

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
Held on Tuesday, 13th May, 2008 in the
Council Chamber, Municipal Buildings, Earle Street, Crewe

PRESENT

Councillor Mrs M Simon (Chairman)
Councillor G Baxendale (Vice Chairman)

Councillors

Mrs E Alcock, Miss C Andrew, A Arnold, M Asquith, Mrs R A Bailey,
Mrs R Bailey, A Barratt, G Barton, C Beard, T Beard, D Bebbington, D
Beckford,
Mrs S Bentley, D Brickhill, S Broadhurst, D Brown, D Cannon, R Cartlidge,
S Conquest, J Crockatt, H Davenport, M Davies, R Domleo, B Dykes, P
Edwards,
P Findlow, W Fitzgerald, R Fletcher, Mrs D Flude, Miss S Furlong, L Gilbert,
Mrs E Gilliland, J Goddard, B Grange, J Hammond, M Hardy, Mrs M Hollins,
D Hough, Mrs E Howell, Ms O Hunter, Mrs T Jackson, J Jones, Mrs S Jones,
F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, Mrs M
Martin,
P Mason, S McGrory, A Moran, B Moran, H Murray, J Narraway, D Neilson, R
Parker,
M Parsons, T Ranfield, A Richardson, B Silvester, Mrs L Smetham, D
Stockton,
Mrs D Thompson, C Thorley, A Thwaite, Mrs C Tomlinson, D Topping, R
Walker,
G Walton, Mrs J Weatherill, R West, R Westwood, P Whiteley, and J Wray.

Apologies

Councillors Mrs H Gaddum, R Menlove and Mrs G Merry

1 CHAIRMAN OF THE COUNCIL

It was moved and seconded that Councillor Margaret Simon be appointed
Chairman of the Cheshire East Shadow Council for the ensuing year.

RESOLVED

That Councillor Margaret Simon be appointed Chairman of the Cheshire
East Shadow Council for the year until April 2009.

2 VICE-CHAIRMAN OF THE COUNCIL

It was moved and seconded that Councillor Gordon Baxendale be appointed Vice-Chairman of the Cheshire East Shadow Council for the ensuing year.

RESOLVED

That Councillor Gordon Baxendale be appointed Vice-Chairman of the Cheshire East Shadow Council for the year until April 2009.

3 ADOPTION OF A MEMBER CODE OF CONDUCT

Consideration was given to the adoption of a Member Code of Conduct and to the General Principles of Conduct which, whilst not being part of the Code itself, were included in the Constitution.

RESOLVED

1. That the Code of Conduct, as contained in the Appendix to the report, be adopted as the Code of Conduct for Members of the Shadow Council, and be included in the Shadow Council's Constitution.
2. That the General Principles of Conduct be included in the Shadow Council's Constitution, but not as part of the Code of Conduct itself.

4 DECLARATIONS OF INTEREST

Julie Openshaw declared an interest in minute 7 by virtue of being recommended for designation as the Interim Monitoring Officer for the Shadow Council.

Lisa Quinn declared an interest in the same item by virtue of being recommended for designation as the Interim Chief Financial Officer for the Shadow Council.

They both left the meeting during consideration of this item.

5 ADOPTION OF CONSTITUTION

Consideration was given to a recommendation from the Joint Committee that the content of the Constitution be agreed. An amendment was, however, made to Rule 17.1 of the Shadow Councils Procedure Rules whereby appointments of the Chairmen and Vice-Chairman of the Committees would be made by the Committees themselves, not by the Shadow Council.

RESOLVED

1. That, with the exception of an amendment to Rule 17.1 of the Shadow Council's Procedure Rules, and elsewhere as necessary, to provide that appointments of the Chairman and Vice Chairmen of Committees shall be made by the Committees themselves, not the Shadow Council, the Shadow Council agrees the content of the Constitutional documents submitted and adopts them as its Constitution.
2. That the Shadow Councils Interim Monitoring Officer be authorised to make the amendments described at 2.1.1, and such other minor and consequential amendments to the drafting of the constitutional documents as she considers are necessary to facilitate the business of the Shadow Council.

6 COMMITTEE AND OTHER STRUCTURES

The agreement of the Shadow Council was sought to its proposed Committee and other structures and consideration was given to a report and appendices setting out that proposed structure and to the proposed terms of reference.

RESOLVED

1. That the following bodies be appointed with the terms of reference and powers set out in Appendix B to the report, subject to any amendments which the Shadow Council may have agreed as part of the earlier report on Adoption of the Constitution:
 - Cabinet
 - Staffing Committee
 - Scrutiny Committee
 - Standards Committee
 - Governance and Constitution Committee
 - Joint Liaison Committee
2. That a Member Learning and Development Panel be appointed to oversee and agree the Shadow Council's Member learning and development programme, and to develop the approach towards Member learning and development which may be adopted by the Cheshire East unitary authority.
3. That three Cabinet advisory panels be appointed, each chaired by a portfolio holder, with a cross-party politically-proportional membership, having responsibility to provide advice to the Cabinet in the following areas of the implementation project:
 - People
 - Places
 - Performance and Capacity.

4. That the size and composition of the committees and bodies referred to above be agreed as detailed in the later item (Minutes 12 refers).
5. That, in respect of the Shadow Council's Standards Committee, and following on from the recommendations contained in paragraphs 6.1 and 6.2 of the report to the Political Structures Sub-Group, the Standards Committee shall comprise:
 - 5 Statutory Independent Members (including Chairman);
 - 3 parish/town Council representatives; and
 - 8 Elected Members.
6. That two Sub-Committees of the Standards Committee be established to deal with the various roles, both chaired by Independent Members and drawn, from time to time, from the pool of 16 Members, and constituted in accordance with relevant legal requirements (e.g. with a Parish/Town Council Representative as necessary).
7. That the recruitment process for Parish/Town Council representatives and Independent Members be taken forward by the Interim Monitoring Officer as soon as soon as possible.
8. That the Shadow Council shall appoint a Leader, a Deputy and 8 other Cabinet Members, and that portfolios be allocated to them in due course by the Shadow Council.

7 DESIGNATION OF INTERIM MONITORING OFFICER AND INTERIM CHIEF FINANCE OFFICER

(Julie Openshaw and Lisa Quinn had declared an interest in this item and left the meeting during its consideration).

Consideration was given to a report asking for confirmation to be given to the designation of the Interim Monitoring Officer and the Interim Chief Financial Officer for the Shadow Council.

RESOLVED

1. That Macclesfield Borough Council's Monitoring Officer be designated as the Interim Monitoring Officer for the Shadow Council.
2. That Macclesfield Borough Council's Chief Finance Officer be designated as the Interim Chief Finance Officer for the Shadow Council.

8 PROPER OFFICERS

Consideration was given to the appointment of designated officers as Proper Officers under legislative requirements. An Appendix to the report listed the required appointments.

RESOLVED

That approval be given to the list of designated officers to the office of Proper Officer under each of the stated legislative provisions as listed.

9 LEADER OF THE COUNCIL

It was moved and seconded that Councillor Wesley Fitzgerald be appointed Leader of the Cheshire East Shadow Council for the ensuing year.

RESOLVED

That Councillor Wesley Fitzgerald be appointed as Leader of the Cheshire East Shadow Council for the ensuing year.

10 DEPUTY LEADER OF THE COUNCIL

It was moved and seconded that Councillor Roland Domleo be appointed Deputy Leader of the Cheshire East Shadow Council for the ensuing year.

RESOLVED

That Councillor Roland Domleo be appointed Deputy Leader of Cheshire East Shadow Council for the ensuing year.

11 LEADERS OF POLITICAL GROUPS

The Leaders and Deputy Leaders of the Political Groups were announced as follows:-

	Leader	Deputy Leader
Conservative Group	Wesley Fitzgerald	Roland Domleo
Liberal Democrat Group	Ainsley Arnold	Rod Fletcher
Labour Group	Dorothy Flude	Steven Conquest
Independent Group	Paul Edwards	Michael Parsons

RESOLVED

That the Leaders and Deputy Leaders of the Political Groups be noted.

12 POLITICAL PROPORTIONALITY AND APPOINTMENT OF CABINET/EXECUTIVE AND COMMITTEES

Consideration was given to a report on the political proportions of the Council, the size of Committees, and to the appointment of Members to the Cabinet and to Committees. A paper listing the proposed appointments was circulated at the meeting and it was recommended that the appointment of Chairman and Vice Chairman of the Committees be made at the first meeting of each of the Committees.

RESOLVED

1. That the size of each of the Committees be agreed as set out in the report.
2. That approval be given to the Shadow Council's allocation of seats to political groups.
3. That Members be appointed to the Cabinet as set out in the report circulated, and attached to these minutes.
4. That appointments be made to the Governance and Constitution Committee, Scrutiny Committee, Staffing Committee and Joint Liaison Committee in accordance with the political proportions allocated, and as set out in the report circulated and attached to these minutes.
5. That Members be appointed to the Standards Committee as set out in the report circulated and attached to these minutes.
6. That the Chairmen and Vice Chairman of each Committee be appointed at the first meeting of each Committee.

13 MEMBERS ALLOWANCES SCHEME

Consideration was given to a report advising on progress made regarding the adoption of the Members Allowances Scheme for the shadow period. With regard to the decisions requested Members were asked to defer making a decision on the payment of an interim basic allowance so as to allow Cheshire County Council's Independent Remuneration Panel to complete its review of the scheme and to report to the next meeting of the Council.

RESOLVED

1. That a decision on the interim basic allowance for the shadow period be deferred until the next meeting of the Council.

2. That approval be given to the application of the County Council's rates for travel and subsistence allowances.

14 CALENDAR OF MEETINGS AND VENUES FOR SHADOW COUNCIL MEETINGS

The calendar of meetings and venues where known was submitted. With regard to the meetings of the Shadow Council it was recommended that meetings in the months to the end of October start at 6.00 pm, and that they then move to 2.00 pm for the remainder of the winter.

RESOLVED

That the calendar of meetings, and times where known, be noted.

15 PAY, GRADINGS & CONDITIONS OF EMPLOYMENT

The Chairman confirmed that by reason of special circumstances, in order to allow the early development of Cheshire East Council's approach to pay and grading, in accordance with S1000B (4)(b) of the Local Government Act she was of the opinion that the item should be considered at this meeting as a matter of urgency.

The Appendix to this report however was not for publication as it contained exempt information as defined in Schedule 12A to the Local Government Act 1972 in relation to information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

RESOLVED

That approval be given to the consideration of this report as an exempt item and that the press and public therefore be excluded from the meeting.

16 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED

That in accordance with Section 100(A) (4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it will involve the likely disclosure of exempt information in accordance with paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972. (Paragraph 4 relates to information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a minister of the Crown and employees of, or office holders under the authority).

17 PAY, GRADINGS & CONDITIONS OF EMPLOYMENT - CONTINUED
FROM ITEM 15A (EXEMPT APPENDICES)

Consideration was given to a report on this subject.

RESOLVED

That approval be given to the recommendations set out in the Appendix to the report.

18 COMMITTEE PLACES 2008/2009 REPORT