.50
Crewe	15,012.57	14,862.45
Crewe Green	96.83	95.86
Disley	1,961.50	1,941.89
Dodcott-cum-Wilkesley	186.19	184.33
Doddington, Blakenhall, Bridgemere, Checkley-cum-Wrinehill, Hunsterson, Lea	302.04	299.02
Eaton	172.16	170.44
Gawsworth	856.00	847.44
Goostrey	1,107.43	1,096.36
Great Warford	450.31	445.81
Hankelow	130.36	129.06
Haslington	2,424.19	2,399.95
Hassall	111.37	110.26
Hatherton, Walgherton	234.79	232.44
Haughton	100.81	99.80
Henbury	355.28	351.73
High Legh	907.15	898.08
Higher Hurdsfield	341.89	338.47
Holmes Chapel	2,459.15	2,434.56
Hough, Chorlton	850.89	842.38
Hulme Walfield & Somerford Booths	164.17	162.53
Kettleshulme	173.18	171.45
Knutsford	6,067.42	6,006.75
Little Bollington	88.86	87.97
Little Warford	36.98	36.61
Lower Peover	73.25	72.52
Lower Whithington	296.77	293.80
Lyme Handley	71.49	70.78

## COUNCIL TAX-TAX BASE 2011/12

Cheshire East	Band D Equivalents	Tax Base 99%
Macclesfield	19,156.49	18,964.93
Macclesfield Forest / Wildboardclough	114.53	113.38
Marbury-cum-Quoisley, Norbury, Wirswall	260.76	258.15
Marton	123.03	121.80
Mere	422.69	418.46
Middlewich	4,771.20	4,723.49
Millington	108.85	107.76
Minshull Vernon, Leighton, Woolstanwood	1,914.77	1,895.63
Mobberley	1,469.80	1,455.10
Moston	181.05	179.24
Mottram St Andrew	393.83	389.89
Nantwich	5,554.32	5,498.78
Nether Alderley	378.77	374.98
Newbold Astbury-cum-Moreton	346.60	343.13
Newhall	357.55	353.97
North Rode	121.66	120.44
Odd Rode	2,049.55	2,029.05
Ollerton / Marthall	302.59	299.56
Over Alderley	214.12	211.98
Peckforton	76.86	76.09
Peover Superior	392.95	389.02
Pickmere	374.11	370.37
Plumley with Toft and Bexton	394.96	391.01
Pott Shrigley	151.97	150.45
Poynton with Worth	6,120.36	6,059.16
Prestbury	2,136.00	2,114.64
Rainow	593.19	587.26
Rope	818.98	810.79
Rostherne	86.85	85.98
Sandbach	6,825.40	6,757.15
Shavington-cum-Gresty	1,687.40	1,670.53
Siddington	193.75	191.81
Smallwood	288.92	286.03
Snelson	83.97	83.13
Somerford	185.89	184.03
Sound, Austerson, Baddiley, Baddington, Broomhall, Coole Pilate	440.72	436.31
Spurstow	190.88	188.97
Stapeley, Batherton	1,365.27	1,351.62
Stoke, Hurleston	140.44	139.04
Sutton	1,176.11	1,164.35
Swettenham	166.32	164.66
Tabley	211.04	208.93
Tatton	12.47	12.35
Twemlow	92.19	91.27
Wardle	62.56	61.93
Warmingham	110.46	109.36
Weston, Basford	949.69	940.20
Willaston	1,315.65	1,302.49
Wilmslow	14,309.72	14,166.62
Windle	94.56	93.61
Wistaston	3,111.88	3,080.76
Worleston, Poole, Aston Juxta Mondrum	264.30	261.66
Wrenbury-cum-Frith	476.38	471.62
Wybunbury	621.58	615.36
<b>TOTAL BAND D EQUIVALENTS</b>	<b>147,675.07</b>	<b>146,198.34</b>

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