

Cabinet Agenda

Date: Tuesday, 2nd September, 2014
Time: 2.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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 disclosable pecuniary and non-pecuniary 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 or person presiding 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.

Contact: Paul Mountford, Democratic Services Officer
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4. **Questions to Cabinet Members**

A period of 20 minutes is allocated for questions to be put to Cabinet Members by members of the Council. Notice of questions need not be given in advance of the meeting. Questions must relate to the powers, duties or responsibilities of the Cabinet. Questions put to Cabinet Members must relate to their portfolio responsibilities.

The Leader will determine how Cabinet question time should be allocated where there are a number of Members wishing to ask questions. Where a question relates to a matter which appears on the agenda, the Leader may allow the question to be asked at the beginning of consideration of that item.

5. **Minutes of Previous Meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 22nd July 2014.

6. **Rail North Ltd - Governance Arrangements** (Pages 7 - 22)

To consider a report on the proposed governance arrangements for Rail North Ltd.

7. **Notice of Motion - Dementia** (Pages 23 - 26)

To consider and respond to the motion.

8. **Notice of Motion - Commonwealth Games Baton Relay** (Pages 27 - 30)

To consider and respond to the motion.

9. **Notice of Motion - Review of Cabinet System** (Pages 31 - 32)

To consider and respond to the motion.

10. **Notice of Motion - Emergency Powers** (Pages 33 - 36)

To consider and respond to the motion.

11. **Notice of Motion - Changes to Meeting Venues** (Pages 37 - 40)

To consider and respond to the motion.

12. **Notice of Motion - Members' Handbook** (Pages 41 - 44)

To consider and respond to the motion.

13. **Notice of Motion - Use of iPads and Tablet computers** (Pages 45 - 46)

To consider and respond to the motion.

14. **Strategic Land Acquisitions in support of the Council Waste Strategy** (Pages 47 - 52)

To consider a report which seeks approval to acquire strategic land assets for the Council that would support the Council's Waste Strategy.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 22nd July, 2014 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Jones (Chairman)
Councillor D Brown (Vice-Chairman)

Councillors J Clowes, J P Findlow, L Gilbert, B Moran, D Stockton and
D Topping

Members in Attendance

Councillors Rhoda Bailey, L Brown, S Corcoran, I Faseyi, S Gardiner, S
Hogben, B Livesley, R Menlove, A Moran, B Murphy, L Smetham, A Thwaite.

Officers in Attendance

Mike Suarez, Peter Bates, Anita Bradley, Tony Crane, Brenda Smith, Julian
Cobley, Barbara Dale, Kirsty Hercules, Rachel Ryle and Julie North

Apologies

Councillors P Raynes, Rachel Bailey and P Groves

25 DECLARATIONS OF INTEREST

There were no declarations of interest.

26 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

27 QUESTIONS TO CABINET MEMBERS

Cllr S Hogben referred to eight blacklisting companies (Balfour Beatty, Carillion, Costain, Kier, Laing O'Rourke, Sir Robert McAlpine, Shanska UK and VINCI PLC), who, in October 2013, had announced that they were setting up The Construction Workers Compensation Scheme to compensate the victims they blacklisted. He asked which of these companies Cheshire East Council had dealings with.

Cllr Hogben also asked for an indication as to the amount of the deliverable housing supply that the Council could currently offer.

Cllr S Corcoran referred to the Ombudsman report relating to White Moss Quarry and his concerns regarding allegations that the date on an aerial photograph had been changed to make it appear that it was available during the consultation. He stated that he had obtained information under

the Freedom of Information Act and the audit trail had revealed that there had been two entries and he requested that Cabinet fully investigate the second entry, as to who did it, what they did and why.

Cllr S Gardiner asked the Service Commissioning Portfolio Holder if he could advise Councillors on the level of preparedness for the storms forecast for later in the week.

Cllr A Moran referred to the night economy in Nantwich and a number of applications for takeaways to open to 03:30 hrs. The Licensing Committee had refused one of these applications, but the decision had been reversed on appeal, despite objections from the Town Council and the Police. The result of this was that the takeaway was now open until 03:30 hrs on three nights per week and there were concerns that other premises would now apply for the same hours. He referred to the consultation on the midnight levy and asked when this would be implemented, so that the premises who opened into the early hours of the morning would have to pay an extra contribution to policing and cleaning up the town.

Cllr L Smetham referred to comments made at the recent breakfast meeting, concerning the Community Governance review for Macclesfield and asked whether the Council was intending to give substantial weight to the residents' views and comments in respect of the consultation.

28 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 1 July 2014 be approved as a correct record.

29 URGENT ITEM OF BUSINESS

In accordance with Section 100B (4)(b) of the Local Government Act 1972, the Chairman announced that he had agreed to allow consideration of an additional urgent item of business, as Council, at its meeting on 17 July 2014, had approved a supplementary estimate of £900,000 from the 2013/14 revenue underspend to fund the grants. Funding was only available until the end of March 2015, so it was imperative that the Grant Scheme was established, so that groups were given enough opportunity to apply to the scheme. The report relating to this item, which was circulated at the meeting, was entitled "Your Money Fund" Some additional wording to name the scheme "Cheshire East Give Back – Your Money Fund" was agreed.

30 PUBLIC HEALTH TRANSFORMATION FUND

Consideration was given to a report relating to the Public Health Transformation Fund, which had been specifically created to improve the health and wellbeing of residents in Cheshire East. This dedicated, flexible

and time-limited financial resource would enable residents to access and benefit from innovative approaches to health not previously available in Cheshire East, through statutory, voluntary, community, faith and private sector transformation initiatives.

The appendices originally submitted with the agenda report were in draft format, while the grant agreement was finalised. The appendices had subsequently been amended to reflect the intentions of the grant and to ensure consistency between the grant agreement, the Terms of Reference for the Fund and its associated documentation. Updated appendices had been circulated and published as a supplement to the agenda on the Councils' website.

Cabinet was requested to agree the creation of the Public Health Transformation Fund and to delegate the decision to make the awards to the Public Health Transformation Fund Panel Chaired by the Portfolio Holder.

RESOLVED

1. That the creation of the Public Health Transformation Fund be approved.
2. That the decision to make the awards be delegated to the Public Health Transformation Fund Panel, chaired by the Portfolio Holder and that the Panel report back to Cabinet on performance.

31 SUBSTANCE MISUSE SERVICES - CONTRACT AWARD

Consideration was given to a report relating to Substance Misuse Services, the responsibility for commissioning of which had been transferred to the Council in April 2013. The report informed Cabinet of the strategic review and procurement process undertaken for securing substance misuse services and sought Cabinet's authority to delegate to the Portfolio Holders (Health & Adult Social Care and Children & Families), the Director of Public Health and the Executive Director of Strategic Commissioning, the authority to award and conclude contractual documentation with the successful tenderer.

RESOLVED

1. That the EU compliant procurement exercise undertaken be noted.
2. That delegated authority be granted to the Portfolio Holders for Health & Adult Social Care and Children & Families, the Director of Public Health and the Executive Director of Strategic Commissioning to

award and conclude contractual documentation with the successful tenderer.

32 SUPPORTING FAIR ACCESS TO EDUCATIONAL OPPORTUNITY

Consideration was given to a report relating to supporting fair access to educational opportunity. It was proposed that the role of monitoring and reporting on fair access could be implemented successfully through effective working relationships with schools and by reporting annually to the Schools Adjudicator on admissions for all schools in its area. The Local Authority would continue to report annually to the Schools Adjudicator on admissions for all the schools in its area for which it coordinated admissions, making recommendations that supported the interests of parents and their children and ensuring compliance with the provisions set out in the School Admissions Code and relevant legislation.

Cabinet was requested to approve the new way of working.

RESOLVED

That the new way of working, as set out in the report be approved.

33 RISK MANAGEMENT POLICY REVIEW

Consideration was given to a report relating to the review of the Council's Risk Management Policy. The Council, as a publicly accountable body, must be able to demonstrate effective management of the risks and opportunities which affected the achievement of its strategic objectives. The Council's strong risk management arrangements provided it with a structured, consistent and continuous process for identifying and reporting on opportunities and threats that affect the achievement of its 3 Year Plan objectives and outcomes. The policy had last been amended and approved by Cabinet at its meeting on 22 July 2013 and Cabinet had agreed that the policy be reviewed annually. The report updated Cabinet on the review recently carried out and summarised the proposed changes in section 3. In summary, while the risk management policy remained fit for purpose, a number of amendments had been made to strengthen both the policy and the risk management framework. The updated policy was appended to the report for Cabinet's approval.

RESOLVED

That the updated Risk Management Policy be approved and it be noted that the policy would be reviewed annually.

34 CHESHIRE EAST GIVE BACK -YOUR MONEY FUND

In the Chief Operating Officer's Cabinet Report of 1st July 2013/14 the Final Outturn Review of Performance highlighted a budget underspend of

almost £900,000. At the Cabinet meeting it had been suggested that this underspend should be given back to the residents of Cheshire East. This was submitted as motion to Council on 17 July 2014, by Councillor Peter Raynes. The Motion as proposed and approved by Council was as follows:-

“Council welcomes the news that there has been a £900,000 underspend against the 2013/14 budget; acknowledges that this is the result of prudent financial management; and commits to using this money to benefit the residents of Cheshire East Borough. Council is asked to approve a supplementary estimate of £900,000 funded from the 2013/14 revenue underspend and to delegate to Cabinet the power to set up and administer a Community Fund to the benefit of the residents of Cheshire East”.

Rather than administer a costly exercise of returning, what would be a very small amount when divided between council tax payers, it was agreed that the money should be used to fund certain types of community activity, detail of which were set out in the report.

RESOLVED

1. That the creation and principles of the Cheshire East Give Back - Your Money Fund Grant Scheme be established.
2. That the Cheshire East Give Back Your Money Fund budget be fixed as a one-off amount made available in the financial year of 2014/15 to cease being available at the end of March 2015.
3. That the vast majority of grants be given out to young people's sections of uniformed organisations and organisations who provide services and support to older people via an application process.
4. That a one-off grant be given to the most appropriate specialist third sector provider who is able to demonstrate an innovative solution to tackling abuse in young people's relationships; the provider to be determined by the Council's Domestic Abuse Partnership's Co-ordinator.
5. That the grants for faith organisations be influenced following a borough-wide faith conference; this conference to establish the priorities to be addressed by faith organisations working in the community.
6. That the Leader of the Council be given delegated responsibility for the approval of the Cheshire East Give Back - Your Money Fund and to assess and approve applications as they are received, in

consultation with key officers, including the Partnership Support Manager, and with Portfolio Holders.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

M Jones (Chairman)

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	2 nd September 2014
Report of:	Andrew Ross – Head of Strategic Infrastructure
Subject/Title:	Rail North Ltd – Governance Arrangements
Portfolio Holder:	Cllr David Brown – Strategic Outcomes Portfolio Holder

1.0 Report Summary

- 1.1 Rail North is a group of 30 Local Transport Authority (LTA) partners, including Cheshire East, who are working together with the Department for Transport (DfT) on devolving more responsibility for specifying and managing passenger rail services in the north of England.
- 1.2 The aim is to develop a more collaborative approach to managing local rail services. Rail North and DfT are working together on the design of the next Northern and TransPennine Express (TPE) franchises, which between them account for most regional services in the local authority areas covered. The map at Appendix 2 illustrates the coverage of Northern service provision in Cheshire East (there are currently no TPE services operating in the Borough). The franchises are due to commence from February 2016.
- 1.3 The devolution programme has now reached a critical stage with the need to formalise the governance arrangements and decision making process. Each LTA in the Rail North area are being invited to sign-up to membership by the end of September 2014. This report sets out the proposed governance arrangements for Rail North Ltd and the Association of Rail North Partner Authorities and seeks Cabinet approval to become members of both bodies.

2.0 Recommendations

- 2.1 To note the proposed governance arrangements for Rail North Ltd (RNL) and the Association of Rail North Partner Authorities (“The Association”) and to agree that Cheshire East Council should become a member of both bodies.
- 2.2 To authorise the Head of Paid Services (in consultation with the Portfolio Holder for Rail North) to enter into the RNL Members Agreement on behalf of Cheshire East Council and to be admitted to membership of both the Association and RNL.
- 2.3 To nominate Councillor Michael Jones to the Leaders’ Committee of The Association and appoint a substitute member.

2.4 To note that a further report will be produced when the Heads of Terms for the DfT / RNL Partnership are finalised.

3.0 Reasons for Recommendations

3.1 The opportunity to become members of The Association and Rail North Ltd enables Cheshire East to have far greater influence over the development and implementation of rail services across the north of England. It will also enable Cheshire East to have greater influence over other key industry stakeholders, including Network Rail, and the development and implementation of their respective enhancement programmes.

3.2 The re-franchising process is at a critical stage and each LTA in the Rail North area is being invited to sign-up to by the end of September 2014 in order to:

- Demonstrate to Government a strong commitment to long term stewardship of Rail – with the power and influence to shape the passenger benefits and economic growth – across the north of England for the benefit of all;
- Strengthen the decision making arrangements during the development of the Joint Venture arrangements with DfT and procurement of the new franchises;
- Enable DfT to define the role of Rail North Ltd in the procurement documentation due for issue at the end of 2014, ensuring that devolution is 'cemented' in the formal franchise procurement process.

3.3 Appendix 1 sets out the further detail on governance arrangements, decision making process and voting share for each LTA. There may be opportunities to consider alternative options for calculating the voting share for each LTA in future. For example, if the voting share was calculated on a per capita basis, this would generate a higher proportion for Cheshire East. However, the current proposition is based on metrics relating to rail usage with a 1.6% share for Cheshire East.

3.4 All LTA's are able to withdraw from the arrangements at any time. The flexible arrangements proposed in the legal structures will enable the roles and responsibilities to develop over time as these are agreed between the 30 LTA's and DfT.

3.5 The form of partnership between Rail North and the DfT is currently under development. DfT has put forward a phased approach to full devolution:

- Phase 1: Being a partnership without significant transfer of risks but covering contract management, planning and investment – from February 2016.
- Phase 2: Would bring in risk/reward sharing (allowing for any reinvestment in profit share, for example) – anticipated to be 2018/19 onwards.
- Phase 3: Being full devolution – from 2023-25 onwards.

3.6 The three stage process represents a phased “earned devolution” model with triggers that have to be achieved by Rail North to proceed to the next phase. Phase 2 is not anticipated to be reached until 2018/19 by which time the risks

and rewards would be fully assessed and reported to enable each LTA to fully consider and review their position.

- 3.7 It is expected that Heads of Terms for the Partnership between DfT and RNL will be produced by the end of September for approval by the all parties through the Leaders Committee, including Councillor Michael Jones.
- 3.8 It should be noted that, until all eligible LTAs have had the opportunity to become members, RNL will not act as a fully functioning company and all significant decisions will be brought for approval to the Leaders' Forum and the full Leaders Committee in October. Once the full membership of RNL becomes clear and the geographical sub-groups have appointed their director and alternative director, the members of RNL will enter into a Members' Agreement which may necessitate changes to the interim Articles.
- 3.9 In the longer-term, the governance structures, including the partnership arrangements with DfT, would ensure the following:
- Better management of the franchises by a team based in the North with local knowledge. Through the partnership, a focus on delivering the shared objectives (e.g. economic growth) and the Long Term Rail Strategy. Easier and simpler route to delivering schemes/ projects that involve the train operator or changes to train services and growth in patronage and revenue;
 - RNL would have access to 'reward' share, e.g. additional revenue generated as a result of general growth translated to profit share. This would be used for investment in enhanced services / rolling stock / infrastructure; and
 - The North having complete control of services and investment in the Northern and TransPennine franchises, delivering the economic benefits as set out in the original devolution proposition.
- 3.10 The proposed governance arrangements are seen as the most appropriate mechanism to maintain momentum in the current negotiation with the DfT and franchise procurement, and also in the future partnership arrangements, but will also provide strong governance and decision making as well as political oversight to the decisions made by Rail North Directors and Officers.

4.0 Wards Affected

- 4.1 All wards – affecting rail services across the Cheshire East area.

5.0 Local Ward Members

- 5.1 All wards – affecting rail services across the Cheshire East area.

6.0 Policy Implications

- 6.1 The opportunity to have greater influence over the development and implementation of rail services will support the delivery of Cheshire East's Local Transport Plan (LTP3) and the strategic priorities for transport – to “create conditions for business growth” and “ensure a sustainable future”.

6.2 One of the objectives of Rail North is to support economic growth by delivering more rail capacity and better rail connectivity. Through Rail North there are opportunities to shape the provision of local rail services to support the delivery of ambitious growth proposals within the Local Plan. There are also opportunities to consider rail connectivity more strategically across the sub region in relation to the Cheshire and Warrington Strategic Economic Plan.

7.0 Implications for Rural Communities

7.1 The Rail North proposals provide an opportunity to consider the accessibility needs of rural communities. Many rail services in the borough are meeting a local need for access and are therefore highly valued by local communities. In some cases there is often no alternative travel option available. However, railway stations in rural communities can have low levels of use, which can give rise to the potential for exploring a reduction in the number of calls.

7.2 It is recognised that any proposal to reduce the number of calls at low use stations will have a detrimental impact on levels of local accessibility and therefore need to be carefully considered. By joining Rail North, Cheshire East will have a voice in the process and the opportunity feed in local data sources, outputs from community engagement and consultation to inform the process. All proposals will require a robust business case and clear justification.

8.0 Financial Implications

8.1 Prior to the commencement of the new franchises in February 2016, there will be a small cost involved with establishing and running Rail North Limited (RNL) of approximately £36,000 per annum. It is envisaged that this cost will be split between members proportionate to the agreed weighted voting share of the Association, with future changes agreed by the Association. Cheshire East's voting share is 1.6% leading to an annual cost of £576.00.

8.2 Although there is clarity on the costs associated with the procurement stage (prior to February 2016), the costs during the franchise period have yet to be confirmed. The cost categories are still being worked up and considered by Rail North. Going forward, clarity will emerge on the financial implications during the period of the franchise and beyond (see below).

- Procurement stage: until new franchises start in February 2016
- Length of the franchise (7-9 years): up to 2023/25
- Full Devolution: 2023/25 onwards when RNL would manage the re-franchising

8.3 Arrangements may need to be reviewed when the level of risk/expenditure to be borne by RNL under the partnership arrangements with DfT is established. However, in these circumstances, LTAs would have the opportunity to withdraw (or alter their status within RNL) before the franchise agreements are operative, if unwilling to accept risk or make increased payments.

9.0 Legal Implications

- 9.1 The proposed governance arrangements involve each LTA entering into various legal arrangements, namely:
- Becoming a member of Association of Rail North Partner Authorities (ARNPA);
 - Becoming a member of Rail North Ltd (RNL); and
 - Entering into a RNL Members' Agreement
- 9.2 It is proposed that ARNPA is formed under s143 of the Local Government Act 1942 and governed by a Leaders' Committee. A draft Constitution for the Association has been proposed by Rail North.
- 9.3 Members of the Association will establish RNL as a company limited by guarantee. The company will be formed under powers arising from sections 99 and 102A of the Local Transport Act 2008 and the general power of competence under section 1 of the Localism Act 2011 and the Council will be able to rely on these powers to become a member of RNL. Draft Articles of Association for RNL have been provided.
- 9.4 It is proposed that RNL should be formally incorporated in the next few weeks with interim Articles of Association based on the proposed governance arrangements endorsed by the Leaders' Forum. This will enable Rail North to comply with the Partnership Principles agreed with the Secretary of State in January and strengthen Rail North's negotiating position with DfT in relation to the Partnership Agreement. It will also enable RNL to be formally referenced in the procurement documentation for the Northern and TPE franchises.
- 9.5 The documentation provided shall be reviewed by Legal Services and continuing advice will be given on the governance arrangements ensuring that there is sufficient flexibility within the arrangement so that the Council can withdraw or alter its involvement should it be decided that the risks or increased expenditure are unacceptable.

10.0 Risk Management

- 10.1 At the commencement of the formal governance arrangements there will be minimal direct risk and cost associated to the membership, and any changes to that position would need to be agreed in accordance with the rules relating to that governance arrangement.
- 10.2 A full risk assessment of contract managing the new franchise has been undertaken by Rail North (i.e. major incidents and strike action) and the major risks sit with DfT, Network Rail and the Train Operating Company (TOC).
- 10.3 Going forward, each LTA has an opportunity to review their membership of the organisation as further information becomes available about each stage of the franchising process and phased approach to devolution in conjunction with the DfT partnership arrangement.

11.0 Background and Options

- 11.1 Rail North is the name of an interim organisation that was established with the aim of promoting the devolution of rail franchising from Whitehall to the North of England. It is a grouping of all 30 LTA in the North of England.
- 11.2 Rail North's vision is to create a world-class railway for the whole of the North of England. Supporting the economic aspirations of the North was the prime objective of Rail North's devolution proposal, with the aim of creating a railway recognised by passengers and businesses as serving their needs, and being both more effective and efficient.
- 11.3 Rail North has three over-arching objectives for rail services in the North of England:
- To support economic growth by delivering more rail capacity and better rail connectivity;
 - To improve the quality of the railways in the North, with a better offer for passengers to encourage more use; and
 - To deliver a more efficient railway and to secure greater value for money for the support from the public purse.
- 11.4 In order to be at forefront of the way in which the future of Rail is planned and delivered, the northern LTAs, through Rail North, have (on an informal basis) developed proposals for devolution of Rail responsibilities from DfT to the northern LTAs.
- 11.5 In November 2013, the Secretary of State for Transport responded to Rail North's proposals with the offer of a partnership arrangement with the DfT as a way of phasing in full devolution. The partnership will apply to both the Northern and TransPennine Express franchises, and has two main elements, as follows:
- The specification and procurement of the new Northern and TransPennine franchises; and
 - The development of a full Rail North/ DfT partnership for managing the two franchises once let.
- 11.6 The shared objectives that underpin the partnership were also agreed in January and include:
- Growing the railway to maximise the benefits of infrastructure investment and linking this to railway efficiencies;
 - Having a platform for determining investment priorities within the Partnership;
 - Risk and reward sharing between members of the partnership, including the potential for revenue or profit-sharing mechanisms that could allow reinvestment into rail services; and,
 - A partnership structure that allows the balance of risk to change over time.

11.7 The following partnership principles were agreed by the Secretary of State for Transport and the LTA Leaders in January 2014. The principles of joint working include:

- Full and open disclosure between the DfT and Rail North (subject to any confidentiality obligations which apply and the need for confidentiality agreements);
- Collaborative design of franchises, recognising the Secretary of State's responsibilities – including securing affordability and value for money;
- Joint decision on the arrangements for a single integrated partnership structure to manage the franchises; and
- A common programme and oversight structure.

11.8 As part of the January 2014 agreement with the Secretary of State, Rail North Leaders agreed to develop and formalise their decision making structures and in particular establish structures comprising a formal Leaders' Committee and a special purpose vehicle (probably a company limited by guarantee) called Rail North Ltd. These bodies would be the focus for overseeing local authority input into the design of the franchises, including the specification and commercial arrangements.

11.9 It is clear that the formal governance arrangements will form the basis of a long-term partnership arrangement and will need as much involvement at an early stage as possible of the 30 LTAs. The roles, responsibilities, functions and risks associated with any future arrangements will need to evolve in line with the voting rights and the wishes of its members. A summary of the governance arrangements is provided in Appendix 1.

11.10 The current Leaders' Forum was established after the Leaders meeting on 24 January 2014 as a "sounding board" until formal arrangements could be implemented. Councillor Michael Jones represents the Cheshire and Potteries sub-group on the Leaders' Forum.

12.0 Access to Information

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

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APPENDIX 1 – PROPOSED RAIL NORTH GOVERNANCE ARRANGEMENTS

1. THE LEADERS' COMMITTEE ("LC")

1.1 Establishment

The LTAs covered by the Northern and TPE franchises will establish a local authority association formed under section 143 of the LGA 1972 ("LGA 1972"). It is expected that all relevant LTAs (currently 30) would be party to these arrangements. The Association (provisionally known as the Association of Rail North Partner Authorities) will be governed by a Leaders' Committee (LC).

Each LTA will appoint one elected member to the LC. This member would normally be its Leader / Mayor / Chair or its Lead Member for Transport. There will be provision for LTAs also to appoint a substitute member. The LC will elect a Chair and one or more Vice-Chairs.

1.2 Voting Arrangements

It is expected that most major decisions would be reached by consensus. However, where votes are taken, a system of weighted voting would apply based on metrics relating to rail usage on Northern and TPE services to and from each LTA's area. The rationale for this is that it reflects the respective stake of each LTA area in the franchising. The apportionment of votes will be reviewed probably every 5 years to take account of changes in rail usage. Provisional weighted voting shares are set out below in Section 4. These were based on passenger revenue in 2011/12 and are currently being updated.

1.3 Frequency of Meeting and Urgency

The LC will meet twice a year, although there would be provision for additional meetings to be called if demanded by a specified (significant) number of member LTAs.

1.4 Functions

The Association through the LC will have the following functions:

- to promote and improve rail services in the Rail North area
- to campaign for devolution of responsibility for the Northern and TPE franchises
- to develop and approve, and oversee the implementation of, the Long Term Rail Strategy
- to establish geographical sub-groups whose functions would include the appointment of representatives on the RNL Board
- to provide political leadership and oversight of RNL.

1.5 Sub Groups

The LC will establish a number of geographical sub-groups of LTAs whose composition will be decided by the LC and whose function would be to appoint a person to serve as a director of the Board of RNL. In determining the composition of the sub-groups, account will be taken of factors such as:

- local authority, LEP and LTB linkages;
- the geography of the rail network; and
- the need to ensure inclusivity and representation across the North.

The shadow LC has agreed initially to establish the following 11 sub-groups:

- GMCA
- West Yorkshire (plus York)
- South Yorkshire
- Merseyside (including Halton)
- North East (Tyne and Wear, Durham and Northumberland)
- Lancashire and Cumbria (including Blackpool and Blackburn and Darwen)
- Tees Valley (Darlington, Hartlepool, Middlesborough, Redcar and Cleveland and Stockton-on-Tees)
- North Yorkshire
- The Humber (East Riding, Hull, North Lincs, North East Lincs)
- Cheshire and the Potteries (Cheshire East, Chester West and Chester, Warrington, Stoke, Staffordshire)
- East Midlands (Derby, Derbyshire, Nottingham, Nottinghamshire, and Lincolnshire)

It is expected that decisions on appointments by geographical sub-groups would be reached by consensus. However where votes are taken the same system of weighted voting would apply as on the Leaders' Committee.

1.6 Administrative support and Funding

The LC will appoint the Chief Executive of one of the LTAs as Secretary to be responsible for providing administrative support.

The minimal costs of the joint body will be apportioned between the partner LTAs as agreed by them, probably on the basis of voting rights.

2. THE SPECIAL PURPOSE VEHICLE – RAIL NORTH LTD (RNL)

2.1 Establishment

Members of the Association will establish the SPV as a company limited by guarantee called Rail North Ltd (RNL). The SPV will be established pursuant to the well-being power under sections 99 and 102A of the Local Transport Act 2008 and the functional power of competence under sections 11 and 13 of the Localism Act 2011 in the case of CAs / ITAs and the

general power of the competence under section 1 of the Localism Act in the case of county and unitary councils.

The key decision-making bodies within the SPV will be the members of the company and the board of directors.

2.2 Board of Directors

Each of the geographical sub-groups established by the Leaders' Committee will appoint one member to the Board of RNL. Each sub-group will have the power also to appoint an alternative director. Voting on the board would be on the basis of one director, one vote although it is expected that most decisions would be taken by consensus. However, given the substantial variations in the proportions of rail usage between the various sub-groups approval of certain key matters (mainly relating to finance) would be reserved to the members of the company.

The Board would be supported in managing RNL by a dedicated Executive Team of officers of the Rail North partner authorities and the PTEs.

2.3 Members of RNL and Reserved Matters

All the members of the Association are eligible to become members of RNL. The voting entitlement of each member will be based on the voting power of each member based on rail usage as set out below in Section 4. Decision on the reserved matters will require the approval of members holding collectively at least 75% of the weighted voting entitlement. The reserved matters will include:

- Any change to the articles of the company
- Any partnership / shareholders' agreement between RNL and the DfT and other major commercial agreements
- Approval of RNL's annual and medium-term business plan
- Expenditure above certain limits
- Borrowing and the giving of financial guarantees

2.4 Funding

Members would make an annual payment to cover the running costs of the Company to be apportioned in accordance with voting rights. Prior the commencement of the franchises in February 2016, this is likely to be a relatively nominal amount. Arrangements may need to be reviewed when the level of risk/expenditure to be borne by RNL under the partnership arrangement with DfT is established. However, in these circumstances, LTAs would have the opportunity to withdraw (or alter their status within RNL) before the franchise agreements are operative, if unwilling to accept risk or make increased payments.

2.5 Functions of RNL

The principal initial functions of RNL will include:

- To oversee local authority input into the design of the franchises including the specification and commercial arrangements
- To develop proposals with DfT for a single integrated partnership structure to assume responsibility for managing the franchises

3. DFT / RNL PARTNERSHIP

Rail North officers are engaging with DfT officials in relation to the governance arrangements for the DfT / RNL partnership. A report with proposals will be brought forward for consultation in due course.

4. PROVISIONAL WEIGHTED VOTING

Provisional Weighted Voting on Leaders' Committee and RNL members' meetings (based on percentage share of passenger revenue)

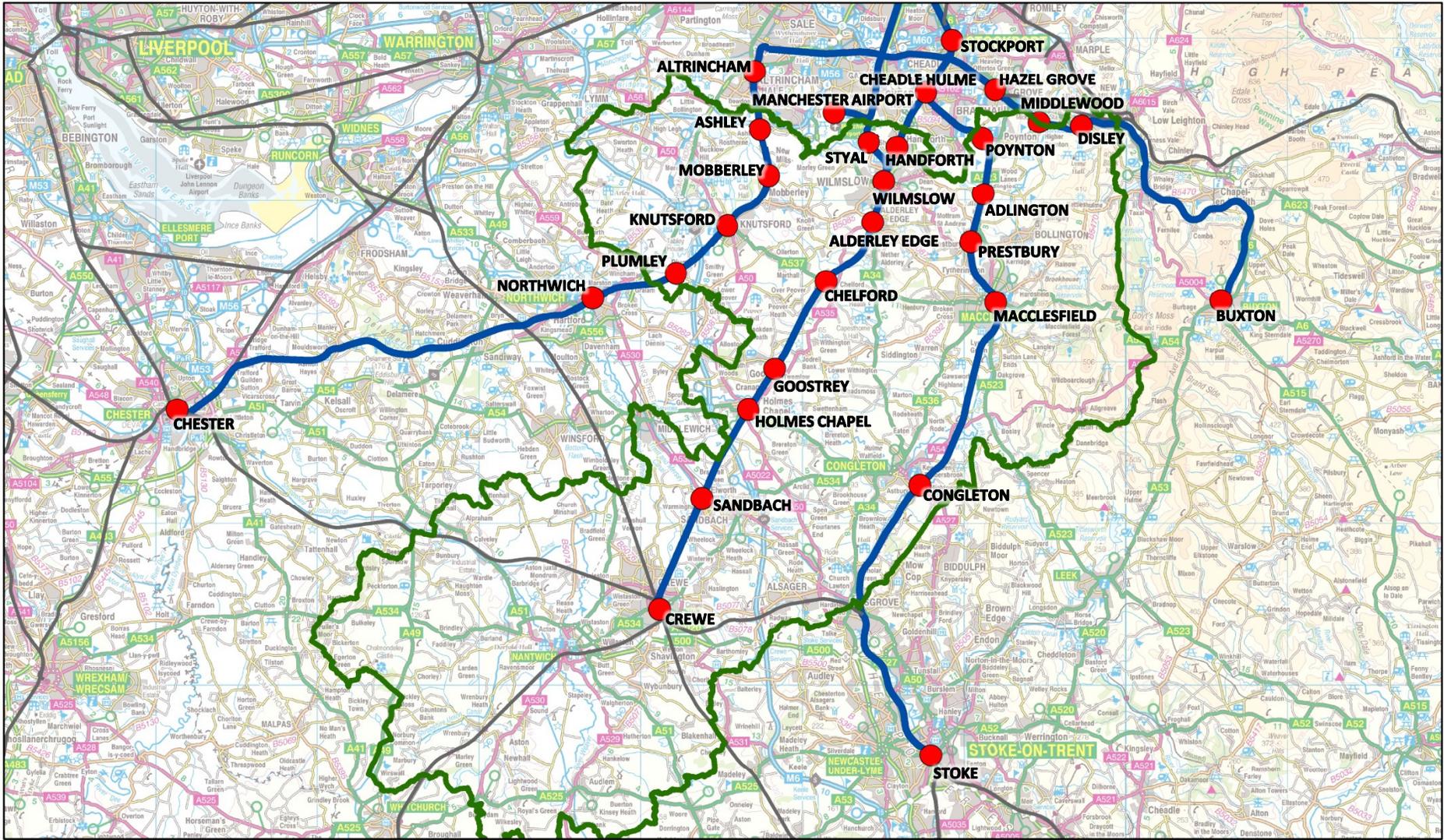
Analysis by Local Transport Authority

Transport Authority	Weighted Voting Share %
Blackburn with Darwen Borough Council	0.9%
Blackpool Borough Council	1.7%
Cheshire East Council	1.6%
Cheshire West and Chester Council	0.6%
City of York Council	3.1%
Cumbria County Council	3.4%
Darlington Borough Council	0.6%
Derby City Council	0.1%
Derbyshire County Council	1.3%
East Riding of Yorkshire Council	1.6%
Greater Manchester Combined Authority	25.7%

Hartlepool Borough Council	0.3%
Hull City Council	1.7%
Lancashire County Council	6.4%
Lincolnshire County Council	0.5%
Liverpool City Region Combined Authority	6.2%
Middlesbrough Council	0.7%
North East Combined Authority	4.2%
North East Lincolnshire Council	0.4%
North Lincolnshire Council	0.4%
North Yorkshire County Council	4.1%
Nottingham City Council	0.6%
Nottinghamshire County Council	0.3%
Redcar and Cleveland Borough Council	0.4%
Sheffield City Region Combined Authority	6.5%
Staffordshire County Council	0.1%
Stockton-on-Tees Borough Council	0.5%
Stoke-on-Trent City Council	0.2%
Warrington Borough Council	1.1%
West Yorkshire Combined Authority	23.5%

Note: These percentages are being reviewed to take account of the most recent data

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Appendix 2: Rail Network - Northern Services

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- Cheshire East Council Boundary
- Rail lines with services provided by other TOCs
- Rail lines with Northern services
- Rail Stations



1:309,912

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	2 nd September 2014
Report of:	Director of Adult Social Care and Independent Living, Brenda Smith
Subject/Title:	Notice of Motion – Dementia
Portfolio Holder:	Councillor Janet Clowes, Care and Health in the Community

1.0 Report Summary

- 1.1 The following Notice of Motion, proposed by Councillor Janet Clowes and seconded by Councillor Stewart Gardiner, was submitted to Council at its meeting on 17 July 2014 and the motion stands referred to Cabinet:

“This Council will pro-actively maintain the momentum to ensure that the Borough becomes increasingly Dementia Friendly. The Council is proud to be leading the way nationally to ensure those living with Dementia and their carers have the support they need. The new plans for Dementia support are innovative and wide-ranging and will make a real difference by ensuring earlier diagnosis, support and reablement. The Council recently held a hugely successful event at Tatton Park which brought over 100 businesses and community leaders together to pledge to make Cheshire East Dementia Friendly; this is a landmark that sets the course for the call to action from the Council to help those with this debilitating illness and their carers.”

- 1.2 This report addresses the matters referred to in the motion.

2.0 Recommendation

- 2.1 Cabinet is requested to consider the above motion and to agree that further action be taken in response to it.

3.0 Reasons for Recommendation

- 3.1 To enable Cabinet to consider the matter raised in the motion and to propose any action that Cabinet may feel is appropriate.
- 3.2 To ensure that the work to make the Borough increasingly Dementia friendly continues.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 The decision in this report supports The Strategic Direction of Travel for Adult Social Care Services – Informal Support – as agreed at Cabinet of 4 February 2014. It contributes to the delivery of the Cheshire East Council Three Year Plan outcomes:

Outcome 1: Our Local Communities are Strong and Supportive.

Outcome 5: Local People Live Well and for Longer.

7.0 Implications for Rural Communities

7.1 None.

8.0 Financial Implications

8.1 None identified.

9.0 Legal Implications

9.1 There are two policies relevant to the recommendation:

Living well with Dementia: a National Dementia Strategy (Department of Health, 2009).

The Prime Minister's Challenge on Dementia: Delivering major improvements in Dementia care and research by 2015 (Department of Health, 2012).

9.2 The Council's statutory duty to comply with the provisions set out in the Equality Act 2010 should also be noted, as it applies to all Council rules and regulations.

Section 149 of the Act describes the public sector equality duty:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Subsection (3) says:

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

9.3 Finally, legal implications should be reviewed when the provisions of the Care Act 2014 come into force in April 2015.

10. Risk Management

10.1 None identified.

11.0 Background

11.1 The above motion refers to the need to continue the work started in June 2014 to make the Borough Dementia friendly.

11.2 A Cheshire East Council event took place at Tatton Park on 13 June 2014. The event was organised by Jill Greenwood, Commissioning Manager, and her team to raise the awareness of Dementia in Cheshire East and to encourage businesses and organisations to work together to make Cheshire East a Dementia friendly community.

11.3 Over 150 people attended the event to hear actress Judy Holt who appeared in "Coronation Street" as Lesley Kershaw, who lived with Dementia, talk about her role as a Dementia friend. The Leader,

Councillor Michael Jones, told the audience that Dementia now affects nearly all families – including his own and used the event to issue a challenge to all businesses and organisations in Cheshire East to do all they can to become Dementia-friendly. He also announced the creation of a new Dementia Action Alliance Co-ordinator at the Council to support local businesses and organisations in becoming more Dementia friendly.

- 11.4 One of our key speakers at the event was Dr Trevor Jarvis MBE. Dr Jarvis inspired many people at the event with his talk about his personal experience of living with Dementia. His two key messages were “adventure not Dementia” and he asked the audience when dealing with people with Dementia to always keep in their minds the acronym ‘CAR’ which stands for ‘Care, Assist, Respect.’
- 11.5 The event was extremely well received and Jill Greenwood and her team have had some fantastic feedback from many people who attended. The event inspired an incredible 61 pledges from different organisations and companies, detailing what they will do to become more dementia friendly. Feedback from Sainsburys, who attended the event, was that they “had learnt so much, they were really motivated to take all they had learnt away and share it with their management team and encourage them to look forward and develop Dementia training for all staff at Sainsburys”.
- 11.6 The Mayoress, who was in attendance with the Mayor of Cheshire East, Councillor Wesley Fitzgerald, shared with the audience that she had been inspired to take away some key messages from the event and she was going to make sure she shared those messages with her friends. Cheshire Fire and Rescue Service have contacted Jill and her team following the event to let her know that, following the event, they are now developing their Dementia Action Alliance Plan.
- 11.7 Jill Greenwood and her team in Adult Social Care Commissioning will be keeping the momentum from the event going and are sending a report to all 150 attendees with the next steps. The team will then be contacting everyone to offer support in moving forward with the pledges they made on the day. A group has been set up to ensure progress continues and further follow-up will take place later in the year.

12.0 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

Cabinet

Date of Meeting: 2nd September 2014

Report of: Lorraine Butcher, Executive Director of Strategic Commissioning

Subject/Title: Notice of Motion – Commonwealth Games Baton Relay

Portfolio Holder: Cllr Janet Clowes, Care and Health in the Community

1 Report Summary

- 1.1 The Council resolved at its meeting on 17 July 2014 that a motion made in relation to the Queens Commonwealth Baton Relay be referred to Cabinet. The motion is set out in paragraph 11.1 and this report provides the background details.

2 Recommendations

- 2.1 That Cabinet consider the merits of the motion set out in paragraph 10.2.
- 2.2 That Cabinet note the success of the visit by the Queen's Baton Relay in raising the profile of both the Council and the area of Cheshire East.

3 Reasons for Recommendations

- 3.1 To enable Cabinet to note the matter raised in the motion.

4 Wards Affected

- 4.1 Congleton Town.

5 Local Ward Members

- 5.1 Congleton Town.

6 Policy Implications

- 6.1 There are no policy implications.

7 Implications for Rural Communities

- 7.1 There are no implications

8 Financial Implications

- 8.1 The project costs were met within existing budgets.

9 Legal Implications

- 9.1 There are no legal implications.

10 Risk Management

- 10.1 There are no risk issues.

11 Background and Options

- 11.1 The following motion was proposed to Council at its meeting of 17 July 2014 by Councillor David Brown and seconded by Councillor Janet Clowes:-

“Cheshire East Council recognises all the hard work undertaken to make the recent visit to Congleton of the Queen’s Commonwealth Baton Relay such a resounding success and congratulates all those involved in making the bid for the Relay to come to Congleton. Over ten thousand local residents enjoyed a day in Congleton Park that resulted from the fantastic working together of officers from this Council, Congleton Town Council, Team Congleton, local sports groups, Everybody Sports & Recreation Trust, local businesses, schools and volunteers who together further raised the profile of both the Town and the Borough in such a positive way”.

- 11.2 In 2012 the Council hosted the Olympic Torch Relay which was branded under “Moment to Shine”. It was seen as a fantastic achievement (80,000 spectators) and allowed the local population to celebrate and enjoy not only an international event but also have pride at a local level. In 2013 the Queens Commonwealth Baton Relay was launched and as a previous 2012 Baton host we were asked to make a formal bid to host the CQBR in 2014. The success of 2012 was very much something that helped our bid and throughout 2013 the Council was constantly encouraged by Commonwealth England to submit a bid. In January of this year it was confirmed that Cheshire East would be hosting the Commonwealth Baton Relay.
- 11.3 The Queen's Baton Relay was launched at Buckingham Palace in October 2013, at a ceremony where Her Majesty the Queen placed her message to the Commonwealth into the Baton. The Baton travelled across 70 Nations and Territories covering 190,000 kilometres and lasted over 288 days
- 11.4 The Baton event took place on Saturday 31 May 2014 for four hours in Congleton Park. This site was chosen given its central location, its size to host an event, and with the proximity of both the indoor facilities at Congleton Leisure centre and the playing pitches of Hankinson’s Field. The event was

branded as one for the whole community with an emphasis on fun sporting activity for the ten thousand local residents who attended.

11.5 Volunteering

As with the Olympic Torch the event could not have been support had it not been for the volunteers and the event provided an opportunity for both established and new volunteers. During a two month lead in time over a hundred volunteers were trained in event stewarding which included joint work with Cheshire Police force who provided suspect package training and advice. Volunteers were competent to a level 2 qualification and all received certificates. The value "in kind" equated to over one thousand hours of volunteering.

11.6 Partnership Working

There was considerable partnership collaboration with the Cheshire Fire and Rescue Service and the police and ambulance services with meetings over several months supported and led by an Assistant Chief Inspector. Fire and Ambulance provided on the day support and inspections of the facility all done at no financial cost to the local authority or disruption to the day to day service. The work with the local highways authority Ringway Jacobs Cheshire East involved the preparation of a route plan and messages in advance of the Commonwealth Baton arriving and on the day road closure management..

Congleton Town Council and a local sporting group "Team Congleton" were also both involved in early discussions and were integral with support for such an event with promotion and messages being delivered by their networks.

Over two months four "road shows" were run for the local voluntary community clubs and private businesses to come and get involved. This led to twelve voluntary groups and eight private businesses attending on the day providing much needed support.

11.7 Schools involvement

Although the event was held in a Whit holiday break there was significant schools involvement of all thirteen local primary schools and the town's two secondary schools. On the day there was participation of over three hundred young people all involved in the event.

11.8 Legacy from the event

Although the event was a considerable success in itself which through the attendance of both local and national media coverage including the BBC further emphasised the image of Cheshire East, it also helped to cement a number of longer terms positives. These included –

- (i) The support we get from the blue light services and their commitment and support. The collaborative work with the Highways team and

partners allowed people to be informed and in fact complaints of disruption were recorded as none.

- (ii) The large number of voluntary sports clubs who were involved recorded an interest in their activity and followed up with increased memberships. The attendance by a number of national governing bodies of sport including badminton and swimming provided support to the fifteen sports activities that were on offer. Of those residents attending it is hoped that this activity helped to encourage a healthier lifestyle combined with increased physical activity even if this isn't necessarily through sport
- (iii) The additional number of new volunteers will continue to support events in Congleton and the wider Cheshire East area throughout the year.
- (iv) Although the event showed that there is already considerable community engagement and a strong community sector within Congleton the provision of new links into schools and sports groups will further strengthen this in particular for working on future initiatives in Congleton

12 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

Cabinet

Date of Meeting:	2 nd September 2014
Report of:	Head of Governance and Democratic Services
Subject:	Notice of Motion- Review of Cabinet System
Portfolio Holder:	Councillor J P Findlow-Governance Portfolio

1.0 Report Summary

- 1.1 On 17th July 2014 Council resolved to refer a Notice of Motion, relating to “Review of Cabinet System” to Cabinet for decision. This report provides details of the Motion and makes recommendations upon how Cabinet should respond.

2.0 Recommendations

- 2.1 That Cabinet give consideration to the Notice of Motion and decide how it wishes to respond.

3.0 Reasons for Recommendations

- 3.1 In order for a properly considered decision to be made.

4.0 Wards Affected

- 4.1 All wards would be affected by any change to the Cabinet system.

5.0 Local Ward Members

- 5.1 The subject matter of the Notice of Motion could potentially affect all local Ward Members.

6.0 Policy Implications

- 6.1 Any change to the Cabinet system would need to be approved by Council following a recommendation of the Constitution Committee.

7.0 Implications for Rural Communities

- 7.1 The matters referred to in this report could have implications for the Council’s rural communities.

8.0 Financial Implications

8.1 None directly applicable.

9.0 Legal Implications

9.1 Until such time as the details which underpin the Motion are clarified, it is not possible to identify the legal implications.

10.0 Risk Management

10.1 It is not possible to make a judgement as to the risks associated with the issues raised by the Notice of Motion unless and until more information is presented about its intentions.

11.0 Background and Options

11.1 On 17th July 2014, Council resolved to refer a Notice of Motion to Cabinet for determination.

11.2 The wording of the Motion, proposed by Councillor Murphy, and seconded by Councillor Brickhill, was as follows:

“That the Cabinet system be reviewed so that the next administration will have the option of a more democratic and inclusive alternative.”

11.3 From the text of the Motion it is not possible to understand what, in constitutional or governance terms, is being proposed. It will therefore be necessary for Cabinet to rely upon explanation from the proposer and/or seconder of the Motion, at the Cabinet meeting.

11.4 However a little more can be gleaned from comments made at Council by the proposer which, whilst very much summarised, centred around perceived imperfections in the Cabinet system, the emergence of ASDVs, and the perceived relationship between backbench Members and decision-making being “remote”.

12.0 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

Cabinet

Date of Meeting:	2 nd September 2014
Report of:	Head of Governance and Democratic Services
Subject:	Notice of Motion - Emergency Powers
Portfolio Holder:	Councillor J P Findlow-Governance Portfolio

1.0 Report Summary

- 1.1 On 17th July 2014 Council resolved to refer a Notice of Motion, relating to Emergency Powers, to Cabinet for decision. This report provides details of the Motion and makes recommendations upon how Cabinet should respond.

2.0 Recommendations

- 2.1 That no further action be taken in response to the Notice of Motion.

3.0 Reasons for Recommendations

- 3.1 The Officer Scheme of Delegation has, very recently, been approved by Council and the Council's general arrangements are sufficient to ensure that these powers are properly exercised..

4.0 Wards Affected

- 4.1 All wards.

5.0 Local Ward Members

- 5.1 The subject matter of the Notice of Motion could potentially affect all local Ward Members.

6.0 Policy Implications

- 6.1 The Council's approach to the use by officers of delegated powers, as set out in the Constitution, could potentially be affected by any decision made in response to the Notice of Motion.

7.0 Implications for Rural Communities

- 7.1 The matters referred to in this report could have implications for the Council's rural communities.

8.0 Financial Implications

- 8.1 No direct financial implications would appear to arise in connection with the Notice of Motion.

9.0 Legal Implications

- 9.1 Any changes to the powers of officers under the Scheme of Officer Delegation would necessitate a recommendation of the Constitution Committee and a resolution of Council.

10.0 Risk Management

- 10.1 Removal or reduction of the powers delegated to officers to take urgent action would create risk for the Council in that it may be necessary to convene a meeting of the appropriate decision-making body before such action could be taken. Delays associated with this would present a risk to the Council.

11.0 Background and Options

- 11.1 On 17th July 2014, Council resolved to refer a Notice of Motion to Cabinet for determination.

- 11.2 The wording of the Motion was as follows:

“That the Constitution Committee carefully define ‘emergency’ so that emergency powers are used only in a real emergency.”

The Motion was proposed by Councillor Arthur Moran and seconded by Councillor David Brickhill.

- 11.3 Councillor Moran was asked to clarify the reasoning behind the motion and responded as follows:

“My Group are concerned that officers are using emergency powers when there is no emergency, they used it recently to withdraw the sole reason for refusal of a large housing estate application.

This contradicted a decision made by the Planning Committee. They did have time to discuss this with the Committee but they did not take this opportunity and made the decision.

We believe it was wrongly used to purchase the Royal Mail depot in Crewe.

The objective is to ensure that decisions which have been made by Members are not reversed without their consent, also to stop decisions being made by officers that should of been made by Council or the appropriate Committee.

Therefore we would request that the motion is referred to the Constitution Committee”.

- 11.4 Whilst the Notice of Motion refers to the use by officers of “emergency powers”, there are very few uses of this term in the officer scheme of delegation eg the taking of “emergency action” in respect of dangerous buildings. However, there are many powers which are delegated to officers and which apply to circumstances of “urgency” eg dealing with enforcement work and demolitions. It would therefore appear to be the case that the use of the term “urgency” can be regarded as applicable to the Notice of Motion.
- 11.5 At its meeting on 14th May, Council agreed the current officer scheme of delegation. Council has therefore very recent agreed the powers which it wishes to be exercised by officers, having received an appropriate recommendation from the Constitution Committee.
- 11.6 The reasons submitted in support of the Notice of Motion, by its proposer, state that “the objective is to ensure that decisions which have been made by Members are not reversed without their consent, also to stop decisions being made by officers that should (have) been made by Council or the appropriate Committee”. Clearly, officers must only be permitted to exercise powers which are delegated to them by Council, through the Constitution, and in accordance with the Constitution. However officers are empowered to take urgent action without the need to seek authority from a committee or other decision- making body in order to ensure that, in circumstances of urgency, there are no delays in such action being taken.
- 11.7 The wording of the formal Notice of Motion implies that the powers delegated to officers should be revisited in order to ensure that (urgency) powers are correctly used. It is clearly of key significance to ensure that all Council decision-making arrangements properly adhere to the limits set out in the Constitution, as approved by Council. However, this is the role of the Council’s statutory officers, and of the Constitution and Audit and Governance Committees.
Council has, very recently, approved the most recent version of the Officer Delegation Scheme, which sets the limits of powers delegated to Council officers, and other Council arrangements are sufficient to ensure that these powers are properly exercised.
- 11.8 This report therefore recommends that no further action is taken in response to the Notice of Motion.

12.0 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

Cabinet

Date of Meeting:	2 nd September 2014
Report of:	Head of Governance and Democratic Services
Subject/Title:	Notice of Motion – Changes to Meeting Venues
Portfolio Holder:	Councillor J P Findlow, Governance

1.0 Report Summary

- 1.1 The following Notice of Motion, proposed by Councillor Simon McGrory and seconded by Councillor Penny Butterill, was submitted to Council at its meeting on 17 July 2014 and stood referred to Cabinet for consideration:-

“The Council expresses dissatisfaction that the Southern Planning Committee, not for the first time, was displaced from its established meeting room which had been booked a year in advance. Instead it had to use the Library with no sound system and delayed IT. This was to make way for an appeal hearing which could and should have been accommodated elsewhere.

If a Council committee is booked for a specific venue, under no circumstances should it be relocated elsewhere unless the room is made unavailable by an emergency such as a fire”.

- 1.2 This report addresses the matters referred to in the motion.

2.0 Recommendation

- 2.1 Cabinet is requested to consider the above motion and to agree that no further action be taken in response to it.

3.0 Reasons for Recommendation

- 3.1 To consider the matter raised in the motion and to propose any action that Cabinet may feel is appropriate.

4.0 Wards Affected

- 4.1 N/A

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications

- 6.1 Any changes to Council procedure Rules would need to be subject to a recommendation of the Constitution Committee and a resolution of Council

7.0 Implications for Rural Communities

- 7.1 None.

8.0 Financial Implications

- 8.1 None identified.

9.0 Legal Implications

- 9.1 None identified.

10.0 Risk Management

- 10.1 Changes to the current Rules by the imposition of a requirement that meeting venues should only be changed where there is an “emergency” would create risk to the way in which Council business is conducted, where there are good reasons for changes in venues.

11.0 Background and Options

- 11.1 The above motion refers specifically to changes to the venue of a Southern Planning Committee meeting, but relates to all Council Committees. Venues for all of the Council’s public meetings are posted on Council’s website and are also included on a notice, which is displayed on various Council notice boards. Rule 26.1 of the Committee and Sub-Committee Procedural Rules states that “Meetings of Committees and Sub-Committees will be set out in the Calendar of Meetings, approved by the Council under Procedure Rule 1.1. There will be a presumption against alterations to the date, time and venue for meetings”.
- 11.2 With regard to planning committees only, the Protocol on Public speaking rights at Strategic Planning Board and Planning Committees, contained within the Council’s Constitution, states that the Southern Planning Committee usually meets at the Municipal Buildings, Crewe and the Northern Planning Committee at Macclesfield Town Hall, but as venues and start times of the meetings are subject to change, members of the public are reminded that it is important to check the details on the relevant agenda, or to contact officers for confirmation. The default venue for meetings of the Strategic Planning Board is Macclesfield Town Hall. However, some meetings are held at the Municipal Buildings, Crewe; the venue for each individual meeting being at the Chairman’s discretion, having regard to the number of planning matters which are to be considered at the meeting in question, the proximity of the development sites to the two meeting venues and the scale of the proposed development. Occasionally it is necessary for meetings to be held at a larger venue, when a large public attendance is anticipated. Again, members of the public are advised to check the details on the relevant agenda, as published on the Council’s website, or to contact officers for confirmation.

- 11.3 It is clear that changing meeting venues should be avoided, wherever possible. However, there will be some occasions when it will be necessary to relocate venues. For example, a number of meeting rooms are required during the election period and for other important Council events, such as the current Local Plan examination. It is also sometimes necessary to relocate meetings if a large public attendance is anticipated. If a venue is to be changed, Democratic Services Officers will inform Members as soon as possible, giving the reasons for the change.

In the example referred to in the Motion, the reason for the change in the venue of the Southern Planning Committee meeting was that a Planning Inquiry was scheduled to take place over a number of days and the room would not have been available in time for the Committee meeting to take place there. The Council Chamber, at the Municipal Buildings in Crewe is considered to be the most suitable venue for Planning Inquiries in the South of the Borough, in terms of the location and the facilities available. The request to use the Council Chamber (the usual venue for Southern Planning Committee meetings) would have been made when the Planning Department was notified by the Planning Inspectorate of Inquiry dates. Inquiries currently last between 3 to 8 days and the Planning Inspector prefers to use the same venue for the whole Inquiry, as all sides have large amounts of documentation, which needs to be stored securely.

- 11.4 The wording of the motion if accepted would create inflexibility from an operational perspective. It would also create uncertainty, given the proposed qualification that venues should only be changed in an "emergency such as a fire".
- 11.5 It is considered that the existing constitutional provisions, which presume against alterations to the date, time and venue of meetings is sufficient to address the matters referred to in the motion.

12.0 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

Cabinet

Date of Meeting:	2 nd September 2014
Report of:	Brian Reed, Head of Governance and Democratic Services
Subject/Title:	Notice of Motion - Members' Handbook
Portfolio Holder:	Cllr J P Findlow, Governance

1.0 Report Summary

- 1.1 At Council on 17 July 2014, a Notice of Motion was submitted by Councillors Penny Butterill and Andy Barratt requesting that the Members' Handbook be published in hard copy to all Members.
- 1.2 This report outlines a potential way forward in relation to the publication and distribution of the Members' Handbook.

2.0 Recommendations

- 2.1 That when elected to the Council, Members be provided with an electronic (PDF) copy of the Handbook which they can store on their Council provided computer and that updates be issued in the same way. In addition it is recommended that a paper reference copy be maintained in the Members' Room at Westfields and that a copy be made available via the Intranet.

3.0 Reasons for Recommendations

- 3.1 All Members have a Council provided computer and printer, in addition providing paper updates of the Handbook to all Members would be a very labour intensive exercise, and would militate against the Council's desire to reduce dependence on printed material.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 Not applicable

6.0 Policy Implications

- 6.1 Not applicable

7.0 Implications for Rural Communities

7.1 Not applicable.

8.0 Financial Implications

8.1 In terms of staff time, printing and postage the provision a hard copy of the Handbook to all Members, and keeping this updated would not be insignificant.

9.0 Legal Implications

9.1 There are no legal implications to the recommendations contained in this report.

10.0 Risk Management

10.1 There are no risk management implications to the recommendations contained in this report.

11.0 Background and Options

11.1 The Members' Handbook provides a range of information for Members of the Council. The Handbook has sections providing information on Council senior Officers, Member contact details, Committees, outside organisations, Town and Parish Councils, neighbouring local authorities and information on MPs, MEPs and Government Departments.

11.2 The Handbook is mainlined by Governance and Democratic Services and is made available to Members via the intranet. It is updated, on average about 30 times a year; with the updated information being immediately available via the Intranet.

11.3 Upon election to the Council all Members are currently provided with a hard copy of the Handbook. It is recommended that this be discontinued and that the Council move to a position where the handbook is issued in electronic (PDF) form and via the Intranet. The practice of issuing paper updates ceased some time ago, reflecting both the cost of their production and the fact that all Members have a Council provided / funded computer, printer and a broadband connection.

11.4 It is recommended that a paper reference copy is maintained in the Members' Room at Westfields.

12.0 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

Cabinet

Date of Meeting:	2 nd September 2014
Report of:	Brian Reed, Head of Governance and Democratic Services
Subject/Title:	Notice of Motion – Use of iPads and Tablet computers
Portfolio Holder:	Cllr J P Findlow, Governance

1.0 Report Summary

- 1.1 At Council on 17 July 2014, a Notice of Motion was submitted by Councillors Simon McGrory and Michelle Sherratt requesting that iPads or suitable alternative tablets should be made available to Members at the earliest opportunity
- 1.2 This report outlines the options that are open to the Council in relation to the extended use of tablet computers by Members.

2.0 Recommendations

- 2.1 This report recommends that the Council agrees in principle to the rollout of tablet computers to all Members as soon as is feasible.

3.0 Reasons for Recommendations

- 3.1 Tablet computers provide an easy to use and very accessible way for Members to access e-mails, Council papers and the Internet. However, the rollout of such devices has a cost (both the cost of the tablet itself and the infrastructure and software licences that support them) and requires support from the Council's ICT service and from Governance and Democratic Services. In addition to use of such devices to date has demonstrated that connectivity has not always been as robust as would be desired. For these reasons a phased rollout would be required.

4.0 Wards Affected

- 4.1 All wards.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

6.1 Not applicable.

7.0 Implications for Rural Communities

7.1 Not applicable.

8.0 Financial Implications

8.1 A phased rollout of tablet computers could be met from existing budgets.

9.0 Legal Implications

9.1 There are no legal implications to the recommendations contained in this report.

10.0 Risk Management

10.1 Appropriate ICT security measures are in place to safeguard Council tablet computers against inappropriate use. However, part of the rollout to Members would include a detailed briefing on the way in which these devices should be used and the data protection implications of using them.

11.0 Background and Options

11.1 A small number of Members already use tablet computers and their use over an extended trial period suggests that they can provide a very effective tool to enable them to undertake their duties efficiently and flexibly. Such devices provide a secure and safe way for Council business to be transacted. However, connectivity has not always been as robust as would have been desired.

11.2 Any rollout of tablet computers would need to be phased to meet budget constraints and ensure that the necessary infrastructure and support was in place at the appropriate time. A rollout timetable would also need to recognise that there will be newly elected Members following the Council wide elections in May 2015.

11.3 The Members IT Panel, chaired by Councillor David Brown, would appear to be well placed to oversee the rollout of tablet computers to Members.

12.0 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

Cabinet

Date of Meeting:	2 nd September 2014
Report of:	Director of Economic Growth and Prosperity/Chief Operating Officer
Subject/Title:	Strategic Land Acquisitions in support of the Council Waste Strategy
Portfolio Holder:	Cllr Peter Raynes, Finance Portfolio Holder

1. Report Summary

- 1.1. This report seeks approval to acquire strategic land assets for the Council that would support the council's Waste Strategy; enhancing services delivered by the Council's wholly owned company Ansa Environmental Services Ltd, contribute to economic growth and regeneration, and ensuring the Council is putting its residents first.
- 1.2. The acquisition of strategic land assets will have the benefit of minimising landfill and supporting energy from waste initiatives and carbon reduction plans. It would act as a catalyst to embed culture change, create economies of scale, improve services and reduce long term costs for Cheshire East residents.
- 1.3. The acquisition of land assets must be aligned with the Council's Strategic Asset Management Plan.
- 1.4. A strategic approach to asset management for the Council's Environmental Operations will enable the Council to bring forward new employment opportunities and boosting the local economy; supporting the achievement of Priority 2, *Cheshire has a strong and resilient economy*.
- 1.5. The acquisition of strategic sites as part of the Council's Environmental Operations change programme would be fully funded from the approved Capital Programme and overall Medium Term Financial Strategy, with funding being drawn down from the combined £9.5m North and South Depot Infrastructure project budgets, having been approved by full Council in February 2014.
- 1.6. All acquisitions will be undertaken on a non-speculative basis – i.e. linked to a specific end use to deliver against Council priorities.

2. Recommendations

- 2.1 That delegated approval be given to the Director of Economic Growth and Prosperity and the Chief Operating Officer, in consultation with the Executive Director of Strategic Commissioning and Finance Portfolio Holder to acquire strategic land assets at a price that does not exceed the open market value.
- 2.2 That the value of a site be determined by the externally appointed Valuer and approved by the Asset Management Service via formal report, making allowances for any benefits or disbenefits and associated ancillary costs of acquisition.
- 2.3 That delegated approval be given to Director of Economic Growth and Prosperity to authorise any necessary initial feasibility works and related activities, including site clearance, subject to an offer on a site being accepted by the Vendor.
- 2.4 That delegated approval is given to the Director of Economic Growth and Prosperity to drawdown funding from the combined £9.5m budget of the North and South depot projects to acquire strategic sites to support the existing and future operational needs of the council's waste delivery programme.

3. Reasons for Recommendations

- 3.1 The acquisition of strategic land assets to support economic growth and delivery of council initiatives is consistent with the objectives of Council's Strategic Asset Management Plan. This activity will directly contribute to the Outcome 2, *Cheshire East has a Strong and Resilient Economy*. It will facilitate the delivery of the Council's change programmes, supporting economic growth and putting residents first.
- 3.2 The acquisition of strategic land assets will support the delivery of the council's waste strategy and is consistent with both the objectives of the Corporate Landlord project and the Environmental Operations Change Programme, providing an opportunity to improve the supporting depot infrastructure, the service Ansa provides and its financial performance. It will provide a platform for service continuity and resilience, increased efficiency, improved supplier pricing and carbon reduction, all supporting the Council's Sustainability aspirations.

4. Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All wards

6.0 Policy Implications

6.1 The proposal is consistent with current Council policy

7.0 Implications for Rural Communities

7.1 The proposal will offer new employment opportunities to surrounding rural communities fostering economic growth.

8.0 Financial Implications

8.1 The site acquisitions are fully funded from the approved Capital Programme and overall Medium Term Financial Strategy, with funding being drawn down from the combined £9.5m North and South Depot Infrastructure project budgets. These budgets were approved at full Council meeting in February 2014. It should be noted outcomes associated the budget allocations remain unchanged.

8.2 It will be ensured that development costs required to realise the full strategic and operational potential of the site are affordable; taking into account existing budget provision and the potential for additional capital receipts and enhanced savings as a result of wider strategic asset management plan.

8.3 In addition to capital costs for a site acquisition revenue holding costs (e.g. National Non-Domestic Rates, Security Costs, Utilities Standing Charges, etc) for the period between purchase and strategic asset becoming operational need to be considered.

9.0 Legal Implications

9.1 The acquisition of strategic land assets will be undertaken in accordance with the council's contract and procedure rules.

9.2 Conveyancing: There are likely to be overage/development clawback provisions which will need to be considered on a site-by-site basis.

9.3 Legal advice should be considered as the project progresses and before and contracts are concluded.

9.4 Equality Impact Assessment: There are no known equality impacts from this proposal.

10.0 Risk Management

10.1 Foreseeable risks associated with the strategic land acquisitions will be mitigated through formal project management and appropriate due diligence with relevant consultants and the vendor(s). Should a bid be successful it would be subject to the conclusion of negotiations of the contract.

- 10.2 Planning Permission: Independent planning advice will be procured to assess the viability that the strategic land assets can be used their intended purpose as part of the council's waste strategy..
- 10.3 Site Inspection: Strategic land acquisitions will be subject to appropriate site investigation reports. Any agreed costs of remediation will be deducted from the purchase price.
- 10.4 Value Risk: The value of strategic asset investments can go up or down according to market conditions prevailing at the time. It cannot be guaranteed that the future sale of the asset would recover the acquisition costs. This will be mitigated by establishing more economically viable uses of the site and closely monitoring market trends.

11.0 Background and Options

- 11.1 In 2012/13 the Council conducted a review of its Waste and Recycling, Streetscape and Fleet Services resulting in the formation of Ansa Environmental Services Ltd (Ansa) and the set up of an Environmental Operations Change Programme linked to Outcome 4, Priority 6
- 11.2 The requirement for improved depot infrastructure has been set out in a series of cabinet papers in June and October 2013 and February 2014. The North and South depot proposals have been endorsed through EMB in September 2013. These papers relate to the creation of a new North depot including a Waste Transfer Station with a potential budget of £7M and the redevelopment of the South depot including a new Waste Transfer Station with a potential budget of £2.5M.
- 11.3 Resolution 7 in the October 2013 Cabinet paper gave delegated approval to commence the detailed implementation of the depot proposals for the North and the South. The capital funding required to facilitate this was approved in the full Council meeting in February 2014
- 11.4 As part of the Council's Strategic Asset Management Plan approval is sought to acquire strategic land assets to support the council's Waste Strategy. This would enhance services delivered by the Council's wholly owned company Ansa Environmental Services Ltd and improve the depot infrastructure, contributing to economic growth and regeneration, and ensure the Council is putting its residents first.
- 11.5 The acquisitions are non speculative and will support the delivery of the council's waste initiatives. The value of a site will be determined by the externally appointed Valuer and approved by the Asset Management Service via formal report, making allowances for any benefits or disbenefits and associated ancillary costs of acquisition.

11.6 Investment to acquire strategic land assets will enable the Council to bring forward new employment opportunities and boosting the local economy; supporting the achievement of Priority 2, *Cheshire has a strong and resilient economy*.

11.7 This decision is subject to the relevant provisions of the Council's Constitution.

12.0 Access to Information

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

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