

Council Agenda

Date: Thursday, 21st April, 2011
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

1. **Prayers**

2. **Apologies for Absence**

3. **Minutes of the Meeting Held on 24 February 2011** (Pages 1 - 14)

To approve the minutes as a correct record.

4. **Mayor's Announcements**

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

5. **Declarations of Interest**

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

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

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

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

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

7. **Notices of Motion** (Pages 15 - 18)

To consider the attached Notices of Motion that have been received in accordance with Procedure Rule 12.

8. **Standards Committee Annual Report** (Pages 19 - 32)

To note the Annual Report of the Standards Committee.

9. **Appointment of Borough Solicitor and Monitoring Officer** (Pages 33 - 34)

To ratify the appointment of Mrs Caroline Elwood as the Borough Solicitor and Monitoring Officer of Cheshire East Council, with effect from 1 May 2011.

10. **Designation of Mayor and Deputy Mayor as Mayor and Deputy Mayor Elect for the 2011/12 Civic Year** (Pages 35 - 36)

To designate Councillor R West as the Mayor Elect and to designate a second Member as the Deputy Mayor Elect, with a view to their formal election as Mayor and Deputy Mayor for Cheshire East for 2011/2012, at the Mayor Making ceremony to be held on 18th May 2011.

11. **Recommendation from the Constitution Committee - Councillor Call For Action (CCfA) Protocol** (Pages 37 - 42)

To consider the recommendation of the Constitution Committee of 24 March 2011.

12. **Recommendation from the Constitution Committee - Mid-Year Review of Scheme of Member Allowances** (Pages 43 - 64)

To consider the recommendations of the Constitution Committee of 24 March 2011.

13. **Questions**

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

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

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 24th February, 2011 at The Assembly Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

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

Councillors E Alcock, C Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, C Beard, W T Beard, D Beckford, S Bentley, D Brickhill, D Brown, D J Cannon, R Cartlidge, J Crockatt, H Davenport, M Davies, W S Davies, R Domleo, B H Dykes, J P Findlow, W Fitzgerald, D Flude, S Furlong, H Gaddum, J Hammond, M Hardy, M Hollins, D Hough, O Hunter, T Jackson, J Jones, S Jones, A Knowles, A Kolker, M Lloyd, J Macrae, A Martin, M A Martin, P Mason, R Menlove, A Moran, B Moran, H Murray, J Narraway, D Neilson, M Parsons, A Ranfield, B Silvester, M J Simon, L Smetham, D Stockton, D Thompson, C G Thorley, A Thwaite, D Topping, R Walker, G M Walton, M J Weatherill, R Westwood, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors A Barratt, D Bebbington, S Broadhurst, S Conquest, P Edwards, R Fletcher, L Gilbert, J Goddard, E Howell, F Keegan, W Livesley, S McGrory, G Merry, R Parker and C Tomlinson

84 MINUTES OF THE MEETING HELD ON 16 DECEMBER 2010**RESOLVED**

That the minutes be approved as a correct record.

(With reference to minute 82, Question 3, Cllr Arnold queried whether the Traveline Telephone Information Service would be free to use by the general public. The Prosperity Portfolio Holder, Cllr Macrae undertook to investigate this and to report back to Cllr Arnold).

85 MAYOR'S ANNOUNCEMENTS

The Mayor :-

1. Informed Members that, as 2011 was Census Year, representatives from the Census Team were available to answer any queries Members may have. This year was the first time the census form could be completed on line. The Mayor stressed that it was

important for as many people as possible to complete the form, as the more forms completed, the more funding there would be for Cheshire East, from central government and better provision of local services. It was estimated that Government revenue per head of population could be up to £500 per year.

2. Announced that, as his final fundraiser for the year, he would be hosting a Charity Football match, at Macclesfield Town Football Club, on Sunday 8 May, to raise money for his charity, the Army Benevolent Fund. The Mercians had agreed to field a team and players for the opposing side were currently been recruited to form the Mayor's Select Eleven. More details would follow nearer the event.
3. Announced that tickets were now on sale for the final of the Cheshire East School Music Competition, which would take place in the Tenants Hall, Tatton Park, on Friday 8 April, from 7.00 pm. The schools in the final were Bollinbrook CE Primary School, Macclesfield; St Mary's Catholic Primary School, Crewe; Congleton High School and Congleton and Sandbach School, Sandbach. They would each perform individually and then would be joined by Foden's Brass Band. Tickets were priced at £10 and £7 for concessions, and were available from the Cheshire East Music Service
4. Reported that the Council's Children's Centres had had a successful week of half term events, with lots of local families coming in to see what was on offer and take part in healthy activities run by the Children's Centre staff, the Council's Leisure and Play team, the Family Information Service and the Love Food Hate Waste volunteers. The Children's Centres offered a range of activities and vital family support across the borough.

86 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

87 **PUBLIC SPEAKING TIME/OPEN SESSION**

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

88 **NOTICES OF MOTION**

Two Notices of Motion had been submitted, one by Cllr Macrae and one by Cllr Menlove. The Mayor had agreed, in accordance with Council Procedure Rule 12, that it was conducive to the dispatch of business for both Motions to be dealt with at the meeting.

1) Consideration was given to the following Notice of motion submitted, by Cllr Macrae and seconded by Cllr Fitzgerald :-

"Following recent and further projected rises in the retail costs of petrol and diesel fuel due both to world oil prices and U.K. Government taxation and duty increases,

Cheshire East Council resolves to lobby government and H.M. Treasury to urgently review and amend current policies to ensure that planned increases are moderated.

Cheshire East Council is increasingly concerned that the continuing rises in fuel costs will seriously impact on the economic recovery locally and within the sub-region, particularly our SME's, transport providers and the sustainability of rural communities."

Cllrs Macrae and Fitzgerald agreed to accept an amendment to the wording of the Motion, to replace the words "planned increases" with the words "fluctuations in costs" in the first paragraph and to replace the word "rises" with the word "fluctuations" in the second paragraph.

RESOLVED

That, the motion, as amended, be approved as follows :-

Following recent and further projected rises in the retail costs of petrol and diesel fuel due both to world oil prices and U.K. Government taxation and duty increases,

Cheshire East Council resolves to lobby government and H.M. Treasury to urgently review and amend current policies to ensure that fluctuations and costs are moderated.

Cheshire East Council is increasingly concerned that the continuing fluctuations in fuel costs will seriously impact on the economic recovery locally and within the sub-region, particularly our SME's, transport providers and the sustainability of rural communities.

2) Consideration was given to the following Notice of motion, submitted by Cllr Menlove and seconded by Cllr Fitzgerald :-

“That Council endorses the following actions:

- immediate investment of up to a further £500,000 in reactive maintenance gangs to clear any back log of defects and keep our roads open and safe – this will be managed as part of the Council’s overall financial position, despite the significant pressures on general balances at the present time
- capital investment is made in the road network across the Borough to ease a strained situation and stop further deterioration in key areas in the future – this will be prioritised, in the planning of the spending of the Local Transport Plan allocation for 2011/12; and
- a submission will be made to central government to request significant financial support, at least to the level of last year’s winter impact grant, given the evident major damage to road surfaces and the challenges of meeting the required expenditure from the Council’s resources.”

RESOLVED

That the motion be approved.

89 RECOMMENDATION FROM CABINET - BUSINESS PLANNING PROCESS 2011-2014 - BUDGET REPORT

Cabinet, at its meeting on 14 February 2011, gave consideration to the Council budget for 2011/12, which had been produced following engagement on the pre budget report, issued in January. The budget set out in detail the spending plans and income targets for the financial year, starting 1 April 2011, as well as financial estimates for the next two financial years.

At the time the Cabinet report had been prepared the final formula grant allocations remained to be confirmed; it had been reported to Cabinet that there had been no change to the allocations.

Cabinet recommended the budget to Council for approval :-

RESOLVED

1. That the results of the Budget Engagement exercises undertaken by the Council, detailed in Appendix A of the Cabinet report, be noted.
2. That the comments of the Borough Treasurer and Head of Assets (Chief Finance Officer), regarding the robustness of estimates and level of reserves held by the Council based on the budget detailed in Appendix B of the Cabinet report (Comment from Borough Treasurer) be noted.
3. That the 2011/2012 Budget Report, detailed in Appendix B of the Cabinet report be approved.
4. That the three-year Capital Programme for 2011/2012 to 2013/2014, as detailed in Appendix B of the Cabinet report, paragraphs 52 to 63 and Annex 6 be approved.
5. That a Band D Council Tax of £1,216.34 be approved, this being no change from 2010/2011.
6. That the Reserves Strategy, as detailed in Appendix B, Annex 8 of the Cabinet report be approved.
7. That the 2011/2012 non ring fenced Specific Grants (excluding Dedicated Schools Grant) be agreed, as detailed in Appendix B, paragraphs 18 to 22 of the Cabinet report and that Portfolio Holders be authorised to agree any necessary amendment to particular grants within their area of responsibility, in the light of further information received from Government Departments or other funding bodies.
8. That the 2011/2012 Dedicated Schools Grant of £229.6m and the associated policy proposals, as detailed in Appendix B paragraphs 23 to 33 and Annex 6 of the Cabinet report, be agreed.

90 **TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION STATEMENT 2011/12**

Cabinet, at its meeting on 14 February 2011, considered the Treasury Management Strategy for 2011/12 to 2013/14, including the prudential indicators and limits required under Part 1 of the Local Government Act 2003, the Annual Investment Strategy 2010/11, and the Minimum Revenue Provision statement for the redemption of debt for 2011/12.

The Treasury Management Strategy was defined as the management of the Council's investment and cash flows, its banking, money market and capital transactions, the effective control of risks associated with those

activities and the pursuit of optimum performance consistent with those risks.

Cabinet recommended that Council approve the Treasury Management Strategy and the Minimum Revenue Provision Statement 2011/12. It was noted that the Strategy included the Department for Communities and Local Government reporting requirements in accordance with the Local Government Investments Guidance under Section 15(1) (a) of the Local Government Act 2003 (Appendix A of the Cabinet report).

RESOLVED

That the Treasury Management Strategy and the Minimum Revenue Provision Statement 2011/12 be approved.

91 **COUNCIL TAX 2011/12 STATUTORY RESOLUTION**

Consideration was given to a report requesting the Council to set the Council Tax for the financial year 2011/2012.

At, at the time of writing the report, Cheshire Police Authority had not set its budget and its Council Tax precept. A revised report, indicating the Police Authority precept, was tabled at the meeting.

RESOLVED

That the Council Tax for the financial year 2010-2011 be approved, in accordance with the formal resolutions, as shown in paragraph 19 of the report and that it be noted that the Council calculated the following amount for the year 2011/2012, in accordance with Regulations made under Section 30-36 of the Local Government Finance Act 1992 : -

- a. £775,794,711 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
- b. £523,337,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.
- c. £252,457,711 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d. £70,335,452 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non domestic rates (£53,727,978) and revenue support grant (£16,607,474) in

accordance with Section 97(4) of the Local Government Finance Act 1988.

- e. £1,239.78 being the amount at (c) above less the amount at (d) above, all divided by the amount of the tax base, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- f. £3,442,711 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- g. £1,216.34 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the tax base, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- h. Appendix A being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
- i. Appendix B being the amounts given by adding to the amount at (g) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish and Charter Trustees area).
- j. Appendix C being the amounts given by multiplying the amount at (i) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts

to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).

- k. Appendix D being the aggregate of the local charges in (j) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish and Charter Trustees area).

(NB – Appendices A,B,C and D are attached to these minutes).

92 RECOMMENDATION FROM CABINET - CORPORATE PLAN

Cabinet, at its meeting on 14 February 2011, gave consideration to amendments to the Corporate Plan, as part of an annual review, in parallel with budget setting. The Plan set out the framework for policy development within the Council, which was then translated into objectives and actions for delivery. It, therefore, needed to reflect the financial planning undertaken in the budget setting process, so as to ensure that the Council was able to deliver its priorities for action.

Cabinet recommended that Council approve the updates to the Corporate Plan, noting that there may be need for further editorial amendments and updating following budget setting.

RESOLVED

That the updates to the Corporate Plan be approved.

93 RECOMMENDATION FROM CABINET - LOCAL TRANSPORT PLAN

Cabinet, at its meeting on 17 January 2011, gave consideration to the proposed changes for incorporation into the final Local Transport Plan Strategy and to the Draft Implementation Plan for consultation; following a four week period of stakeholder consultation.

The transport priorities reflected the wider priorities of the area, contained in such plans as the Sustainable Community Strategy, the Corporate Plan, the Local Development Framework and the Economic Development Strategy. Future investment in highways and transport would be directed to support the priority themes, to ensure a sustainable future and create conditions for business growth. Cabinet recommended to Council that the proposed changes, for incorporation into the final Local Transport Plan Strategy, as detailed in Appendix 2 of the Cabinet report be agreed.

RESOLVED

That the proposed changes for incorporation into the final Local Transport Plan Strategy, as detailed in Appendix 2 of the Cabinet report be agreed.

94 RECOMMENDATION FROM CABINET - INTERIM PLANNING STATEMENT ON AFFORDABLE HOUSING

Cabinet, at its meeting on 14 February 2011, gave consideration to the draft Interim Planning Statement on Affordable Housing, the responses received during the consultation process and to proposed revisions in light of comments made. The report had also been considered by the Environment and Prosperity Scrutiny Committee.

Cabinet had recommended that Council adopt the Interim Planning Statement on Affordable Housing.

RESOLVED

That the Interim Planning Statement on Affordable Housing, as set out in Appendix 2 of the Cabinet report be adopted, subject to the revisions now reported and that it be used in the determination of planning applications.

95 RECOMMENDATION FROM CABINET - INTERIM PLANNING POLICY ON RELEASE OF HOUSING LAND

Cabinet, at its meeting on 14 February 2011, gave consideration to responses to the consultation on the draft Interim Planning Policy on the Release of Housing Land, to manage the release of additional land, as an interim measure pending the adoption of the Local Development Framework Core Strategy and to the proposed revisions, in the light of comments received.

Since the Cabinet report had been prepared, Natural England had submitted its comments and the resulting amendments had been circulated to Cabinet. All revisions and updates had been incorporated into the report and appendices submitted to Council.

The Environment and Prosperity Scrutiny Committee had also considered the report and amendments.

Cabinet recommended that Council approve the housing requirement figure and adopt the interim Planning Policy on the Release of Housing Land.

A further representation had been received from JB Planning Associates, in respect of this item, with the specific request that this be brought to the attention of all Councillors. To ensure fair consideration of the letter, it was circulated at the meeting, along with an advice note.

RESOLVED

1. That the housing requirement figure of 1150 net additional dwellings, to be delivered annually, be approved, this to be used pending the adoption of the Local Development Framework Core Strategy.
2. That the Interim Planning Policy on the Release of Housing Land be adopted, as set out in Appendix 2 of the Cabinet report, subject to the revisions and updates reported to Cabinet and incorporated in the report and appendices submitted to Council and that it be used in the determination of planning applications.

96 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - LICENSING COMMITTEE TERMS OF REFERENCE AND DELEGATIONS

The Constitution Committee, at its meeting on 27 January 2011, considered recommendations from the Licensing Committee in relation to the amendment of the licensing delegations, which referred to the need to clarify those functions which stand referred to the General Licensing Sub-Committee and those which stand referred to the Licensing Act Sub-Committee.

The Constitution Committee had also considered a the recommendation from the Licensing Committee in relation to the licensing of 'sexual entertainment venues.' and recommended that, subject to the decision of Council on the principle of adoption of the relevant legislation, the necessary amendments to the Constitution be approved.

RESOLVED

1. That the following amendments to the Constitution in relation to licensing delegations be approved:
 - (a) references to the Licensing Sub-Committee within paragraph 25.3 of the Officer Management Arrangements within Part III of the Constitution be amended to "the General Licensing Sub-Committee";
 - (b) references to the Licensing Sub-Committee within paragraph 25.4 of the Officer Management Arrangements within Part III of the Constitution be amended to "the Licensing Act Sub-Committee";
 - (c) references to the Licensing Sub-Committee within sub-paragraphs (i) to (iii), (v) and (vi) in relation to the General Licensing Functions at pages 160 and 161 of the Constitution be amended to "the General Licensing Sub-Committee";

(d) references to the Licensing Sub-Committee within sub-paragraphs (ii) to (xi) in relation to licensing functions under the Licensing Act 2003 and Gambling Act 2005 at page 161 of the Constitution be amended to “the Licensing Act Sub-Committee”; and

2. in relation to the adoption of the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, made by section 27 of the Policing and Crime Act 2009, the amendments to the Constitution in relation to the Licensing Committee’s terms of reference and officer delegations, as set out within parts 1B and 2B of Appendix A to the Constitution Committee report (relating to the exercise of functions in relation to the licensing of sexual entertainment venues) be approved.

97 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PUBLIC SPEAKING AT PUBLIC RIGHTS OF WAY COMMITTEE

The Constitution Committee, at its meeting on 27 January 2011, considered proposed changes to the public speaking arrangements for the Public Rights of Way Committee. The Committee recommended the proposed changes to Council for approval.

In considering the matter, the Constitution Committee had made a number of comments about how the public speaking arrangements at meetings of the planning committees currently operated and had asked that this be reviewed.

RESOLVED

1. That the proposed public speaking arrangements, set out in Appendix 1 to the Constitution Committee report, be adopted for the Public Rights of Way Committee in relation to applications on the agenda.
2. That Procedure Rule 35 should continue to apply, in order to facilitate public participation not relating to specific applications.
3. That the Constitution be amended accordingly.
4. That the Planning Protocol Sub-Committee be asked to review the arrangements for public speaking at meetings of the Council’s planning committees and the Sub-Committee’s terms of reference be extended accordingly.

98 RECOMMENDATION FROM THE LICENSING COMMITTEE - SEXUAL ENTERTAINMENT VENUES, SCHEDULE 3 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED)

The Licensing Committee, at its meeting on 10 January 2011, had considered a report regarding the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), made by section 27 of the Policing and Crime Act 2009 and the statutory provisions in relation to the adoption of the power to regulate 'sexual entertainment venues' within the amended Schedule. The report also detailed the consultation responses received in relation to both the principle of adoption of the amendments to Schedule 3 of the 1982 Act and a draft policy on the licensing of sexual entertainment venues. The Committee recommended that Council adopt the provisions of the Act and that they apply within the Borough of Cheshire East.

RESOLVED

That the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), as amended by section 27 of the Policing and Crime Act 2009 be adopted and shall apply within the Borough of Cheshire East with effect from 4th April 2011.

99 LEADER'S REPORT TO FULL COUNCIL

The Leader of the Council reported that, on 4 January 2011, the Cabinet Member for Procurement, Assets and Shared Services had made a key decision under the provisions contained within Council Procedure Rule 44, in respect of the Waste PFI project, namely "That Judicial Review proceedings be issued to challenge Defra's decision to withdraw PFI credits in relation to the Cheshire Waste Treatment Facility, subject to Cheshire West & Chester Council making a similar decision."

The Mayor had agreed that the decision would be considered as urgent for the purposes of Scrutiny Procedure Rule 13, as any delay caused by the call-in process would result in the Council being out of time and unable to issue proceedings.

100 QUESTIONS

Councillor Thorley asked the following question of the Environmental Services Portfolio Holder :-

The Car Parking Task Group recommended that the Thomas Street car park in Crewe be made a free car park.

Can the Portfolio Holder inform this Council when this is going to be implemented?

The car parking charge in Nantwich is 50 pence for the first hour can the Portfolio Holder confirm that he will recommend 50 pence for the first hour in Crewe?

The Environmental Services Portfolio Holder in reply stated :-

Re the first question, which relates to Tomas Street Car Park in Crewe, the control and management of this car park will be reviewed, along with all other parking controls, when the Crewe Parking Review takes place this summer. It is therefore not proposed that earlier changes are made to the Thomas Street car park.

Re the second question, which relates to the car parking charges, the answer is, Cheshire East inherited the Crewe & Nantwich Borough Council car parking charging structure of an identical scale irrespective of the size and character of a town.

Cheshire East Parking Policy states that parking charges should be set at levels to reflect the role and economic strength of centres and effectively manage demand as experienced in each centre. The 50p rate is appropriate as an interim adjustment for Nantwich. It is likely that the proposed tariff for Crewe will differ from that set in Nantwich, as the demand for and supply of parking are not comparable between these two centres.

Councillor Thorley asked a supplementary question, requesting that the decision be reviewed.

The meeting commenced at 2.00 pm and concluded at 4.40 pm

Councillor G Baxendale (Chairman)
CHAIRMAN

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(1) Notice of Motion Submitted by Councillors D Flude and C Thorley - Council 21 April 2011

Background

In August 1940, four bombs fell in a field opposite Alvaston Hall, near Crewe. They did not explode immediately and the Royal Engineers' Bomb Disposal Unit was called out. One of the bombs then exploded, killing six members of the unit, Sergeant Edward Greengrass, Sapper Harold Thompson, Sapper Michael Lambert, Sapper Albert Edward Fearon, Sapper George Lucas and Sapper John Percival.

There is no recognition of their bravery in the Crewe area and the Royal Engineers Retired Members Crewe have requested that the Council consider the erection of a small memorial.

Notice of Motion

That that this Council agrees to investigate the possibility of erecting a small memorial, in the Crewe area, in recognition of the bravery of the Royal Engineers who were killed by one of the four bombs, which fell in a field opposite Alvaston Hall, near Crewe, in August 1940 .

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(2) Notice of Motion submitted by Councillor D Flude and C Thorley - Council 21 April 2011

That the Council notes the instability in the residential care market in Cheshire East and the potential impact on the finances of the Council and that the Council set up a Task and Finish Group, to determine the best means to manage demand for residential care including demand from returning self funders.

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CHESHIRE EAST COUNCIL

Date of meeting: 21st April 2011

Report of: Monitoring Officer

Title: Standards Committee Annual Report

1.0 Purpose of the Report

- 1.1 The Annual Report attached outlines the activities undertaken by the Standards Committee over the past year.

2.0 Decision Required

- 2.1 That the Annual Report of the Standards Committee be noted.

3.0 Financial Implications

- 3.1 None.

4.0 Legal Implications

- 4.1 None identified.

5.0 Risk Assessment

- 5.1 No risks identified.

6.0 Background

- 6.1 On 13th January 2009, the Standards Committee agreed that the preparation of an Annual Report, outlining its activities, be presented to full Council annually.
- 6.2 Although there is no legal requirement to prepare a report, it is considered to be good practice to present the report to a public meeting to raise the profile of the work of the Committee.
- 6.3 The attached report, prepared by the Chairman of the Standards Committee was endorsed by the Committee at its meeting held on 28th March 2011.

For further information:

Officer: Carol Jones

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e-mail: carol.jones@cheshireeast.gov.uk

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Standards Committee

Annual Report 2010-2011

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Foreword from the Chairman

It remains the role of the Standards Committee to seek to ensure that the elected representatives sustain the very highest standards of behaviour in their public life. I remain convinced that in terms of selfless public service and ethical conduct the Cheshire East councillors and the town and parish councillors have a great deal to be proud of; however, these standards need to be conscientiously upheld and jealously guarded.

For much of the past year the Committee has become increasingly aware of the Coalition Government's commitment to remove the whole Standards Regime. This was explained in a letter from the Chairman of the Standards for England in November 2010 when he informed Standards Committees nationally that the proposals encompassed not only the abolition of the Standards for England but also the removal of the National Code of Conduct for councillors and the hitherto obligatory requirement to appoint and maintain a Standards Committee. In its place it will be for councils themselves to choose whether or not they wish to have a voluntary local code or a Standards Committee (which would be deemed an 'ordinary committee' of the authority and therefore not need to have independent representation). In addition any standards committee which was formed would not have the power to suspend a member. Regulations, yet to be made under the proposals would create a new criminal offence of failing to register or declare interests.

The Councils within Cheshire East must clearly decide what they wish to do. They may decide not to adopt a Code of Conduct and thus have no Standards Committee at all, relying upon the existing state and judicial machinery to deal with issues. The Cheshire East Standards Committee are looking at the possible future scenario and if requested will produce a report with recommendations to the Full Council and to the Cheshire Association of Local Councils (ChALC). The Committee is anxious to maintain liaison and co-operation with ChALC in furtherance of the Compact defined and agreed with ChALC and its Chief Executive during 2009/10. The Chief Executive of ChALC attended the March 2011 meeting of the Standards Committee.

I would like to place on record my thanks to my Vice-Chairman, David Sayer, who continues to play a crucial and central role in the work of the Committee. I would also record my thanks to all the Committee and the Staff who have worked to ensure a successful year for the committee.

The work of the Committee will continue under the current rules until new legislation is enacted. The current assumption is that the Localism Bill will become law in November 2011 and depending upon what complaints are being considered, the Standards Committee in its current form will cease to exist in the early part of 2012.

NIGEL BRIERS

(Independent Chairman - Cheshire East Standards Committee)

In contrast with other Committees of Cheshire East Council, the Standards Committee has no less than five Independent non-political members who are appointed, and selected on merit and experience and these include the Chairman and Vice-Chairman of the Committee. This does ensure that the Committee retains independence and free from political influence. The remaining members of the Standards Committee are drawn widely from across the spectrum of the Council and the community and comprise eight elected members who reflect the political constitution of the Council as a whole and three Town/Parish Councillors.

- **Independent Members:**

Nigel Briers (Chairman of the Committee), was a Member (and Chairman) of the former Crewe and Nantwich Borough Council Standards Committee.

David Sayer (Vice-Chairman of the Committee) was appointed Chairman of the former Congleton Borough Council Standards Committee in 2000 and served for just over 9 years until the inception of Cheshire East Council.

Ian Clark was a Chairman of the former Macclesfield Borough Council Standards Committee.

Michael Garratt served for 5 years as an Independent Member on the Congleton Borough Council Standards Committee.

Roger Pomlett was an Independent Member of the former Crewe and Nantwich Borough Council Standards Committee for 5 years.

- **Parish Council Members:**

Teresa Eatough served as a Parish Council representative on the former Crewe and Nantwich Borough Council Standards Committee.

Patsy Barnett served as a Parish Council representative on the former Congleton Borough Council Standards Committee.

Ken Edwards served on Macclesfield Borough Council Standards Committee for a year as a Parish Council representative.

- **Borough Council Members:**

Rhoda Bailey (Conservative).

Brian Dykes (Conservative) was a member of the former Crewe and Nantwich Borough Council.

John Goddard (Liberal Democrat) was a member of the former Macclesfield Borough Council Standards Committee.

John Hammond (Conservative) served for 5 years as a member of the former Crewe and Nantwich Borough Council Standards Committee and was Deputy Chairman from 2006 to 2008.

Margaret Hollins (Conservative), was a member of the former Crewe and Nantwich Borough Council.

Margaret Martin (Labour), was a member of the former Crewe and Nantwich Borough Council.

Michael Parsons (Independent) was a member of the former Congleton Borough Council.

Lesley Smetham (Conservative) was a Parish Council representative on the former Macclesfield Borough Council Standards Committee for 2 years.

The Interim Borough Solicitor and Monitoring Officer is Caroline Elwood. The previous Borough Solicitor and Monitoring Officer, Chris Chapman, left the Authority in December 2010 to take up a new post in Herefordshire.

The Monitoring Officer has a statutory role in ensuring that the Council, its Members and Officers carry out their functions in a proper and lawful manner.

The Monitoring Officer's duties include the following –

- Maintaining the Register of Members' Interests.
- He has an important role in contributing to the promotion and maintenance of high standards of conduct throughout the organisation.
- Main legal adviser to the Standards Committee and its Sub-Committees.
- Ensuring that decisions of the Standards Committee are implemented.
- If the Standards Committee refers an allegation for investigation, the Monitoring Officer will appoint another Officer to investigate the allegation and, should there be a local determination hearing, will act as the Legal Adviser to the Sub-Committee.
- The Monitoring Officer is also the main point of contact for Standards for England and submits periodic returns on the complaints received and dealt with by the Standards Committee.

4 Introduction to the Standards Committee

The Standards Committee was set up under Article 9 of the Council's Constitution and sets out to discharge the Council's function under Part 111 of the Local Government Act 2000.

ROLE

The main roles of the Standards Committee which apply to all elected and co-opted members of the Local Authority, including Town and Parish Councillors, are:

- To promote and maintain high standards of conduct by Members
- To assist Members in observing the adopted Codes of Conduct which set out rules governing the behaviour of Councillors
- To investigate allegations that Councillors' behaviour may have fallen short of the required standards.

STRUCTURE OF THE COMMITTEE

The full Committee has met on five occasions during the 2010-2011 Council year. The Monitoring Officer and/or his deputy are in attendance at these meetings. Members of the public are welcome to attend and time is allocated at the start of each for people to raise issues connected to the work of the Standards Committee.

In addition to the full Committee meetings, a further three Sub-Committees have been set up in accordance with the guidance from Standards for England which deals with complaints made against Councillors.

- Assessment Sub-Committee:

The role of this Sub-Committee is to receive complaints and make an initial assessment as to whether or not there is a *prima facie* case which warrants further action or investigation.

- Review Sub-Committee:

If the Assessment Sub-Committee has concluded that there is no case to answer, and the complainant is dissatisfied with this outcome, they can request the Review Sub-Committee to review that decision.

This Sub-Committee will assess the complaint afresh and it has the same decision-making powers as the Assessment Sub-Committee, ie (i) refer the complaint for investigation, (ii) refer for other action, (iii) refer to Standards for England, or (iv) decide that no action should be taken.

The Review Sub-Committee cannot comprise the same membership as that of the Assessment Sub-Committee which initially assessed the complaint.

- Hearings Sub-Committee:

Although this Sub-Committee is called the “Hearings” Sub-Committee for ease of reference, it has two distinct roles. It has a “consideration” role and a “determining” role. The “consideration” meeting is separate to the meeting at which a hearing may subsequently need to be conducted to “determine” the complaint.

“Consideration” role

Where a complaint has been referred for investigation, the Monitoring Officer will appoint an Investigating Officer to investigate the complaint. The Sub-Committee, acting in a “consideration” capacity then receives the Investigator’s Report, for the purpose of deciding, based on the facts as set out in the report, whether or not to accept the findings of the Investigator.

If the Investigator’s report concludes that there has been no breach and the Sub-Committee agrees, there is no further action.

However, if a breach has been identified by the Investigator, or the Sub-Committee disagrees with an Investigator’s finding of “no breach”, then it must hold a hearing to consider the matter in full. Not only is this in accordance with the Standards Committee (England) Regulations 2008, but it also ensures that the Rules of Natural Justice are not breached; these are the minimum standards of fair decision-making imposed on persons or bodies acting in a judicial capacity and includes (a) the right to know the case against them; (b) the right to a fair hearing; and (c) the rule against bias, including a perception of bias.

“Determination” role

This will be a separately convened Sub-Committee but it can include the same Members who considered the complaint at “consideration” stage.

At the Hearing, the subject Member and/or their representative, together with the complainant and any witnesses, will have the opportunity to present their case to Members (both orally and in writing).

The Sub-Committee will determine whether or not there has been a breach of the Code of Conduct and if it concludes that there has been a breach, will be able to impose appropriate sanctions.

COMPLAINTS AGAINST COUNCILLORS

During the past Council year there have been five complaints against serving or former Councillors –

- On 24 March 2010, the Assessment Sub-Committee considered a complaint (CEC//10/01) made against a serving Cheshire East Councillor. Although this

fell within the Municipal Year 2009/2010, it was not included in the previous Annual Report. The Assessment Sub-Committee resolved that action other than an investigation was appropriate. This was carried out by the Monitoring Officer and the outcome of that action was reported to the Sub-Committee on 13 July 2010.

- On 13 July 2010, the Assessment Sub-Committee considered a complaint made against a serving Cheshire East Councillor (CEC/10/02). The Sub-Committee concluded that the Subject Member may have breached the Code of Conduct and referred the matter to the Monitoring Officer for investigation.
- On 13 July 2010, the Assessment Sub-Committee considered a complaint made against seven serving Cheshire East Councillors (CEC/10/03). The Sub-Committee concluded that there was no breach and no further action was justified. The complainant was not satisfied and the matter was referred to the Review Sub-Committee on 26 August 2010. The Sub-Committee concluded that no further action was justified.
- On 13 July 2010, the Assessment Sub-Committee considered a complaint against a Parish Councillor (CEC/10/04). The Sub-Committee concluded that the Subject Member may have breached the Code of Conduct and referred the matter to the Monitoring Officer for investigation.
- On 26 August 2010 the Assessment Sub-Committee considered a complaint against a serving Cheshire East Councillor (CEC/10/05) and concluded that action other than investigation was appropriate. This was carried out by the Monitoring Officer.
- On 9 December 2010 (CEC/10/06) the Assessment Sub-Committee considered a complaint made against a serving Cheshire East Councillor. The Sub-Committee concluded that the Subject Member may have breached the Code of Conduct and referred the matter to Standards for England.

The Ethical Standards Officer for Standards for England has concluded her investigation and has held that there was no breach of the Code of Conduct. Her report was submitted to a meeting of the Standards Committee on 6 April 2011.

Members felt a number of lessons could be learnt and recommended that all Members should be reminded of the significance of Public Office, including the expectations of the public and that Code of Conduct training should be given to all Members following the forthcoming election. The Ethical Standards Officer had commented that Senior Officers and Members had understandable concerns about the public perception of the relationship of the Subject Member with the Developer. The Committee agreed that Officers had acted entirely appropriately in the circumstances and endorsed the comments of the Ethical Standards Officer and action taken by officers,

- On 18 March 2011, the Hearings Sub-Committee, in its “consideration” role, considered the reports of Jonathan Goolden, the Investigating Officer who had

investigated Complaints CEC/10/02 and CEC/10/04. Both of these had been referred to the Monitoring Officer for investigation following consideration by an Assessment Sub-Committee on 13 July 2010 as noted above.

In respect of Complaint No. CEC/10/02, the Sub-Committee has agreed with the Investigating Officer's finding that the Subject Member may have breached the Code of Conduct and is arranging for a full Hearing to be held.

The Investigating Officer concluded that in Complaint No. CEC/10/04, the Subject Member had not breached the Code of Conduct. The Sub-Committee agreed with this finding; no further action will be taken.

WORKING PARTIES

A Working Party entitled "Issues and Improvements Working Party" was established to consider issues concerning the proposals by the Government to end the Standards Regime.

ANNUAL ASSEMBLY

The Annual Assembly of Standards Committees which is usually held in October each year was cancelled in 2010 in light of the Government's announcement about the future of Standards for England.

TRAINING

The Committee has not undertaken any formal training during the year 2010-2011.

MAKING CONTACT

Information about the Standards Committee including details of meetings, membership and the work of the committee is available from carol.jones@cheshireeast.gov.uk or phone 01270 686471.

If anyone wishes to make a complaint, they are asked to contact the Council's Monitoring Officer at Cheshire East Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ or phone 01270 686637 or e-mail complaints.customerservices@cheshireeast.gov.uk.

Standards for England can provide members of the public with useful information about both the Code of Conduct and the work of Standards Committees.

5. Work Programme

The Standards Committee agreed the following work programme at its meeting held on 24 May 2010.

Month	Item
May 2010	<ul style="list-style-type: none"> • Report on Partnerships Protocol • Training requirements (standing item) • Work Programme 2010/2011
July 2010	<ul style="list-style-type: none"> • Monitoring compliance with the Code of Conduct (monthly report on the number and types of complaints which have been referred). • Progress report on Partnerships Protocol • Training requirements (standing item) — to give consideration to the arrangement of training sessions on the Code of Conduct for Borough, Parish and Town Councillors. This will be dependent on Communities and Local Government (CLG) having published the revised Code. • Local Government Ombudsman complaints – these are published at the end of the June
September 2010	<ul style="list-style-type: none"> • Monitoring compliance with the Code of Conduct (monthly report on the number and types of complaints which have been referred). • Training requirements (standing item) • Raising awareness: to review publicity for the role of the Standards Committee. • Review of Register of Interests. Committee to receive a report twice yearly on the outcome of a review of the Register of Interests.
November 2010	<ul style="list-style-type: none"> • Monitoring compliance with the Code of Conduct (monthly report on the number and types of complaints which have been referred). • Training requirements (standing item) • Feedback from the Annual Assembly of Standards Committees • Promoting high standards of ethical behaviour – the role of political groups

Month	Item
January 2011	<ul style="list-style-type: none"> • Monitoring compliance with the Code of Conduct (monthly report on the number and types of complaints which have been referred). • Training requirements (standing item) • Chairman's Annual Report for confirmation before submission to full Council • Town and Parish Councils: Feedback from the annual conference (Autumn 2010) in respect of any Code of Conduct issues raised by Clerks or Chairmen. • Annual Review of Whistle-blowing Procedure and "Dignity at Work" policy
March 2011	<ul style="list-style-type: none"> • Monitoring compliance with the Code of Conduct (monthly report on the number and types of complaints which have been referred). Finalised Chairman's Annual Report 2010/2011 • Training requirements (standing item) • Finalise Work Programme 20111-201209/2010 • Review of Register of Interests. Committee to receive a report twice yearly on the outcome of a review of the Register of Interests.
May 2011	<ul style="list-style-type: none"> • Monitoring compliance with the Code of Conduct (monthly report on the number and types of complaints which have been referred). • Training requirements (standing item)

CHESHIRE EAST

COUNCIL

Date of meeting: 21 April 2011
Report of: Head of Human Resources and Organisational Development
Title: APPOINTMENT OF BOROUGH SOLICITOR AND
MONITORING OFFICER

1.0 Purpose of Report

- 1.1 To outline the process used for the recruitment of the Borough Solicitor and Monitoring Officer and request that the Council ratify the recommendation for appointment made by the Staffing Committee.

2.0 Decision Required

- 2.1 To ratify the appointment of Mrs Caroline Elwood as the Borough Solicitor and Monitoring Officer of Cheshire East Council, with effect from 1 May 2011.

3.0 Reasons for Recommendations

- 3.1 The Council's Constitution requires full Council to approve the appointment of the Councils Monitoring Officer.

4.0 Wards Affected

- 4.1 Not applicable

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Policy Implications

- 6.1 Not applicable

7.0 Financial Implications

- 7.1 The post of Borough Solicitor and Monitoring Officer is an established post within the Councils staffing structure.

8.0 Legal Implications

- 8.1 The recruitment process and appointment complies with the Staffing Regulations for the appointment of the Borough Solicitor and Monitoring Officer.

9.0 Risk Assessment

- 9.1 The Council must appoint a Monitoring Officer to undertake the statutory role as set out in the Local Government and Housing Act 1989 and subsequent legislation.

10.0 Background and Options

- 10.1 The recruitment process for the Borough Solicitor and Monitoring Officer has been managed by the Staffing Committee.
- 10.2 After advertisement, the Council received 4 applications. In accordance with a decision by the Staffing Committee short listed applicants were subject to an assessment process involving an in-tray exercise, a critical reasoning test and psychometric test.
- 10.3 The final selection process involved a presentation and formal interview with the Staffing Committee on 11th March 2011.
- 10.4 The appointment of Mrs Caroline Elwood as Borough Solicitor and Monitoring Officer requires the formal ratification of Council.
- 10.5 Caroline began her career with Salford Council in 1980 as an Articled Clerk qualifying as a Solicitor in 1982 and moving to Vale Royal Borough Council in 1987 as Senior Solicitor and subsequently as Head of Legal and Administrative Services. She moved to Preston City Council in 1998 as Director of Corporate Services and to Sefton Council as Legal Director in 2002.
- 10.6 Caroline has over 30 years experience in Local Government and has been the Councils Monitoring Officer at both Preston and Sefton Councils. Whilst at Sefton Council she was the Council's Returning Officer responsible for both Legal and Democratic Services and was the Proper Officer for Births, Marriages and Deaths.
- 10.7 Caroline has undertaken the role of the Council's Interim Borough Solicitor and Monitoring Officer since 1 December 2010 following the departure of Mr Chris Chapman.

Access to Information

Relevant background papers can be inspected by contacting the report writer.

Name: Paul Bradshaw

Designation: Head of Human Resources and Organisational Development

CHESHIRE EAST COUNCIL

COUNCIL

Date of meeting: 21st April 2011
Report of: Democratic and Registration Services Manager
Title: Designation of Mayor and Deputy Mayor as Mayor and Deputy Mayor Elect for the 2011/12 Civic Year

1.0 Purpose of Report

- 1.1 To consider nominations for the office of Mayor and Deputy Mayor for 2011/12.

2.0 Decision Required

- 2.1 Council is requested to:-

Resolve that Councillor R West be designated as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election as Mayor and Deputy Mayor for Cheshire East for 2011/2012, at the Mayor Making ceremony to be held on 18th May 2011.

3.0 Financial Implications

- 3.1 None.

4.0 Legal Implications

- 4.1 The meeting of Annual Council must formally elect the Mayor and appoint a Deputy Mayor.

5.0 Risk Assessment

- 5.1 There are no risks in respect of the recommendations. There is advantage in Council designating Members as Mayor and Deputy Mayor Elect in advance of the Annual Meeting, in order for there to be certainty prior to the beginning of the new civic year.

6.0 Background and Options

- 6.1 At the meeting of the Council held on 25th February 2010 a protocol for the selection of Mayor and Deputy Mayor and other Mayoral matters was approved. This made provision in respect of a number of matters relating to the Civic Office and the Mayor and Deputy Mayor; including provision as to the election of the Mayor and the appointment of the Deputy Mayor.

- 6.2 This report asks Council to agree which Members will be elected as Mayor and appointed as Deputy Mayor, at the Annual Council meeting. Such a decision will give certainty to the proposed civic office holders and to officers, in making arrangements for the new civic year.

7.0 Reasons for Recommendation

- 7.1 The reasons for the recommendations are to ensure that appropriate arrangements can be made for the Mayor Making ceremony on 18th May 2011 and to agree a process to ensure that matters affecting the Mayoralty can be agreed in a timely manner with appropriate Member input.

For further information:

*Officer: Brian Reed Democratic and Registration Services Manager
Tel No: 01270-686670*

Email: brian.reed@cheshireeast.gov.uk

Background Documents:

None

COUNCIL MEETING – 21ST APRIL 2011

**Extract from the Minutes of the Constitution Committee Meeting on
24th March 2011**

51 COUNCILLOR CALL FOR ACTION PROTOCOL

The Committee considered a proposed amendment to the Councillor Call for Action Protocol to allow the Scrutiny Chairmen's Group to take the lead in determining which of the Council's five overview and scrutiny committees dealt with cross-cutting issues raised under the Councillor Call for Action procedure.

RESOLVED

That the role of the Scrutiny Chairmen's Group in determining which of the five overview and scrutiny committees should deal with cross-cutting issues raised under the Councillor Call for Action procedure be recognised and Council be recommended to authorise the Borough Solicitor to make appropriate reference to the role of the Scrutiny Chairmen's Group in the Councillor Call for Action Protocol by amending Section 7 of the Protocol.

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24th March 2011
Report of: Borough Solicitor
Subject/Title: Councillor Call For Action (CCfA) Protocol

1.0 Report Summary

- 1.1 To commend the Constitution Committee to make a recommendation to Council to amend the Councillor Call for Action Protocol, to allow the Scrutiny Chairmen's Group to take the lead in determining which of the Council's 5 Overview and Scrutiny Committees should deal with cross cutting issues raised under CCfA.

2.0 Recommendations

- 2.1 That the role of the Scrutiny Chairmen's Group in determining which of the 5 Overview and Scrutiny Committees should deal with cross-cutting issues raised under Councillor Call for Action be recognised and Council be recommended to authorise the Borough Solicitor to make appropriate reference to the role of the Scrutiny Chairmen's Group in the CCfA protocol by amending section 7 of the protocol.

3.0 Reasons for Recommendations

- 3.1 Currently, the Councillor Call for action protocol provides advice for Members and Officers on the steps necessary to refer to an Overview and Scrutiny Committee, any matter raised under the protocol. However, the protocol does not have a mechanism for determining requests under CCfA involving cross cutting issues.

4.0 Wards Affected

- 4.1 N/A

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications including - Climate change - Health

- 6.1 Not known at this stage.

7.0 Financial Implications

7.1 Not known at this stage.

8.0 Legal Implications

8.1 None.

9.0 Risk Management

9.1 There are no identifiable risks.

10.0 Background and Options

- 10.1 On 30 September 2009, the Governance and Constitution Committee recommended for approval to Council, a Councillor Call for Action (CCfA) protocol. The protocol was subsequently approved by Council on 15 October 2009.
- 10.2 The CCfA protocol was intended to strengthen Member involvement at Ward level through the provision of timely, relevant information on local issues in line with the principles outlined in the Local Government and Public Involvement in Health Act which emphasised the importance of the role of Ward Members as community leaders and advocated their empowerment to deal with local issues.
- 10.3 To date, there has only been one request received to invoke the CCfA procedure. Notwithstanding the fact that in that particular case, the Member concerned did not provide evidence that all available options to resolve the matters raised in the CCfA had been explored, the range of problems raised by the Member, did highlight the fact that there was a gap in the protocol in how cross cutting issues should be handled.
- 10.4 In the absence of any formal advice, on this occasion, the Scrutiny Chairmen's Group (SCG) was consulted informally. This gave Chairmen and Vice-Chairmen of the 5 Overview and Scrutiny Committees an opportunity to explore at an early stage, the written evidence supplied by the Member concerned, in support of the CCfA. Additionally, Members concluded that the SCG was the most appropriate place for requests for CCfA to be considered, where the subject matter affected more than one Committee.
- 10.5 The Scrutiny Chairmen's Group has therefore recommended that the protocol be amended to give the SCG a role in determining which of the 5 Overview and Scrutiny Committees should deal with cross cutting issues. This addition to the protocol is in line with the constitutional changes commended by the Constitution Committee on 24 June 2010 in relation to the role of SCG in resolving cross-cutting issues and reviewing work programmes and workloads.

11 *Access to Information*

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

Name: Mark Nedderman

Designation: Senior Scrutiny Officer

Tel No: 01270 686459

Email: mark.nedderman@cheshireeast.gov.uk

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COUNCIL MEETING – 21ST APRIL 2011

Extract from the Minutes of the Constitution Committee Meeting on 24th March 2011

55 MID-YEAR REVIEW OF SCHEME OF MEMBERS' ALLOWANCES

The Committee considered a further report of the Independent Remuneration Panel following a meeting between the Panel and the Council's political leaders on 2nd March 2011.

The Panel had submitted its final report to the meeting of the Constitution Committee on 27th January 2011 (Appendix 1). Having debated the report the Committee had resolved that:

"The Independent Remuneration Panel be thanked for its report which is noted, and the Panel be invited to meet with the Council's political leaders and Group Whips to discuss the recommendations in the report."

The report summarised the discussion which had taken place on 2nd March and set out the recommendations of the Panel as amended in the light of that discussion.

RESOLVED

That the Independent Remuneration Panel be thanked for its further consideration of the Member Allowances Scheme and the Panel's recommended changes to the Scheme as set out below be recommended to Council for adoption and implementation with effect from the beginning of the next municipal year:

- 1) The Cheshire East Scheme of Members' Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme's allowances and recommend whether any adjustments were appropriate;
- 2) The level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;
- 3) Except as provided for in recommendations 4 (a) - (c) in respect of the role of Vice-Chairmen, the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance, Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;

- 4a) Special Responsibility Allowances for the post of Vice Chairman be retained within the Scheme of Members' Allowances for 2011/2012;
- 4b) The role of Vice Chairman of Constitution Committee and Vice Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances;
- 4c) A Special Responsibility Allowance of £1,000 per annum be awarded to the Vice Chairman posts included in Schedule 1 of the 2011/2012 Scheme of Members Allowances, with an additional £50 payable for each meeting chaired up to an accumulated maximum total of £1,500 per annum;
- 5a) The role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;
- 5b&c) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; the position to be kept under review;
- 6) The level of Travel Allowances for 2011/2012 should not be increased and should remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011; except for car mileage rates which are to remain linked to the amounts payable to officers in accordance with the National Joint Council for Local Government Agreement;
- 7) No Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review;
- 8) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee;
- 9) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Borough's Local Area Partnerships at this time; the position to be kept under review;
- 10) A payment of up to £50 per four hour session or part thereof be paid to School Appeal Panel Co-opted Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel; and
- 11) The following wording be inserted into the 2011/2012 Scheme of Members' Allowances –
"The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in

accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances."

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 24th March 2011
Report of: Independent Remuneration Panel
Subject/Title: Addendum Report: Mid-Year Review of Scheme of Members' Allowances

1.0 Report Summary

- 1.1 This is an addendum to the report of the Independent Remuneration Panel submitted to Constitution Committee on 27 January 2011, following a meeting with the Council's Political Group Leaders on 2 March 2011 to discuss the 2010 review of Cheshire East Council's Scheme of Members' Allowances.

2.0 Recommendation

- 2.1 The Constitution Committee is invited to consider the Independent Remuneration Panel's revised findings and make recommendations thereon to Council for consideration, which should include the effective date of any changes.

3.0 Reasons for Recommendations

- 3.1 Before any changes can be made to the Scheme of Members' Allowances, Council must consider a report from its Independent Remuneration Panel.
- 3.2 In making its recommendations, the Independent Remuneration Panel wishes to ensure that the level of recompense for elected Members remains adequate and fair whilst being mindful of the financial constraints currently facing local government.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 Any agreement to amend the Allowances currently payable to elected Members will require alteration(s) to be made to Cheshire East Council's Scheme of Members' Allowances.

7.0 Financial Implications

- 7.1 Having considered the options available to it, the Independent Remuneration Panel has recommended that no increase be applied to the Scheme of Members' Allowances for 2011/2012.
- 7.2 The recommendations in respect of the post of Vice Chairman (Recommendation 4a-4c) and School Appeal Panel Co-opted Members (Recommendation 10) would not incur any additional cost to the budget but would, if implemented, generate savings.

8.0 Legal Implications

- 8.1 The Council is empowered to pay a range of Allowances to its Members in respect of their roles and responsibilities but must, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, appoint an Independent Remuneration Panel to offer advice and make recommendations on the Members' Allowances Scheme to Council. This report contains the advice of the Panel.

9.0 Risk Management

- 9.1 Consideration of the report enables the Council to comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.

10.0 Background

- 10.1 The Panel submitted its final report to the meeting of the Constitution Committee on 27 January 2011 (Appendix 1). During its deliberations, a number of questions were raised by the Committee about the conclusions drawn by the Panel. Having debated the report, the Committee resolved that:

"The Independent Remuneration Panel be thanked for its report which is noted, and the Panel be invited to meet with the Council's political leaders and Group Whips to discuss the recommendations in the report."

- 10.2 A meeting between the above parties was held on 2nd March 2011. The report summaries the discussion which took place and sets out the recommendations of the Panel.

11.0 Review of Scheme: Panel's Original Recommendations

- 11.1 The Committee was mainly supportive of the Panel's recommendations contained within its final report. The purpose of the meeting held on 2 March had been to explore further the Panel's conclusions relating to Vice Chairmen, mileage rates and Special Responsibility Allowances in respect of Cheshire Pension Fund Committee and Local Area Partnerships i.e.

Recommendation 4: *That -*

- a) *Special Responsibility Allowances for the post of Vice Chairman except as provided for in (b), be removed from the Scheme of Members' Allowances from 2011/2012; and***
- b) *A Special Responsibility Allowance of £1,000 per annum be awarded, with an additional £200 payable for each meeting chaired up to a maximum of £2,400 per annum, to the Vice Chairman of Strategic Planning Board, Southern Planning Committee, Northern Planning Committee and Licensing Committee.***

Recommendation 6:

That the level of Travel Allowances for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011.

Recommendation 8:

That no Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee.

Recommendation 9:

That no Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Borough's Local Area Partnerships at this time; the position to be kept under review.

Constitution Committee also wished to seek approval for a minor amendment to Recommendation 10:

That a flat rate payment of £50 per four hour session or part thereof be paid to School Appeal Panel Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel.

12.0 Outcome of Discussions

12.1 Role of Vice Chairman

12.1.1 From research obtained as part of the review, the Panel had concluded that the role of the Vice Chairman was one of *support* and *assistance* to the Chairman and as such there was no significant level of *responsibility* attached to the role.

12.1.2 It had therefore recommended that, in line with neighbouring authorities, Special Responsibility Allowances for Vice Chairmen be removed from the Scheme with the exception of the quasi-judicial functions of planning and licensing. It further concluded that where a Vice Chairman was required to chair a meeting of the Committee, that some form of recompense should be made.

12.1.3 Elected Members argued that Vice Chairmen needed to have the same

level of skill and knowledge as that of the Chairman to be able to substitute for him/her in their absence and that the role contributed to the Member's personal development. If the Panel was minded to review the level of remuneration, then any changes should apply equally across all the Council's Committees and be commensurate with the rest of the Scheme.

- 12.1.4 The Panel took on board the comments expressed and revised its recommendation as follows, taking into account recommendation 5a which would, if approved, introduce the role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee into the Schedule of Special Responsibility Allowances attached to the Scheme.

Revised Recommendation 4: That -

- a) Special Responsibility Allowances for the post of Vice Chairman be retained within the Scheme of Members' Allowances for 2011/2012;***
- b) The role of Vice Chairman of Constitution Committee and Vice Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances; and***
- c) A Special Responsibility Allowance of £1,000 per annum be awarded to the Vice Chairman posts included in Schedule 1 of the 2011/2012 Scheme of Members Allowances, with an additional £50 payable for each meeting chaired up to an accumulated maximum total of £1,500 per annum.***

12.2 Travel Allowances

- 12.2.1 The original recommendation put forward in respect of Travel Allowances encompassed not just vehicle mileage rates but all modes of transport covered by the Scheme. In making its recommendation in respect of car mileage; the Panel had wished to retain the link between the mileage rates paid to officers under the National Joint Council for Local Government Agreement (NJC Scheme) and that paid to Members, although this was not clear from the wording submitted. In clarifying its position, the Panel stated that it would have no objection to a lower rate being imposed by the Council but that the Members' rates should not increase over and above those paid to officers.

12.2.2 **Revised Recommendation 6**

That the level of Travel Allowances for 2011/2012 should not be increased and should remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011, except for car mileage rates which are to remain linked to the amounts payable to officers in accordance with the National Joint Council for Local Government Agreement.

12.3 Cheshire Pension Fund Committee

- 12.3.1 None of the partner authorities represented on the Cheshire Pension Fund Committee currently paid a Special Responsibility Allowance to members

of the Committee. Given the technical nature of the Chairman's role there was some sympathy for its inclusion within Cheshire East's Scheme but the Panel considered that it was not within its gift to require partner authorities to contribute towards payment of a Special Responsibility Allowance as suggested at the meeting. As a result, the Panel did not wish to amend its original recommendation at this time.

12.4 Local Area Partnerships

12.4.1 In acknowledging the workload of the Local Area Partnerships (LAPs), the elected Members concurred with the views expressed by the Panel that as a non-decision making community body the Chairmen of the Borough's 7 LAPs should not be included in the Scheme. As a result, the original recommendation remained unchanged.

12.5 School Appeals Co-optees: Loss of Earnings

12.5.1 The Panel had recommended the introduction of a flat rate payment of £50 claimable by School Appeal Panel Co-opted Members who had lost earnings as a result of attending meetings/training. The Committee had expressed a view that payment should be made 'up to a maximum' of £50 and the Panel was invited to consider the amendment.

12.5.2 **Revised Recommendation 10:**

That a payment of up to £50 per four hour session or part thereof be paid to School Appeal Panel Co-opted Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel.

13.0 **Summary of Recommendations**

13.1 Having regard to the amendments proposed above, the revised recommendations of the Independent Remuneration Panel in respect of the 2011 Scheme of Members' Allowances are as follows:

That

- 1) The Cheshire East Scheme of Members' Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme's allowances and recommend whether any adjustments were appropriate;**
- 2) The level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**
- 3) Excluding the role of Vice Chairman except as provided for in Recommendation 4a – 4c, the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance,**

Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;

- 4a) Special Responsibility Allowances for the post of Vice Chairman be retained within the Scheme of Members' Allowances for 2011/2012;**
- 4b) The role of Vice Chairman of Constitution Committee and Vice Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances;**
- 4c) A Special Responsibility Allowance of £1,000 per annum be awarded to the Vice Chairman posts included in Schedule 1 of the 2011/2012 Scheme of Members Allowances, with an additional £50 payable for each meeting chaired up to an accumulated maximum total of £1,500 per annum;**
- 5a) The role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;**
- 5b&c) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; the position to be kept under review;**
- 6) The level of Travel Allowances for 2011/2012 should not be increased and should remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011; except for car mileage rates which are to remain linked to the amounts payable to officers in accordance with the National Joint Council for Local Government Agreement;**
- 7) No Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review;**
- 8) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee;**
- 9) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Borough's Local Area Partnerships at this time; the position to be kept under review;**
- 10) A payment of up to £50 per four hour session or part thereof be paid to School Appeal Panel Co-opted Members attending appeal meetings or associated training on receipt of proof from**

their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel; and

- 11) The following wording be inserted into the 2011/2012 Scheme of Members' Allowances –
“The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.”

14.0 Access to Information

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

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	27 th January 2011
Report of:	Democratic Services Manager
Subject/Title:	Report of the Independent Remuneration Panel: Mid Year Review of Scheme of Members' Allowances

1.0 Report Summary

- 1.1 The report gives details of the outcome of the Independent Remuneration Panel's 2010 review of Cheshire East Council's Scheme of Members' Allowances.

2.0 Recommendation

- 2.1 The Constitution Committee is invited to consider the Independent Remuneration Panel's findings summarised in paragraph 13.1 and make recommendations thereon to Council for consideration, which should include the effective date of any changes.

3.0 Reasons for Recommendations

- 3.1 Before any changes can be made to the Scheme of Members' Allowances, Council must consider a report from its Independent Remuneration Panel.
- 3.2 In making its recommendations, the Independent Remuneration Panel wishes to ensure that the level of recompense for elected Members remains adequate and fair whilst being mindful of the financial constraints currently facing local government.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 Any agreement to amend the Allowances currently payable to elected Members will require alteration(s) to be made to Cheshire East Council's Scheme of Members' Allowances.

7.0 Financial Implications

- 7.1 Having considered the options available to it, the Independent Remuneration Panel has recommended that no increase be applied to the Scheme of Members' Allowances for 2011/2012.
- 7.2 The recommendations in respect of the post of Vice Chairman (Recommendation 4) and School Appeal Panel Members (Recommendation 10) would not incur any additional cost to the budget but would, if implemented, generate savings.

8.0 Legal Implications

- 8.1 The Council is empowered to pay a range of Allowances to its Members in respect of their roles and responsibilities but must, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, appoint an Independent Remuneration Panel to offer advice and make recommendations on the Members' Allowances Scheme to Council. This report contains the advice of the Panel.

9.0 Risk Management

- 9.1 Consideration of the report enables the Council to comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.

10.0 Background

- 10.1 In accordance with its role and responsibilities, the Independent Remuneration Panel ('the Panel') has conducted a review of the current Scheme of Members' Allowances as adopted by Cheshire East Council on 22 April 2010.
- 10.2 To inform its review, the Panel commissioned an online survey of Councillors to establish how much time elected Members were spending when conducting Council business. The e-survey, which was launched on 2 November 2010, ran until 30 November 2010; the results from which were considered by the Panel during the course of its deliberations.
- 10.3 Panel members were also provided with comparator data pertaining to 17 Members' Allowances Schemes operated by authorities of a comparable size to Cheshire East Council, or located within the North West region. This provided the benchmark against which the Council's Scheme was measured.

11.0 Mini Review of Car Mileage Rates

- 11.1 Notwithstanding paragraph 10.2, the Panel was requested, in November 2010 to urgently consider one element of the Scheme in light of the Council's need to identify potential savings across the authority. The

proposal was that there should be one flat-rate mileage allowance of 40p per mile payable to Council Members whilst undertaking Council business.

- 11.2 An email survey of elected Members was conducted during the first week of November 2010. As the results of the consultation were inconclusive, the Panel submitted its report to Constitution Committee as outlined in the conclusion at paragraph 12.14. The Committee, at its meeting on 15 December 2010 resolved:

“That no recommendations be made to Council at the present time with regard to the level of allowances paid in respect of Member mileage and the matter be considered further when the Independent Remuneration Panel has concluded its 2010 review of the Member Allowances Scheme as a whole and reported thereon to the Council.”

12.0 Review of Scheme: Panel’s Conclusions

Uplift Mechanism

- 12.1 In January 2010, the Panel had given consideration to replacing the current uplift mechanism applicable to the Scheme; the Retail Price Index (RPI) with a more relevant indicator. As the outcome of the 2010/2011 National Joint Council (NJC) for Local Government Services Employees Pay Award was unknown at the time, the Panel agreed to defer its discussion. On 29 September 2010, the latest position was reported to the Panel; that no increase would be offered by the Employers in 2010/2011.
- 12.2 The Panel concluded that the Retail Price Index was no longer an appropriate mechanism but having given due consideration to the alternative options available, the Panel did not wish to recommend a replacement index, as to do so would give the impression that allowances would continue to rise year on year.
- 12.3 It was the view of the Panel that the Council’s Scheme of Members’ Allowances should remove reference to an annual uplift. Instead, the Panel should, on an annual basis, review the current allowances and recommend whether any adjustments were appropriate, having considered a variety of indicators including the National Joint Council Government Services annual settlement and data from the Office of National Statistics.

Recommendation 1:

That the Cheshire East Scheme of Members’ Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme’s allowances and recommend whether any adjustments were appropriate.

Basic Allowance

- 12.4 A summary of the responses received from the e-survey of Members was analysed by the Panel, firstly in respect of Basic Allowance. Due to the

variation in responses received from Councillors, the Panel was not able to establish a baseline measure which represented the time commitment expected for an average Member.

- 12.5 Data from the Office of National Statistics was also considered which indicated that the current level of allowance was commensurate with the 2010 Median Gross Annual Earnings for Full Time Employees. The Panel therefore recommended:

Recommendation 2:

That the level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011.

Other Allowances

- 12.6 The Panel then went on to consider the evidence provided in response to the e-survey together with information supplied as part of the comparison exercise referred to in paragraph 10.3. Following careful analysis of the data, the Panel concluded that Cheshire East's remuneration levels compared favourably with neighbouring authorities and that no significant variations, with one exception, had been identified.

Recommendation 3:

Excluding the role of Vice Chairman except as provided for in Recommendation 4 the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance, Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011.

Special Responsibility Allowance: Vice Chairman

- 12.7 Comparator data from the 17 neighbouring authority's Member Allowances Schemes had highlighted a significant absence of payments to Vice Chairmen of Committees in these other authorities. The Panel had requested further information regarding the reason(s) behind the decision to remove the posts from the respective Schemes.
- 12.8 Data obtained from 3 Councils who had adopted this rule, indicated that the role of the Vice Chairman was considered to be one of *supporting* and *assisting* the Chairman of a Committee. As such there was no significant level of *responsibility* attached to the role; a conclusion which had resulted in the posts being deleted. There were exceptions; quasi-judicial bodies such as Planning and Licensing Committees and Overview and Scrutiny Committees continued to be recognised due to the nature of their roles.
- 12.9 The Panel considered that the key factor to consider here was the level of responsibility associated with the role and it concurred with the supposition

expressed by the 3 Councils; that the role of Vice Chairman was primarily one of support and assistance. However, where a Vice Chairman was required to take responsibility for chairing a meeting in the Chairman's absence, the Panel felt that they should be compensated.

- 12.10 Given the additional responsibilities that the quasi-judicial Committees carried (for example site inspections, which were not formal but were governed by an approved protocol), the Panel concluded that, due to the regular and high level of public contact required, there was sufficient justification for retaining these posts within the Scheme and recommended:

Recommendation 4: That -

- a) Special Responsibility Allowances for the post of Vice Chairman except as provided for in (b), be removed from the Scheme of Members' Allowances from 2011/2012; and**
- b) A Special Responsibility Allowance of £1000 per annum be awarded, with an additional £200 payable for each meeting chaired up to a maximum of £2400 per annum, to the Vice Chairman of Strategic Planning Board, Southern Planning Committee, Northern Planning Committee and Licensing Committee.**

Special Responsibility Allowance: Constitution Committee and Audit and Governance Committee

- 12.11 At Annual Council on 13 May 2010, the Council changed the structure of its Committees by creating two new bodies from what had previously been the Governance and Constitution Committee. The new Committees were i) Audit and Governance Committee and ii) Constitution Committee. The Panel was invited to consider the question of Special Responsibility Allowances in respect of the roles of Chairman and/or Vice Chairman of the Committees.
- 12.12 Having considered the Terms of Reference for both bodies, the Panel considered that there was sufficient justification to include the role of Chairman within the Scheme.

Recommendation 5: That -

- a) the role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;**
- b) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; and**
- c) The position be kept under review.**

Travel Allowances

- 12.13 As referred to in paragraph 11.2, elected Members were consulted on the following proposal; that the rate payable for car business mileage should be 40p per mile, irrespective of the engine capacity of the vehicle.
- 12.14 The feedback supplied by Members was shared with the Panel in December 2010 and whilst it was reluctant to reach a firm conclusion upon the appropriate level of mileage allowance for Councillors, solely to fulfil the authority's budgetary objectives, it concluded that, having considered the responses received:

Conclusion: That it (the Panel) did not have any strong objection to the introduction of a flat mileage rate of 40 pence per mile in respect of travel by car on official Council business; provided there was a mechanism for exceptions for disabled persons or other special situations where higher costs could be justified.

- 12.15 The e-survey and comparator data was examined in respect of all travel allowances in line with Constitution Committee's decision; the Panel concluding that -

Recommendation 6:

That the level of Travel Allowances for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011.

Potential additions to Special Responsibility Allowances Schedule

- 12.16 The Panel was invited to determine whether there were sufficient grounds for including the following bodies within the Schedule of Special Responsibility Allowances forming part of the Council's Scheme and if so, which roles on those bodies should attract such a payment.

Cheshire and Wirral Joint Health Scrutiny Committee

- 12.17 The Joint Health Committee was comprised of eighteen elected Members representing Cheshire East Council, Cheshire West and Chester Council and Wirral Borough Council with Chairmanship of the Committee being shared across the authorities. Enquiries had established that none of the partner authorities had paid or were looking to introduce a Special Responsibility Allowance, to recognise the role(s) of the Committee Members.

Recommendation 7:

That no Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review.

Cheshire Pension Fund Committee

- 12.18 To enable the Panel to consider whether the allocation of a Special Responsibility Allowance was warranted in respect of the position of Chairman, where that post was held by a Cheshire East Member, an extract from the Committee's Governance Policy Statement outlining its Terms of Reference and composition was submitted for consideration.
- 12.19 Although four Cheshire East Councillors sat on the Committee; the Senior Financial Advisor, Cheshire West and Chester Council confirmed that the Member's appointment was considered to be personal and tangential i.e. it had no direct connection to their Cheshire East roles and responsibilities. In light of the above and as no other authority represented on the Committee currently paid an allowance, the Panel considered that it was inappropriate to include the post within the Schedule of Special Responsibility Allowances.

Recommendation 8:

That no Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee.

Local Area Partnerships

- 12.20 Local Area Partnerships (LAP's) sat under PACE (Partnerships for Action in Cheshire East) and the governance agreement for the Partnership was considered. The Panel commented that, whilst the LAPs were a valuable resource for the authority, its perception was that they were consultation bodies which acted as a conduit for the exchange of information between organisations but at present, did not have the power to make decisions and as such, did not carry any significant responsibility.
- 12.21 The Panel was of the opinion that the LAPs were not comparable with the Council's Committees and therefore should not be allocated a Special Responsibility Allowance at this time. The introduction of the Localism Bill would potentially bring about a shift in the LAP's responsibilities and it was agreed that the matter be kept under review.

Recommendation 9:

That no Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the borough's Local Area Partnerships at this time; the position to be kept under review.

Reimbursement of Lost Earnings: School Appeals Panel Members

- 12.22 Under Regulation 7 of the Appeals Regulations and in line with Sections 173 and 174 of the Local Government Act 1972, Panel Members were eligible to receive travel and subsistence allowances and could also be compensated for any loss of earnings or any individual expenses, including child minding costs that were necessarily incurred as a result of attending an Appeal Panel or associated training.

- 12.23 At its December meeting the Panel had indicated that it had no objection in principle to allowing School Appeal Panel Members to submit claims for lost earnings but requested further information on how this might be administered. Extracts from the Allowances Schemes operated by North Somerset Council, Lambeth Council and Nottinghamshire County Council were provided by way of illustration.
- 12.24 The Panel was minded to introduce a flat rate payment to Appeal Panel Members by way of compensation subject to the submission of proof of lost earnings from the Panel Member's employer. Having regard to the Median Hourly Earnings figure for Full-Time Employees (source: Office of National Statistics) as at April 2010, the Panel considered that a rate of £50 per half day session (defined as a four hour period) would be reasonable.

Recommendation 10:

That a flat rate payment of £50 per four hour session or part thereof be paid to School Appeal Panel Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel.

Local Government Pension Scheme

- 12.25 In April 2009, Cheshire East Council's Independent Remuneration Panel had reviewed an interim Members' Allowances Scheme introduced for Cheshire East Shadow Council, endorsing a recommendation to admit eligible Members to the Local Government Pension Scheme (LGPS).
- 12.26 Paragraphs 11 (1)(a)(b) and 11(2) of the Local Authorities (Members' Allowances) (England) Regulations 2003 required Councils to set out in their Schemes whether Members of the authority were entitled to pensions in accordance with Section 7 of the Superannuation Act 1972. The Panel therefore recommended:

Recommendation 11:

That the following wording be inserted into the 2011/2012 Scheme of Members' Allowances –

“The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.”

13.0 Summary of Recommendations

13.1 That

- 1) The Cheshire East Scheme of Members' Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme's allowances and recommend whether any adjustments were appropriate;
- 2) The level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;
- 3) Excluding the role of Vice Chairman except as provided for in Recommendation 4, the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance, Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;
- 4a) Special Responsibility Allowances for the post of Vice Chairman except as provided for in (v) below, be removed from the Scheme of Members' Allowances from 2011/2012;
- 4b) A Special Responsibility Allowance of £1000 per annum be awarded, with an additional £200 payable for each meeting chaired up to a maximum of £2400 per annum, to the Vice Chairman of Strategic Planning Board, Southern Planning Committee, Northern Planning Committee and Licensing Committee;
- 5a) The role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;
- 5b&c) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; the position to be kept under review;
- 6) The level of Travel Allowances for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;
- 7) No Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review;
- 8) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee;
- 9) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the borough's Local Area Partnerships at this time; the position to be kept under review;
- 10) A flat rate payment of £50 per four hour session or part thereof be paid to School Appeal Panel Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct

- result of the performance of their duties on the Panel; and
- 11) The following wording be inserted into the 2011/2012 Scheme of Members' Allowances –
- “The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.”

14.0 Access to Information

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

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