

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Wednesday, 17th December, 2008 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1DX

### **PRESENT**

Councillor W Fitzgerald (Chairman)  
Councillor R Domleo (Vice-Chairman)

Councillors D Brown, F Keegan, A Knowles, J Macrae and B Silvester

In attendance:  
Councillors A Arnold and Mrs D Flude.

### **116 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Brickhill, J Findlow and P Mason.

### **117 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There were no questions from members of the public.

### **119 MINUTES OF PREVIOUS MEETING**

RESOLVED

The minutes of the meeting held on 2 December were approved as a correct record.

### **120 KEY DECISION CE07 MEDIUM TERM FINANCIAL STRATEGY**

Consideration was given to the medium term financial strategy, and to the progress in the development of the Council's three year capital programme for 2009/10 to 2011/12. The purpose of the report was to demonstrate that Cheshire East Council would set a balanced budget in line with its corporate priorities, to provide a summary view ahead of the budget setting report to Cabinet in February, and to inform members of future financial pressures. The Portfolio Holder asked to placed on record the thanks of Cabinet for the many Officers who had contributed to this process.

RESOLVED

For the reasons set out in the report: -

1. That the Medium Term Financial Strategy be approved.
2. That the progress in the development of the Council's three-year Capital Programme for 2009/10 to 2011/12 detailed in Section 13 of the report be noted.
3. That the risks and mitigation measures identified in Section 15 of the report be noted.

**121        CARETAKER AND NOMINATED AUTHORITIES FOR CLOSURE OF ACCOUNTS**

Consideration was given to the role of the nominated authority with regard to the Cheshire County Council Closure of Accounts, and the role of a caretaker authority as defined in the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008.

**RESOLVED**

For the reasons set out in the report: -

1. That it be agreed that Cheshire West & Chester Council will be responsible for the Closure of Accounts for Cheshire County Council for 2008/09 and that Cheshire East Council will be responsible for the Closure of Accounts for the Districts in the Cheshire East area for 2008/09.
2. That, in accordance with Regulation 10 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008, Cheshire West & Chester, as the Nominated Council, shall hold on trust for itself and Cheshire East Council the reserves of Cheshire County Council up to the date agreed by the successor Councils.
3. That, in accordance with Regulation 13 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008, the arrangements detailed in Section 5.3 of the report be adopted with regard to the role of Caretaker Authority.
4. That, in accordance with Regulation 17 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008 the organisations detailed in Section 5.4 of the report are identified to arbitrate in the event that an agreement is not reached by 31 December 2008.

**122        KEY DECISION CE36 STATEMENT OF LICENSING POLICY, LICENSING ACT 2003**

Cabinet was requested to approve the Statement of Licensing Policy for the purposes of undertaking the statutory consultation exercise required by the Licensing Act 2003. Members were asked to note that as a result of a recent change in the regulations the latest date by which a reviewed policy needed to be published had been revised to 2014 from 2011 (paragraph 12.1 of the report refers). It was noted that the timescale to have the Policy in place for 1 April 2009, necessitated a shorter period of consultation than normally would be the case.

RESOLVED

For the reasons set out in the report: -

That the Statement of Licensing Policy be approved for consultation.

123      **KEY DECISION CE43 STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005**

Cabinet was asked to approve the Statement of Principles in its draft form for the purpose of undertaking the statutory consultation exercise required by the Gambling Act 2005. Members were asked to note that Appendix A, the table of delegation, should be amended to reflect the recent decision of Council that fee setting be delegated to the Licensing Committee. It was noted that the timescale to have the Policy in place for 1 April 2009, necessitated a shorter period of consultation than would normally be the case.

RESOLVED

For the reasons set out in the report: -

That the Statement of Principles be approved for statutory consultation.

124      **JOINT WORKING FOR MINERALS AND WASTE PLANNING POLICY**

*(In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman agreed to allow consideration of this item as a matter of urgency so as to enable a response to be made by the deadline required by the Government Office North West.)*

Consideration was given to the decisions made to date in respect of joint working for minerals and waste planning, and the implications of these for the Local Development Scheme and for future working.

RESOLVED

For the reasons set out in the report: -

1. The content of the report be noted.

2. That Cabinet confirm the decisions made so far, that joint working on minerals and waste planning policy is an appropriate way forward.
3. That Government Office for the North West be advised of suggested amendments to the Local Development Scheme in relation to the aspect of joint working on minerals and waste planning policy,
4. That Cabinet confirm that the Portfolio Holder authorise the Director (or his nominee(s)) to enter into interim arrangements under the Local Authority (Goods and Services) Act 1970 to support and enable officers to facilitate joint working on minerals and waste planning policy and that progress on joint working be reported regularly to the Local Development Framework task group;
5. That further consideration be given to the form of any joint working.

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#### **INDEMNITIES FOR MEMBERS AND OFFICERS**

*(In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman agreed to allow consideration of this item as a matter of urgency in order to ensure the correct provision for officers was in place.)*

Consideration was given to the current powers available to local authorities in relation to the provision of indemnities to Elected Members and Officers and to agree, prior to vesting day, an indemnity for officers.

#### **RESOLVED**

For the reasons set out in the report: -

That approval be given for Officers to be indemnified to the maximum extent permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004 and Section 111 of the Local Government Act 1972.

The meeting commenced at 2.00 pm and concluded at 2.50 pm

W Fitzgerald (Chairman)