

# **CHESHIRE EAST COUNCIL**

## **Minutes of a meeting of the Council**

held on Wednesday, 30th July, 2008 at 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, Mrs R Bailey, A Barratt, 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, Mrs D Flude, Miss S Furlong, Mrs H Gaddum, L Gilbert, Mrs E Gilliland, J Goddard, J Hammond, M Hardy, Mrs M Hollins, D Hough, J Jones, Mrs S Jones, F Keegan, A Knowles, A Kolker, W Livesley, P Mason, S McGrory, R Menlove, Mrs G Merry, A Moran, B Moran, H Murray, J Narraway, D Neilson, R Parker, M Parsons, A Ranfield, A Richardson, B Silvester, Mrs L Smetham, D Stockton, Mrs D Thompson, C Thorley, A Thwaite, Mrs C Tomlinson, D Topping, R Walker, J Walton, Mrs J Weatherill, R West, R Westwood, P Whiteley and J Wray

### **20 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M Asquith, Mrs R Bailey, G Barton, R Fletcher, Mrs B Howell, Ms O Hunter, Mrs T Jackson, J Macrae, A Martin and Mrs M Martin.

### **21 MINUTES OF PREVIOUS MEETING**

**RESOLVED** - The minutes of the meeting of the Council held on 13 May 2008 be confirmed as a correct record and signed by the Chairman.

### **22 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman referred with sadness to the death on 12 June, of the Cheshire East and former Cheshire County Councillor Bert Grange, a representative of the Knutsford Division. The Chairman referred to his well attended memorial service and the high esteem Councillor Grange had been held in by all his colleagues and residents of Knutsford. She extended on behalf of the Council, her sympathy to his wife Celia and the rest of his family.

Members then paid their own tributes to Councillor Grange and stood in silence for a minute in his memory.

## **23 RECORDS OF DECISIONS OF THE CABINET AND MINUTES OF OTHER COMMITTEES**

It was moved and seconded that the Minutes of the following Committee meetings and the Executive decisions as referred to within the Council Minute Book be received:-

Staffing Committee	20 May 2008
Cabinet	21 May 2008
Staffing Committee	4 June 2008
Governance and Constitution Committee	9 June 2008
Cabinet	16 June 2008
Scrutiny Committee	3 July 2008

## **24 DECLARATIONS OF INTEREST**

There were no declarations of interest made at this stage of the proceedings.

## **25 PUBLIC SPEAKING TIME/OPEN SESSION**

It was reported that, in accordance with Procedure Rules Nos.11 and 35, Mr Byron Evans of Crewe had given prior notice of his wish to ask questions at this meeting in relation to the following matters and spoke to them at the meeting: -

- Members Allowances – to ask the Council to consider amending the Constitution so that it had to abide by the decision of the Independent Remuneration Panel;
- Constitution: sharing of information between Councillors – does this conflict with the Code of Conduct on disclosure of information?
- Lack of information to the General Public regarding the timetable of meetings and availability of agenda to the Public

The Leader of Council responded to the matters raised as follows:

As many Members will be aware, the Cheshire (Structural Changes) Order applied Cheshire County Council's Scheme of Member Allowances to the Shadow Council in the first instance. The Local Authorities (Member Allowances) Regulations also apply to the Shadow Council. These Regulations provide for an Independent Remuneration to be established in order to make recommendations upon the Shadow Council's allowances schemes.

The Regulations say that the Shadow Council must "have regard" to the recommendations of the Independent Remuneration Panel before it makes or

amends its Scheme of Allowances, but that is all. There is no requirement upon the Shadow Council to adopt all of the Panel's recommendations without amendment. In this case, the Independent Remuneration Panel acknowledged that the Shadow Council would want to exercise some discretion over certain allowances, hence the recommendations before the Council today.

With regard to the question about the sharing of confidential information between Shadow Councillors, I think that Councillor Evans has perhaps misunderstood Article 2 of the Shadow Council's Constitution.

This provision was taken from the Model Constitution prepared by the Government Department and says that Shadow Councillors shall not divulge confidential information to anyone other than Shadow Councillors or others who are "legally entitled to know it".

The only circumstances in which a Shadow Councillor could divulge confidential information to a colleague Shadow Councillor would be where that colleague was "legally entitled to know" ie he/she was a member of the relevant committee, or for some other legally justified reason.

Turning to the question about availability of information to members of the public about Shadow Council meetings and hard copy documents, I believe that whilst there is always opportunity to improve, we are doing a good job in both areas.

The Shadow Council has a website which makes available to all Members of the public full information about when Shadow Council meetings will take place. Copies of agendas and reports are also available to those individuals at the touch of a button.

For those without access to the internet, hard copies of all agendas and public reports are made available at the various Council offices around the Shadow Council's area. If individuals wish to take away a set of papers, they are permitted to do so, and this is written into the Constitution at page 59.

Relevant details of forthcoming meetings are also publicised in hard copy form, with copies being provided to public libraries and information points.

It is right to say that we presume many people will want to view copies of agendas and reports on-line. Many people find this the most convenient way of looking at documents as it removes the need for them to attend the Council offices in order to do so. It is also an indicator of the Shadow Council's approach to conserving natural resources and avoiding the waste of paper.

## **26 NOTICES OF MOTION**

There were no Notices of Motion submitted.

## **27 CONSTITUTIONAL ISSUES: CHANGES TO PORTFOLIOS**

Consideration was given to a report from the Leader of Council detailing the proposed allocation of Portfolio responsibilities to the Shadow Council's individual Cabinet Members. It was not intended at this stage to empower individual Members to take Executive decisions. Unless and until any further constitutional

changes take place, such decisions would continue to be taken collectively by the Cabinet.

The appendix to the report set out details of the services for which Cabinet members were to be responsible together with key dependencies where the lead was a different Portfolio Holder. The Leader of the Council would not have specific Portfolio responsibilities.

It was **RESOLVED** -

- 1 Portfolios of responsibility be allocated to the Shadow Council's Cabinet Members in accordance with the Appendix to the Leader's report and as follows:
  - Children and Family Services: Councillor Paul Findlow
  - Adult Services: Councillor Roland Domleo
  - Health and Wellbeing: Councillor Andrew Knowles
  - Environmental Services: Councillor David Brickhill
  - Prosperity: Councillor Jamie Macrae
  - Safer and Stronger Communities: Councillor Brian Silvester
  - Resources: Councillor Frank Keegan
  - Procurement, Assets and Shared Services: Councillor Peter Mason
  - Performance and Capacity: Councillor David Brown
- 2 the Interim Monitoring Officer be authorised to make appropriate consequential changes to the Shadow Council's Constitution in order to reflect the allocation of Portfolio responsibilities.

(Note: During discussion of this item, Councillor D Flude declared a personal interest on the grounds that she was a member of the Alzheimer's Society, Crossroads Care and Independent Advocacy.)

## **28 CONSTITUTIONAL MATTERS: RESPONSIBILITIES OF THE STAFFING COMMITTEE AND PROVISION OF INDEMNITIES**

The Interim Monitoring Officer submitted a report seeking

- (i) authority to increase the responsibilities of the Staffing Committee and
- (ii) agreement to provide an indemnity to those representing the Council on various bodies.

It was proposed that all non-executive staffing matters will become the responsibility of the Staffing Committee except where, in the opinion of the Chief Finance Officer, they could have a significant financial impact on the Council. In coming to a view as to whether the financial impact would be significant the Chief

Finance Officer will need to take into account a range of factors guided by 7.5 of the report.

Authority was sought to identify those individuals acting in a representative capacity on behalf of the Authority to the maximum permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004. The Appendix set out a report considered by the Governance and Constitution Committee on 14 July 2008 when it had under its delegated authority, approved indemnities for Members.

It was **RESOLVED** – That

- 1 the following be added to the responsibilities of the Staffing Committee:  
  
“Making all non-executive decisions relating to staffing matters except where, in the opinion of the Chief Finance Officer, they could have a significant financial impact on the Council”;
- 2 the Shadow Council's Constitution is amended accordingly;
- 3 in determining whether decisions relating to staffing matters could have a significant financial impact on the Council, the Chief Finance Officer shall be guided by the contents of paragraph 7.5 of the report; and
- 4 those individuals acting in a representative capacity on behalf of the Authority be indemnified to the maximum extent permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004.

## 29 CIVIC AND CEREMONIAL ISSUES

Consideration was given to a report from the Governance Lead (East) briefing the Shadow Council on a number of Civic and Ceremonial Issues, and requesting the Council to identify any specific matters to be pursued for retention or adoption from April 2009.

During the ensuing debate the Leader of the Council responded to a number of questions relating to the history and status of local Mayors in Cheshire East, the inclusion of Aldermen and Freemen in considerations and differences in public perception of a Mayor or Chairman,

**RESOLVED** - That

- 1 the Council agrees in principle to submit a Petition for the grant of a Charter conferring Borough status on Cheshire East Unitary Council from April 2009.
- 2 approval should be sought to the adoption of an appropriate Coat of Arms for the Authority.
- 3 the three current Borough Councils and Cheshire County Council be invited to support the Petition for Borough status for Cheshire East, and to identify as soon as possible any proposals for the continuation of their existing rights and privileges beyond vesting day.

- 4 The position concerning Honorary Aldermen, Honorary Freeman and the Cheshire Lieutenancy be noted at this stage.
- 5 The Governance and Constitution Committee be authorised to take forward the detailed arrangements for the grant of Borough Status and a Coat of Arms, and to respond on behalf of the Council to any proposals for the preservation of existing rights and privileges, including recognition of the existing Honorary Freeman of outgoing authorities in consultation with the Department for Communities and Local Government.
- 6 Periodic progress reports be made by the Committee to this Council.

### 30 MEMBERS' ALLOWANCES SCHEME

Consideration was given to a report from the Governance and Constitution Committee following its deliberation on the recommendations of the County Council's Independent Remuneration Panel about the Members' Allowances Scheme for the Shadow period. The Committee had made the following recommendations:-

- a. "A proportion of the County Council's Basic and Special Responsibility Allowances being applied to the Shadow Council in the following sums:

	£ (per annum)
Basic Allowance	£4,800
Council Chairman	£4,000
Vice Chairman	£1,500
Council Leader	£15,000
Deputy Leader	£10,000
Cabinet Member	£7,500
<i>Committees (excluding Joint Liaison Committee)</i>	
Chair	£4,000
Vice Chair	£1,500
Spokesperson	No SRA to apply at present but it be noted that this role will develop with time
<i>Panels (Cabinet Advisory and other Panels)</i>	
Chair	£2,000
Vice Chair	£1,000
Spokesperson	No SRA to apply at present but it be noted that this role will develop with time
Opposition Group Leaders	£4,000
Deputy Leaders	Nil
Administration Group Whip	£3,000
Deputy Administration Group Whip	£1,500
Opposition Group Whip	£1,500
Opposition Group Deputy Whip	Nil

- b. The number of Special Responsibility Allowances which may be claimed by any individual Member of the Shadow Council be limited to one.
- c. Travelling and Subsistence Reimbursement Allowances and Dependents' Carers' Allowances be paid in accordance with the County Council's arrangements at the rates and in respect of the duties as indicated in the Scheme.
- d. The County Council's Nominated Member Duties allowances provisions should form part of the Shadow Council's Allowances Scheme, so as to enable the Chairman and Vice Chairman, Party Group Leaders and Deputy Leaders and Party Group Whips to claim travel and subsistence allowances for attendance, as required, at the Headquarters buildings of Cheshire County Council, Macclesfield Borough Council, Congleton Borough Council and Crewe and Nantwich Borough Council.
- e. Payment of all of the above allowances be applied retrospectively as appropriate from May 2008."

#### **RESOLVED**

- 1. to receive the report and recommendations of the Independent Remuneration Panel and to adopt the Governance and Constitution Committee's recommendations concerning the appropriate rates and application of allowances for payment from 2 May 2008; and
- 2. to thank the Independent Remuneration Panel Members formally for their work

#### **31 QUESTIONS**

There were no questions asked.

#### **32 EXCLUSION OF THE PRESS AND PUBLIC**

#### **RESOLVED**

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

(Paragraph 3 concerns information relating to the financial or business affairs of any particular person (including the authority holding that information). Paragraph 4 concerns 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).

### 33 SEVERANCE

The Portfolio Holder for Resources presented a report concerning the arrangements in relation to severance provisions for non-teaching employees in the new Council.

**RESOLVED** - To agree the following severance provisions apply to non-teaching employees of the Council from 1 April 2009 in a redundancy situation:

- (i) the removal of the statutory cap and pay the actual week's pay;
- (ii) in addition to paying the Statutory Redundancy Pay (SRP), the payment of an additional amount equivalent to that payment (i.e. giving a maximum payment of 60 weeks in total); and
- (iii) the provision for employees to use the additional payment (not the SRP) to purchase additional pensionable service in the Local Government Pension Scheme (LGPS) if they wish to do so and are a member.

The above provisions will be in addition to the mandatory release of accrued pension without reduction for employees over 50 who are in the Local Government Pension Scheme, subject to meeting the requirements of the Regulations.

### 34 APPOINTMENT OF CHIEF EXECUTIVE

Consideration was given to a report from the LGR Lead Officer outlining the process used for the recruitment of the Chief Executive and seeking ratification of the recommendation for appointment made by the Staffing Committee.

**UNANIMOUSLY RESOLVED** to ratify the recommendation of the Staffing Committee that Erika Wenzel be confirmed as the Chief Executive of Cheshire East Council with effect from a date to be arranged.

The meeting commenced at 9.30 am and concluded at 10.55 am

Councillor Mrs M Simon (Chairman)