

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Tuesday, 9th December, 2008 at The Assembly Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

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

Councillors Mrs E Alcock, Miss C Andrew, A Arnold, M Asquith, Mrs R Bailey, Mrs R Bailey, G Barton, C Beard, T Beard, D Bebbington, D Beckford, Mrs S Bentley, D Brickhill, S Broadhurst, 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, Mrs H Gaddum, L Gilbert, J Goddard, J Hammond, M Hardy, Mrs M Hollins, D Hough, Mrs B Howell, Ms O Hunter, Mrs T Jackson, J Jones, F Keegan, A Knowles, A Kolker, W Livesley, J Macrae, A Martin, Mrs M Martin, P Mason, S McGrory, R Menlove, Mrs G Merry, A Moran, B Moran, 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, R Walker, G M Walton, Mrs J Weatherill, R West, R Westwood, Wilkinson and J Wray

Apologies

Councillors D Brown, Mrs E Gilliland, H Murray, J Narraway, D Topping and P Whiteley

53 APOLOGIES FOR ABSENCE

54 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

Officer Declarations

Lisa Quinn declared an interest in the item relating to Appointment of Borough Treasurer and Head of Assets and left the meeting during consideration of this matter.

Julie Openshaw declared an interest in the item relating to Appointment of Borough Solicitor and Monitoring Officer and left the meeting during consideration of this matter.

55 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that there was an urgent item of business to bring before the meeting relating to a Local Area Agreement for Cheshire East.

In accordance with Section 100B(4)(b) of the Local Government Act 1972 and because of the need for Council to consider the recommendation of Cabinet, which met on 2 December, the Chairman stated that she was of the opinion that the item should be considered at this meeting as a matter of urgency. The matter would be dealt with as part of the public agenda.

56 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the meeting.

57 MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD ON 20 OCTOBER 2008

RESOLVED

That the minutes be approved as a correct record, subject to the addition of Councillor S Wilkinson to the list of those present.

58 MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON 20 OCTOBER 2008

RESOLVED

That the minutes be approved as a correct record, subject to the addition of Councillor S Wilkinson to the list of those present.

59 RECORDS OF DECISIONS OF THE CABINET AND MINUTES OF OTHER COMMITTEES

RESOLVED

That the records of decisions of Cabinet and minutes of other Committees be received.

(a) Scrutiny Committee - 10 October 2008

(b) Staffing Committee - 15 October 2008

(c) Staffing Committee - 20 October 2008

(d) Advisory Panel - People - 27 October 2008

(e) Governance & Constitution Committee - 3 November 2008

(f) Staffing Committee - 4 November 2008

- (g) Cabinet - 4 November 2008**
- (h) Staffing Committee - 5 November 2008**
- (i) Staffing Committee - 5 November 2008**
- (j) Advisory Panel - Places - 12 November 2008**
- (k) Standards Committee - 25 November 2008**
- (l) Staffing Committee - 27 November 2008**

60 NOTICE OF MOTION

Consideration was given to the following Notice of Motion proposed by Councillor R Fletcher and seconded by Councillor D Neilson:-

SUSTAINABLE COMMUNITIES ACT

That CHESHIRE EAST COUNCIL:-

(i) supports the bottom up process in the Sustainable Communities Act designed to allow local authorities and their communities to drive the help that central government gives in reversing community decline and promoting thriving, sustainable communities;

(ii) notes the Act gives local authorities the power to make proposals to government on the action and assistance government must take to promote sustainable communities and argue for a transfer of public money and function from central to local control ;

(iii) notes that the Act defines the sustainable communities broadly. That definition having the 4 aspects of

- the improvement of local economy,
- protection of the environment
- promotion of social inclusion, and
- participation in civic and public activity;

(iv) notes that reasons for a local authority choosing to use the Act include gaining new assistance from government, determining that assistance, being able to argue for transfers of public monies from central to local control and involving citizens in democracy.

(v) resolves , when invited to by central government, to use the Act by preparing and submitting proposals on how central government can help; and

(vi) further resolves:-

- to inform the local media of this decision;
- to write to local MPs, informing them of this decision; and

- to write to Local Works (at Local Works, c/o Unlock Democracy, 6 Cynthia St, London N1 9JF) informing them of their resolution to use the Act.

RESOLVED

That the motion stand referred to Cabinet.

61 COUNCIL TAX BASE 2009/10

Cheshire East Council was required to approve its Tax Base, before 31 January 2009, so that the information could be provided to Cheshire Police Authority and Cheshire Fire Authority for their budget processes.

RESOLVED

That, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2009/10 be confirmed as:

- for the whole area – 144,761.46
- for each Parish area the figures included in Appendix A to the report.

62 LOCAL DEVELOPMENT SCHEME

Consideration was given to a report relating to reconsideration of the Draft Local Development Scheme for Cheshire East.

RESOLVED

That the amended Draft Local Development Scheme be submitted to the Secretary of State for Communities and Local Government.

63 APPOINTMENT OF BOROUGH TREASURER AND HEAD OF ASSETS

Consideration was given to a report outlining the process used for the recruitment of the Borough Treasurer and Head of Assets and requesting that the Council ratify the recommendation for appointment made by the Staffing Committee.

RESOLVED

That the recommendation of the Staffing Committee, that Lisa Quinn be confirmed as the Borough Treasurer and Head of Assets of Cheshire East Council, with effect from 1 January 2009, be ratified.

64 APPOINTMENT OF BOROUGH SOLICITOR AND MONITORING OFFICER

Consideration was given to a report outlining the process used for the recruitment of the Borough Solicitor and Monitoring Officer and

requesting that the Council ratify the recommendation for appointment made by the Staffing Committee.

RESOLVED

That the recommendation of the Staffing Committee that Mr Christopher Chapman be confirmed as the Borough Solicitor and Monitoring Officer for Cheshire East Council be ratified, with effect from a date to be arranged.

65 CHILDREN PLAN 2008-11

Consideration was given to a report briefing the Cheshire East Council on its duties in relation to the Cheshire Children Plan 2008-11, and seeking some formal decisions in order to ensure that statutory requirements are complied with for 1 April 2009.

RESOLVED

1. That the Cheshire Children Plan 2008 -11 be formally adopted by Cheshire East Council as its statutory Children Plan to 2011.
2. That Council notes the requirement to set local targets (as part of the Local Authority Agreement process) by 1 April 2009 and the need to review, refresh and localise that Plan during the period April 2009 to June 2010.

66 APPOINTMENT OF STATUTORY CO-OPTED MEMBERS TO SCRUTINY COMMITTEES-ELECTED PARENT GOVERNORS AND NOMINATED CHURCH REPRESENTATIVES

Consideration was given to a report advising Council of the recommendations of the Council's Scrutiny and Governance and Constitution Committees in respect of education matters and appointments of Statutory Co-opted Members to the Scrutiny Committee, who will have voting rights on education matters.

RESOLVED

That the recommendations of the Council's Scrutiny and Governance and Constitution Committees be approved as follows:

1. That two parent governor representatives shall be appointed to the Scrutiny Committee for the purposes of dealing with education matters; one being drawn from the primary education sector, and the other being drawn from the secondary education sector.
2. That the period of office of the parent governor representatives shall be 2 years with effect from 1st April 2009.
3. That one nominated representative of the Church of England Diocese and one nominated representative of the Roman Catholic Diocese be co-opted to the Scrutiny Committee for the purposes of dealing with education matters.

4. That the Interim Monitoring Officer be authorised to make such consequential additions and changes to the Constitution as she considers are necessary to give effect to the decision of Council.

67 APPOINTMENT OF PARISH COUNCIL MEMBERS TO STANDARDS COMMITTEE

Consideration was given to a report seeking the approval of full Council for the appointment of three Parish Council representatives on the Standards Committee.

RESOLVED

1. That the following three applicants be appointed to the Standards Committee:

Councillor Teresa Maureen Eatough - Weston and Basford Parish Council
Councillor Kenneth John Edwards - Bollington Parish Council
Councillor Patricia Margaret Barnett - Twemlow Parish Council

2. That it be noted that ChALC will retain the names of the two remaining candidates as reserves in case of future vacancies to the Parish Council seats on Standards Committee.

68 OFFICER CODE OF CONDUCT

Consideration was given to a report relating to the adoption of an Officer Code of Conduct, its immediate inclusion in the Shadow Council's Constitution and, thereafter, in Cheshire East Unitary Council's Constitution with effect from 1 April 2009.

RESOLVED

That the Cheshire East Council :-

1. Adopts the Officer Code of Conduct appended to the Report (Noting that the Core Values for Cheshire East as a whole are still in draft and will require Cabinet approval in January 2009);
2. Agrees that the Officer Code of Conduct will take effect immediately and will apply to all officers appointed by the Shadow Council;
3. Agrees that the Officer Code of Conduct will continue to have effect, and will apply to all officers employed by Cheshire East successor authority on 1st April 2009 and thereafter;
4. Agrees that the Officer Code of Conduct will be included immediately in the Shadow Council's Constitution and, with effect from 1st April 2009, in Cheshire East successor authority's Constitution; and

5. Authorises the Interim Monitoring Officer to make such consequential amendments to the Constitution as she considers are necessary to give effect to the decision of Council.

69 LICENSING COMMITTEE STRUCTURES, MEMBERSHIP AND DELEGATIONS

Consideration was given to a report seeking approval for the formation of a Licensing Committee of Cheshire East Council, both as a shadow committee prior to 1 April 2009 and as a fully operational Committee thereafter.

RESOLVED

That a Licensing Committee be appointed on the following terms:-

1. A full Licensing Committee of fifteen Members (with a quorum of eight) on a politically proportional basis, i.e. Conservatives 11; Liberal Democrats 2; Labour 1; Independent Group 1.
2. That the Licensing Committee then establishes Sub-Committees of three Members drawn from the full Committee to deal with matters under the Licensing Act 2003 and the Gambling Act 2003; and
3. That Sub-Committees of five Members (with a quorum of three) drawn from the full Committee (of which at least one shall, subject to availability, be the Chairman or Vice Chairman of the full Committee) are established on an ad hoc basis to deal with 'general' licensing matters.
4. That those Members listed in appendix 1 of the report be appointed to the Licensing Committee.
5. That Council delegates to the Licensing Committee those licensing functions which are the responsibility of Council set out in Appendix 2 of the report, subject to the proviso that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.
6. That the date of the first meeting of the Licensing Committee be 19th December 2008.
7. That the Interim Monitoring Officer be authorised to make such consequential changes to the Constitution as she considers appropriate to give effect to the decision of Council in relation to paragraphs 1 to 3 above.

In accordance with section 17 (1) of the Local Government and Housing Act 1989, it was necessary that the following resolution be approved without any Member of the Authority voting against. It was resolved unanimously that :-

That the requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 be waived, in relation to the sub-committee established under 3 above.

70 CALENDAR OF MEETINGS 2009/10

RESOLVED

That the dates for Cabinet and Council meetings 2009/10 be approved.

71 QUESTIONS

No questions were submitted.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Councillor Mrs M Simon (Chairman)
CHAIRMAN