

# **Constitution Committee**

## **Agenda**

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<b>Date:</b>	<b>Thursday, 27th January, 2011</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1DX</b>

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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 - 4)

To approve the minutes of the meeting held on 15<sup>th</sup> December 2010.

5. **Licensing Committee Terms of Reference and Delegations** (Pages 5 - 12)

To consider proposed changes to the Licensing Committee terms of reference and licensing delegations within the Constitution.

6. **Public Speaking at Public Rights of Way Committee** (Pages 13 - 20)

To consider proposed changes to the public speaking arrangements for the Public Rights of Way Committee.

7. **Queen's Diamond Jubilee** (Pages 21 - 22)

To seek an extension to the terms of reference of the Civic Sub-Committee to include all matters relating to the Queen's Diamond Jubilee and other celebratory events.

8. **Executive Members Serving on the Committees with Responsibility for Planning Functions** (Pages 23 - 24)

To invite Members to consider matters arising from executive Members Serving on Committees with responsibility for Planning Functions.

9. **Report of the Independent Remuneration Panel: Mid Year Review of Scheme of Members' Allowances** (Pages 25 - 34)

To consider a report on the outcome of the Independent Remuneration Panel's 2010 review of Cheshire East Council's Scheme of Members' Allowances.

**(There are no Part 2 items)**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Wednesday, 15th December, 2010 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1DX

**PRESENT**

Councillor J P Findlow (Chairman)

Councillors C Andrew (for Cllr Livesley), M Asquith, A Kolker (for Cllr Beard),  
A Moran, C Tomlinson (for Cllr Jones), R West, P Whiteley and J Wray

**Apologies**

Councillors D Brickhill, C Beard, R Cartlidge, S Jones, W Livesley and  
D Topping

**35 DECLARATIONS OF INTEREST**

Councillors J P Findlow, C Andrew, A Moran, R West and P Whiteley declared personal, non-prejudicial interests in relation to an item in the minutes of the last meeting 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.

**36 PUBLIC SPEAKING TIME/OPEN SESSION**

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

**37 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 18<sup>th</sup> November 2010 be approved as a correct record subject to the following amendment to the resolution of Minute 27 (Honorary Aldermen and Freeman):

“RESOLVED

That Council be recommended to agree that

- (1) the rights and privileges of all Cheshire East Honorary Aldermen and Freeman be extended to include:

- a. Admission tickets to the Cheshire County Show and the RHS Flower Show provided for by the Council for themselves and one guest;
  - b. A life Pass for Tatton Park provided for by the Council;
- (2) the rights and privileges of all Cheshire East Members be extended to include:
- a. Admission tickets to the Cheshire County Show and the RHS Flower Show provided for by the Council for themselves and one guest;
  - b. A life Pass for Tatton Park provided for by the Council;
- (3) the organising committee for the Cheshire County Show, with the support of Cheshire East Council, be invited to consider the reintroduction of a lunch for civic and other dignitaries on a similar basis to that organised by the former County Council with tickets being offered to Cheshire East Honorary Aldermen and Freeman, Members or other local dignitaries on the basis that the cost of the tickets would be met by those invited.”

[Note: at the Council meeting on 16<sup>th</sup> December 2010, the minute was further amended by the deletion of the word ‘life’ from resolution 2(b).]

### **38 WILMSLOW COMMUNITY GOVERNANCE REVIEW - OUTCOME OF STAGE 2 CONSULTATION**

The Committee considered the recommendations of the Wilmslow Community Governance Review Sub-Committee following the second stage of public consultation.

The Sub-Committee’s minutes were circulated at the Committee’s meeting. These made recommendations on the creation of parish councils, numbers of councillors, warding arrangements and transitional arrangements. The Sub-Committee had also considered proposed budgets for the first year of operation of the new councils and had resolved that these be considered further and revised in agreement with the Chairman for recommendation to the Constitution Committee and Council. An addendum to the Sub-Committee’s minutes, setting out the budgets and indicative Council tax levels agreed with the Chairman, was circulated at the Committee’s meeting, together with a number of detailed indicative budgets which the Chairman had considered.

### **RESOLVED**

That the Committee having taken into account all responses made during the Second Stage of consultation, and the recommendations of the Wilmslow Community Governance Review Sub-Committee, and having

regard to the need to ensure that Community Governance within the area reflects the identities and interests of the Community, and is effective and convenient, Council be recommended to affirm its recommendations made on 22<sup>nd</sup> July 2010 and that:

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

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

(2) four wards be created for the Wilmslow Parish and named as follows, to provide as far as possible coterminous boundaries for electoral purposes:

- i. Wilmslow West (comprising 5 Councillors: polling districts 8FH1, 8FJ1, 8FG1, 8FC1, 8FA1(part), 8FB1(part), 8FD1(part);
- ii. Lacey Green (comprising 2 Councillors: polling districts 8EK1, 8EA1(part), 8FD1(part);
- iii. Dean Row (comprising 4 Councillors: polling districts 8EA1(part), 8EB1, 8EC1, 8ED1, 8EE1); and
- iv. Wilmslow East (comprising 4 Councillors: polling districts 8FD1(part), 8FA1(part), 8FB1(part), 8FE1, 8FF1)

(3) three wards be created for the Handforth Parish and named as follows:

- i. Handforth West (comprising 3 Councillors: polling districts 8EG1, 8EJ1)
- ii. Handforth East (comprising 2 Councillors: polling district 8EH1); and
- iii. Handforth South (comprising 2 Councillors: polling district 8EF1)

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

- a. the transitional arrangements for the proposed town and parish councils be dealt with by the Wilmslow Community Governance Review Sub-Committee in consultation with relevant local Ward Members; and

- b. the proposed budgets for the first year of the new councils be as follows:

Wilmslow Parish Council	- £244,275	Indicative Council tax of £23.00 per Band D property
Handforth Parish Council	- £85,000	Indicative Council tax of £28.00 per Band D property
Styal Parish Council	- £8,200	Indicative Council tax of £28.00 per Band D property

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

**39 OUTCOME OF MEMBER CONSULTATION: VEHICLE MILEAGE RATES**

**RESOLVED**

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

The meeting commenced at 2.00 pm and concluded at 2.32 pm

Councillor J P Findlow (Chairman)

## CHESHIRE EAST COUNCIL

### Constitution Committee

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**Date of meeting:** 27<sup>th</sup> January 2010  
**Report of:** Borough Solicitor  
**Title:** Licensing Committee Terms of Reference and Delegations

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#### 1.0 Report Summary

- 1.1 The report provides background information in relation to the licensing delegations and the Licensing Committee terms of reference. The report requests that the Constitution Committee makes recommendations to Council in relation to certain proposed amendments to the Constitution.

#### 2.0 Recommendations

- 2.1 The Constitution Committee is requested to recommend to Council the approval of the amendments to the Constitution, in relation to licensing delegations, set out within paragraph 10.2 of this report; and
- 2.2 Subject to the decision of Council in relation to the adoption of the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made by section 27 of the Policing and Crime Act 2009, the Constitution Committee is requested to recommend to Council the approval of amendments to the Constitution in relation to the Licensing Committee's terms of reference and officer delegations as set out within parts 1B and 2B of Appendix A (relating to the exercise of functions in relation to the licensing of sexual entertainment venues).

#### 3.0 Reasons for Recommendations

- 3.1 On 10<sup>th</sup> January 2011 the Licensing Committee considered a report in relation to the amendment of the licensing delegations which referred to the need to clarify those functions which stand referred to the General Licensing Sub-Committee and those which stand referred to the Licensing Act Sub-Committee. The Committee resolved to recommend to Constitution Committee the amendments to the Constitution set out within paragraph 10.2 below.
- 3.2 On 10<sup>th</sup> January 2011 the Licensing Committee also considered a report in relation to the licensing of 'sexual entertainment venues.' Having considered the report, the Licensing Committee resolved, subject to the decision of Council on the principle of adoption of the relevant legislation, to recommend to Constitution Committee the amendments to the Constitution set out within parts 1B and 2A of Appendix A to this report.

**4.0 Wards Affected**

4.1 All

**5.0 Local Ward Members**

5.1 All

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

6.1 None.

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

7.1 None.

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

8.1 Section 9 of the Licensing Act 2003 provides that a Licensing Committee established under the 2003 Act may establish one or more sub-committees consisting of three members of the committee.

8.2 Section 101(1) of the Local Government Act 1972 provides that, subject to any express provision contained in the 1972 Act or any act passed after it, a local authority may arrange for the discharge of any of their functions by a committee, a sub-committee or an officer of the authority.

8.3 Section 27 of the Policing and Crime Act 2009, which came into force on 6<sup>th</sup> April 2010, amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in order to provide local authorities with the power to regulate 'sexual entertainment venues.' If a local authority wishes to exercise the 'new' powers within Schedule 3, it must formally resolve that the provisions are to have effect in its area. On 10<sup>th</sup> January 2011 the Licensing Committee resolved to recommend to Council that the amended Schedule 3 is adopted within the Borough of Cheshire East.

8.4 By virtue of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended), functions under Schedule 3 of the 1982 Act are not to be the responsibility of the Executive. Subject to Council's decision, the Licensing Committee has recommended the amendments to the Constitution as it relates to the Licensing Committee's terms of reference and officer delegations to take account of the licensing of sexual entertainment venues.

8.4 The implications in terms of the Constitution are set out within the report.



## **9.0 Risk Management**

- 9.1 There is a risk of legal challenge to decisions taken by the licensing authority if the individual/body taking such decisions does not have the correct delegation to do so. The decision requested seeks to ensure clarity in the scheme of delegation as it relates to decision-making by the Licensing Committee, Sub-Committees and officers.

## **10.0 Background and Options**

- 10.1 The Council's Constitution makes provision for the delegation of certain licensing functions to the Head of Safer and Stronger Communities. These delegations are subject to exceptions which, if applicable, require functions to be referred to a meeting of the Licensing Sub-Committee.
- 10.2 Two Sub-Committees have been established in order to deal with licensing functions, the General Licensing Sub-Committee and the Licensing Act Sub-Committee. The Constitution Committee is requested to recommend the following amendments to the Constitution to ensure that the scheme of delegation is clear as to the functions which stand referred to each of the Sub-Committees.
- 10.2.1 to amend references to the Licensing Sub-Committee within paragraph 25.3 of the Officer Management Arrangements within Part III of the Constitution to "the General Licensing Sub-Committee;" and
- 10.2.2 to amend references to the Licensing Sub-Committee within paragraph 25.4 of the Officer Management Arrangements within Part III of the Constitution to "the Licensing Act Sub-Committee."
- 10.2.3 to amend references to the Licensing Sub-Committee within sub-paragraphs (i) to (iii), (v) and (vi) in relation to the General Licensing Functions at pages 160 and 161 of the Constitution to "the General Licensing Sub-Committee;" and
- 10.2.4 to amend references to the Licensing Sub-Committee within sub-paragraphs (ii) to (xi) in relation to licensing functions under the Licensing Act 2003 and Gambling Act 2005 at page 161 of the Constitution to "the Licensing Act Sub-Committee."
- 10.3 As set out within the legal implications at paragraph 8.0 above, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 makes provision for the regulation of 'sex establishments.' Prior to the enactment of the Policing and Crime Act 2009, the definition of 'sex establishments' was limited to sex shops and sex cinemas. Section 27 of the Policing and Crime Act 2009, which came into force on 6 April 2010, extends the definition of 'sex establishment' to include 'sexual entertainment venues. On 10<sup>th</sup> January 2010 the Licensing Committee resolved to recommend to Council the adoption of the amended Schedule 3.

- 10.4 The existing licensing delegations within the Council's Constitution make provision for applications in relation to sex shops and sex cinemas to be dealt with by the Licensing Committee, subject to certain delegations to the Head of Safer and Stronger Communities. The detail of the existing delegations is set out within paragraphs 1A and 2A of Appendix A
- 10.5 On 10<sup>th</sup> January 2010, the Licensing Committee resolved, without prejudice to the decision of Council in relation to the adoption of the legislation, to recommend to Constitution Committee amendments to the delegations to ensure that they deal with the power to deal with applications in relation to sexual entertainment venues. The proposed amendments are set out at paragraphs 1B and 2B of Appendix A.

## **11.0 Overview of Day One, Year One and Term One Issues**

11.1 N/A.

## **12.0 Access to Information**

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

### ***For further information:***

*Officer:* Mrs K Khan, Legal Services  
*Tel No:* (01270) 685847  
*Email:* kate.khan@cheshireeast.gov.uk

### ***Background Documents:***

Appendix A – Terms of reference and delegations (current and proposed)

## APPENDIX A

**1A. Current terms of reference**General Licensing Sub-Committee (page 95)

<b>Function</b>	<b>Full Committee</b>	<b>Sub-Committee</b>
Power to licence sex shops and sex cinemas (including first grant, renewal, transfer and variation of standard conditions)	<p>First grant: all cases before the licensing Committee.</p> <p>Renewal: if there are objections which are not withdrawn and which cannot be dealt with under the authority delegated to officers</p> <p>Transfer: if there are objections which are not withdrawn and which cannot be dealt with under the authority delegated to officers</p> <p>Variation of standard conditions</p>	

Schedule of functions (page 97)

All Council (non-executive) functions relating to:

(a) licensing and registration functions in respect of:

(iii) sex shops and sex cinemas

**1B. Proposed terms of reference**General Licensing Sub-Committee

<b>Function</b>	<b>Full Committee</b>	<b>Sub-Committee</b>
<i>Power to licence sex establishments (including first grant, renewal, transfer and variation of conditions)</i>		<p><i>First grant.</i></p> <p><i>Renewal: if objections are received and are not withdrawn</i></p> <p><i>Transfer: if objections are</i></p>

		<i>received and not withdrawn</i>  <i>Variation of conditions</i>
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*Schedule of functions*

*All Council (non-executive) functions relating to:*

*(b) licensing and registration functions in respect of:*

*(iii) sex establishments*

**2A. Current delegations in relation to sex establishments**

(pages 134/135)

25.2 Subject to the exceptions listed below, the Head of Safer and Stronger Communities is authorised to discharge the following licensing functions:-

25.2.5 Power to renew or transfer licences for sex shops and sex cinemas where:-

25.2.5.1 there has been no material change to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made; and

25.2.5.2 no objections have been received, or those that have been received should in the officer's opinion be set aside on the grounds that the Council could not lawfully take them into account.

25.3 In the following circumstances, the power delegated to the Head of Safer and Stronger Communities in respect of general licensing functions shall stand referred to the body set out below:-

25.3.4 The determination of applications for the renewal or transfer of licences for sex shops and sex cinemas where there are objections which are not be withdrawn and cannot be dealt with under the authority delegated to officers be referred to the Licensing Committee.

(page 159)

Subject to the exceptions listed below the Head of Safer and Stronger Communities is authorised to discharge the following Council (non-executive) functions.

(h)	<i>Power to renew or transfer licences for sex shops and sex cinemas</i>	Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.
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	[where (i) there has been no material change to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made; and (ii) no objections have been received or those that have been received should in the officer's opinion be set aside on the ground that the Council could not lawfully take them into account]	
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(iv) The determination of applications for the renewal or transfer of licences for sex shops and sex cinemas where there are objections which are not be withdrawn and cannot be dealt with under the authority delegated to officers be referred to the Licensing Committee.

## **2B. Proposed delegations in relation to sex establishments**

*25.2 Subject to the exceptions listed below, the Head of Safer and Stronger Communities is authorised to discharge the following licensing functions:-*

*25.2.5 Power to renew or transfer licences for sex establishments where:-*

*25.2.5.1 there has been no material change to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made; and*

*25.2.5.2 no objections have been received, or those that have been received have been withdrawn.*

*25.3 In the following circumstances, the power delegated to the Head of Safer and Stronger Communities in respect of general licensing functions shall stand referred to the body set out below:-*

*25.3.4 The determination of applications for the renewal or transfer of licences for establishments where objections have been received and have not been withdrawn, shall be referred to the General Licensing Sub-Committee.*

*Subject to the exceptions listed below the Head of Safer and Stronger Communities is authorised to discharge the following Council (non-executive) functions.*

(h)	<p><i>Power to renew or transfer licences for sex establishments</i></p> <p><i>Where (i) there has been no material change to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made; and (ii) no objections have been received</i></p>	<p><i>Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.</i></p>
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*(iv) The determination of applications for the renewal or transfer of licences for sex establishments where objections are received and have not been withdrawn, shall be referred to the General Licensing Sub- Committee.*

## **CHESHIRE EAST COUNCIL**

### **Constitution Committee**

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**Date of Meeting:** 27 January 2011  
**Report of:** Borough Solicitor  
**Subject/Title:** Public Speaking at Public Rights of Way Committee

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#### **1.0 Report Summary**

- 1.1 This report considers issues surrounding public question/speaking at the Public Rights of Way Committee.

#### **2.0 Recommendation**

- 2.1 That the Constitution Committee recommend to Council that Procedure Rule No. 35 be disapplied in respect of for the Public Rights of Way Committee and that the proposed public speaking arrangements for the Public Right of Way Committee, as detailed in Appendix 1 to the Report, be approved and the Constitution amended accordingly.

#### **3.0 Reasons for Recommendations**

- 3.1 The waiving of Procedure Rules No for the Public Rights of Way Committee and the adoption of the Procedure outlined in Appendix 1 would enable members of the public to address the Public Rights of Way Committee when the relevant application was being discussed.
- 3.2 This would allow the Committee to consider any issues raised by the speakers when dealing with the application and for Officers to respond to these issues.

#### **4.0 Wards Affected**

- 4.1 All Wards

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

- 5.1 All Ward Members

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

- 6.1 There are no direct policy implications arising from the proposals contained in the report.

## **7.0 Financial Implications**

- 7.1 None can be identified.

## **8.0 Legal Implications**

- 8.1 The Public Rights of Way Committee is acting in a quasi-judicial mode when considering applications for the diversion of public footpaths under section 257 of the Town and Country Planning Act and section 119 of the Highways Act 1980. The Committee has to ensure that the legal tests for making and confirming an Order are satisfied for each application.

## **9.0 Risk Management**

- 9.1 Amending the public speaking rule will give members of the public the opportunity to present direct to the Committee the issues they wish to raise and ensure that the Committee gives proper consideration to these issues.

## **10.0 Background and Options**

- 10.1 Public speaking at the Public Rights of Way Committee is currently in accordance with Procedure Rules No. 35, which allows a total period of 10 minutes for members of the public to address the Committee on any matter relevant to the work of the Committee. On the Agenda, the Public Speaking Time/Open Session is held before any of the applications are considered by the Committee.
- 10.2 The Public Rights of Way Committee deals with up to 10 applications at each meeting, with any speakers having to address the Committee before any of these applications are considered by the Committee. The 10 minutes must be shared between all speakers, so little time is available for representation. Also members of the public are not able to make representations at the time when the matter in question is under consideration.
- 10.3 It is therefore proposed that Procedure Rules No. 35 be disapplied in respect of the Public Rights of Way Committee and the Procedure outlined in Appendix 1 be adopted, which would enable members of the public to address the Public Rights of Way Committee when the relevant application was being discussed.
- 10.4 This would allow the Committee to consider any issues raised by the speakers when dealing with the application and for Officers to respond to these issues.
- 10.5 The proposed Public Speaking Rules are based on those used by other local authorities'; examples of these are attached at Appendix 2.
- 10.6 This change would also bring the Public Rights of Way Committee in line with the Council's other regulatory committees, as the Planning and Licensing Committees already have public speaking rules that allow members of the



public to address the Committee when considering each individual application on the agenda.

- 10.7 The proposed Public Speaking Procedure was trialled at the meeting of the Public Rights of Way Committee on 13 December 2010. This change proved to be a benefit to the conduct of the meeting.

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

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

Name: Rachel Graves

Designation: Democratic Services Officer

Tel No: 01270 686473

Email: [rachel.graves@cheshireeast.gov.uk](mailto:rachel.graves@cheshireeast.gov.uk)

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**APPENDIX 1**

**PROCEDURE FOR MEMBERS OF THE PUBLIC WISHING TO ADDRESS  
THE PUBLIC RIGHTS OF WAY COMMITTEE**

- 1 For each application on the agenda, a total of 6 minutes is allocated for public speaking, with 3 minutes being allocated for objectors and 3 minutes being allocated for supporters. If there is more than one person wishing to speak as an objector or supporter, the 3 minutes shall be divided equally among them or they may appoint one of their number to speak for all.
- 2 No member of the public shall speak on a matter before the Chairman has introduced the report. Members of the public may not participate in the debate or ask questions of Officers or Members.
- 3 At the Chairman's discretion, Members of the Committee may, through the Chairman, ask questions of a speaker for clarification but should not enter into a discussion with them.
- 4 Any member of the public wishing to address the Committee must give notice of their intention, in writing, to the Democratic Services Manager by 12 noon one clear working day before the meeting.
- 5 These provisions may be varied at the discretion of the Chairman.

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**APPENDIX 2**

**EXAMPLES OF PUBLIC SPEAKING RULES FOR PUBLIC RIGHTS OF WAY COMMITTEES AT OTHER LOCAL AUTHORITIES**

**A BUCKINGHAMSHIRE COUNTY COUNCIL**

**PROCEDURE FOR MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE RIGHTS OF WAY COMMITTEE**

- 1 The applicant, the landowner, and anyone who has lodged an objection or representation may address the Committee to speak for or against the application, either personally or through a representative.
- 2 Anyone wishing to address the Committee must give four working days notice to the Committee Clerk, who will then notify other interested parties.
- 3 Additional evidence may be presented but anything received later than three working days prior to the meeting will only be accepted in exceptional circumstances and at the Chairman's discretion.
- 4 Each side shall have four minutes in which to speak to the Committee. If there is more than one person wishing to speak for a particular side, the four minutes shall be divided between them or a spokesperson may be appointed to speak on behalf of all of them.
- 5 No member of the public shall speak on a matter before the County Council's officer has presented his/her report.
- 6 Members may ask questions of speakers for clarification but should not enter into a discussion with the person.
- 7 Personal remarks will not be tolerated.
- 8 The Chairman reserves the right to terminate a speaker's presentation at any time.

**B SUFFOLK COUNTY COUNCIL**

**Public Speaking at County Council and Committee Meetings**

- 1 Development Control and Rights of Way Committee  
Any member of the public, being resident in or a registered local government elector for Suffolk, may speak at any meeting of the Development Control Committee or the Rights of Way Committee, on any matter before the Committee for consideration at that meeting, where appropriate notice has been given.

- 2 A total of 10 minutes of public speaking will be allowed for each matter before the Committee. The total time allocated to each speaker will not exceed 3 minutes,

## **C DEVON COUNTY COUNCIL**

### **PUBLIC PARTICIPATION AT PUBLIC RIGHTS OF WAY COMMITTEE**

- 1 At any meeting of the Public Rights of Way Committee an objector or supporter may make a presentation of up to three minutes relating to any Order relating to a proposal for a public path order to be considered by the Committee, at the meeting at which it is to be considered.
- 2 Any objector or supporter who wishes to make a presentation to the Public Rights of Way Committee must give notice of that intention, in writing, to the Chief Executive by 12 noon on the third working day before the relevant meeting of the Committee, indicating the proposal upon which he/she wishes to make a presentation.
- 3 Where a number of objectors or supporters wish to make presentations, a representative shall be nominated by them to present the views of all the objectors or supporters. In such cases the identity of the spokesperson must also be made known to the Chief Executive prior to the start of the meeting. If necessary the Chief Executive will draw the attention of objectors or supporters to the need to nominate a single spokesperson.
- 4 Presentations will be strictly limited to three minutes and will be made only after a short introduction of the report by the relevant Officer. Objectors or supporters may not participate in the debate or ask questions of Officers or Members.
- 5 Where presentations are to be made by both an objector and a supporter on a particular proposal, they will be taken in that order, but if one decides not to participate the other will not be precluded from making a presentation.

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## **CHESHIRE EAST COUNCIL**

### **Constitution Committee**

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**Date of Meeting:** 27<sup>th</sup> January 2011  
**Report of:** Democratic Services Manager  
**Subject/Title:** Queen's Diamond Jubilee

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#### **1.0 Report Summary**

To ask the Committee to invite the Civic Sub-Committee to make recommendations upon all matters relating to the Queen's Diamond Jubilee, including the celebrations scheduled the first week in June 2012.

#### **2.0 Recommendations**

That the Civic Sub-Committee's terms of reference be extended to include the following function:

"To determine all matters relating to the Queen's Diamond Jubilee and other celebratory events, including the celebrations scheduled for the first week in June 2012, except for those matters which the Sub-Committee considers it appropriate to refer to the Constitution Committee for determination."

#### **3.0 Financial Implications**

- 3.1 There is no provision in the budget specifically in connection with the Queen's Diamond Jubilee. The Government has yet to indicate if a specific grant is going to be made to local authorities to support the Diamond Jubilee. The Sub-Committee will need to consider the financial implications of its recommendations and report on these as appropriate.

#### **4.0 Legal Implications**

- 4.1 The Government has announced its plans for a special four-day Jubilee weekend in 2012 which will allow communities time to come together to celebrate and commemorate the events of the last 60 years. This has entailed moving the late May bank holiday to Monday 4 June and adding an additional Jubilee bank holiday on Tuesday 5 June.
- 4.2 Detailed plans for the Diamond Jubilee celebrations in 2012 will be announced closer to the time.

## **5.0 Risk Management**

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

## **6.0 Background**

- 6.1 To mark 60 years of the Queen's reign, the Diamond Jubilee will take place in 2012. The celebrations will centre on an extended weekend in 2012 on 2nd, 3rd, 4th and 5th June.
- 6.2 The Department for Culture Media and Sport will be responsible for co-ordinating the Government's role for Her Majesty's Diamond Jubilee celebrations.
- 6.3 Buckingham Palace will be co-ordinating the Queen's programme for the Diamond Jubilee, including the arrangements for the central Jubilee weekend in the first week of June 2012.
- 6.4 Local communities are being encouraged to organise and celebrate the Diamond Jubilee in their own way. The Department of Communities and Local Government will be working with local authorities on producing guidance to help communities to organise locally-run events in their area. Local authorities in conjunction with their Lord Lieutenant will be expected to provide details of any planned activities in each area.
- 6.5 Cheshire East will need to consider its activities and a local programme of events and the Civic Sub-Committee can fulfill this role, subject to its terms of reference being expanded.

## **7.0 Access to Information**

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

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## **CHESHIRE EAST COUNCIL**

### **Constitution Committee**

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**Date of Meeting:** 27<sup>th</sup> January 2011  
**Report of:** Democratic Services Manager  
**Subject/Title:** Executive Members Serving on the Committees with Responsibility for Planning Functions

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#### **1.0 Report Summary**

To invite Members to consider matters arising from executive Members Serving on Committees with responsibility for Planning Functions.

#### **2.0 Recommendations**

That the Committee note the information contained in the report.

#### **3.0 Financial Implications**

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

#### **4.0 Legal Implications**

- 4.1 There are no restrictions or rules that prevent Executive Members being appointed to Committees with responsibility for Planning Functions.
- 4.2 Members of a Planning Committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application. Avoidance of bias or predetermination is a principle of natural justice which Councillors are expected to embrace by the courts. Failure to do so could result in a challenge to a planning decision.

#### **5.0 Risk Management**

- 5.1 Although there are no restrictions on executive Members being appointed to Committees with responsibility for Planning Functions, care needs to be taken in respect of how this is viewed by the public and wider community. Care would also be needed to avoid a conflict of interest for an executive Member where he may be seen as acting as an advocate for a local authority redevelopment scheme.

## **6.0 Background**

- 6.1 At a meeting of the Planning Protocol Sub-Committee held on 6<sup>th</sup> January 2011 the Sub-Committee resolved that a report be submitted to the Constitution Committee on executive Members being appointed to Committees with responsibility for Planning Functions.
- 6.2 Under the 1972 Local Government Act the Council has powers to appoint Committees to discharge its functions.
- 6.3 The Local Government Act 2000 amended the Councils powers under this Act through the introduction of executive arrangements.
- 6.4 The Local Government Act 2000 did include two specific requirements in relation to the role of executive Members. First, they could not be a Member of an Overview and Scrutiny Committee. Secondly only one executive Member can sit on the Standards Committee and it cannot be the Leader of the Council. There is therefore no legal obstacle to executive Members being appointed to Committees with responsibility for Planning Functions. This is a common practice amongst many local authorities. At Cheshire East Executive Members are appointed to Committees with responsibility for Planning Functions.
- 6.5 The new executive arrangements under the Local Government Act 2000 created an interesting situation for Cabinet members who are also members of planning committees. Any Cabinet Member who is on the authority's planning committee might on occasions be precluded from participation with planning committee proceedings due to personal and/or prejudicial interests, or as a consequence of perceived pre-determination.
- 6.5 The issues in question are not clear cut, and will depend on the circumstances of a particular case. However, the general advice is that a member could, in such circumstances, be so committed to a particular development as the result of their cabinet responsibility that they may not be able to participate properly in determining the application in question. A judgement would need to be made in each case, based upon the circumstances. Legal advice may need to be taken.

## **7.0 Access to Information**

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

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## **CHESHIRE EAST COUNCIL**

### **Constitution Committee**

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

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#### **1.0 Report Summary**

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

#### **2.0 Recommendation**

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

#### **3.0 Reasons for Recommendations**

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

#### **4.0 Wards Affected**

- 4.1 All

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

- 5.1 All

#### **6.0 Policy Implications**

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

## **7.0 Financial Implications**

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

## **8.0 Legal Implications**

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

## **9.0 Risk Management**

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

## **10.0 Background**

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

## **11.0 Mini Review of Car Mileage Rates**

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

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

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

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

## **12.0 Review of Scheme: Panel’s Conclusions**

### Uplift Mechanism

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

### **Recommendation 1:**

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

### Basic Allowance

- 12.4 A summary of the responses received from the e-survey of Members was

analysed by the Panel, firstly in respect of Basic Allowance. Due to the variation in responses received from Councillors, the Panel was not able to establish a baseline measure which represented the time commitment expected for an average Member.

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

**Recommendation 2:**

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

Other Allowances

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

**Recommendation 3:**

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

Special Responsibility Allowance: Vice-Chairman

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

- 12.9 The Panel considered that the key factor to consider here was the level of responsibility associated with the role and it concurred with the supposition expressed by the 3 Councils; that the role of Vice Chairman was primarily one of support and assistance. However, where a Vice Chairman was required to take responsibility for chairing a meeting in the Chairman's absence, the Panel felt that they should be compensated.
- 12.10 Given the additional responsibilities that the quasi-judicial Committees carried (for example site inspections, which were not formal but were governed by an approved protocol), the Panel concluded that, due to the regular and high level of public contact required, there was sufficient justification for retaining these posts within the Scheme and recommended:

**Recommendation 4:**

***That -***

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

Special Responsibility Allowance: Constitution Committee and Audit and Governance Committee

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

**Recommendation 5:**

***That -***

- a) the role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the***

***Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;***

- b) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; and***
- c) the position be kept under review.***

Travel Allowances

- 12.13 As referred to in paragraph 11.2, elected Members were consulted on the following proposal; that the rate payable for car business mileage should be 40p per mile, irrespective of the engine capacity of the vehicle.
- 12.14 The feedback supplied by Members was shared with the Panel in December 2010 and whilst it was reluctant to reach a firm conclusion upon the appropriate level of mileage allowance for Councillors, solely to fulfil the authority's budgetary objectives, it concluded at the time that, having considered the responses received, it (the Panel) did not have any strong objection to the introduction of a flat mileage rate of 40 pence per mile in respect of travel by car on official Council business, provided there was a mechanism for dealing with exceptions such as disabled persons and other special situations where higher costs could be justified.
- 12.15 The e-survey and comparator data was examined in respect of all travel allowances in line with Constitution Committee's decision; the Panel concluding that -

**Recommendation 6:**

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

Potential additions to Special Responsibility Allowances Schedule

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

Cheshire and Wirral Joint Health Scrutiny Committee

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



**Recommendation 7:**

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

Cheshire Pension Fund Committee

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

**Recommendation 8:**

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

Local Area Partnerships

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

**Recommendation 9:**

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

Reimbursement of Lost Earnings: School Appeals Panel Members

- 12.22 Under Regulation 7 of the Appeals Regulations and in line with Sections 173 and 174 of the Local Government Act 1972, Panel Members were eligible to receive travel and subsistence allowances and could also be compensated for any loss of earnings or any individual expenses, including child minding costs that were necessarily incurred as a result of attending an Appeal Panel or associated training.
- 12.23 At its December meeting the Panel had indicated that it had no objection in principle to allowing School Appeal Panel Members to submit claims for lost earnings but requested further information on how this might be administered. Extracts from the Allowances Schemes operated by North Somerset Council, Lambeth Council and Nottinghamshire County Council were provided by way of illustration.
- 12.24 The Panel was minded to introduce a flat rate payment to Appeal Panel Members by way of compensation subject to the submission of proof of lost earnings from the Panel Member's employer. Having regard to the Median Hourly Earnings figure for Full-Time Employees (source: Office of National Statistics) as at April 2010, the Panel considered that a rate of £50 per half day session (defined as a four hour period) would be reasonable.

**Recommendation 10:**

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

Local Government Pension Scheme

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

**Recommendation 11:**

**That the following wording be inserted into the 2011/2012 Scheme of**

**Members' Allowances –**

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

**13.0 Summary of Recommendations**

**13.1 That**

- 1) The Cheshire East Scheme of Members' Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme's allowances and recommend whether any adjustments were appropriate;**
- 2) The level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**
- 3) Excluding the role of Vice Chairman except as provided for in Recommendation 4, the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance, Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**
- 4a) Special Responsibility Allowances for the post of Vice Chairman except as provided for in (v) below, be removed from the Scheme of Members' Allowances from 2011/2012;**
- 4b) A Special Responsibility Allowance of £1000 per annum be awarded, with an additional £200 payable for each meeting chaired up to a maximum of £2400 per annum, to the Vice Chairman of Strategic Planning Board, Southern Planning Committee, Northern Planning Committee and Licensing Committee;**
- 5a) The role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;**

**5b&c) A gearing equivalent to 0.65 of Basic Allowance be applied to the post; the position to be kept under review;**

**6) The level of Travel Allowances for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;**

**7) No Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review;**

**8) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee;**

**9) No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the borough's Local Area Partnerships at this time; the position to be kept under review;**

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

**11) The following wording be inserted into the 2011/2012 Scheme of Members' Allowances –**

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

#### **14.0 Access to Information**

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

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