

# Mayor Making and Annual Council Meeting

## Agenda

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**Date:** Wednesday, 18th May, 2011

**Time:** 11.00 am

**Venue:** Tatton Park - Knutsford

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The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Prayers**

2. **Apologies for Absence**

3. **Declarations of Interest**

To provide an opportunity for Members to declare any personal and/or prejudicial interests in any item on the agenda.

4. **Election of Mayor 2011/12**

To elect a Mayor for 2011/12, who will also act as Chairman of the Council.

5. **Appointment of Deputy Mayor 2011/12**

To appoint a Deputy Mayor for 2010/11, who will also act as Vice-Chairman of the Council.

6. **Appointment of Mayor's Chaplain**

7. **Vote of Thanks to the Retiring Mayor**

8. **Mayor's Announcements**

9. **Adjournment for Lunch and Reconvening of Meeting at 2pm**

10. **Apologies for Absence**

To report any further apologies for absence.

11. **Minutes of the meeting held on 21 April 2011** (Pages 1 - 18)

To approve the minutes as a correct record.

12. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

13. **Public Speaking Time/Open Session**

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Members of the public must provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

14. **Election of Councillors** (Pages 19 - 24)

To receive the following report from the Chief Executive on the persons elected Councillor on 5<sup>th</sup> May 2011 and confirming that they have made the necessary Declaration of Acceptance of Office.

15. **Election of Leader of the Council** (Pages 25 - 26)

To elect a Leader of the Council.

16. **Appointments to the Cabinet**

In accordance with Cabinet Procedure Rules, for the Leader to present to Council information about executive functions in the forthcoming year, including the names, addresses and electoral divisions of those Members appointed to the Cabinet.

Details of the Leader's appointments to the Cabinet and the functions delegated to the Cabinet will be circulated at the meeting.

17. **Political Representation on the Council's Committees** (Pages 27 - 30)

To determine the political group representation on the Council's Committees.

Appendices 1 and 2, political proportionalities and proportional distribution of seats – To follow.

18. **Appointment of Members to Committees** (Pages 31 - 32)

To receive the political groups' nominations of Members to the Council's Committees, in accordance with the group representations at item 17 above.

Appendix detailing the appointment of Committee memberships and Chairmen and Vice-Chairmen – To follow.

19. **Appointment of Chairmen and Vice-Chairmen** (Pages 33 - 34)

To determine the Chairmen and Vice-chairmen of the Council's Committees

20. **Appointments to Adoption Panel, Fostering Panel and Cheshire Admissions Forum** (Pages 35 - 38)

To approve a number of appointments to Statutory Panels and Forums which do not fall within the definition of "a Committee".

21. **Appointments to Cheshire Fire Authority and Cheshire Police Authority** (Pages 39 - 40)

To make Appointments to Cheshire Fire Authority and Cheshire Police Authority.

22. **Questions**

In accordance with Procedure Rules 11, opportunity is provided for Members of the Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

Questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting.

23. **Starting Time of Council Meetings 2011/2012**

To consider and agree the starting time of Council meetings for 2011/12, as recommended by the Constitution Committee.

24. **Reaffirmation of Council's Constitution** (Pages 41 - 42)

To reaffirm the Council's Constitution.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Thursday, 21st April, 2011 at Council Chamber, Municipal Buildings,  
Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor G Baxendale (Chairman)  
Councillor R West (Vice-Chairman)

Councillors E Alcock, C Andrew, A Arnold, Rachel Bailey, Rhoda Bailey, A Barratt, W T Beard, D Bebbington, S Bentley, D Brickhill, D Brown, D J Cannon, R Cartlidge, S Conquest, H Davenport, M Davies, W S Davies, R Domleo, B H Dykes, P Edwards, J P Findlow, W Fitzgerald, R Fletcher, D Flude, H Gaddum, L Gilbert, J Goddard, J Hammond, M Hollins, D Hough, O Hunter, T Jackson, J Jones, S Jones, F Keegan, A Knowles, A Kolker, W Livesley, M Lloyd, J Macrae, M A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, H Murray, J Narraway, D Neilson, R Parker, M Parsons, A Ranfield, B Silvester, M J Simon, L Smetham, D Stockton, D Thompson, C G Thorley, A Thwaite, C Tomlinson, D Topping, R Walker, G M Walton, M J Weatherill, R Westwood, P Whiteley, S Wilkinson and J Wray

**102 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors G Barton, S Broadhurst, S Conquest, S Furlong, M Hardy, A Martin and S McGrory.

**103 MINUTES OF THE MEETING HELD ON 24 FEBRUARY 2011**

That the Minutes of the meeting held on 24 February 2011 be approved as a correct record, subject to the inclusion of apologies from Councillor G Barton.

**104 MAYOR'S ANNOUNCEMENTS**

The Mayor: -

- 1 informed Members that before today's meeting that he had had the pleasure, along with Councillor Fitzgerald, to present Councillors Elsie Alcock, Carolyn Andrew, David Brickhill, Peggy Martin, Lesley Smetham, Diana Thompson, Christine Tomlinson, Jacque Weatherill and Paul Whiteley with their ITQ Level One Computing Certificates, which they had achieved after weeks of study with Macclesfield College, during the summer and autumn of last year.
- 2 announced that the Mayor's Charity Football Match would take place on Sunday 8 May at Macclesfield Town Football Club. The Mercian Regiment would be playing the All Stars Football Team – made up of actors from Coronation Street and Emmerdale. All

proceeds would be going to the Army Benevolent Fund. The event would commence at midday, with kick off at 2 pm. Tickets were available from the Macclesfield Town ticket office.

- 3 announced that the return rate for Cheshire East had been good and so far was around 4% higher than the national average. Detailed figures would be released in June. Members were asked to encourage people to fill in their forms before the deadline.
- 4 reported that the A34 Alderley Edge Bypass had won the Silver Award at the Considerate Constructors Awards 2011 earlier this month and had also been shortlisted for 'Public Private Partnership Achievement of the Year' at the MJ Awards, taking place in June 2011. He congratulated everybody who had been involved in the planning and construction of the award winning road, including the Council's partner in this project Birse Civils.
- 5 reported that the Cheshire Fire and Rescue Service had been awarded the "Fire Service of the Year" award at the inaugural Emergency Services Awards held at Arsenal's Emirates Stadium on Thursday 7th April.
- 6 reported that the Cheshire East Schools Music Competition had taken place at Tatton Park last Friday. The winners were Bollinbrook Primary School and Sandbach School. The Competition, run by the Council's Music Service and the renowned Foden's Brass Band, had seen more than 300 students from nine schools compete. He congratulated all students and staff who had worked hard to make the competition a great success.
- 7 informed Members that recent figures revealed that over 3 million items, which included books, CDs and DVDs, had been loaned by Cheshire East Libraries between April 2010 and March 2011. It was hoped that this figure would help Cheshire East Council maintain its title as the most prolific lender of books of all unitary authorities in the country.
- 8 referred to the recent death of Honorary Alderman Muriel Clampett, who had been a former Mayor and Member of Macclesfield Borough Council.
- 9 informed Members that he had learnt today of the death of former Crewe and Nantwich Borough Councillor Barbara Teale.
- 10 reminded Members that the Annual Council meeting would take place on one day this year – Wednesday 18 May at 11 am, and not over two days as in previous years. This was in order to reduce costs and for efficiency savings.

**105 DECLARATIONS OF INTEREST**

Councillor R Fletcher declared a personal interest in Item 7 of the agenda, relating to the second Notice of Motion, as his mother was a customer of Cheshire East Council.

Councillor R West declared a personal and prejudicial interest in Item 10 of the agenda, relating to the Election of the Mayor and Deputy Mayor for the 2011/12 Civic Year, by virtue of the fact that it was recommended in the report that he be designated as Mayor Elect. In accordance with the Member Code of Conduct, Councillor West left the meeting during consideration of this item

Caroline Elwood declared an interest in Item 9 relating to Appointment of Borough Solicitor and Monitoring Officer and left the meeting during consideration of this matter.

**106 PUBLIC SPEAKING TIME/OPEN SESSION**

Two members of the public had indicated that they wished to use public speaking time to address the Council.

Mr William Stewart attended the meeting and used public speaking time to speak in relation to member allowances. He stated that as Members would be aware the country was facing financial problems and as a result cuts had been made to the Council's budget. As everybody was being asked to make sacrifices, he proposed that all allowances paid to Councillors should be reduced by 20% from 1 May and for the next 4 years. This would make a saving of £1m. He hoped the Council would take this on board when considering their allowances.

Mr Byron Evans attended the meeting and used public speaking time to speak in relation to three areas of concern:

**(1) The Independent Remuneration Panel**

The Council was receiving a report today with details of how much councillors should receive in expenses and allowances. Councillors have had the opportunity to comment on the current system of financial payments and voice any concerns they have on how to improve it. His worry was that with the ongoing criticism and debacle concerning MPs' pay and the misuse of public money by some of them, he would strongly suggest that the administration and councillors reflect that a way forward for clear and transparent remuneration was for councillors to make representations to the panel but not to be involved in setting their level of any expenses and allowances. There was a need to ensure transparency and safeguard public money and ensure that councillors remuneration levels are not controlled by themselves. That should stop and councillors should always accept the Panel's decision without any further committee and Council amendments.

(2) Housing in Crewe

Recently there has been concern from residents he had spoken to, at least in Leighton, over the strategic housing land allocation assessment. While the vision for Crewe is being touted, one of its aims was that it be bedded in reality, so it was both deliverable and sustainable. But there seems to be a disjoint in much of the community about how this is being developed. The current housing plans and consultations in the pipe line were raising serious questions as to the ability of the town to provide the necessary jobs and infrastructure to make Crewe prosperous. He hoped the Council will help explain things better to allay his fears.

(3) Reivew of Parish Boundaries

It was of concern to him that with the many administrative boundary reviews that have occurred in the last 15 years the Parish boundaries have not been reviewed. He was aware that locally, and was sure other councillors had anecdotal evidence, that especially around the periphery of the unparished Crewe town, there were boundaries originally using hedgerows and other landmarks that have long disappeared to housing developments with quite arbitrary lines now draw sometimes the boundary crossing through a property! A parish review would also make further ward and parliamentary boundaries hopefully seem more logical! As Crewe residents now also pay a precept to the charter trustees, surely one must also question which side of the boundary people wish to be on if they can see no tangible benefit to their contribution and the practicality of other changes to the parish also could be arranged.

107 **NOTICES OF MOTION**

Consideration was given to the Notices of Motion submitted in accordance with Procedural Rule 12.

**1 - Notice of Motion Submitted by Councillors C Thorley and D Flude**

**MEMORIAL**

In August 1940, four bombs fell in a field opposite Alvaston Hall, near Crewe. They did not explode immediately and the Royal Engineers' Bomb Disposal Unit was called out. One of the bombs then exploded, killing six members of the unit, Sergeant Edward Greengrass, Sapper Harold Thompson, Sapper Michael Lambert, Sapper Albert Edward Fearon, Sapper George Lucas and Sapper John Percival.

There is no recognition of their bravery in the Crewe area and the Royal Engineers Retired Members Crewe had requested that the Council consider the erection of a small memorial.

**Notice of Motion**

That that this Council agrees to investigate the possibility of erecting a small memorial, in the Crewe area, in recognition of the bravery of the



Royal Engineers who were killed by one of the four bombs, which fell in a field opposite Alvaston Hall, near Crewe, in August 1940 .

The Leader moved that the Motion be accepted by Council in principle and be referred to Cabinet, which was accepted.

**RESOLVED:**

That the Motion stand referred to Cabinet.

**2 - Notice of Motion submitted by Councillor D Flude and C Thorley**

**RESIDENTIAL CARE MARKET**

That the Council notes the instability in the residential care market in Cheshire East and the potential impact on the finances of the Council and that the Council set up a Task and Finish Group, to determine the best means to manage demand for residential care, including demand from returning self funders.

**RESOLVED:**

That the Motion stand referred to Cabinet

**108 STANDARDS COMMITTEE ANNUAL REPORT**

The Independent Chairman of the Standards Committee, Mr Nigel Briers, and the Vice-chairman of the Committee, Mr David Sayer attended and presented the Standards Committee Annual report to Council.

Mr Briers thanked the former Monitoring Officer, Chris Chapman; Interim Monitoring Officer, Caroline Elwood, Deputy Monitoring Officer, Julie Openshaw and Democratic Services Officer, Carol Jones for their support to the Committee during the past year.

Following the presentation, Members of the Council were given the opportunity to make comments and ask questions upon issues raised in the report. However, it was noted that these should not relate to any personal issues arising from the deliberations of the Committee.

**RESOLVED**

That the report be noted and that Mr Briers be thanked for presenting the report and that the Committee Members be thanked for their hard work during the year.

**109 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 Mrs Caroline Elwood be confirmed as the Borough Solicitor and Monitoring Officer for Cheshire East Council be ratified, with effect from 1 May 2011.

*(Caroline Elwood, having declared a personal and prejudicial interest, left the meeting for the duration of this item)*

**110 DESIGNATION OF MAYOR AND DEPUTY MAYOR AS MAYOR AND DEPUTY MAYOR ELECT FOR THE 2011/12 CIVIC YEAR**

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2011/12.

Council was requested to resolve that Councillor R West be designated as Mayor Elect and that a second Member be designated as Deputy Mayor Elect, with a view to their formal election as Mayor and appointment as Deputy Mayor for Cheshire East for 2011/2012.

It was proposed and seconded that Councillor J Jones be designated as Deputy Mayor Elect.

**RESOLVED**

That Councillor R West be designated as Mayor Elect and that Councillor J Jones be designated as Deputy Mayor Elect, with a view to their formal election as Mayor and appointment as Deputy Mayor for Cheshire East for 2011/2012, at the Mayor Making ceremony to be held on 18 May 2011.

*(Councillor R West, having declared a personal and prejudicial interest, left the meeting for the duration of this item.*

*Councillor J Jones, upon being nominated for designation as Deputy Mayor Elect, declared a personal and prejudicial interest and left the meeting for the duration of this item)*

**111 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - COUNCILLOR CALL FOR ACTION (CCFA) PROTOCOL**

Consideration was given to the recommendation from the Constitution Committee on a proposed amendment to the Councillor Call for Action Protocol to allow the Scrutiny Chairmen's Group to take the lead in determining which of the Council's five Overview and Scrutiny Committees dealt with cross-cutting issues raised under the Councillor Call for Action procedure.

**RESOLVED:**

That the role of the Scrutiny Chairmen's Group in determining which of the five Overview and Scrutiny Committees should deal with cross cutting issues raised under the Councillor Call for Action procedure be recognised and the Borough Solicitor be authorised to make appropriate reference to the role of the Scrutiny Chairmen's Group in the Councillor Call for Action Protocol by amending Section 7 of the Protocol.

**112 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - MID-YEAR REVIEW OF SCHEME OF MEMBER ALLOWANCES**

Consideration was given to the recommendations from the Constitution Committee in respect of the Cheshire East Council Scheme of the Members Allowances; following a mid year review by the Independent Remuneration Panel.

**RESOLVED:**

- 1 The Cheshire East Scheme of Members' Allowances should make provision for the Independent Remuneration Panel to review, on an annual basis, the current Scheme's allowances and recommend whether any adjustments were appropriate;
- 2 The level of Basic Allowance for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;
- 3 Except as provided for in recommendations 4 (a) - (c) in respect of the role of Vice-Chairmen, the level of remuneration in respect of Special Responsibility Allowances, Subsistence Allowances, Co-opted Member Allowance, Dependent Carer's Allowance, Broadband/Line Rental fees and Members' Surgery fees for 2011/2012 should not be increased and remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011;
- 4a Special Responsibility Allowances for the post of Vice Chairman be retained within the Scheme of Members' Allowances for 2011/2012;

- 4b The role of Vice Chairman of Constitution Committee and Vice Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances;
- 4c A Special Responsibility Allowance of £1,000 per annum be awarded to the Vice Chairman posts included in Schedule 1 of the 2011/2012 Scheme of Members Allowances, with an additional £50 payable for each meeting chaired up to an accumulated maximum total of £1,500 per annum;
- 5a The role of Chairman of Constitution Committee and Chairman of Audit and Governance Committee be included in the Schedule of Special Responsibility Allowances appended to the 2011/2012 Scheme of Members' Allowances ;
- 5b&c A gearing equivalent to 0.65 of Basic Allowance be applied to the post; the position to be kept under review;
- 6 The level of Travel Allowances for 2011/2012 should not be increased and should remain at the same level awarded in the Scheme of Members' Allowances for 2010/2011; except for car mileage rates which are to remain linked to the amounts payable to officers in accordance with the National Joint Council for Local Government Agreement;
- 7 No Special Responsibility Allowance be allocated to the Chairman or Members of Cheshire and Wirral Joint Health Scrutiny Committee at this time; the position to be kept under review;
- 8 No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Cheshire Pension Fund Committee;
- 9 No Special Responsibility Allowance be payable to Cheshire East Councillors appointed to the Borough's Local Area Partnerships at this time; the position to be kept under review;
- 10 A payment of up to £50 per four hour session or part thereof be paid to School Appeal Panel Co-opted Members attending appeal meetings or associated training on receipt of proof from their employer that a loss of income had been incurred as a direct result of the performance of their duties on the Panel; and
- 11 The following wording be inserted into the 2011/2012 Scheme of Members' Allowances –  
"The Council has introduced a Pension Scheme for Members as provided under Section 7 of the Superannuation Act 1972 and in accordance with the statutory regulations and guidance issued by the Local Government Pensions Committee and the Local Government Pension Scheme (LGPS). Under the Council's

Scheme, elected Members of Council are entitled to join the LGPS, providing they meet the eligibility criteria; contributions to be calculated on the Basic Allowance payable and any Special Responsibility Allowance whilst the Member is in receipt of such Allowances.”

## 113 QUESTIONS

The following questions had been submitted in accordance with Procedure Rule 11:

### **Question 1**

**Councillor D Brickhill had submitted the following question:**

What was the cost of the eight collections of the green bins in Crewe and Nantwich and what was the income from Shotton for the clean white paper during financial year 2010/11?

**Councillor R Menlove, Portfolio Holder for Environmental Services responded as follows:**

The annual cost of the “green bin” paper collection in 2010-11 was about £260,000. The income from the sale of paper collected in this kerbside operation was in the same period about £190,000. So the net cost to the Council was about £70,000.

**Councillor Brickhill asked the following supplementary question**

What was the net cost of the green bins to Cheshire / Crewe and Nantwich and what will be the net receipt after collection and disposal?

**Councillor R Menlove responded as follows:**

The green bins were purchased by the former Crewe and Nantwich Council and we are uncertain about their actual cost. However, in considering ways to improve the recycling service for the new Borough, we established that to provide green bins to properties in the Macclesfield and Congleton areas would cost about £2m. This would be an additional cost to the service now being implemented. The collection and recycling of the green bins from the Crewe and Nantwich is a one-off cost of about £35,000. There was no commercial interest in purchasing these used bins.

### **Question 2**

**Councillor D Brickhill had submitted the following question:-**

Given that this Council was made aware on July 27<sup>th</sup> 2010 that there was to be a sale by tender of the post office sorting office on Weston Lane,

Crewe, why was it necessary to deprive the Council of debate on the purchase and use the emergency powers in November instead?

**Councillor W Fitzgerald, Leader of the Council, responded as follows:**

The Royal Mail site, Weston Road, Crewe was first marketed for disposal by the Royal Mail's agents on 11<sup>th</sup> October 2010, not 27th July 2010. The Council was aware in July that the Royal Mail was due to vacate the site but at that point the Royal Mail had not declared their proposed route of disposal or their timetable.

**Councillor Brickhill asked the following supplementary question**

I believe that this was not taken to Council because there was no adequate financial plan to justify this, is that correct?

**Councillor W Fitzgerald responded as follows:**

The timescale was very compressed – on 11th October, the vendor instructed their agent to secure all offers by 12<sup>th</sup> November with a timetable that requires exchange of contracts by 31<sup>st</sup> December 2010, and completion of sale by 31<sup>st</sup> January 2011.

### **Question 3**

**Councillor D Brickhill had submitted the following question:**

Given that the Council Tax has not fallen since Cheshire East took over from county and district, how does the Leader (then Leader of Macclesfield Council) square his promises for savings in the bid to CLG with this incredibly poor out turn?

**Councillor W Fitzgerald, Leader of the Council, responded as follows:**

You are correct that Council Tax has not fallen, it has remained almost static with a small increase of 1.7% in 2010/11 which resulted in additional investment in services to children and families.

This has been achieved during a time when central government support has been falling but inflation has been rising.

The Cabinet and Officers have worked hard to achieve this result through its business planning process which has acknowledged growth pressures and protected the front line while maximising savings from back office services.

Our record on Council Tax for 9/10 to 11/12 speaks for itself as we have the lowest cumulative increase of the 23 Councils in the north west and second lowest of our 15 near neighbour comparators, beaten only by

Shropshire who receive much greater levels of Government funding per head. (£326 compared to £194 for 11/12 formula grant).

RPI over the same three year period has been over 12% in cumulative terms representing a significant real terms saving.

Looking at savings the entire budget has been subject to review and challenge and resulted in savings of over £30m in 2009/10 and over £12m in 2010/11.

These savings have been delivered but at the same time there have been significant additional cost pressures in terms of rising adult care costs and the Chancellor's in year funding reductions.

**Councillor Brickhill asked the following supplementary question**

Like all Councils in England, Cheshire East Council has accepted the Government's subsidy, so council taxpayers have a right to expect the council tax to have fallen?

**Councillor W Fitzgerald responded as follows:**

I have given the answer to this question – in real terms I believe that the people of Cheshire East are grateful that we have managed this situation very well.

**Question 4**

**Councillor D Brickhill had submitted the following question:**

What has been the total cost of redundancies in both Cheshire East and Cheshire West since the change of Councils and how does this compare with the total of no more than £40 million promised in the bid to CLG to wreck the county and district councils to assist the then Labour government?

**Councillor P Mason, Portfolio Holder for Procurement, Assets and Shared Services responded as follows:**

I am not able to answer on behalf of Cheshire West and Chester Council as that is a matter for them, however, in regards to Cheshire East Council, for the two year period ending 31<sup>st</sup> March 2011, approximately £26 million has been spent or committed on redundancies. These costs however relate only in part to implementing changes arising from Local Government Reorganisation (LGR), which is what I believe you are referring to in your question.

The balance of the savings relate to the Council's ongoing drive to improve services and to achieve greater efficiency and value for money from all of its services.

It is estimated that circa £11.7 million relates to LGR with the balance of circa £14.3 relating to our ongoing efficiency drive.

**Councillor Brickhill asked the following supplementary question:**

With all these redundancies surely the Council Tax should have fallen but it has not. Is this because Cheshire East employs more a lot more staff earning over £100,000 a year?



**Councillor P Mason responded as follows:**

Redundancies invoke costs which have a payback time of approximately 12 months and the benefits come in subsequent years. One of the benefits is being able to hold the council tax levels.

**Question 5**

**Councillor R Cartlidge had submitted the following question:**

Can the Portfolio Holder tell the Council, when a request is received from Councillors who have outstanding maintenance work which needs repairs or remedial work to be carried out in the Wards they represent :-

1. What is the time required for them to be rectified?
2. What is the best and expedient means of reporting them?
3. Is there a protocol or instruction on how officers are to react or action taken to rectify these problems?

**Councillor R Menlove, Portfolio Holder for Environmental Services responded as follows:**

With reference to your question re maintenance work and associated repair times, we are assuming that you are referring to Highways Maintenance

1. This very much depends upon the nature of the highway request. For example should officers receive a report of a dangerous defect the request will be actioned almost immediately to safeguard the public and will probably take the form of an interim repair e.g. filling a pot hole.

Should the maintenance work be substantial or complex in nature then it will be considered for inclusion in our future investment plans.

In all instances officers will always endeavour to keep the individual Members updated on the approach being taken.

2. The best means of reporting highway maintenance issues is via our online web reporting form, or alternatively our central tel no. 0300 123 5020.

However we do know Members do on some occasions deal directly with local officers.

3. In the case of emergency works, we will seek to rectify these within one hour during the working day and 1.5hrs outside of the normal working day. Where defects are non-emergency, but are classed as a category 1 defect, these will be repaired within 24hrs this does depend on severity of

the weather at the time and available resources. Programme works depending on their complexity usually take between 6 to 8 weeks to complete.

**Councillor R Cartlidge asked the following supplementary question:**

Can you please tell me why repairs to an electrical junction box have taken three years to carry out?

**Councillor R Menlove responded as follows:**

Could you provide me with location and nature of this defect and I will provide a written response

**Question 6**

**Councillor R Cartlidge had submitted the following question:**

**Queens Park Crewe**

The 7.77 million Heritage Lottery Fund Grant to regenerate Queens Park in Crewe.

In the agreement with the Council there is an assurance that the park will be kept to the standard that it is in when handed back to the Council from the contractors for 10 years.

Can this Council be assured that there will be dedicated teams [gardener's and park wardens] as is stated in the agreement with the Heritage Lottery Fund to ensure that the park is kept to the very high standard that is expected by the Lottery Fund.

**Councillor A Knowles, Portfolio Holder for Health and Wellbeing responded as follows:**

As the question confirms, it is a requirement of Cheshire East Council that Queen's Park is maintained to an agreed standard in line with a Management Plan specifically for the Park. This Plan, to be agreed with the Heritage Lottery Fund and signed off by the Chief Executive, is currently being finalised through detailed discussions with the Heritage Lottery Fund.

As Cllr Cartlidge is aware, as a 'Friend of Queen's Park', a huge amount of progress has been made on this project since Cheshire East Council came into being. By the summer most of this work will be completed and the communities of Crewe will have an asset of which they can justifiably be proud.

There will always be dedicated streetscape staff responsible for maintaining the park although their profile will vary in order to maximise learning and development opportunities.

**Councillor R Cartlidge asked the following supplementary question:**

Local residents have seen an increase in vandalism and feel dedicated park wardens and staff who they know would help with this situation and are concerned that staff could be from elsewhere.

**Councillor A Knowles responded as follows:**

I meant, for example, that if there was an apprentice it would give them the opportunity to gain experience working in the Park.

### **Question 7**

**Councillor D Flude has submitted the following question:-**

How many Adult Safeguarding cases are at this time being investigated in Crewe?

**Councillor R Domleo, Portfolio Holder for Adult Services responded as follows:**

For Crewe figure is 138. Crewe has consistently the highest number of safeguarding referrals. The index of multiple deprivation shows that Crewe has areas that are amongst the most deprived nationally. Safeguarding training take up shows that attendees from Crewe / Nantwich is the largest. Both of these factors will influence the levels of safeguarding referrals.

**Councillor D Flude asked the following supplementary question:**

Safeguarding is everyone's responsibility – I believe we have 6 full time equivalent staff working in safeguarding so perhaps we need to review the staffing structure. Could I ask the Portfolio Holder to look again at staffing in Safeguard?

**Councillor R Domleo responded as follows:**

I will but I wish to remind Cllr Flude that the Council has put extra money into adult safeguarding this year - it is a very important area.

### **Question 8**

**Councillor T Beard had submitted the following question: -**

There is much dissatisfaction among the stall holders in both the Crewe outdoor market and the indoor market regarding the 25% increase in their

rents. Many stall holders are now find that there is very little profit to be made and their livelihoods are under threat, they are considering giving up trading at Crewe market, some have already have given up their stalls.

Considering that the Cheshire East Councils say's that Crewe is the economic engine for the borough, has consideration been given to the viability of the market in Crewe for the resident population or is the interest in the income that can be gained from the car parking charges that could be made 6 days a week if the outside market was not there?

What was the total taken in rents from April 2010 to March 2011 at Crewe Market?

What is the total budget for the market's in Crewe including staffing costs?

**Councillor R Menlove, Portfolio Holder for Environmental Services responded as follows:**

Cheshire East Council remains committed to providing sustainable and vibrant markets. To achieve this, part of our challenge is to ensure that Cheshire East council taxpayers, of whom there are more than 165,000, are not required to subsidise commercial operations. Markets therefore need to be individually sustainable in terms of operational expenditure and future investment needs. This is particularly critical at a time when we are discussing the transfer of markets to Town Councils.

Against this backdrop the promoted increase reflects a real and immediate need to put each market on a sustainable footing from a financial perspective. This perspective has been balanced with the commercial reality of market charges across the wider region. As a result it was decided to increase the charges for a full markets day trading by on average £6. Although rents will vary according to location, size, facilities and demand the current charges in Crewe are comparable to similar markets elsewhere with Stoke on Trent being one example.

The total amount received in rents was £269,100.95 between April 2010 and March 2011. The budget for this period was an expenditure of £256,900 including staffing costs. Clearly Officers will continue to review performance. To date we have received one notice.

**Councillor Beard asked the following supplementary question:**

We have already had one letter from a Market Trader. Would the Portfolio Holder be prepared to suspend the increase, carry out consultation with all the market traders in the Borough and refer the issue of an increase in market rents to a Scrutiny Committee?

**Councillor R Menlove responded as follows:**

As I said, we have to date only received one notice which I believe refers to general trade. The increase has not been implemented yet. I would like to remind Members that we do not received business rates from markets and that the council taxpayers should not be required to subsidise them.

**Questions 9 to 13**

**Councillor J Narraway had submitted the following questions: -**

In order to establish the effectiveness and Value for Money of the Cheshire East Voluntary Redundancy (VR) Scheme, please provide answers to the following questions:

What were the staff numbers and staff costs in each directorate of Cheshire East at the beginning of the municipal year 2009/10?

How many staff took VR and what has been the total financial cost of the VR program in the municipal year 2009/10?

What were the staff numbers and staff costs in each directorate of Cheshire East at the end of the municipal year 2009/10?

How many staff are projected to take VR and what is the projected total financial cost of the VR program in the municipal year 2010/11?

What are the projected staff numbers and staff costs in each Directorate of Cheshire East at the end of the municipal year 2010/2011?

**Councillor P Mason, Portfolio Holder for Procurement, Assets and Shared Services responded as follows:**

This is a very complex set of questions which require the extraction, collation and analysis of complex financial data from a number of sources, and which includes financial spend and commitments from as recently as last month. Regrettably it has not proven possible to collate the final data in time for the meeting today; however I can reassure Councillor Narraway that he will receive a written response shortly which will of course be copied to all Members of the Council at the same time.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

Councillor G Baxendale (Chairman)  
CHAIRMAN

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## CHESHIRE EAST COUNCIL

### Report to Council

---

**Date of meeting:** 18<sup>th</sup> May 2011

**Report of:** Borough Solicitor

**Title:** Election of Councillors

---

#### **1.0 Purpose of Report**

1.1 To report the results of the Council Elections held on 5<sup>th</sup> May 2011.

#### **2.0 Decision Required**

2.1 Council is requested to note the information given in the report.

#### **3.0 Financial Implications**

3.1 None.

#### **4.0 Legal Implications**

4.1 The Council meeting must receive the results of the elections

#### ***For further information:***

*Officer: Brian Reed Democratic and Registration Services Manager  
Tel No: 01270-686670*

*Email: [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)*

#### ***Background Documents:***

*None*

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Elected	Party	Ward
ANDREW Carolyn Margaret	Conservative	Macclesfield West and Ivy
BAILEY Rachel Anne	Conservative	Audlem
BAILEY Rhoda	Conservative	Odd Rode
BARRATT Andrew John	Conservative	Odd Rode
BARTON Gary Philip	Conservative	Wilmslow West and Chorley
BAXENDALE Gordon	Conservative	Congleton West
BEBBINGTON Derek Nicholas	Conservative	Leighton
BOSTON Gill	Labour	Macclesfield Hurdsfield
BRICKHILL David	Shavington First	Shavington
BROWN David	Conservative	Congleton East
BROWN Dr Louise	Conservative	Broken Cross and Upton
BURKHILL Barry Edward	Handforth 'Ratepayers' Association	Handforth
BUTTERILL Penny	Independent	Nantwich North and West
CARTLIDGE Roy	Labour	Crewe St Barnabas
CLOWES Janet Christine	Conservative	Wybunbury
CORCORAN Sam	Labour	Sandbach Heath and East
DAVENPORT Harold	Conservative	Disley
DAVIES Stan	Conservative	Wrenbury
DOMLEO Roland Michael	Conservative	Congleton West
DRUCE Damien	Conservative	Macclesfield South
EDWARDS Ken	Labour	Macclesfield Central
EDWARDS Paul John	Middlewich First	Middlewich
FASEYI Irene	Labour	Crewe Central
FINDLOW John Paul	Conservative	Prestbury

FITZGERALD Wesley	Conservative	Wilmslow West and Chorley
FLETCHER Rod	Liberal Democrats	Alsager
GADDUM Hilda McIntosh	Conservative	Sutton
GARDINER Stewart Anthony	Conservative	Knutsford
GILBERT Les	Conservative	Dane Valley
GRANT Mo	Labour	Crewe North
GROVES Peter Graham	Conservative	Nantwich South and Stapeley
HAMMOND John	Conservative	Haslington
HARDY Martin Christopher	Conservative	Broken Cross and Upton
HAREWOOD Alift Iris Eugenie	Labour	Macclesfield West and Ivy
HAYES Peter	Conservative	Bollington
HOUGH Derek Ian	Liberal Democrats	Alsager
HOYLAND Philip William George	Conservative	Poynton West and Adlington
HUNTER Olivia	Conservative	Knutsford
JACKSON Janet Anne	Labour	Macclesfield Central
JEUDA Laura	Labour	Macclesfield South
JONES Michael Edward	Conservative	Bunbury
JONES Shirley	Liberal Democrats	Alsager
KEEGAN Frank	Conservative	Alderley Edge
KOLKER Andrew Michael James	Conservative	Dane Valley
LIVESLEY William Harold	Conservative	Bollington
MACRAE Jamie	Conservative	Mobberley
MAHON Dennis	Handforth 'Ratepayers' Association	Handforth
MARREN David Frank	Conservative	Haslington
MARTIN Andrew Edwin	Conservative	Nantwich South and Stapeley

MARTIN Peggy	Labour	Crewe East
MASON Peter Herbert	Conservative	Congleton East
MCGRORY Simon Nicholas	Middlewich First	Middlewich
MENLOVE Rod	Conservative	Wilmslow East
MERRY Gill	Conservative	Sandbach Elworth
MORAN Arthur	Independent	Nantwich North and West
MORAN Barry Edward	Conservative	Sandbach Town
MORRIS Gail	Conservative	Sandbach Ettiley Heath and Wheelock
MURPHY Brendan	Vote Independent	Macclesfield Tytherington
MURRAY Howard	Conservative	Poynton East and Pott Shrigley
NEILSON David Allan	Liberal Democrats	Macclesfield East
NEWTON David John	Labour	Crewe East
NURSE Peter	Labour	Crewe West
PARSONS Michael John	Middlewich First	Middlewich
RAYNES Peter Stephen	Conservative	Knutsford
ROBERTS Lloyd	Vote Independent	Macclesfield Tytherington
SAUNDERS Jos	Conservative	Poynton East and Pott Shrigley
SHERRATT Michelle Mary	Labour	Crewe West
SILVESTER Brian George	Conservative	Willaston and Rope
SIMON Margaret Joan	Conservative	Wistaston
SMETHAM Lesley	Conservative	Gawsworth
STOCKTON Don	Conservative	Wilmslow Lacey Green
THORLEY Chris	Labour	Crewe East
THWAITE Andrew Roderick	Conservative	Congleton East
TOPPING David	Conservative	Congleton West

WALTON George Mitchell	Conservative	Chelford
WEATHERILL Margaret Jacqueline	Conservative	Wistaston
WEST Roger Edward	Conservative	Poynton West and Adlington
WHITELEY Paul Percy	Conservative	Wilmslow Dean Row
WILKINSON Steve	Conservative	High Legh
WRAY John Valentine Frank	Conservative	Brereton Rural

## CHESHIRE EAST COUNCIL

### Report to Council

---

**Date of Meeting:** 18<sup>th</sup> May 2011

**Report of:** Borough Solicitor

**Title:** Election of Leader of the Council

---

#### **1.0 Purpose of Report**

- 1.1 To elect a Leader of the Council for a four year term of office.

#### **2.0 Decision Required**

That Council elects a Leader of the Council.

#### **3.0 Legal Implications**

- 3.1 In accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 the Council resolved to adopt the “Strong Leader” and Cabinet model of executive arrangements. The change in executive arrangements, as required by legislation, has to come into effect from May 2011.

#### **4.0 Risk Assessment**

- 4.1 Failure to comply with the Act would leave the Council open to legal challenge.

#### **5.0 Background**

- 5.1 At its meeting held on 16<sup>th</sup> December 2010 the Council resolved that the Strong Leader and Cabinet model of governance be adopted by the Council and this would be brought into effect at the beginning of May 2011, subject to any subsequent amending legislation.
- 5.2 There has been no amending legislation but members are asked to note that through the Localism Bill the Government intends to let Councils decide, in consultation with local people, what system is best for their community, whether that be a Mayor or Leader and Cabinet or a Committee system.
- 5.3 Council is invited to elect a Leader of the Council for the statutory four year term of office.
- 5.4 In accordance with Cabinet Procedure Rule 1 the Leader will also be invited to present to Council information about executive functions in the forthcoming year including details of those members appointed to Cabinet.

**6. Reasons for Recommendations**

- 6.1 The reasons for the recommendation is to ensure that the Council fulfils its statutory obligations and meet the requirements of its Constitution.

***For further information:***

*Officer: Paul Jones Democratic Services Team Manager*

*Tel No: 01270 686458*

*Email: paul.jones4@cheshire.gov.uk*

***Background Documents: None***

## CHESHIRE EAST COUNCIL

### Report to Council

---

**Date of Meeting:** 18<sup>th</sup> May 2011

**Report of:** Borough Solicitor

**Title:** **Political Representation on the Council's Committees**

---

#### **1.0 Purpose of Report**

- 1.1 To determine the political representation on the Council's committees.

#### **2.0 Decision Required**

- 2.1 That the political group representation, as set out in Appendices 1 and 2 to this report and the methods, calculations and conventions used in arriving at them as outlined in the report be adopted.
- 2.2 That members note that following the election in Crewe South there will be the need for Council to receive a similar report containing the up to date position.

#### **3.0 Legal Implications**

- 3.1 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, makes provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees of the Council.
- 3.2 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 3.2.1 Not all of the seats can be allocated to the same political group. (i.e. there are no single group committees.)
  - 3.2.2 The majority of seats on a body are to be allocated to a political Group with a majority membership of the authority.
  - 3.2.3 The total number of seats on all ordinary committees allocated to each Political Group bears the same proportion to the proportion on the full Council. Appendix 1 achieves this.
  - 3.2.4 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full

Council. Appendix 2 demonstrates proportional distribution across all committees etc. It also includes a number of other bodies which the seats for which the Council has agreed will be allocated based upon political representation.

- 3.3 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

#### **4.0 Risk Assessment**

- 4.1 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

#### **5.0 LOCAL GOVERNMENT (COMMITTEE AND POLITICAL GROUPS) REGULATIONS 1990**

- 5.1 Owing to the recent sad death of Councillor B Howell and the subsequent necessity to countermand the poll for the Crewe South Ward the proposed proportionality calculation has been made on a membership of 80, with 2 vacancies. A new Poll for Crewe South Ward will take place on 16<sup>th</sup> June 2011. There will be a need to revise the proportionality calculations again following the By-election at the next Council meeting in July 2011. On this basis Appendix 1 to this report sets out the proposed political representation on ordinary committees, The following is the basis of the approach adopted:

Conservatives	52	63.40
Labour	14	17.08
Independent/Others	10	12.20
Liberal Democrat	4	4.88
Vacancies	2	2.44
<b>TOTAL</b>	<b>82</b>	<b>100%</b>

- 5.2 Appendix 1 demonstrates how the Council has to agree the proportionality of its ordinary committees. The definition of an ordinary committee does not include sub-committees or joint committees. They are therefore excluded from Appendix One, but shown at Appendix 2, except where these are ad-hoc bodies. The proportionality rules do not apply to the Cabinet or to the Standards Committee. These are also excluded from Appendix 1.
- 5.3 The proportionalities in Appendix 1 and 2 have been arrived at by the following methods and conventions:
- applying the relevant percentage to each body;
  - rounding up from 0.5 and above and rounding down below 0.5



The Act provides that where this results in a Group having more or fewer actual seats than their proportional entitlement (as shown in the 'Difference' line in Appendix 1 and 2), any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement. Appendix 2 includes the calculations to show how the reallocation has been made.

- 5.4 Appendix 2 shows the proportional distribution of seats on all bodies and includes not only the ordinary committees at Appendix 1 but other bodies such as joint committees, sub-committees etc.
- 5.5 Appendix 1 reflects the position prior to returns being received from Groups and makes a number of assumptions e.g that the 10 independent Members may form a political group for the purposes of the proportional distribution of seats. This may need to be revised prior to the Annual Meeting, once confirmation has been received from the Group Leaders and Members.
- 5.6 It should be noted that the report proposes not to appoint the Appeals Committee. However, if Council is minded to appoint the Appeals Committee the proportionality figures will need to be amended.

## **6. Reasons for Recommendations**

- 6.1 To determine political representation on the Council's committees.

### ***For further information:***

*Officer: Paul Jones Democratic Services Team Manager*

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***Background Documents: None***

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## CHESHIRE EAST COUNCIL

### Report to Council

---

**Date of Meeting:** 18<sup>th</sup> May 2011

**Report of:** Borough Solicitor

**Title:** **Appointment of Members to Committees**

---

#### **1.0 Purpose of Report**

- 1.1 To determine the memberships of the Council's decision-making bodies and the appointment of those bodies.

#### **2.0 Decision Required**

- 2.1 That the nominations made by the Group Leaders to the bodies listed in Appendix 2 of the previous agenda item, be appointed.
- 2.2 That the existing powers of the Appeals Committee are transferred to the Audit and Governance Committee and the Borough Solicitor be authorised to make appropriate constitutional changes as she deems appropriate.

#### **3.0 Legal Implications**

- 3.1 The previous report on the agenda dealt with the requirements of the Local Government (Committees and Political Groups) Regulations 1990, in respect of the political group representation on the authority's committees.
- 3.2 The Annual Meeting of Council appoints the Council's decision-making and other bodies and their memberships.
- 3.3 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

#### **4.0 Risk Assessment**

- 4.1 Failure to comply with the Act and Regulations would leave the Council open to legal challenge.

#### **5.0 Appointments to Committees Under the Council's Political Structure for the Municipal Year 2011/12**

- 5.1 Council at its Annual meeting is required to appoint its decision-making and other bodies, together with their memberships.

- 5.2 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question. The Political Groups have therefore been invited to submit their nominations and a schedule of the proposed memberships will be published as soon as possible before the meeting.
- 5.3 Council should note the following:
  - 5.3.1 The Licensing Sub-Committees will be appointed by the Licensing Committee when required, as provided for by the Constitution.
  - 5.3.2 The Council is required to appoint six Members to the Wirral Joint Scrutiny Committee and to nominate six reserve Members. This is the current practice with the existing constituent authorities.
  - 5.3.3 It is proposed that the existing powers of the Appeals Committee are transferred to the Audit and Governance Committee.

## **6.0 Reasons for Recommendations**

- 6.1 To determine memberships of the Council's decision-making and other bodies and their appointment.

### ***For further information:***

*Officer: Paul Jones Democratic Services Team Manager*

*Tel No: 01270 686458*

*Email: paul.jones4@cheshire.gov.uk*

***Background Documents: None***

## CHESHIRE EAST COUNCIL

### Report to Council

---

**Date of Meeting:** 18<sup>th</sup> May 2011

**Report of:** Borough Solicitor

**Title:** **Appointment of Chairmen and Vice Chairmen**

---

#### **1.0 Purpose of Report**

- 1.1 To appoint Chairmen and Vice Chairmen of the Council's decision-making bodies.

#### **2.0 Decision Required**

- 2.1 That a Chairman and a Vice Chairman be appointed for each of the Council's decision-making bodies listed in the previous agenda item.

#### **3.0 Legal Implications**

- 3.1 The Annual Meeting of Council appoints the Council's decision-making and other bodies and their Memberships. It also determines the Chairmen and Vice Chairmen of these bodies.

#### **4.0 Risk Assessment**

- 4.1 Failure to comply with the requirements of the Constitution would leave the Council open to legal challenge.

#### **5.0 Appointment of Chairmen and Vice Chairmen Under the Councils Political Structure for the Municipal Year 2011/12**

- 5.1 Council at its Annual meeting is required to appoint its decision-making and other bodies, together with their Memberships.
- 5.2 Council is also required to appoint a Chairman and Vice Chairman for each of the bodies in question.
- 5.3 Nominations have been invited and a schedule of proposed Chairmen and Vice Chairmen will be published as soon as possible before the meeting.
- 5.4 Council should note the appointment of Chairman and Vice-Chairman of the Wirral Joint Scrutiny Committee rotates annually among the constituent authorities with no one authority holding both the chairmanship and vice-chairmanship in any year. These appointments are made by the Committee itself.

## **6.0 Reasons for Recommendations**

- 6.1 To appoint the Chairmen and Vice Chairmen of the Council's decision-making and other bodies.

### ***For further information:***

*Officer: Paul Jones Democratic Services Team Manager*

*Tel No: 01270 686458*

*Email: paul.jones4@cheshire.gov.uk*

***Background Documents: None***

## CHESHIRE EAST COUNCIL

### Report to Council

---

<b>Date of Meeting:</b>	18 <sup>th</sup> May 2011
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	<b>Appointments to Adoption Panel, Fostering Panel and Cheshire Admissions Forum</b>

---

#### **1.0 Report Summary**

- 1.1 The report invites Council to approve a number of appointments to Statutory Panels and Forums which do not fall within the definition of “a Committee”.

#### **2.0 Decision Requested**

- 2.1 Council is asked to appoint –
- (a) one Councillor to the Adoption Panel;
  - (b) two Councillors to Cheshire Admissions Forum; and
  - (c) one Councillor to the Fostering Panel.

#### **3.0 Reasons for Recommendation**

- 3.1 These bodies carry out statutory functions and appointments are needed to ensure that the Council meets its obligations.

#### **4.0 Background and Options**

- 4.1 In March 2009 appointments were made to outside organisations. Cabinet appointed to Category 1 organisations (top level strategic organisations at national, regional and local level; for example, Fire Authority and Primary Care Trust). The former Governance and Constitution Committee appointed to the remaining organisations.
- 4.2 The Outside Organisations Sub-Committee (a sub-committee of the Constitution Committee) has carried out a review of appointments to outside organisations, to inform the appointments process in May 2011. As a consequence of that review, the Sub-Committee has concluded that there are some organisations which do not fall within the category of being “outside organisations” and it would be more appropriate for the Council to make such appointments as part of the annual Committee appointments

process. The organisations are Statutory Panels and Forums which do not fall within the definition of “a Committee”-

- Adoption Panel
- Cheshire Admissions Forum
- Fostering Panel

#### 4.3 Adoption Panel

The Adoption Panel considers in detail all aspects of a plan for a “Looked After” child to be adopted and makes a recommendation as to whether or not the child should be adopted. In addition, the Panel considers the suitability of any families who apply to become adopters, and whether or not to recommend that they are suitable to adopt; and also considers the placement of any child with a particular adopter. The elected Member is a full member of the Panel. Under the performance objectives of the Panel, each member is asked to attend 75% of the meetings, which are held monthly, and in addition is asked to attend any training events and induction events that are held at least annually, and undergo an annual appraisal.

The role of the Adoption Panel and the appointment of elected Members are governed by the Adoption Agency Regulations 2005, Adoption and Children Act 2002.

The Adoption Panel comprises the following –

- Chair
- Medical Adviser
- Agency Members
- Social Workers (2)
- Elected Member (1)
- Independent members (3)
- Additional members (2)

#### 4.4 Cheshire Admissions Forum

There is a statutory duty on the local authority to have in place an Admissions Forum.

Section 85 of the School Standards and Framework Act 1998 requires all local authorities to establish an Admissions Forum. Forums provide a means by which admission authorities and other key parties can discuss the effectiveness of local admissions arrangements, consider how to deal with difficult admissions issues and advise all admissions authorities on ways in which their arrangements can be improved. Forums also have a key role in ensuring a fair admissions system that promotes social equality, does not disadvantage one child compared with another and is straightforward and easy for parents to understand.

The Forum core membership comprises 14 members as follows –



- Local Education Authority Members (2)
- Schools (Community) (3)
- Schools (Voluntary Controlled) (1)
- School (Foundation) (2)
- Schools (Voluntary Aided) (2)
- Schools (Academies) (1)
- Diocesan Board Church of England Representative (1)
- Roman Catholic Diocese Representative (1)
- Parent Governor Representative (1)

#### 4.5 Fostering Panel

The Panel considers and advises on the suitability of persons who apply to be foster carers for children who are “looked after” by the local authority. It states what its recommendations are in respect of a particular child or children and clarifies whether the prospective carers are to be approved for certain ages or categories of children.

It considers the continuing approval of foster carers following their annual carer’s review or other significant changes in their circumstances and advises on any other matter relating to the fostering service.

The Panel holds monthly meetings which are held in private. One nomination is required.

As with the Adoption Panel and the Cheshire Admissions Forum, the Fostering Panel is administered by Cheshire East Children’s Services and, as such, is not an outside organisation.

#### 5.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer.

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Designation: Democratic Services Officer  
Tel No: 01270 686471  
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## CHESHIRE EAST COUNCIL

### Report to Council

---

Date of Meeting:	18 <sup>th</sup> May 2011
Report of:	Borough Solicitor
Subject/Title:	<b>Appointments to Cheshire Fire Authority and Cheshire Police Authority</b>

---

#### **1.0 Report Summary**

- 1.1 The report invites Council to make Appointments to Cheshire Fire Authority and Cheshire Police Authority.

#### **2.0 Decision Requested**

- 2.1 Council is asked to appoint –
- (a) three Councillors to the Cheshire Police Authority; and
  - (b) eight Councillors to Cheshire Fire Authority

#### **3.0 Reasons for Recommendation**

- 3.1 These bodies carry out statutory functions and appointments are needed to ensure that the Council meets its obligations.

#### **4.0 Background and Options**

##### **Police Authority**

- 4.1 Schedule 2 of the Police Act 1996 provides for the establishment of a Joint Committee where there is more than one local authority in the Police Authority area. The Joint Committee for Cheshire was first established in 1997, when it was agreed that the Committee would consist of nine Members allocated on the basis of population.
- 4.2 As a consequence of local government restructuring in Cheshire. The current allocation is:
- Halton - 1 Member
  - Warrington - 2 Members
  - Cheshire West and Chester - 3 Members
  - Cheshire East - 3 Members.

- 4.3 The allocation of the nine local authority places on the Police Authority needs to be made in accordance with the political proportionality of the constituent Councils taken as a whole and the Clerk to the Authority will provide additional information on this to help each of the constituent Councils make their Party Group nominations to achieve the balance required.
- 4.4 The Council's proportionality is now 2 Conservative and 1 Labour, following the election.

**Cheshire Fire Authority.**

- 4.5 The Fire Authority was the Combined Fire Authority for Cheshire, Halton and Warrington in accordance with the Cheshire Fire Services (Combination Scheme) Order 1997. The constitution of the Cheshire Fire Authority required the appointment of 14 representatives.
- 4.6 As a consequence of local government restructuring in Cheshire the Authority was changed to the Combined Fire Authority of Cheshire West and Chester, Cheshire East, Halton and Warrington and its membership was increased to 23 places. The allocation of seats is:-

Halton - 3 Member  
Warrington - 4 Members  
Cheshire West and Chester - 8 Members  
Cheshire East - 8 Members.

The Clerk to the Authority will provide additional information to help the constituent Councils make their nominations.

**5.0 Reasons for Recommendations**

- 5.1 To determine political representation on the Authority.

***For further information:***

*Officer: Paul Jones Democratic Services Team Manager  
Tel No: 01270 686458  
Email: paul.jones4@cheshire.gov.uk*

***Background Documents: None***

## CHESHIRE EAST COUNCIL

### COUNCIL

---

**Date of meeting:** 18<sup>th</sup> May 2011

**Report of:** Borough Solicitor

**Title:** Reaffirmation of Council's Constitution

---

#### **1.0 Purpose of Report**

1.1 To reaffirm the Council's Officer Delegation Scheme.

#### **2.0 Decision Required**

2.1 Council is requested to reaffirm the provisions of the Council's Constitution.

#### **3.0 Financial Implications**

3.1 None.

#### **4.0 Legal Implications**

4.1 The Council is regularly required during legal proceedings to provide evidence that the Council has reaffirmed its Constitution thereby empowering officers to take enforcement and other action in the delivery of local services.

#### **5.0 Background and Options**

5.1 It is recognised best practice for the Council to reaffirm its Constitution, in order for there to be appropriate evidence prior to legal proceedings that evidence is available to show that officers are suitably empowered.

#### ***For further information:***

*Officer: Brian Reed Democratic and Registration Services Manager*  
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#### ***Background Documents:***

*None*

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