

Constitution Committee

Agenda

Date: Thursday, 18th November, 2010
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The agenda is divided into 2 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. **Apologies for Absence**

2. **Declarations of Interest**

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

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

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. 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 are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 14)

To approve the minutes of the meeting held on 30th September 2010.

Contact: Paul Mountford, Democratic Services
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

5. **Local Service Delivery in Unparished Areas** (Pages 15 - 18)

To consider a report proposing structures for the discussion of service delivery issues in unparished areas, where devolution to a local council is not possible.

6. **Standards in Partnerships Protocol** (Pages 19 - 42)

To consider a report inviting the Committee to recommend the Partnerships Protocol to Council for inclusion in the Constitution.

7. **Calendar of Meetings for 2011-2012** (Pages 43 - 70)

To consider the draft Calendar of Meetings for Cheshire East Council for 2011-2012 and make recommendations to Council.

8. **Notice of Motion** (Pages 71 - 74)

To consider a notice of motion requesting that the Constitution Committee undertake a further Community Governance Review for Crewe.

9. **Honorary Aldermen and Freemen** (Pages 75 - 78)

To consider further the rights and privileges to be extended to Honorary Aldermen and Freemen of the Borough.

10. **New Executive Arrangements** (Pages 79 - 90)

To consider the outcome of the public consultation on options for future executive arrangements for Cheshire East Council.

11. **Review of the Constitution** (Pages 91 - 94)

To consider the next stage in the review of the Council's Constitution, with particular regard to executive arrangements.

12. **E Petitions - The Local Democracy, Economic Development and Construction Act 2009 and the Local Authorities (Petitions) (England) Order 2010** (Pages 95 - 108)

To consider a proposed revision to the scheme for dealing with petitions to include provision for e-petitions.

(There are no Part 2 items)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 30th September, 2010 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor J P Findlow (Chairman)
Councillor D Brickhill (Vice-Chairman)

Councillors C Beard, D J Cannon, R Cartlidge, S Jones, A Moran, R West,
P Whiteley, J Wray and J Crockatt (for Councillor Topping)

In attendance

Councillor C Thorley

Officers

Brian Reed, Democratic Services Manager
Paul Jones, Democratic Services Team Manager
Julie Openshaw, Legal Services
Paul Mountford, Democratic Services
Carol Jones, Democratic Services

Apologies

Councillors M Asquith and D Topping

Honorary Alderman Mrs M Melrose DL attended the meeting in an
observer capacity and was welcomed by the Chairman.

15 DECLARATIONS OF INTEREST

Councillors J Crockatt, J P Findlow, A Moran and P Whiteley declared
personal, non-prejudicial interests in an item on the agenda concerning the
rights and privileges of Honorary Aldermen and Freeman. They had all
been admitted as Honorary Aldermen by their former authorities and would
therefore become Honorary Aldermen on their retirement from Cheshire
East Council.

16 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak or ask a question.

17 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 12th July 2010 be approved as a correct record.

18 OUTSIDE ORGANISATIONS

The Committee considered a report setting out the recommendations of the Outside Organisations Sub-Committee.

The Sub-Committee had been appointed by the Constitution Committee at its meeting on 24th June 2010 and comprised six Members in accordance with the rules of political proportionality (4:1:1), the Members being Councillors D Brickhill, R Cartlidge, J P Findlow, S Jones, P Whiteley and J Wray.

The Sub-Committee had been appointed on the following basis:

- (a) to serve for the remainder of the Municipal Year;
- (b) to meet on an *ad hoc* basis;
- (c) to oversee appointments to Category 2 outside organisations in general, and to address any issues which emerge in respect of those appointments;
- (d) to continue with the review started by the former Task Group in respect of establishing the effectiveness and appropriateness of representation; and
- (e) to report back to the Constitution Committee as and when it considers appropriate within the Municipal Year.

The Sub-Committee had held its first meeting on 13 September 2010. Councillor Shirley Jones had been appointed Chairman to serve for the remainder of the Municipal Year.

The report set out the Sub-Committee's recommendations on a number of casual vacancies and requests by new outside organisations for Council representation. Detailed background information on each organisation was included in the report.

The Officers reported that the Wilmslow Trust had been included in the report in error as there was no vacancy on that body.

RESOLVED

That

- (1) the following Councillors be appointed to the casual vacancies indicated:

- (a) Eaton Hall Sand Quarry Liaison Group, Congleton:
Councillor A Knowles
 - (b) King's School, Macclesfield: Councillor H Gaddum
 - (c) Amos Johnson Fund: Councillor G Barton
- (2) Linden Bank Community Liaison Group be added to the Category 2 list of outside organisations, and Councillor Barry Moran be appointed as the Council's representative;
- (3) Maw Green Landfill Site Community Liaison Meeting be added to the list of Category 2 organisations, and Councillors J Hammond and C G Thorley be appointed as the representatives, subject to the establishment of the legal implications of representation;
- (4) no change be made in the representation on Cheshire Landfill Tax Advisory Panel (ie Councillor D Brickhill to remain as the representative);
- (5) the Association for Public Service Excellence (APSE) be added to the list of Category 2 organisations, and Councillor J P Findlow be appointed as the Council's representative; and
- (6) Cabinet be asked to agree to the re-designation of the Standing Advisory Council for Religious Education (SACRE) as a Category 2 organisation.

19 RECOMMENDATIONS OF THE CIVIC SUB-COMMITTEE

The Committee considered a report setting out the recommendations of the Civic Sub-Committee at its meeting on 3rd August 2010 in relation to the following:

- Honorary Aldermen and Freeman
- Freedom of the Borough – 1st Battalion, Mercian Regiment (Cheshire)
- Flag Flying Policy

Honorary Aldermen and Freeman

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

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

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

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

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

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

Members also had regard in particular to the arrangements for providing Honorary Aldermen and Freemen with access to parking facilities and to key civic functions such as the County Show and the RHS Show. Members felt that any arrangements should apply indiscriminately to all Cheshire East Aldermen and Freemen irrespective of the rights and privileges bestowed on them by individual legacy authorities. Members also recognised the need to consider carefully the potential resource implications of any such privileges.

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

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

RESOLVED

That the draft scheme relating to the appointment, rights and privileges of Honorary Aldermen and Freemen as set out at Appendix 5 to the report to

the Civic Sub-Committee be recommended to Council for adoption and incorporation into the Constitution subject to the following:

1. for the purposes of the scheme, the term 'eminent service' shall mean a minimum of 12 years' service, whether consecutive or otherwise. Where a Member has served on more than one former authority of Cheshire East, whether concurrently or otherwise, including the shadow authority, the service with each authority shall be taken into account separately for the purpose of determining eminent service.
2. Honorary Aldermen of Cheshire East Council shall enjoy such privileges as may properly be conferred by the Council from time to time and in particular shall be entitled:
 - (1) to attend civic receptions and other civic functions or ceremonies to which all Members of the Council are invited and to be provided with a car parking pass, and where the spouses and partners of Members are able to attend so shall the spouses and partners of Aldermen;
 - (2) to attend meetings of the Full Council and be provided with a car parking pass and be allocated a seat in the reserved part of the Council Chamber, and receive Council papers, including Part 1 reports, by email or post as desired;
 - (3) to be notified on a regular basis of significant civic matters by the Democratic Services Manager, including the deaths of Members, former Members and Honorary Aldermen/Freemen;
 - (4) to be provided with a pass on request when visiting Council premises;
3. the rights and privileges conferred on Honorary Aldermen under this Scheme shall also apply to Honorary Freemen;
4. where the title of Honorary Freeman has been conferred on a body or organisation, an appropriate representative of that body shall be invited to attend any relevant functions;
5. a further report be submitted to the Committee's next meeting dealing with the rights and privileges of Honorary Aldermen/Freemen and serving councillors in relation to attendance at civic functions, including the County Show and RHS Show, and access to Tatton Park, the report to include any resource implications and the rationale for any charges involved.

Freedom of the Borough – 1st Battalion, Mercian Regiment (Cheshire)

The Civic Sub-Committee had considered proposed arrangements for the granting of the Freedom of the Borough to the 1st Battalion Mercian

Regiment (Cheshire), including the suggested wording for the resolution to be considered at the Special meeting of Council which was as follows:

“That pursuant to the powers contained in the Local Government Act 1972, the Council grant Freedom of Entry to the Borough to the 1st Battalion Mercian Regiment (Cheshire), and admit the Regiment to the Roll of Honorary Freemen of the Borough, in recognition of the long and close association between the Cheshire East Borough and the Regiment and confer upon the Regiment the right, privilege and honour of marching through the streets of Cheshire East on ceremonial occasions, with swords drawn, bayonets fixed, drums beating, bands playing and colours flying.”

The Regimental Secretary was co-ordinating a number of homecoming parades across the North West on behalf of the Officer Commanding the Rear Operations Group. Three provisional dates had been identified for Cheshire East.

The Sub-Committee had recommended to the Constitution Committee that

- (1) the Freedom of the Borough be granted to the 1st Battalion Mercian Regiment (Cheshire) and a special meeting of Council be convened for that purpose;
- (2) the suggested wording for the resolution at the Special Council meeting be approved;
- (3) in conjunction with the Officer Commanding the Rear Operations Group and the Assistant Regimental Secretary, the Officers agree the final, detailed arrangements for at least two, and possibly three, homecoming parades to be held in Macclesfield, Crewe and possibly in Congleton during the second week of November 2010 on dates to be confirmed; and
- (4) the Mayors of Town Councils in Cheshire East be invited to attend the relevant homecoming parade for their area.

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

The Assistant Regimental Secretary had accepted the Civic Sub Committee's suggestion that during each Parade the Mayor should announce the resolution of the Council granting the Freedom of the Borough to the Regiment and that on each occasion a senior regimental officer would respond. At Crewe there would be a Reception and a Senior Officer would be formally presented with a scroll and civic gift and sign the Freedom of the Borough Register. The Committee was asked to endorse

the revised arrangements and to note that as a consequence there would be no formal ceremony as part of the Special Council meeting at which the Resolution would be considered at the conclusion of the next ordinary meeting of Council on 14th October 2010.

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

RESOLVED

That the recommendations of the Civic Sub-Committee be approved subject to:

- (1) the revised arrangements agreed since with the Assistant Regimental Secretary, which are approved; and
- (2) that the Freedom of the Borough be granted to 'The Mercian Regiment' and the wording of the resolution to be considered at the special Council meeting be amended accordingly.

Flag Flying Policy

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

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

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

RESOLVED

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

20 THE PLANNING PROTOCOL

The Committee considered a report on proposed amendments to the Planning Protocol adopted by the Council on 24th February 2009 with a view to making recommendations to Council.

In August 2009 a meeting had been held between the Chairmen and Vice-Chairmen of the Strategic Planning Board and Planning Committees and relevant Planning Officers to review a number of issues arising out of the first three months of the operation of the Development Management Service for Cheshire East. This had included the operation of the Planning Protocol. At that meeting it had been noted that an updated version of the Local Government Association guidance document, "Probity in Planning", had been published. Whilst the guidance did not require wholesale changes to the Protocol, it was felt that some further clarification could be incorporated within it. Additionally, there were a number of amendments/clarifications that Officers had identified for the Planning Protocol arising from its operation during the initial months of the new Council.

An amended Planning Protocol had now been produced and was attached to the report.

The amended Planning Protocol had been considered by the Strategic Planning Board at its meeting on 25th September 2010 and the Board had resolved that the amended Protocol be commended to the Constitution Committee for inclusion in the Constitution subject to minor amendments to paragraph 8.4 and 4.5, and to any views expressed by the Standards Committee. The Standards Committee at its meeting on 27th September 2010 had resolved that the revised Planning Protocol be commended to the Constitution Committee for approval without amendment, and that a review of the Public Speaking Protocol be undertaken to ensure consistency.

In considering this matter, some members of the Constitution Committee felt that the Protocol in its present form was too detailed and, in parts, overly prescriptive. It was suggested that the Protocol as a whole should be reviewed with a view to producing a shorter, more user-friendly guide.

RESOLVED

That

- (1) the Planning Protocol be not referred to Council for approval at this stage; and
- (2) a sub-committee be appointed, the size, proportionality and membership to be determined in consultation with the Chairman and Group Whips, to be charged with examining the Protocol and, if

necessary, redrafting it as a short sensible guide with the assistance of the Officer who drafted the amendments.

21 REVIEW OF THE CONSTITUTION

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

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

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

"ANNUAL MEETING OF THE COUNCIL

Timing and business

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

The annual meeting will:

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

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

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

“Council will:

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

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

“EXTRAORDINARY MEETINGS

Calling extraordinary meetings.

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

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

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

Business

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

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

RESOLVED

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

22 NEW EXECUTIVE ARRANGEMENTS

The Committee considered proposals to consult on two options for future executive arrangements for Cheshire East Council.

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

Guidance had recently been issued in the form of a letter from the Minister for Housing and Local Government. This indicated that whilst the statutory requirement to follow the consultation process had to be adhered to, Councils were encouraged not to incur any significant expenditure in doing so. Indeed, the requirements were likely to be repealed, but not before the Council was required to make an appropriate resolution.

RESOLVED

That

- (1) a public consultation exercise be undertaken between 1st October and 12th November 2010, by way of an article and press release via the

Council's website, on the options for future executive arrangements for Cheshire East Council, the consultation to make reference to the advice received from the Minister for Housing and Local Government; and

- (2) the result of the consultation exercise be reported to the Constitution Committee on 18th November 2010 with a view to making a recommendation to Council on 16th December 2010.

23 WILMSLOW COMMUNITY GOVERNANCE REVIEW

The Chairman was of the opinion that this matter constituted urgent business and could be dealt with at the Committee's meeting in accordance with Committee Procedure Rule 37 and Section 100B(4)(b) of the Local Government Act 1972. The reason for urgency was as follows:

"To enable the Wilmslow Community Governance Review Sub-Committee to continue with the next stages of the Review in accordance with the statutory timetable."

The Wilmslow Community Governance Review Sub-Committee had met on 27th September 2010 to consider the outcome of the Stage 2 consultation and to give initial consideration to the potential running costs and budgetary requirements of the three proposed parish councils.

Members had been advised that established Parish Councils advised the Borough Council in January each year of their precept requirements and these were then included by the Borough Council as part of the total Council Tax-setting process. The difficulty with the process for proposed new parish councils in the Wilmslow area (if that were the outcome of the review), was that the parish councils themselves would not come into operation until Councillors had been elected in May 2011. Action was therefore required by Cheshire East Council to ensure that the new parish councils had a budget to work with.

The Sub-Committee felt that as part of its work on the Review, it should make recommendations on precepts for the first year of the new parish councils. This would require an extension to the Sub-Committee's terms of reference by the Constitution Committee.

It was important to be clear that in considering this matter the outcome of the Community Governance Review was not being prejudiced. However, in view of the tight timescales involved, thought had to be given to matters of precepting, budgets and governance arrangements in early course.

RESOLVED

That the terms of reference of the Wilmslow Community Governance Review Sub-Committee be extended to enable it to make recommendations on precepting for any new parishes created by the

Review and to deal with such governance, accommodation and other preparations as may be required.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

Councillor J P Findlow (Chairman)

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CHESHIRE EAST COUNCIL

Constitution Committee

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

1.0 Report Summary

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

2.0 Recommendation

- 2.1 That it be recommended to Council that

- (1) A Local Service Delivery (Crewe) Committee be constituted where membership shall be those councillors who represent wards within the unparished area of the town.
- (2) A Local Service Delivery (Macclesfield) Committee be similarly constituted.
- (3) The powers of each committee be:

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

3.0 Reasons for Recommendations

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

4.0 Wards Affected

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

5.0 Local Ward Members

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

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

6.0 Policy Implications

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

7.0 Financial Implications

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

8.0 Legal Implications

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

9.0 Risk Management

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

10.0 Background and Options

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

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

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

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

11.0 Access to Information

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

Name: Chris Chapman

Designation: Borough Solicitor and Monitoring Officer

Tel No: 01270 686637

Email: chris.chapman@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	18 th November 2010
Report of:	Monitoring Officer
Subject:	Standards in Partnerships Protocol

1.0 Report Summary

- 1.1 The report invites the Committee to recommend the Partnerships Protocol to Council for inclusion in the Constitution.

2.0 Recommendation

The Committee is invited to resolve that the Partnerships Protocol, as set out in Appendix 1, be recommended to Council for incorporation into the Council's Constitution.

3.0 Reasons for Recommendations

- 3.1 High standards are a cornerstone of good governance and should become embedded in the culture of organisations. It is as important to achieve good governance in partnership arrangements as it is in individual organisations.
- 3.2 The incorporation of the Partnerships Protocol will help to achieve this.

4.0 Wards Affected

- 4.1 Not applicable.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 The inclusion of the Protocol in the Constitution will provide a framework to support the development of partnerships.

7.0 Financial Implications

- 7.1 None identified.

8.0 Legal Implications

- 8.1 None identified

9.0 Risk Management

- 9.1 The Partnerships Protocol will help ensure high standards of governance between the council and its partners.

10.0 Background and Options

- 10.1 Since the Autumn of 2008, Manchester City Council has assisted Standards for England in its work to develop a protocol for working in partnership. The key aim of the project was to develop a shared set of values and behaviours which will underpin partnership work.

- 10.2 At its meeting held on 23rd November 2009 the Committee established a working group of Members and Officers to develop a local protocol for use across Cheshire East.

- 10.3 The working group met on several occasions and prepared a draft Protocol for the Local Strategic Partnership (LSP). The draft Partnership Protocol was considered by the Cheshire East LSP Executive on 12th April 2010. At that time, the Executive was of the view that it required further consideration to assess the likely impact on statutory services such as Children's and Adult Services, as well as Safer Communities, in terms of access to confidential material. A copy is attached as Appendix 1.

- 10.4 The Protocol was considered again at the LSP Executive meeting held on 17 May 2010, and it was resolved –

“That the principles contained within the draft Protocol be endorsed and developed and adapted for inclusion within Cheshire East's Partnership Agreements”.

- 10.5 A further meeting of the working group took place on 15th September at which time the Locality Business Manager (Partnerships Team) reported that the Protocol had been incorporated into the recently published Partnership Agreement which was to be considered by the Local Strategic Partnership Executive Board on 23rd September. The Partnership Agreement is attached at Appendix 2 and the Partnership Team has agreed to report annually to the Standards Committee on its operation and to help promote the Protocol within partnerships outside of the Local Strategic Partnership Framework.

- 10.6 At its meeting held on 27th September 2010, the Standards Committee endorsed the action taken by the Local Strategic Partnership to integrate the Standards in Partnerships Protocol into the LSP Partnership Agreement and agreed to recommend the Constitution

Committee to incorporate the Partnerships Protocol into the Council's Constitution.

11.0 Access to Information

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

Name: Chris Chapman
Designation: Monitoring Officer
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Email: chris.chapman@cheshireeast.gov.uk

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(Draft Partnership Protocol)

The Protocol

1 Achieve intended outcomes

Our priorities are evidence-based and our decision-making is transparent.

We will:

1. Share resources to achieve joint outcomes
2. Ensure that decision-making is transparent
3. Be committed to continuous improvement
4. Ensure that claims of improved performance are based on clear evidence
5. Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

2 Public interest

We act in the interest of the public and demonstrate value.

We will:

1. Focus on long-term as well as short-term issues
2. Act in the interests of the public good over individual interests. Consider visibility, input from the public and informing the public of the Council's activities and the rationale behind decisions.
3. Demonstrate to the community how we are achieving publicly valued outcomes
4. Agree a protocol for the handling of complaints that relates to our joint work
5. Promote and ensure public engagement
6. Consider public access to partnerships (and documentation) when appropriate (Note: Most meetings were not held in public, and it was sometimes inappropriate for the public to attend meetings, but this would ensure the provision of documents when appropriate.)
7. Use appropriate, unambiguous and simple language

3 Building partners' capacity

We act to build capacity in our partnership.

We will:

1. Be committed to developing individual partners' skills to achieve our aims
This was carried out as a matter of course and probably inappropriate for inclusion in the Protocol.
2. Encourage partners to be confident working outside of their organisational culture
3. Be open to partners' suggestions and help.
4. Actively encourage ideas and innovation
5. Ensure that decision-making is transparent
6. Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

4 Value and respect each other

We respect and value everyone's contribution.

We will:

1. Actively promote a "no-blame" culture
1. Ensure that all partners contribute appropriately and openly
2. Acknowledge the capabilities of all members
3. Recognise and embrace the role of voluntary and community sector partners
4. Avoid dominance by individuals
5. Respect each other's roles and needs
6. Actively encourage the participation of all partnership members
7. Build effective working relationships with each other
8. Recognise the value of all partners' contributions

5 Act ethically

We act ethically. We are open and objective and encourage constructive challenge.

We will:

1. Be honest and objective
2. Support partners both to understand and constructively challenge any poor behaviour
3. Agree how we will achieve democratic accountability
4. Ensure that our dialogue is open and transparent
5. Declare conflicts of interest and address them
6. Make sure that the purpose of all meetings is made clear
7. Agree a mechanism for “whistle-blowing” and dealing with complaints
8. Ensure that “whistle-blowers” are supported

6 Aligning strategies and networks

We harness our collective efforts through joint planning, delivery and governance arrangements. This must be clear evidence-based.

We will:

1. Encourage all partners to actively shape the strategy and share information.
2. Ensure that partners can influence the decision-making of partner organisations
3. Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
4. Make sure that actions taken by the partnership are clear, time-limited and task-orientated
5. Ensure that agreed actions are carried out

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PARTNERSHIPS FOR ACTION IN CHESHIRE EAST PARTNERSHIP AGREEMENT

1. Purpose of the Agreement

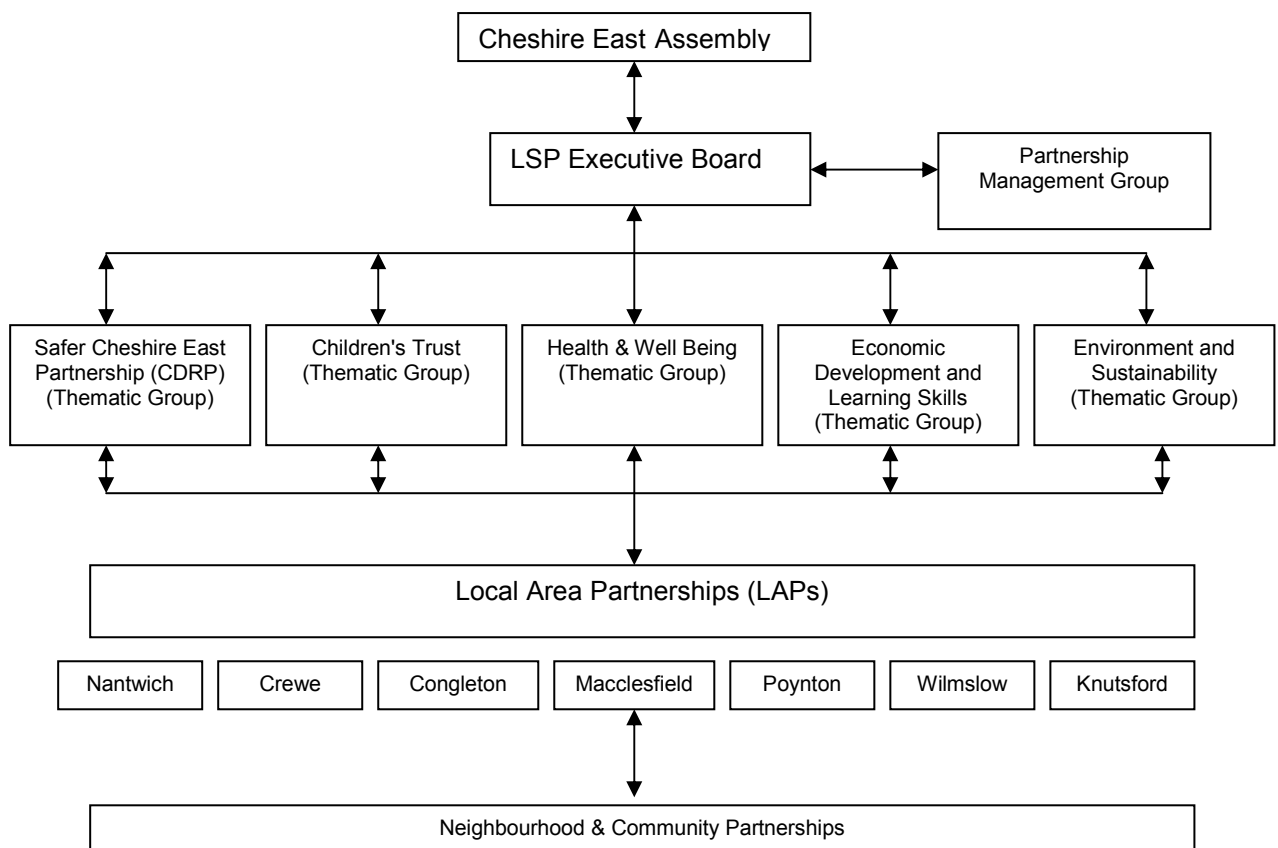
The purpose of this Agreement is to establish a framework within which the members of the Partnerships for Action in Cheshire East (PACE) can demonstrate their commitment to support and participate in the Partnership.

The Agreement is not a binding contractual agreement and is intended to show commitment to the aims of the Partnership and to the other members of the Partnership.

2. What is Partnerships for Action in Cheshire East

PACE is the Local Strategic Partnership for Cheshire East and it brings together, at a local level, all of the different parts of the public, private, business, community and voluntary sectors so that different initiatives and services support each other and work together across Cheshire East.

Partnerships for Action in Cheshire East Structure



Within the terms of this Agreement, the constituent bodies will be known collectively as Partnerships for Action in Cheshire East (PACE) and will meet periodically together as the Cheshire East Assembly.

3. Partnership Principles

We will have regard to the following principles in how we work:

3.1 Achieve intended outcomes

Our priorities are evidence-based and our decision-making is transparent. We will:

- a) Share resources to achieve joint outcomes
- b) Ensure that decision-making is transparent
- c) Be committed to continuous improvement
- d) Ensure that claims of improved performance are based on clear evidence
- e) Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

3.2 Public interest

We act in the interest of the public and demonstrate value. We will:

- a) Focus on long-term as well as short-term issues
- b) Act in the interests of the public good over individual interests
Consider visibility, input from the public and informing the public of the Council's activities and the rationale behind decisions.
- c) Demonstrate to the community how we are achieving publicly valued outcomes
- d) Agree a protocol for the handling of complaints that relates to our joint work
- e) Promote and ensure public engagement
- f) Consider public access to partnerships (and documentation) when appropriate
- g) Use appropriate, unambiguous and simple language

3.3 Building partners' capacity

We act to build capacity in our partnership. We will:

- a) Be committed to developing individual partners' skills to achieve our aims
- b) Encourage partners to be confident working outside of their organisational culture
- c) Be open to partners' suggestions and help
- d) Actively encourage ideas and innovation
- e) Ensure that decision-making is transparent
- f) Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

3.4 Value and respect each other

We respect and value everyone's contribution. We will:

- a) Actively promote a "no-blame" culture

- b) Ensure that partners contribute appropriately and openly
- c) Acknowledge the capabilities of all members
- d) Recognise and embrace the role of voluntary and community sector partners
- e) Avoid dominance by individuals
- f) Respect each other's roles and needs
- g) Actively encourage the participation of all partnership members
- h) Build effective working relationships with each other
- i) Recognise the value of all partners' contributions

3.5 Act ethically

We act ethically. We are open and objective and encourage constructive challenge. We will:

- a) Be honest and objective
- b) Support partners both to understand and constructively challenge any poor behaviour
- c) Agree how we will achieve democratic accountability
- d) Ensure that our dialogue is open and transparent
- e) Declare conflicts of interest and address them
- f) Make sure that the purpose of all meetings is made clear
- g) Agree a mechanism for "whistle-blowing" and dealing with complaints
- h) Ensure that "whistle-blowers" are supported

3.6 Aligning strategies and networks

We harness our collective efforts through joint planning, delivery and governance arrangements. This must be clear evidence-based. We will:

- a) Encourage all partners to actively shape the strategy and share information
- b) Ensure that partners can influence the decision-making of partner organisations
- c) Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- d) Make sure that actions taken by the partnership are clear, time-limited and task-orientated
- e) Ensure that agreed actions are carried out
- f) By working through local Area Partnerships, focus collective effort on what really matters, delivering improved outcomes for local people and places.

4. Vision, Aims, Objectives and Priorities for Action of PACE

The Partnership's vision for Cheshire East in 2025, as expressed in the Sustainable Community Strategy, "Ambition for All", is:

"Cheshire East is a prosperous place where all people thrive, regardless of where they live. We have beautiful productive countryside, unique towns with individual character and a wealth of history and culture. The people of

Cheshire East live active, fulfilling lives and get involved in making their communities safe, healthy and sustainable places to live”

The aims of PACE are:

- a) To agree a vision, key priorities and actions to tackle economic, social and environmental concerns for Cheshire East
- b) To work together as equal partners and with the community to prepare a sustainable community strategy and plans which will define where we are now, where we want to be in the future and how we will get there and to prepare it in accordance with the principles of sustainable development
- c) To bring together local partnerships, plans and initiatives for service providers to work together with the community to meet local needs and priorities
- d) To devise a Local Area Agreement to improve performance locally
- e) To work together in partnership to avoid duplication, additional costs, conflicting strategies and consultation fatigue
- f) To jointly develop review mechanisms
- g) To liaise, where appropriate, with neighbouring Local Strategic Partnerships, where there is a mutual benefits and sharing of good practice

The objectives of PACE are:

- a) To promote equality and diversity and improve the quality of life for everyone who lives in, works in or visits Cheshire East
- b) To strengthen partnership working to ensure that everyone is working in the same strategic direction, sharing resources, information and expertise to address key issues and local problems
- c) To maximise the use of existing resources across all sectors and access additional funding from local, national and international sources for the benefit of the people of Cheshire East
- d) To contribute to sustainable development locally, regionally, nationally and global.
- e) To improve engagement and consultation across the Cheshire East area

The seven priorities for action agreed in “Ambition for All” are:

- a) Nurture strong communities
- b) Create conditions for business growth
- c) Unlock the potential of our towns
- d) Support our young people
- e) Plan for the needs of future generations
- f) Prepare for an increasingly older population
- g) Drive out the sources of poor health

5. Responsibilities and Accountabilities

Wherever possible, we will look to develop common frameworks for collecting and sharing information by committing to develop aligned strategies and protocols, which includes sharing information, data, intelligence, performance information, data quality, core teams and alignment and pooling of resources.

5.1 Resources

All of the members of the constituent bodies will need to identify how they will support the work of PACE, both in terms of general allocation of resources and in terms of the specific allocation of resources designed to support a project for which they are responsible, or involved in, but which is to be undertaken within the framework of the Cheshire East Sustainable Community Strategy.

It is envisaged this may be through:

- Members of the Partnership giving general support to the partnership both through the commitment of staff time and where appropriate through the commitment of both revenue and capital resources. Where necessary it is intended that whenever such resources are made available, they are committed to be spent within the remit established by the Cheshire East Sustainable Community Strategy.
- The Members of the Partnership may also, when appropriate, commit themselves to making available resources that would normally be spent by them in their own right in support of individual members' programmes, but where those programmes form part of the Cheshire East Sustainable Community Strategy it has been agreed that the partners will commit those resources through the Partnership.
- Commissioning services to meet local priorities through shared resources and budgets.

At all times any funding or resource will still be the responsibility of the member organisation. It is not proposed that the Partnership will have a budget or specific funding solely for the use of the Partnership. Existing resources or grants through normal working practice of the members will be the main source of funding. This will be reviewed as appropriate to meet the aims of the Cheshire East Sustainable Community Strategy.

Over time Members will need to consider the best way to support the work of the Partnership with dedicated staff and will help identify possible funding available from the Members and other sources.

The Agreement records the need for flexibility, recognising that each of the Members will have different audit and public probity demands to satisfy. However, within those constraints, the Members agree to commit themselves to operating through the Cheshire East Local Strategic Partnership in accordance with the Cheshire East Sustainable Community Strategy 2010-2025.

5.2 Communications

The Communications Strategy will take account of the following:

- The promotion, branding and image of the Cheshire East Local Strategic Partnership;

- The issue of press releases and public relations material in relation to the activities of the partnership.

5.3 Community Engagement

A comprehensive engagement strategy will be developed setting out the Partnership's approach to engaging and empowering communities of Cheshire East. The strategy will also set out how the Joint Strategic Needs Assessment will be informed through quantitative and qualitative information derived from engagement with communities.

5.4 Performance Management

The Partnership Performance Management Framework will be crucial to the delivery of the Sustainable Community Strategy, the Local Area Agreement (LAA) targets and other key partnership improvement priorities.

The Framework is a way of ensuring that each tier of the partnership is clear on their roles and responsibilities and progress against the objectives are being monitored. This needs to be a structured approach that follows the same format through the tiers and horizontally across the partnership groups at each tier and has the following principles:

- The Framework process should be kept as simple as possible (Plan, Do, Review)
- Clearly links all parts of the partnership framework (thematic with local, strategic with delivery)
- Ensure roles, responsibilities and levels of accountability are clearly understood
- Provide an understanding of the cycle and routes through which performance needs to be reported
- Enable the Partnership to be able to monitor both the outcomes of their work as measured against targets and their progress with the implementation of Delivery Plans
- Share performance information and performance reporting to give an upwards account and help partners recognise and assess their own contributions to joint working and the value of all contributions.

5.5 Reporting Mechanisms

The Partnerships in Action Cheshire East Executive Board shall report progress on an annual basis to the wider LSP Assembly. Additionally partners will regularly report progress under their own governance arrangements.

The Cheshire East Sustainable Community Strategy will be the key document for the Partnership. Its broad principles, and identified issues and actions, will provide the basis for establishment of Thematic Groups or to commission existing Thematic Groups to deliver policies, action and meet agreed targets.

5.6 Declaration of Interest

Members of the PACE Executive Board and Thematic Groups shall declare any financial, personal, business or organisational interest verbally and/or in

writing. The Executive Board and Thematic Groups shall note any such declarations in the minutes and notes of their meetings.

The minutes and notes of meetings including any such declarations shall be available for public scrutiny at all times. The original documentation shall be available on request and the information shall be published or distributed electronically or in paper form.

The judgement of whether a declaration is required, should be on the basis that non declaration would be prejudicial to the aims, objectives and spirit of the Partnership, or, that such an interest can reasonably be judged to be mostly to the benefit of the individual or organisation making the declaration rather than mostly to the benefit of the Partnership.

5.7 Confidentiality & Data Sharing

Partnership meetings may occasionally receive information, which is not in the public domain, often relating to individuals or commercially sensitive matters. It is the responsibility of each individual to ensure that this information remains confidential to the meeting, unless prior authorisation has been given by the Chair for this to be discussed elsewhere.

It is further agreed that where such information is confidential for example for reasons of commercial, customer or client confidentiality, that members shall at all times abide by the requirements of the Data Protection Act.

It is agreed that, wherever possible, Partnership members shall share information about their organisations, services and customers where that information is relevant to the aims and objectives of the wider Partnership and the Sustainable Community Strategy and it's constituent plans and strategies.

6. Sector Roles and Responsibilities

Voluntary, Community & Faith Sector

- Voluntary, Community and Faith Sector representatives will use their particular skills, network of contacts and knowledge of local needs and environment to assist with identified objectives and priorities at Executive Board and Thematic level. Because of this local knowledge of local need and the impact of service provision on local people, these representatives will also link in with the framework at the local level through the Local Area Partnerships
- Voluntary, Community and Faith Sector will help facilitate a community development approach to identifying assets within our communities (people, organisations and environment) to enable strategic bodies and communities to jointly design services based in our neighbourhoods and communities
- Organisations within the Sector directly provide services to our communities, and this support of local groups, communities and individuals at a local level helps formulate and local community cohesion
- The Local Area Partnerships structure will assist in formulating and articulating the development needs, aspirations and priorities of the Sector. It will enable the sector to contribute actively to decision-making, as well

as monitor and evaluate how well improvements are being delivered on the ground.

Private Sector

- The role of the business sector representative on the Executive Board is to provide a private sector perspective on the work of the partnership
- Businesses are key consumers and contributors to many local services, activities and amenities and play a vital part in the health and wealth of our local neighbourhoods.
- Business representatives seek to contribute actively to meeting the wider social and environmental improvement goals of our area
- The health and well being of local employees and the impact of the local economy has a direct impact on the well being of local businesses and communities alike

Public Sector

- Public Sector partners recognise their responsibility for ensuring that their core resources and services are directed to support the improvement goals, priorities and targets determined by the constituent bodies
- All public sector partners will ensure that their respective business plans are complimentary to the wider sustainable community strategy and it's aims and objectives
- The democratically accountable role of Cheshire East Councillors as a voice of local communities, and the variety of roles elected members have such as cabinet, committee, policy development, scrutiny overview, ward and LAP representation.
- The local authority and public sector partners have a legal duty to consult and co-operate with the local private, voluntary and community sector in developing the local area agreement

7. Dispute Resolution

The PACE Executive Board in consultation with the Chairs of the Thematic Groups shall resolve any disputes. The handling and escalation of complaints that relate to our joint work will follow an agreed protocol.

Partners are entering into this Agreement so that they have a framework to oversee the development of the partnerships, the production of the Cheshire East Sustainable Community Strategy and it's subsequent implementation.

Cheshire East LSP recognise the need to keep the operation of the partnership within this Agreement under constant review. It recognises that changes in legislation may amend the way partners deliver services in the future.

Appendix: Roles and Responsibilities

Partnerships for Action in Cheshire East - Assembly

The Assembly will focus on major 'state of the borough' issues. The Assembly will have a broader consultation and engagement role, bringing together wide range of issues and people. It will have a key role in shaping the development and implementation of the new Sustainable Community Strategy and will have.

PACE will hold an annual stakeholder conference, called the Assembly. The Assembly's role is to provide the overall direction for the work of the Partnership and to oversee progress towards the targets in the Sustainable Community Strategy. The Assembly brings together representatives from across the community and promotes better understanding of each other and local issues. It also ensures that the views of a wide audience are considered in developing the Strategy.

The Assembly has the following responsibilities:

- To provide information to delegates on the partnership work that is currently happening in Cheshire East
- To engage with the wider community of those living and working in the Borough and give them the opportunity to input into the work of the Local Strategic Partnership through identifying priorities for action and developing solutions
- To provide the opportunity for networking and improved communication between people working in the local area
- To inform the long-term vision for Cheshire East, promoting the social, economic and environmental well being of residents and businesses and promoting sustainable development.
- To support partnership working to improve service outcomes and deliver the Community Strategy.
- To encourage innovation and the efficient and effective use of local resources and assets.
- To promote and foster the values of community engagement, equalities, neighbourhood renewal, cohesion and sustainability.

Partnerships for Action in Cheshire East - Executive Board

The PACE Executive Board has the responsibility for further developing partnership working arrangements, both at a strategic and local level. The membership currently consists of the following partners:

- Leader of the Council, Cheshire East Council
- Chief Executive, Cheshire East Council
- Chief Superintendant, Cheshire Constabulary
- Cheshire East Unitary Performance Manager, Cheshire Fire & Rescue
- Chief Executive, Central & East Cheshire Primary Care Trust
- Chief Executive, South Cheshire Chamber representing the Business Sector
- Cheshire East Housing Delivery Partnership
- Dean, MMU Cheshire Education Sector Representative
- Cheshire East Voluntary & Community Sector Congress

The PACE Executive Board is the primary decision making body of the partnership. It will take guidance from the Assembly and have responsibility for developing and securing delivery of the Sustainable Community Strategy and Local Area Agreement

This will include the following roles:

- (1) Audit local needs, issues and priorities to inform an overall vision for Cheshire East, which reflects diversity and local variation. Use community asset mapping to recognise and build on the knowledge, skills and capacity within our neighbourhoods and communities
- (2) Build consensus within and across the Partnerships Framework on priorities, desired outcomes and key measures of success to improve quality of life in the communities of Cheshire East and inform negotiating frameworks such as the Local Area Agreement, taking account of local, sub-regional, regional and national imperatives, and from this develop and deliver the Cheshire East Sustainable Community Strategy reflecting community needs and aspirations.
- (3) Support the relationships needed for effective partner participation and partnership working within and across the Partnerships Framework by sharing information and knowledge, co-ordinating people and groups and making appropriate links to avoid duplication whilst ensuring that all matters are dealt with appropriately.
- (4) Co-ordinate local and borough wide action in relation to cross - cutting issues across the public, private, community and voluntary sectors.
- (5) Receive annual progress reports and more frequent 'exception reports' from the Thematic Partnerships and Local Area Partnerships in relation to the delivery of their respective plans and strategies and consider, agree and take any action necessary to assist with the delivery of the vision, the achievement of outcomes and the realisation of benefits to the communities of Cheshire East.
- (6) Ensure that the outcomes and achievements of the constituent bodies of the Cheshire East Partnerships Framework are communicated to the communities of Cheshire East.

Partnerships for Action in Cheshire East - Thematic Groups

The Thematic Groups are responsible for the delivery of the Sustainable Community Strategy outcomes and LAA targets that will guide operational delivery.

In addition, there will be specific strategic development responsibilities.

- Develop and deliver appropriate strategies and actions for the achievement of objectives relevant to their particular thematic area.
- Specifically, to be responsible for the delivery of the Sustainable Community Strategy outcomes and LAA targets within that theme.

It is acknowledged that the Thematic Partnerships will have their own detailed terms of reference according to needs and wider circumstances. However, it is suggested that each Partnership incorporate the following 'core' terms of reference to support their role within the broader Cheshire East Partnerships Framework. Any existing terms of reference should not conflict with the Core Terms of Reference. Where such conflict is considered to exist, the matter should be referred to the Executive Board for further consideration.

Thematic Groups will have the following role:

- (1) Develop and deliver appropriate thematic action plans to support and contribute to the overall vision for the communities of the Cheshire East area, which reflects diversity and local variations across the borough
- (2) Monitor and manage the overall performance of the Thematic Partnership and its associated projects, through the application of programme/ project management principles.
- (3) Provide annual progress reports and, when necessary, "exception reports" to the Partnership for Action in Cheshire East Executive Board and Assembly.
- (4) Identify to the LSP Executive Board, as necessary, cross cutting issues in relation to the core theme for further consideration and co-ordination by the Board
- (5) Commission, as necessary, jointly designed service delivery and actions to address local needs and priorities, which reflects community empowerment principles.
- (6) Deliver the appropriate 'block' of the Local Area Agreement as agreed by and in consultation with the LSP Executive Board
- (7) Commission thematic research and consultation to seek community views on priorities, encourage involvement in identifying solutions and underpin the development and delivery of the thematic action plans.

Partnerships for Action in Cheshire East - Local Area Partnerships

Local Area Partnerships bring together a wide range of people from the statutory, voluntary and community sectors. By working together, they focus collective effort on what really matters, delivering improved outcomes for local people and places.

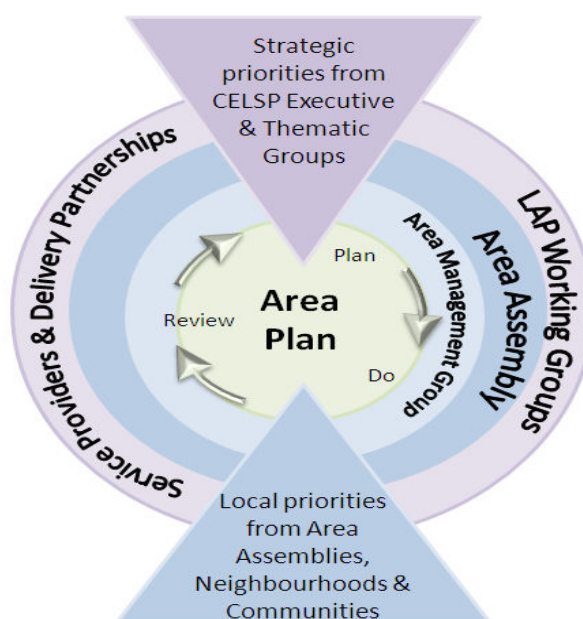
Their role is to improve services, ensure people influence decision making and to actively engage and empower communities.

In order to achieve this, they will

- Support and facilitate local consultation and engagement to gain a shared understanding of local issues, needs and preferences important to the area.
- Focus collective effort and work on issues that cannot be tackled by one organisation on its own and deliver joint activities (e.g. Not in my Neighbourhood).
- Make a difference by delivering local priorities set out in an Area Plan, which underpins Cheshire East's Sustainable Community Strategy.
- Balance strategic and local issues, by providing opportunities for communities to bring local insight to influence decision-making.
- Work with the Partnerships in Action Cheshire East Executive Board and Thematic Partnerships to agree and deliver local activities and projects linked to the Local Area Agreements targets most relevant to their area.
- Share knowledge and resources, to effectively target the delivery of local services.
- Unblock situations and enable joint problem solving between residents and partners and turbo-charge solutions.
- Gather local information on the performance of local services, to enable continuous improvement.
- Actively empower communities through a wide range of approaches, (e.g. community planning, participatory budgeting, neighbourhood agreements) resulting in positive community led action.

Local Area Partnership Structure

The Local Area Partnerships operating model is shown diagrammatically as follows:



LAP Area Assemblies

Each Local Area Partnership will hold 4 Assemblies a year (quarterly) to engage the wider community and local partners in the work of the LAP. Area Assemblies are open to and involve anyone who has an interest in making the area better.

The Assemblies will listen to community issues to inform future work, developing local priorities and setting the course of action of the Area Management Group. They will capture both long-term issues and local concerns requiring an immediate response. They will provide a forum, which can act as a local body for consultation about local issues and developments.

Each Area Assembly will receive up-dates from their Area Management Group, LAP working groups and partners on progress against actions in the Area Plan.

- Summer Assembly (June/July) will focus on reviewing and evaluating progress during the last year and plan ahead to develop the following year's plan.
- September Assembly will develop the following year's Area Plan, in time to realistically inform and influence partners' business planning and budget making processes.
- November Assembly will focus on Public Spend, providing an opportunity for joint consultation on draft budgets.
- Other Assemblies will be themed with open discussion and workshops on a relevant local issue.

Cheshire East Councillors (LAP Chairmen) will chair the Assembly meetings in their community leadership role. Community Engagement and Empowerment is a key role of the Local Area Partnerships. The Area Assemblies will be public and aim to

engage local communities. In addition, the Local Area Partnerships are using a wide range of approaches to engage the full range of community and neighbourhood groups who are active in an area.

Area Management Group

The Area Management Group membership reflects local need, and includes key local partners who are responsible for actions in the Area Plan. Area Management Group will develop the Area Plan, based on the guidance of the Area Assemblies, delivering appropriate responses to priorities identified by local people. They will deliver specific localised projects and initiatives, which contribute to the Local Area Agreement and national indicators as identified by the LSP Executive and Thematic Partnerships.

Membership

- The Area Management Group will have a maximum membership of 10 people, and will include; local Police Inspector, Fire Station Manager, Assembly Chairman, Local Area Partnership Manager, Health representative (Primary Care Trust organising), Registered Social Landlord(s), Town or Parish Council (elected by ChALC Area Meeting) and other local partners who are responsible for actions in the Area Plan.
- The group will invite other people to attend individual meetings when required (e.g. Cheshire East Council Service Managers, Working Group Leads) in order to address specific issues or actions in the Area
- The chair of the Area Management Groups will be a representatives from a partner organisations, to demonstrate shared ownership of the Local Area Partnership.

Commissioning

The Area Management Group will commission services to deliver local priorities through shared resources & budgets and ensure actions are evidence based and performance managed. They will need to develop opportunities to improve local services through different ways of working, enabling joint problem solving, joining up local activities and delivering joint events.

- Each Local Area Partnership will establish time limited task and finish working groups to address issues or deliver projects. In cases where there is an identified gap in commissioning, the LAP will set up a working group to deliver the agreed action.
- Each Local Area Partnership will have a number of core documents, which will help inform the development and delivery of its work. These include; the Area Plan, Area profiles and local intelligence and a Local Communication Plan.

Neighbourhood Engagement

In addition to the LAP structures and our joint work in neighbourhoods, there are a large number of other mechanisms, which the LSP and partners use to engage with

local people, providing opportunities for them to get involved in local decision making. Below are some examples:

- Town and Parish Conferences
- Voluntary sector networks
- Faith networks
- Town Partnerships
- Community/neighbourhood groups
- Police Pledge meetings
- Ward & neighbourhood meetings
- Community Centres and Drop-ins
- Consultation events/mechanisms.

Secretariat

Cheshire East Council will provide administrative support for the LSP Executive Board, including the preparation and despatch of agendas, reports, minutes and general correspondence in connection with the work of Partnerships in Action Cheshire East

Secretariat arrangements for the constituent bodies of Partnerships in Action Cheshire East (PACE) Framework will be provided by the most appropriate organisation, with a strong commitment from all Partnerships in Action Cheshire East partners to ensure that the resources, effectiveness and efficiency of each partnership is maintained and the work programmes identified are clearly supported.

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CHESHIRE EAST COUNCIL

Constitution Committee

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

1.0 Report Summary

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

2.0 Recommendation

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

3.0 Reasons for Recommendation

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

4.0 Wards Affected

- 4.1 All wards are affected.

5.0 Local Ward Members

- 5.1 All local ward members are affected.

6.0 Policy Implications

- 6.1 None identified.

7.0 Financial Implications

- 7.1 None identified.

8.0 Legal Implications

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

9.0 Risk Management

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

10.0 Background and Options

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

It is for full Council to approve the calendar.

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

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

10.3 Calendar

A summary timetable is attached as Appendix 1.

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

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

10.4 Scheduling of Meetings

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

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

School term times have not been included.

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

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

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

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

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

10.8 Consultation:

The following have been consulted:

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

The only comments made during this consultation are as follows:

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

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

11.0 Access to Information

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

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

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

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

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

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

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

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

⁴ The 17 May is for training for Members of the Licensing Committee

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

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

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

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

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

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

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

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

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Note 1

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

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

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

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Note 2

Cabinet: Held every four weeks as far as possible.

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

Meetings: 13 meetings: Mondays - 2.00 pm.

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

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

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Note 3

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

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

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

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Note 4

Constitution Committee:

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

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

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Note 5

Scrutiny Committees General

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

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

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

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

Venue: Westfields, Sandbach

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Note 6

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

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

Exceptions: October 2011 and April 2012 meetings – Tuesday.

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

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

Venue: Westfields, Sandbach.

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Note 7

CEC/CWAC/Wirral Joint Scrutiny Committee

There are four meetings each year.

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

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Note 8

Corporate Scrutiny: Monthly meetings – recess in August.

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

Venue: Westfields, Sandbach

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Note 9

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

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

Venue: Westfields, Sandbach

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Note 10

Environment and Prosperity Scrutiny: Monthly meetings – recess in August

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

Venue: Westfields, Sandbach

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Note 11

Sustainable Communities Scrutiny: Monthly meetings – recess in August

Meetings: 11 meetings: Thursdays at 10.30 am

Venue: Westfields, Sandbach

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Note 12

Standards Committee: Meetings have been scheduled bi-monthly.

Meetings: 6 meetings: Mondays at 2.00 pm

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

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

=====

Note 13

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

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

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

=====

Note 14

Appeals Committee: Meetings have been scheduled monthly.

Exception: No meeting in December.

Meetings: 10 meetings: Thursdays – 2.00 pm

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

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

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Note 15

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

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

Venue: Westfields, Sandbach

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Note 16

Strategic Planning Board: Scheduled on 3-week cycle.

Meetings: 17 meetings: Wednesdays - 2.00 pm

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

Venue: Capesthorpe Room, Macclesfield Town Hall.

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Note 17

Northern Planning Committee: 3-week cycle

Meetings: 16 meetings: Wednesdays - 2.00 pm

Venue: Capesthorpe Room, Town Hall, Macclesfield

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

Southern Planning Committee: 3-week cycle

Meetings: 17 meetings: Wednesdays -2.00 pm

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

Venue: Council Chamber, Municipal Buildings, Crewe

=====

Note 18

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

Meetings: 6 meetings: Mondays: 2.00 pm

Venue: Westfields, Sandbach

Sub-Committees will meet as and when required.

=====

Note 19

Shared Services Joint Committee: Scheduled monthly.

Meetings: 11 meetings: Fridays: 2.00 pm

Venue: Municipal Buildings, Crewe

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

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Note 20

Budget Consultation/Financial Briefings

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

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Note 21

Meetings of Outside Organisations/Other Bodies

The following meetings have been included -

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

Dates of Fire Authority meetings are not yet available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHESHIRE EAST COUNCIL

Constitution Committee

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

1.0 Report Summary

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

“Following the resolution of this Council on 25th January 2010 when it was resolved :-

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

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

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

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

2.0 Recommendation

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

3.0 Wards Affected

- 3.1 All the Wards in the unparished areas of Crewe

4.0 Local Ward Members

- 4.1 As above

5.0 Policy Implications

- 5.1 None

6.0 Financial Implications

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

7.0 Legal Implications

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

8.0 Risk Management

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

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

9.0 Background

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

10.0 Access to Information

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

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 18th November 2010
Report of: Democratic Services Manager
Subject/Title: Honorary Aldermen and Freeman

1.0 Report Summary

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

2.0 Recommendation

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

3.0 Reasons for Recommendations

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

4.0 Wards Affected

- 4.1 N/A

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications

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

7.0 Financial Implications

- 7.1 The Local Government Act 1972 allows Councils to spend 'such reasonable sum as they think fit' on presenting an address or casket containing the address to the Honorary Alderman or Freeman. Council can also provide benefits, rights and privileges to which Honorary Aldermen and Freeman.
- 7.2 A budget realignment exercise is being undertaken through an analysis of civic spend since vesting day. As part of the Business Planning Process efficiency targets of £49K have been set for the Civic Budget.

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

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Section 248 of the Local Government Act 1972 permits the council of a relevant authority, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, to admit to be Honorary Freemen of the Borough persons of distinction and persons who have, in the opinion of the council, rendered eminent services to the Borough.
- 8.2 With regard to Honorary Aldermen, under the provisions of Section 249 of the Local Government Act 1972, "a principal council may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the title of honorary aldermen on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are not then members of that council".

9.0 Risk Management

- 9.1 None identified.

10.0 Background and Options

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

- 10.3 Council agreed that a further report be submitted to the next meeting of the Constitution Committee, dealing with the rights and privileges of Honorary Aldermen/Freemen and serving Councillors in relation to attendance at civic functions, including the County Show and RHS Show, and access to Tatton Park, the report to include any resource implications and the rationale for any charges involved. Further investigations have been carried out to establish the historical position in relation to the County Show and RHS Show and how this has changed since vesting day.

RHS Flower Show

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

Cheshire County Show

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

Passes for Tatton

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

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

Civic Events

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

Issues to consider

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

11.0 Access to Information

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

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CHESHIRE EAST COUNCIL

Constitution Committee

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

1.0 Report Summary

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

2.0 Recommendations

- 2.1 That

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

3.0 Reasons for Recommendations

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

4.0 Wards Affected

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

5.0 Local Ward Members

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

6.0 Policy Implications including

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

7.0 Financial Implications

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

8.0 Legal Implications

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

9.0 Risk Management

- 9.1 No risks have been identified.

10.0 Background and Options

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

New Leadership Model

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

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

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

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

Consultation

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

Matters to Consider

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

11.0 Access to Information

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

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

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

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Leaders of Non-Metropolitan District Councils
in England

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

**Department for Communities and Local
Government**

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Dear Leader

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

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

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

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grant Shapps', with a small dot at the end.

GRANT SHAPPS M

APPENDIX 3

Summary of Responses

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

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

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 18th November 2010
Report of: Democratic Services Manager
Subject/Title: Review of the Constitution

1.0 Report Summary

- 1.1 To consider the next stage in the review of the Council's Constitution, with particular regard to executive arrangements.

2.0 Recommendation

That the Committee consider the proposals set out in the report, together with any other matters raised by Members.

3.0 Wards Affected

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

4.0 Local Ward Members

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

5.0 Policy Implications

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

6.0 Financial Implications

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

7.0 Legal Implications

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

8.0 Risk Management

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

9.0 Background

- 9.1 The Constitution is a document of significant size and critical importance to the work of the Council. In its 450 pages, it provides important information about the Council, its Members and officers. It also provides a record of the officer and Member processes which underpin all decisions made by the Council. The rules by which Council, Committee and Cabinet business are conducted are recorded in the Constitution.
- 9.2 This information is not only of great importance to Members, officers and members of the public, in order for them to understand the Council's decision-making processes and rules; it is also of critical importance in directing the way in which decisions are made. Failure to follow the procedural requirements of the Constitution could invalidate decisions made.
- 9.3 The Constitution is published on the Council's website, and is available to all Members. It ensures transparency of decision-making and enables all who are interested in doing so, to check that procedures have been followed properly. Members of the public and other interested parties are able to influence decisions made by reference to the procedures and mechanisms set out in the Constitution.
- 9.4 The preparation of the Council's existing Constitution had to be carried out within a narrow timeframe but the Constitution is robust and fit for purpose. The Council has approved a number of refinements to it was originally approved. The Constitution continues to serve the Council well, but the Committee agreed at its last meeting that a review of the Constitution should take place. It agreed a schedule to help manage the process.
- 9.5 The Committee agreed that it would consider Cabinet and Executive Procedure Rules, Key Decision Provisions and Responsibilities of Individual Cabinet Members. Cabinet Members and Directors have yet to be been consulted and guidance is sought from the Committee on the way forward.
- 9.6 Democratic Services Officers have identified the following issues:-
1. The Constitution contains both Executive Procedure Rules (pages 183 – 188) and Cabinet Procedure Rules (pages 215 – 220). Both contain similar or duplicate information and it is recommended that a consolidated Cabinet Procedure Rules Section is produced for consultation initially with the Cabinet.

2. The Constitution uses the statutory definition of a Key Decision. This is set out in the Constitution as follows:-

A key decision" means an executive decision which, is likely

(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

- 9.6 The Constitution requires that all matters that the Leader has reason to believe will be a Key Decision to be published in the Forward Plan. Rule 13.2.1 sets out the minimum requirements for the information to be published in the Plan and the style and content of the Plan has been reviewed recently. However the Overview and Scrutiny Chairmen have commented that the Forward Plan does not give the level of detail required to assist them and the public in understanding the decisions to be made. The Council may wish to continue to use the statutory definition of a Key Decision but consultation should take place with the Cabinet on:-
- the form and presentation of the Forward Plan.
 - Whether a threshold should be used to define the financial aspect of significance
 - Whether the role of the Forward Plan should be expanded to include all items coming forward, and not simply key decisions
- 9.7 The Responsibilities of Individual Cabinet Members are determined by the Leader and these have been reviewed on a regular basis. The Constitution allows decision making by Individual Cabinet Members in public and general provisions have been made on their powers (page 78 of the Constitution refers). Supplementary guidance for decision making by Individual Cabinet Members for both officers and Portfolio holders is required to provide a consistent approach in each Portfolio. Research with neighbouring Councils should be undertaken on the format used for decision making by Individual Cabinet Members and consultation undertaken with the Cabinet and Corporate Management Team on any revisions that might be needed for Cheshire East.
- 9.8 At its next meeting the Committee is scheduled to review Finance and Contract Procedure Rules and an Officer Working Group has been established.

10.0 Access to Information

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

1.0 Report Summary

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

2.0 Recommendations

That the Committee

(1) approve the revised Petition Scheme; and

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

3.0 Reasons for Recommendations

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

4 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

6.1 Not applicable.

7.0 Financial Implications

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

8.0 Legal Implications

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

9.0 Risk Management

9.1 The Council will need to moderate petitions and criteria were established to decide if a petition should be rejected. The Government had indicated that further guidance on e-petitions would be available, including practical advice for selecting and setting up an e-petitions facility. This has yet to be published.

9.2 The Council's IT Service are running a diagnostics check to ensure that the module meets the Council's IT Strategy requirements.

10.0 Background and Options

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

10.2 The Order requires the authority to develop an On-Line Petition Facility, to be available from 15th December 2010. In the absence of any further guidance the Council's Modern.gov agenda management system has been upgraded at no extra cost with an e-Petitions module. This has allowed officers to trial the system to ensure that it meets the legislative requirements to allow anyone to set up a petition on the authority's website, and other petitioners may "sign up" to the petition on-line.

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

11.0 Access to Information

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

Name:	Brian Reed
Designation:	Democratic Services Manager
Tel No:	01270 686670
Email:	brian.reed@cheshireeast.gov.uk

Appendices:

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

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E Petitions

Who can sign an e-petition?

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

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

How to create a new e-Petition

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

What information should an e-Petition contain?

Your e-Petition will need to include:

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

What issues can my e-Petition relate to?

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

Promoting an e-Petition

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

What happens when the e-Petition is complete?

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

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

What can e-Petitions achieve?

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

Privacy policy

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

APPENDIX B**Petitions**

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

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

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

What should a petition contain?

A petition should include –

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

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

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

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

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

Who should you send a petition to?

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

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

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

Or to petitons@cheshireeast.gov.uk.

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

Types of Petition

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

Ordinary Petitions

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

Consultation Petitions

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

Statutory Petitions

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

Petitions for Debate

If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 3000¹ signatories or petitioners (this is reduced to 1500 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area). The Petitions Officer will request the appropriate Chief Officer to prepare a report. This report together with the Petition will be presented to full Council who will debate it fully. Council may then refer the Petition to the appropriate decision making body for further consideration.

Petitions to Hold an Officer to Account

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

The Petitions Website

The authority maintains a petitions web page on its website.

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

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

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

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

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

The role of Ward Councillors

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

What happens when a petition is received?

Whenever a petition is received –

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

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

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

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

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

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

What happens to a Consultation Petition?

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

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

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

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

What happens to a Statutory Petition?

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

What happens to Petitions for Debate?

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

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

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

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

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

At the meeting, the Chairman will invite the petition organiser to address the Committee on the issue⁴, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.

What happens to an Ordinary Petition?

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

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

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

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

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

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

Appeal to an Overview and Scrutiny Committee

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

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

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

The role of the Petition Organiser

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

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

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

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

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

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

Petitions which will not be reported

Duplicate Petitions

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

Repeat Petitions

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

Rejected Petitions

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

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

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

E-petitions

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

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

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