

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 6th January, 2009 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

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

In attendance:
Councillors R Fletcher, B Neilson, A Richardson, L Smetham and A Thwaite,

126 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor P Mason.

127 **DECLARATIONS OF INTEREST**

Members gave a general declaration of personal interest in respect of every item on the agenda where an individual member was a Member of Cheshire County Council and/or of one of the Current Borough Councils. In accordance with the Code of Conduct they remained in the meeting during consideration of the relevant items.

128 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from members of the public.

129 **MINUTES OF PREVIOUS MEETING**

RESOLVED

The minutes of the meeting held on 17 December 2008 were approved as a correct record.

130 **NOTICE OF MOTION - SUSTAINABLE COMMUNITIES ACT**

Consideration was given to the Notice of Motion proposed by Councillor R Fletcher, seconded by Councillor D Neilson, submitted to the Council at its meeting on 9 December 2008.

Cabinet welcomed the views expressed in points (i), (ii), (iii) and (iv) of the motion which it considered supported the aims of Cheshire East Council in respect of sustainable communities. With regard to point (v) Cabinet confirmed that this was an area that would be pursued further at a later

date, once the Council had been operational for a reasonable period of time, with a view to seeking additional funding and support for work in the communities. Cabinet considered that the actions set out in point (vi) were already adequately covered by existing ways of working and consultation measures and did not need to be reiterated further.

RESOLVED

For the reasons now given: -

That points (i), (ii), (iii) and (iv) of the Notice of Motion be approved.

131 KEY DECISION CE28 CULTURE AND VALUES

Consideration was given to a final set of core organisational values for Cheshire East, on which staff had been consulted, and to ways in which they could be embedded as an important step towards building a high performance culture for the new Council.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the adoption of the revised ASPIRE core values framework in Appendix 2 of the report.
2. That approval be given to the development of a Values based performance management framework to be introduced from day one as outlined in Section 12 of the report.
3. That approval be given to the introduction of the Values through communications and the development of induction processes.

132 KEY DECISION CE52 DISAGGREGATION OF THE COUNTY BALANCE SHEET

Consideration was given to the report of the Borough Treasurer and Head of Assets, a copy of which was circulated at the meeting. The report detailed the agreement reached between Cheshire East Council and Cheshire West and Chester Council with regard to the disaggregation of the Cheshire County Council Balance Sheet, in accordance with the Department of Communities and Local Government deadline of 31 December 2008, and also the work that remained to be completed in order to achieve a full Local Agreement by 31 March 2009.

RESOLVED

For the reasons set out in the report: -

1. That the agreement made between Cheshire East Council and Cheshire West and Chester Council submitted to the Department of Communities and Local Government on 19 December 2008 with

regard to the disaggregation of Cheshire County Council's balance sheet, detailed in Section 5 of the report, be noted.

2. That it be confirmed that the delegation of the local agreement of the County Balance Sheet disaggregation package to the Borough Treasurer and Head of Assets, in consultation with the Portfolio Holder for Resources, the Leader of the Council and the Performance and Capacity Portfolio Holder, will continue up to 31 March 2009.

133 **KEY DECISION CE56 CRIMINAL RECORDS BUREAU AND INDEPENDENT SAFEGUARDING AUTHORITY**

Consideration was given to this report on the implications of the Criminal Records Bureau and Independent Safeguarding Authority requirements for the new Council. Cabinet expressed concern at the resulting cost to this and other Council's of carrying out these checks and registration checks, to the potential duplication of work entailed in respect of those people who might require both to be carried out or for them to be carried out by more than one Council, and also to the position regarding foreign nationals. It was requested that a further report be prepared on these areas of concern.

RESOLVED

For the reasons set out in the report and as now given: -

1. That approval be given for Back Office Shared Services, if agreed by Cheshire East and Cheshire West and Chester, to manage the processes on behalf of Cheshire East.
2. That approval be given for candidates, employees, and Members not to be required to pay for the cost of any required CRB checks or ISA registration and that the financial consequences of this decision be noted.
3. That approval be given for the Head of Human Resources, in liaison with the Director of People, to be accountable for ensuring that the Council complies with CRB and ISA requirements.
4. That approval be given for the Head of Human Resources to develop the Council's approach to supporting voluntary bodies in relation to CRB and ISA and to develop the necessary policies which will be required in relation to CRB checks and ISA requirements.

(Councillor R Domleo left the meeting prior to consideration of the remaining items on the agenda and did not return.)

Consideration was given to this report seeking approval for the draft interim Cheshire East Private Sector Assistance Policy to be circulated for public response, and for approval in principle to be given to the Policy subject to no significant changes arising as a result.

RESOLVED

For the reasons set out in the report: -

That approval be given to circulate the Interim Cheshire East Private Sector Assistance Policy for public response and that it be approved in principle subject to there being no significant changes as a result.

Consideration was given to the report of the Monitoring Officer on options for Cabinet arrangements for the Council from 1 April 2009. It was reported that following circulation of the report further consideration had been given to the decision requested; a revised wording had subsequently been prepared and a copy of this was circulated and agreed by the Cabinet, subject to further consideration being given to the definition of a key decision.

RESOLVED

For the reasons set out in the report and as now given: -

That the Governance and Constitution Committee recommend to Council that, with effect from Vesting Day:

1.The Council shall have a Leader and Cabinet form of executive arrangements, these to include the “Strong Leader” model in, in respect of which, and amongst other things, the Leader:

- a. is elected by Council;
- b. is empowered to appoint Members of the Council to and remove Members of the Council from the Cabinet, subsequent notification being given to Council;
- c. is empowered to determine the extent of the decision-making powers of Cabinet Members and other executive decision-making bodies.

2.The Council’s executive arrangements shall comprise those arrangements set out in Appendices A and B to the report, subject to the following changes:

- a. References to Deputy Leader are to be removed from the Adult Services Portfolio and the role of Deputy Leader defined.
- b. The following functions listed within the Children and Family Services Portfolio to apply, as appropriate, to the Portfolio Holders for Adult Services, Children and Family Services and Health and Wellbeing:
 - i. Liaison with NHS Trusts and Health Authorities;
 - ii. Mental Health and Disability;
 - iii. Health Promotion;
 - iv. Development of Integrated Services with Health Partners.
- c. The references within the Children and Family Services Portfolio to:
 - i. Mental Health and Disability, to be made specific to Children and Young People; and
 - ii. Connexions, to be removed.
- d. In respect of the Health and Wellbeing Portfolio:
 - i. Public Rights of Way to be added beneath Countryside.
 - ii. Tourism to become a dependency, rather than being a prime responsibility.
- e. In respect of the Environmental Services Portfolio:
 - i. Health and Safety enforcement to become a dependency rather than being a prime responsibility;
 - ii. Public Rights of Way Maintenance to be deleted and moved to Health and Wellbeing, as Public Rights of Way.
- f. The Prosperity Portfolio to include Building Control.
- g. The Safer and Stronger Communities Portfolio to include Health and Safety enforcement in the list of prime responsibilities.
- h. The Performance and Capacity Portfolio to include Twinning in the list of prime responsibilities.

3. Further consideration be given to the definition of a Key Decision, to potentially include a financial threshold of £1M, beyond which an executive

decision shall be a Key Decision; and that a report be made to Members on the implications.

4. That the Governance and Constitution Committee recommend to Council that the Monitoring Officer be authorised to make such changes to the Council's emerging Constitution as he considers are necessary to give effect to the wishes of Council.

136 **LOCAL CHOICE FUNCTIONS**

Consideration was given to the report of the Monitoring Officer on options for delivering local functions from 1 April 2009. It was reported that following circulation of the report further consideration had been given to the decision requested; a revised wording had subsequently been prepared and a copy of this was circulated and agreed to by the Cabinet. In addition it was noted that in Section 1: Responsibility for Local Choice Functions the Officer to whom the function of appointing Members to Police Authorities had been left blank but that this would be the Borough Solicitor and Monitoring Officer.

RESOLVED

For the reasons set out in the report: -

That the Governance and Constitution Committee be requested to recommend to Council that:

1. With effect from Vesting Day, the allocation of local choice functions between Cabinet and the Council, and the further delegations to committees and officers, be as set out in the appendices to the report, subject to the Borough Solicitor and Monitoring Officer being responsible for arrangements for questions at Council on Police Authority functions.
2. The Monitoring Officer be authorised to determine the remaining detail of the allocation of local choice functions in consultation with the Leader and appropriate Cabinet Members, and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

137 **DELEGATION OF EXECUTIVE FUNCTIONS**

Consideration was given to the report of the Monitoring Officer on options for delegating and recording the delegation of executive functions from 1 April 2009. It was reported that following circulation of the report further consideration had been given to the decision requested; a revised wording had subsequently been prepared and a copy of this was circulated and agreed by the Cabinet.

RESOLVED

For the reasons set out in the report: -

That the Governance and Constitution Committee be requested to recommend to Council that:

1. With effect from Vesting Day, the approach set out in the Appendix to the report be adopted as part of Cheshire East's executive arrangements, and that this be reflected in the Council's Constitution.
2. The Monitoring Officer be authorised to determine the remaining detail of the Appendix in consultation with the Leader and appropriate Cabinet Members, and to make such amendments to the Council's emerging Constitution as he considers are necessary to give effect to the decision of Council.

138

CABINET PROCEDURE RULES

Consideration was given to the report of the Monitoring Officer on the Cabinet Procedure Rules which would apply with effect from 1 April 2009. It was reported that following circulation of the report further consideration had been given to the decision requested; a revised wording had subsequently been prepared and a copy of this was circulated. In discussing the options in respect of public speaking at meetings of the Cabinet it was agreed that the period of notice required for the submission of any questions should be 3 working days, in order to allow adequate time in which to prepare a response.

RESOLVED

For the reasons set out in the report and as now given: -

1. That the Governance and Constitution Committee recommend to Council:

- a. That the Cabinet Procedure Rules appended to the report should be adopted by the Council with effect from Vesting Day.
- b. That the issues identified in Appendix A of the report be noted and that the Council shall have a Leader and Cabinet form of executive arrangements, these to include the "Strong Leader" model.
- c. That a 3 working day notice period be required in respect of any question which is to be asked at Cabinet by a member of the public.

2. That a further report be made to members upon the practical arrangements for individual Cabinet Member decision-making.

139 **SECTION 24 SCHEDULES OF CONSENT**

Consideration was given to the report of the Interim Monitoring Officer and Chief Finance Officer. This report was circulated at the meeting.

RESOLVED

For the reasons set out in the report: -

That it be noted that no delegated decisions had been made since the last meeting of the Cabinet.

140 **PROGRESS REPORTING PAPER**

Cabinet was informed that work over the coming months would include office accommodation, the civil enforcement of parking, media relations cover, ICT strategy, children and family services, the harmonisation of waste collection and of car parking charges across the area, and the local economy. It was anticipated that a revised reporting format would be available in time for the next meeting.

RESOLVED

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

W Fitzgerald (Chairman)