

Annual Council Meeting and Mayor Making Ceremony

Agenda

Date: Wednesday, 16th May, 2012
Time: 11.00 am
Venue: The Tenants' Hall, Tatton Park - Knutsford

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. **Apologies for Absence**

2. **Declarations of Interest**

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

3. **Election of Mayor 2012/13**

To elect a Mayor for 2012/13, who will also act as Chairman of the Council

4. **Appointment of Deputy Mayor 2012/13**

To appoint a Deputy Mayor for 2012/13 who will also act as Vice-Chairman of the Council

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

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

7. **Mayor's Announcements**

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

Please contact Julie North on 01270 686460
E-Mail: julie.north@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

8. **Adjournment for Lunch and Reconvening of Meeting at 2.30pm**

9. **Apologies for Absence**

To receive any further apologies for absence.

10. **Minutes of the Meeting held on 19 April 2012 (Pages 1 - 12)**

To approve the minutes as a correct record.

11. **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 wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. 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.

12. **Mayor's Announcements**

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

13. **Election of Leader of the Council (Pages 13 - 14)**

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

14. **Appointments to the Cabinet/Leader's Announcements**

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.

15. **Political Representation on the Council's Committees (Pages 15 - 22)**

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

16. **Appointment of Members to Committees (Pages 23 - 24)**

To receive the political groups' nominations of Members to the Council's Committees, in accordance with the group representations at item 15 above.

17. **Appointment of Chairmen and Vice-Chairmen (Pages 25 - 26)**

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

18. **Appointments to Cheshire Fire Authority, Cheshire Police Authority and Cheshire Police and Crime Panel (Pages 27 - 30)**

To make Appointments to the Cheshire Fire Authority, the Cheshire Police Authority and the Cheshire Police and Crime Panel.

19. **Appointments to Panels** (Pages 31 - 34)

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

20. **Recommendation from the Constitution Committee - Proposed Council Governance Arrangements** (Pages 35 - 68)

To consider the recommendation of the Constitution Committee.

21. **Recommendation from Standards Committee - Standards Regime Under the Localism Act** (Pages 69 - 96)

To consider the recommendation of the Standards Committee.

22. **Reaffirmation of Council's Constitution** (Pages 97 - 98)

To reaffirm the Council's Constitution.

23. **Questions**

In accordance with Procedure Rule 11, opportunity is provided for Members of the Council to ask the Mayor, 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.

At Council meetings, there will be a maximum question time period of 30 minutes. Questions will be selected by the Mayor, using the criteria agreed by Council. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

24. **Recommendation from the Constitution Committee - Delegated Powers Relating to Development Management** (Pages 99 - 102)

To consider the recommendation of the Constitution Committee.

25. **Recommendation from Constitution Committee - Crewe Community Governance Review** (Pages 103 - 144)

To consider the recommendation of the Constitution Committee.

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CHESHIRE EAST COUNCIL**Minutes of a meeting of the Council**

held on Thursday, 19th April, 2012 at Crewe Alexandra Football Club, Gresty Road, Crewe, CW2 6EB

PRESENT

Councillor R West (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Baxendale, D Bebbington, G Boston, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartlidge, J Clowes, S Corcoran, W S Davies, D Druce, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, D Flude, H Gaddum, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, O Hunter, J Jackson, L Jeuda, A Martin, M A Martin, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, H Murray, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, B Silvester, M J Simon, L Smetham, D Stockton, C G Thorley, D Topping, G Wait, M J Weatherill, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors H Davenport, R Domleo, J Macrae, B Murphy, L Roberts, J Saunders, M Sherratt and A Thwaite

101 APOLOGIES FOR ABSENCE**102 MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2012****RESOLVED**

That the minutes be approved as a correct record.

103 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs Mabel Taylor used public speaking time to make a statement regarding the cessation of services at Bexton Court. She thanked the Councillors who had submitted the request regarding the call-in of the decision and stated that, what she considered to be the catastrophic loss of services seen in Knutsford, could happen in other areas of Cheshire East as the Council tried to balance its budget. She stated that those present at the call in meeting had been told that full consultation had taken place with the people of Knutsford and that the Chairman of the Committee had proposed a motion not to send advice to Cabinet and this motion had been adopted. She stated that whilst the Council may have consulted with former users of Bexton Court, at no time had the opinion of potential users been sought.

She referred to a recent e-mail which she had sent to the Council requesting details of how, where and when the people of Knutsford had been consulted. She

stated that, to date, she had not received a reply and requested that her questions be formally addressed and answers given.

She questioned what was planned for the Bexton Court building and in light of past unwelcome sales of publically owned buildings in Knutsford, made a formal request that the Council advise the people of Knutsford as to the plans for the abandoned building.

Mrs Charlotte Peters Rock used public speaking time to make a statement relating to her deep concerns regarding a number of statements made during a meeting of Adult Social Care Scrutiny Committee, which she felt were misleading. She felt that Cheshire East Council had not been honest with the electorate in respect of its closure of essential Social Care facilities for the elderly and disabled and that the Council seemed unconcerned about overseeing that its Scrutiny Committees acted according to its Constitution.

On behalf of Knutsford Area for Knutsford Action, she requested a meeting with the Council Leader and the Chief Executive of Cheshire East Council, so that these matters of great concern to her could be discussed.

104 **MAYOR'S ANNOUNCEMENTS**

The Mayor announced :-

1. That the A-Team Apprentices had been out and about over Easter talking to people in Macclesfield, Nantwich, Crewe, Wilmslow and Congleton about what it's like to be a Cheshire East A-Team Apprentice. He was proud to be a member of the A-Team and had lent support to the apprentices by going along to the events and getting them an audience with local newspaper reporters. Local community radio stations had also been involved. The Council had around 90 apprentices and application forms were arriving from local young people all the time.
2. That Cheshire East had recruited more than 300 volunteers to help with the Olympic torch relay, which would pass through Crewe, Congleton, Macclesfield and Knutsford, on May 31. The response had been fantastic, so far, but there was still time for people to put their names forward to help out on the day.
3. That the Deputy Mayor had attended Crewe's Cumberland Sports Ground and the Athletics Track, at Macclesfield Leisure Centre, for the Sport Relief Mile run, on March 25, where money was raised for good causes. Both events had been a big success, with friends, families and work mates coming together to take part.
4. That the outstanding talents of Cheshire's young musicians were to be showcased alongside world-renowned pianist, Peter Donohoe, in a magical concert on June 24th, to celebrate the enduring success of the Cheshire Youth Orchestra and the Cheshire Youth Training Orchestra. This would be a wonderful occasion and anybody interested in attending should get in touch with the Liverpool Philharmonic.

5. That he had been alerted to the need for an urgent item, which would form part of Part 2 of the agenda. He was satisfied as to the legal justification for its inclusion and this item would be dealt with after item relating to the Waste Treatment PFI.

105 **DECLARATIONS OF INTEREST**

Councillor Walton declared a personal and prejudicial interest in Item 9 of the agenda, relating to the Election of the Mayor and Deputy Mayor for the 2012/13 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 Walton left the meeting during consideration of this matter.

Councillor Flude declared a personal interest in item 6 – Notice of Motion 3, by virtue of being a member of several organisations connected with heritage, including English Heritage.

Cllr Gardiner declared a personal interest in item 8 – Report back from Strategic Planning Board on Notice of Motion regarding Sydney Road Bridge, by virtue of being a Professional Town Planner.

106 **NOTICES OF MOTION**

Consideration was given to the following Notices of Motion :-

1. Submitted by Councillor D Brickhill

M6/A500 Junction

The Chief Executive of this Council be instructed to write immediately to the Highways Minister, and to local MPs, expressing this Council's concern in the strongest possible terms at any further delay in addressing the need for remedial works to ease the serious congestion at Junction 16 of the M6 and seeking an assurance that works can commence to the M6/A 500 junction before the end of 2012.

RESOVED

That the motion stands referred to Cabinet for consideration.

2. Submitted by Councillors L Jeuda and J Jackson

Adult Social Care

Recent research carried out nationally by Which? into the domiciliary care people received at home found that many received a poor service. The results from the survey revealed shocking examples of neglect and a lack of respect by the care providers towards the people they were meant to be caring for. This follows a disturbing report published by the Equality and Human Rights Commission in November 2011, which found that the Human Rights of older people were being denied by a poor level of care and a lack of respect.

In the Which? report an improved service was received only after complaints had been made. Only four in ten people knew how to complain if they were not satisfied with the service provided.

Motion

1. This Council will ensure that policies are in place to prevent this happening to people in receipt of domiciliary care living in Cheshire East and that all Customers are provided with a copy of the relevant Complaints Procedure.
2. That Council ask Cabinet to request that the Adult Social Care Scrutiny Committee consider the findings from both the reports and re-examine the quality of services provided, including the Complaints Procedure, and how Cheshire East Commissioning Strategy deals with the issues raised.

That the motion stands referred to Cabinet for consideration.

RESOVED

3. Submitted by Councillors K Edwards and D Flude

Culture Policy

As Unitary Councils can and should be a powerful support to the sense of community in the area for which they have responsibility, Cheshire East Council will develop a cultural policy, that will support the rich ancient and industrial heritage of the borough, encourage the enjoyment of and the participation in the creative and performing arts and ensure a full range of facilities to enable residents to experience and enjoy a rich cultural life.

RESOVED

That the motion stands referred to Cabinet for consideration.

4. Submitted by Councillors D Bebbington and M Jones

Parkers Road, Crewe Proposed Gypsy and Traveller Site

Cheshire East Council's Conservative Group acknowledges the new Planning Policy for Gypsy and Traveller sites and the new National Planning Policy Framework announced by Government last week.

As a consequence of the new guidelines, Council is asked to resolve that the Parkers Road planning application should be withdrawn and that a further assessment of need should be undertaken and considered as part of the Local Plan process.

The Leader of the Council, Councillor Wesley Fitzgerald, should be thanked for aggressively pursuing a change of policy which places the destiny of gypsies and travellers in the hands of Members.

RESOVED

That the motion is approved.

5. Submitted by Councillor G Boston

Response Time for Elected Members Enquires

Elected Members as the representatives of local people often need to contact Cheshire East staff for information/explanation of particular actions, or as is more often the case inactions.

Recent experience is that officers are sometimes taking as long as three weeks to respond to enquiries made by Elected Members. Whilst that timescale is clearly unacceptable there isn't actually a protocol laid down for what is an acceptable response time to Elected Members. Following discussion with senior officers of this Authority we are told that the acceptable timescale for a response to an Elected Member is the same as the general public which is five days.

The Labour Group's view is that we are not members of the public but their elected representatives; furthermore we are almost always making an enquiry when for whatever reason the customer response protocols have broken down.

Other authorities have specific response times for elected member enquiries for example Manchester City Council has 24hrs with a clear expectation on officers that responding to elected members is a top priority.

On behalf of the Labour group I move that Cheshire East Council adopt a policy of responding to elected member enquiries within 2 working days even if that response is a holding reply pending the collection of further information.

RESOVED

That the motion stands referred to Cabinet for consideration.

107 RECOMMENDATION FROM CONSTITUTION COMMITTEE - CREWE COMMUNITY GOVERNANCE REVIEW

The recommendations of the Constitution Committee in respect of the Crewe Community Governance Review were submitted.

The Chairman of the Constitution Committee reported that he would be proposing that consideration of this matter be briefly deferred until the next full Council meeting and explained the reasons for this as follows :-

Council was to be asked to agree a second round of consultation, based upon the creation of a Parish Council for Crewe, this having 16 Parish Councillors, representing wards which would mirror the existing borough ward boundaries.

Elections would take place as soon as practicably possible, after conclusion of the second stage of public consultation, forming part of the Community Governance Review and it was hoped that it might be possible to combine them with the Police Commissioners Elections, in November 2012. However, these recommendations were based on advice and information from a number of

sources and Counsel's advice had been sought, in an attempt to bring clarity to a range of issues, including whether it was practicable for any elections to be combined with the Police Commissioners elections. This was felt to be particularly important, not just in respect of the Crewe Community Governance Review, but also in terms of the various options which would apply to the forthcoming Macclesfield Community Governance Review.

Counsel's advice had been received during the preceding two working days and it was considered important for this to be properly absorbed and fully understood, before Council was asked to make a decision on the matters in question. The advice received was complex and further clarity was likely to be needed from Counsel on a number of issues.

RESOLVED

1. That Consideration of the recommendations of the Constitution Committee be deferred.
2. That the meeting of the Community Governance Review Sub Committee, scheduled to take place on 27th April 2012, give urgent consideration to Counsel's advice.
3. That a special meeting of the Constitution Committee be convened to make recommendations to the 16th May meeting of Council on this matter.

**108 REPORT BACK TO COUNCIL FROM STRATEGIC PLANNING BOARD
RE NOTICE OF MOTION SYDNEY ROAD BRIDGE, CREWE**

Consideration was given to the decision of the Strategic Planning Board in respect of the notice of Motion submitted to Council, by Cllr Hogben, on 23 February 2012, regarding Sydney Road Bridge, Crewe.

The Strategic Planning Board had resolved that :-

- (1) the Board notes that a decision was made on planning application 11/1643 for Coppenhall East on 19th October 2011;
- (2) the Board further notes that the Council has a duty to consider and determine any fresh planning application in the Coppenhall area strictly on its planning merits; and
- (3) the Officers be asked to pursue the inclusion of a scheme for the improvement of the Sydney Road Bridge in the Local Transport Plan to enable the scheme to receive suitable prioritisation, and the improvement of the Bridge be identified as an issue within the Local Plan Infrastructure Plan at the appropriate time.

RESOLVED

That the decision of the Strategic Planning Board be noted.

109 ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE 2012/13 CIVIC YEAR

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2012/13.

Council was requested to resolve that Councillor G Walton 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 2012/2013.

It was proposed and seconded that Councillor D Flude be designated as Deputy Mayor Elect.

RESOLVED

That Councillor G Walton be designated as Mayor Elect and that Councillor D Flude be designated as Deputy Mayor Elect, with a view to their formal election as Mayor and appointment as Deputy Mayor for Cheshire East for 2012/2013, at the Mayor Making ceremony to be held on 16 May 2012.

(Councillor G Walton, having declared a personal and prejudicial interest at the beginning of the meeting, left the meeting during consideration of this matter. Councillor D Flude, upon being nominated for designation as Deputy Mayor Elect, declared a personal and prejudicial interest and left the meeting during consideration of this matter).

110 QUESTIONS

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

Question 1 - From Councillor Jackson, to the Prosperity Portfolio Holder :-

Fire Procedure

In the light of a recent incident at Macclesfield Town Hall what action will the Portfolio Holder take to ensure that the Fire Alarms can be clearly heard in all offices and meeting rooms throughout all Cheshire East buildings.

What action is being taken to ensure that there are fully trained staff always available to assist disabled visitors from Cheshire East buildings, particularly with reference to the use of Evac Chairs.

Response

In the absence of the Prosperity Portfolio Holder, Councillor Macrae, Cllr Wilkinson responded on his behalf, as follows :-

Weekly fire alarm tests are carried out in all buildings to ensure that the systems in place are working correctly and are audible. Any issues are immediately reported and remedial works are, and will continue to be, put in place to rectify any identified issues.

Fire evacuations procedures are currently being renewed in all meeting rooms. Meeting organisers are responsible for advising Building Support staff when they have disabled visitors to the building in order that a suitable personal evacuation plan put in place. This plan will be handed to the meeting organiser on arrival at the building. The electronic room booking system will also be amended to ensure that all meeting organisers are aware of this requirement.

Supplementary Question

Councillor Jackson asked why people were allowed to return to the building and Councillor Wilkinson undertook to investigate and provide a written response to this question.

Question 2 - From Councillor Fletcher to the Environmental Services Portfolio Holder :-

Swallow Drive Play Area, Alsager

Will the Cabinet Member, as a matter of urgency, advise me what action is being taken to make Swallow Drive play area in Alsager safe and usable.

Members of the public have been sending e-mails to officers for many years. A sample is included below. The Chief Executive and Director J Nicholson visited this site in 2011.

Rod

The complaint & concerns have already been forwarded to... and I received a further update that they are now reviewing w/c 30th June .

The content of my note to you is the same content as that in correspondence with.

The purpose for writing to yourself is that, in my opinion, changes in Council structures & people has meant that the decision making process is far too long.

I have no idea what decision, if any, is to be made wc 30th June.

My neighbour originally contacted the Council in January 08 (yes, 2008) to highlight the lack of maintenance and ownership.

In the meantime, I feel the Health & Safety Risks at the Park are growing.

I hope this clarifies the position

Thanks

Sent: 16 June 2009 13:31

To: FLETCHER, Roderick (Councillor)

Subject: Swallow Drive - Public Open Space/Play area

Dear Mr Fletcher

My name is... and I am a resident of Swallow Drive, Alsager, ST7.

As a neighbourhood, we are becoming increasingly concerned at the lack of maintenance of the Public Open space/play area at the end of Swallow Drive.

From my personal point of view, I really believe the Health & Safety risks are increasing, as the grass levels are masking any potential, hidden dangers (holes etc).

In last year's storms, a large tree fell, and is currently lodged between two others. However I am not in a position to advise whether it is securely lodged, so as to avoid any risks to any passing walkers/Children.

The park has and continues to be used extensively by the children of the immediate vicinity, as well as the wider Alsager area.

As our local Councillor, can I please ask for your support in resolving this matter?

I really want for the park to be maintained to a suitable level, before any children or adults are hurt in this previously lovely park.

I have been in touch with the Council, and have asked them to provide feedback from a recent meeting with the Greenspace team, and what their longer term view on the ongoing upkeep of this park.

Response

The Environmental Service Portfolio Holder, Councillor Menlove, responded as follows :-

We acknowledge that the current position with regards to the Swallow Play area is not acceptable and we now need to remedy what is a long standing issue inherited from a planning permission many years ago which included a 'unilateral undertaking' from the developer and has never been delivered.

The Council does not currently have any operational or legal responsibility for the play area but given the concerns raised by local residents the Council has very recently completed a safety audit of the area which has reported that there are no immediate concerns but clearly a wider solution is required.

The Council is currently reviewing a number of options including transferring the play area into Council ownership, linking investment with other developments which may come forward, or removing the equipment completely. Liaison with the local Councillors will be important in deciding the right way forward and I can assure Cllr Fletcher that the options will be presented shortly for further review.

Question 3 – From Councillor Corcoran, to the Leader of the Council

Number of Further Redundancies

At the last Council meeting, in responding to comments on the Council's budget and three year plan, Cllr Michael Jones said that there would be no more than 100 further redundancies.

Is he or the Leader of the Council willing to confirm this figure?"

Response

The Resources Portfolio Holder, Councillor M Jones responded to say that it would be important to keep staff reassured. Whilst it was clear that there would not be more than 100 further redundancies, it would be necessary to work with market forces.

Supplementary question

Councillor Corcoran asked a further question relating to the Council's reserves and Councillor Jones stated that this question did not relate to the original question, however, he undertook to provide a written response to it.

Question 4 – From Councillor Jeuda to the Performance and Capacity Portfolio Holder :-

Grants to Voluntary Organisations

The demands on services provided by the Council and Voluntary Organisations are continuing to rise and many Voluntary Organisations are not only experiencing cuts in Council funding but also having to face up to grants only being given for a six-month period. This clearly presents difficulties for organisations in planning for the future both in provision for Service Users and for the continuity and viability of the service provided.

The uncertainty created for employees of Voluntary Organisation and the short-term nature of the funding is creating immense problems for many. The cuts in Government funding to the most vulnerable has created an increased demand for advice and support.

Will the Cabinet Member ensure that sufficient funding for a reasonable length of time, for example three years, will be provided to enable these organisations to deliver a viable and much needed service and to remove the uncertainty experienced by many?

Response

The Performance and Capacity Portfolio Holder, Councillor Brown responded as follows :-

Cheshire East Council funds community, voluntary and not for profit organisations to deliver a wide range of services to support local communities. In 2011/12 this totalled over £5million of funding either through direct grants or commissioned services, the vast majority coming from the Children, Families and Adults directorate.

All services have reviewed the funding they provide as part of the 2012/13 business planning process. This process required savings to be made wherever possible, and this included funding provided to the community, voluntary and not-for-profit sector and paid sector. Members will be aware of the challenging savings requirements for the 2012/13 budget which has meant difficult decisions in many areas, including reducing funding to some community and voluntary organisations.

The issue of organisations receiving 6 months of funding for 2012/13 relates mainly to Adult services area, who are currently undertaking a review of all funding to the sector to ensure it is targeted at the most important services and

vulnerable residents, recognising the changing needs of our communities. This review has meant that all organisations have received an initial 6 months of funding for 2012/13, with further funding being subject to the outcome of the review. All organisations are being visited to ensure they are fully involved in the review. This review will also consider whether contracts of more than 12 months can be awarded.

In terms of providing contracts for up to 3 years this is desirable but, unfortunately, not always possible. For example, this year's funding to the sector from Children and Families has been contracted for 12 months with a potential 12 month extension due to the fact that this is funded through the Government's early intervention grant which at present only has 12 months to run. We are uncertain what funding will be available after this time. However, where ever possible, longer contracts are certainly something we aspire to.

All services recognise the difficulty faced by community and voluntary organisations in light of the uncertain financial future and seek to mitigate this by ongoing communication with individual community and voluntary organisations, and with the sector as a whole, particularly through the Cheshire East Council for Voluntary Services (CVS Cheshire East).

Supplementary Question

Councillor Jeuda asked whether there was a "safety net" for those organisations who would not receive further funding to help them through the transition period whilst waiting for funding.

Councillor Brown suggested that any such organisation should get in touch with the Council to see whether any help could be offered to them, in the short term.

111 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 or 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

112 RECOMMENDATION FROM CABINET - WASTE TREATMENT PFI

Consideration was given to the recommendation from Cabinet regarding future options for the Waste Treatment PFI Project.

It was noted that the same recommendations had been considered and approved at the meeting of Cheshire West and Chester Council, on 23 February 2012.

RESOLVED

That Cheshire East Council approve the recommendations, made by the Joint Waste Board on 8 December 2011, that : -

1. The Waste Treatment PFI procurement project be formally abandoned.
2. That the write off of capitalised project expenditure be noted.

113 URGENT ITEM OF BUSINESS

The Mayor stated that, as indicated in his announcements earlier in the meeting, the following urgent item of business needed to be dealt with at the meeting. In view of the special circumstances of this matter, he was satisfied as to its urgency and that this item would not wait until the next Council meeting.

114 APPOINTMENT OF INTERIM CHIEF EXECUTIVE

Consideration was given to a report relating to the appointment of an interim Chief Executive for the period of the Chief Executive's absence from work due to ill health.

RESOLVED

- 1 That the Leader of the Council and the Chairman of the Staffing Committee be authorised, in consultation with the three Opposition Group Leaders and the Head of HR and Organisational Development, to agree all arrangements in connection with the funding for and appointment of an Interim Chief Executive.
- 2 That the Interim Chief Executive be empowered, for the duration of his/her term of office with the Council, with all Constitutional and such other powers as are currently given by Council to the Chief Executive as Head of Paid Service and otherwise.
- 3 That a Supplementary Revenue Estimate, up to a maximum of £80,000, for an initial period of 3 months, be approved.

115 THANKS FROM THE MAYOR

As this would be the last meeting that the Mayor would chair, before the Annual meeting of the Council, he thanked Members for their support during his term of office.

The meeting commenced at 6.00 pm and concluded at 9.50 pm

Councillor R West (Chairman)
CHAIRMAN

CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 16th May 2012

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 for a four year term of office.

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.

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 16th December 2010 the Council resolved that the Strong Leader and Cabinet model of governance be adopted by the Council and this was brought into effect at the beginning of May 2011. The Constitution was amended accordingly and states:-

The Leader will hold office for a period of four years from the date he/she is elected to that office by the Council or until

- he/she resigns from the office of Leader;
- he/she becomes ineligible to be a Member of the Council, either for a specific period, or indefinitely;
- he/she ceases to be a Councillor;
- he/she is removed from office by a no confidence resolution of the Council requiring a simple majority, in respect of which the motion has been fully set out in the agenda for the meeting.

5.2 At its meeting held on 18th May 2011 Councillor Wesley Fitzgerald was appointed as Leader of the Council for a four year term of office. Councillor Fitzgerald has,

since then, given notice of his intention to cease to be Leader of the Council at the end of the 2011/12 Municipal Year.

- 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 the Cabinet Procedure Rules 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. This will be dealt with under item 14 of the agenda.

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: 16th May 2012

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 Appendix 1 to this report and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted.

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, make provisions in respect of the political group representation on a local authority's committees in relation to the political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub 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 and sub 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.

3.3 The proposals contained in this report meet the requirements of the legislation.

3.4 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question. These nominations will be circulated at the meeting under item 16.

4.0 Risk Assessment

4.1 Failure to comply with the legislation 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 After the elections in May 2011 the Group Whips met to consider the allocation of seats prior to the Annual Meeting of Council to ensure that as far was reasonably practicable the total number of seats on each ordinary committee allocated to each Political Group was in the same proportion to the proportion on full Council. Following the election for Crewe South Ward the allocation of seats was reviewed and the final allocation of seats for 2011/12 was approved at the ordinary meeting of Council in July 2012. The allocation of seats is set out below and applies to the 2012/13 municipal year.

5.2 Appendix 1 to this report sets out the proposed political representation on ordinary committees and sub committees. The following is the basis of the approach adopted:

Conservatives	52	63.41
Labour	16	19.51
Independent/Others	10	12.20
Liberal Democrat	4	4.88
TOTAL	82	100%

5.3 The proportionalities in Appendix 1 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

- 5.4 The Act provides that where this results in a Group having a total of more or fewer actual seats than its proportional entitlement, any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement. Appendix 1 shows the proposed allocation of seats taking into account the actual allocation agreed by Council in July 2011 following the recommendations made by the Group Whips.
- 5.5 The proportionality rules do not apply to the Cabinet or to the Standards Committee, Appeals Sub Committee, Licensing Sub Committees or the Local Service Delivery Committees. These bodies are therefore excluded from the proportionality calculation in Appendix 1. However, Council is asked to confirm the size and composition of the Standards Committee, Appeals Sub Committee, Licensing Sub Committee Panel and the Local Service Delivery Committees.

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Background Documents: None

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APPENDIX ONE – May 2012

**CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES ON ALL BODIES
(other than those to be appointed on an ad-hoc basis)**

Committee	Con	Lab	Independent	Lib Dem	Total
Children and Families Scrutiny	8 (7.6)	2 (2.34)	1 (1.46)	1 (0.58)	12
Adult Social Care Scrutiny	7 (7.6)	3 (2.34)	1 (1.46)	1 (0.58)	12
Health and Wellbeing Scrutiny	8 (7.6)	2 (2.34)	1 (1.46)	1 (0.58)	12
Environment and Prosperity Scrutiny	8 (7.6)	2 (2.34)	1 (1.46)	1 (0.58)	12
Sustainable Communities Scrutiny	8 (7.6)	2 (2.34)	1 (1.46)	1 (0.58)	12
Corporate Scrutiny	8 (7.6)	2 (2.34)	1 (1.46)	1 (0.58)	12
Cheshire East/West/Wirral Scrutiny	4 (3.8)	1 (1.17)	1 (0.73)	0 (0.29)	6
Audit and Governance Committee	6 (6.34)	2 (1.95)	1 (1.22)	1 (0.49)	10
Constitution	9 (8.8)	2 (2.73)	2 (1.7)	1 (0.68)	14
Strategic Planning Board	9 (8.8)	2 (2.73)	2 (1.7)	1 (0.68)	14
Northern Planning Committee	9 (9.6)	3 (2.93)	2 (1.83)	1 (0.73)	15
Southern Planning Committee	10 (9.6)	3 (2.93)	2 (1.83)	0 (0.73)*	15
Public Rights of Way	4 (4.4)	2 (1.36)	1 (0.85)	0 (0.34)	7
Licensing Committee	10 (9.6)	3 (2.93)	2 (1.83)	0 (0.73)*	15

Staffing	4 (4.4)	2 (1.36)	1 (0.85)	0 (0.34)	7
Lay Members Appointments	4 (4.4)	2 (1.36)	1 (0.85)	0 (0.34)	7
Local Authority School Governor Appointments Panel	5 (5.07)	2 (1.56)	1 (0.98)	0 (0.39)	8
Civic Sub Committee	5 (5.07)	2 (1.56)	1 (0.98)	0 (0.39)	8
Community Governance Review Sub Committee	4 (3.8)	1 (1.02)	1 (0.73)	0 (0.29)	6
Polling Arrangements Review Sub Committee	4 (3.8)	1 (1.02)	1 (0.73)	0 (0.29)	6
Outside Organisations Sub Committee	3 (3.8)	1 (1.02)	1 (0.73)	1 (0.29)	6
Total Places (Actual)	137	42	26	11	216
Proportional Entitlement	137 (63.43%)	42 (19.44%)	26 (12.04%)	11 (5.09%)	216 100%
Difference	0	0	0	0	

NB:

These revised Political Proportionalities are based on the decisions made by Council in July 2011 to ensure 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.

There was a Conservative vacancy on Northern Planning that has been given to the Liberal Democrat Group to ensure compliance with the proportionality rules. This arises from changes to the allocation of seats arising from the decision to exclude Local Service Delivery Committees from the proportionality rules.

The appointment of the six existing Overview and Scrutiny Committees is being proposed until September 2012. The Governance Working Group is recommending that alternative arrangements be introduced. A separate report is included elsewhere on the Agenda for this meeting.

The proportionality rules do not apply to the Cabinet or to the Standards Committee, Licensing Sub Committees or the Local Service Delivery Committees. These bodies are also excluded from the proportionality calculations. However, Council is asked to confirm the size and composition of the Standards Committee, Appeals Sub Committee, Licensing Sub Committee Panel and the Local Service Delivery Committees as follows

Committee	Con	Lab	Independent	Lib Dem	Total
Standards Committee	5	1	1	1	8
Appeals Sub Committee (5 Members are drawn from a Panel of 10)	3 (6)	1 (2)	1 (2)	0	5
General Licensing Sub Committees	To be appointed by Committee				5
Licensing Sub Committee	To be appointed by Committee				3
Local Service Delivery Committee Crewe	Those Members who represent the unparished areas of Crewe				11
Local Service Delivery Committee Macclesfield	Those Members who represent the unparished areas of Macclesfield				12

The Standards Committee will be disbanded in July when the existing legislative regime comes to an end. The Monitoring Officer is preparing a report on new local arrangements.

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CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 16th May 2012

Report of: Borough Solicitor

Title: **Appointment of Members to Committees**

1.0 Purpose of Report

- 1.1 To review the memberships of the Council's decision-making bodies.

2.0 Decision Required

- 2.1 That the nominations made by the Group Leaders to the bodies listed in Appendix 1 of the previous agenda item, be noted.

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 is responsible for approving the Council's decision-making structures and the number of seats to be allocated on each body.
- 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 2012/13

- 5.1 The Annual Meeting of Council is responsible for approving the Council's decision-making structures and the number of seats to be allocated on each body.
- 5.2 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations or any changes to their nominations to the bodies in question. The Political Groups have therefore been invited to review their nominations. If possible a schedule of the proposed memberships will be published before the meeting or alternatively the nominations will be circulated at the meeting

6.0 Reasons for Recommendations

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

For further information:

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Background Documents: None

CHESHIRE EAST COUNCIL

Report to Council

Date of Meeting: 16th May 2012

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. 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 Council's Political Structure for the Municipal Year 2012/13

- 5.1 Council at its Annual meeting is required to appoint its decision-making and other bodies. Council will receive notice of each Political Group's nominations to the memberships for each of the bodies in question. Council is required to appoint the Chairman and Vice Chairman for each of the bodies.
- 5.2 Nominations have been invited and a schedule of proposed Chairmen and Vice Chairmen and, if possible, a schedule of the proposed memberships will be published before the meeting. Alternatively the proposals will be circulated at the meeting.
- 5.3 Council should note the appointment of Chairman and Vice-Chairman of the Cheshire East/West/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.

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Background Documents: None

CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting:	16 th May 2012
Report of:	Borough Solicitor
Subject/Title:	Appointments to Cheshire Fire Authority, Cheshire Police Authority and the Cheshire Police and Crime Panel

1.0 Report Summary

- 1.1 The report invites Council to make Appointments to Cheshire Fire Authority, the Cheshire Police Authority and the Cheshire Police and Crime Panel

2.0 Decision Requested

- 2.1 Council is asked to appoint –
- (a) three Councillors to the Cheshire Police Authority until November 2012;
 - (b) four Councillors to sit on the Cheshire Police and Crime Panel, firstly in its shadow form; and
 - (c) 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 has provided 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 in 2011 was 2 Conservative and 1 Liberal Democrat.
- 4.5 Councillors P Findlow, H Murray, and P Nurse were nominated in 2011 to serve on the Joint Committee of the Police Authority, with powers to select Police Authority members, on behalf of the Council.
- 4.6 Under the Police Reform & Social Responsibility Act 2011 the Police Authority will be replaced by an elected Police and Crime Commissioner in November 2012.

Cheshire Police and Crime Panel

- 4.6 In accordance with the Police Reform and Social Responsibility Act 2011 arrangements are being made for the election of a Police Commissioner to replace the Cheshire Police Authority in November 2012
- 4.7 Section 28 requires each Police area to establish a Police and Crime Panel (PCP). The Local Government Association has produced guidance on the formation of Police and Crime Panels and suggests that their main responsibilities will be to:
- To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
 - To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
 - To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
 - To review and make a report on the proposed appointment of the Chief Constable.
 - To review and make a report and recommendation (as necessary) on the proposed precept.
 - To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.

- To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
 - To support the effective exercise of the functions of the Police and Crime Commissioner.
 - To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
 - To appoint an Acting Police and Crime Commissioner if necessary.
 - To suspend the Police and Crime Commissioner if it appears to the panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.
- 4.8 In Cheshire the lead Council is Warrington. and further information on the role and constitution of the Cheshire Police and Crime Panels is not expected until later in the year.
- 4.9 The Cheshire Police and Crime Panel will comprise 10 Councillors appointed by the constituent Councils and 2 co-opted members. Based upon the size of population it has been agreed that Cheshire East will appoint 4 members, Cheshire West will appoint 3, Warrington 2 and Halton 1.

Cheshire Fire Authority.

- 5.5 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.
- 5.6 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.
- 5.7 The current members who were appointed in 2011 are Councillors M Simon, J Weatherill, J W Livesley, D Topping, G Merry, C Thorley, D Flude and D Brickhill.

6.0 Reasons for Recommendations

- 6.1 To determine political representation on the different bodies.

For further information:

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Background Documents: None

CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting:	16 th May 2012
Report of:	Borough Solicitor
Subject/Title:	Appointments to Adoption Panel, Fostering Panel and Cheshire Admissions Forum

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)

Cllr G Wait currently serves on the Adoption Panel

4.4 Cheshire Admissions Forum

There is no longer a statutory duty on the local authority to have in place an Admissions Forum.

Section 85 of the School Standards and Framework Act 1998 required 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. Although the requirement to have a Forum has been repealed this Council is continuing with one.

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)

Councillors Clowes and Nurse currently serve on the Forum.

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.

Councillor Hoyland currently serves on the Fostering Panel.

5.0 Access to Information

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

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CHESHIRE EAST COUNCIL

Special Constitution Committee

Date of Meeting: 11th May 2012
Report of: Borough Solicitor
Title: Proposed Council Governance Arrangements

1.0 Purpose of Report

- 1.1 This report details the work undertaken so far by the Working Group appointed by Council to investigate the options available for new governance arrangements.
- 1.2 Proposals are put forward for changes to the Council's governance arrangements; these together with a phased implementation following "shadow" arrangements from May 2012, with their formal introduction by the end of the 2012 calendar year.

2.0 Recommendations

- 2.1 Council be recommended to agree that
 - (1) with effect from the end of a shadow period of operation, which shall end no earlier than October 2012, the existing Overview and Scrutiny Committees will be dissolved and be replaced with two Overview and Scrutiny Committees with the names and provisional terms of reference set out in Appendix 1 of this report;
 - (2) with immediate effect Council establishes, initially in shadow form, up to nine Policy Groups, aligned with the Cabinet, with the provisional terms of reference set out in Appendix 2;
 - (3) Council agrees that the Leader will determine the size and cross party composition of the Policy Groups and invite the Political Groups to notify the Borough Solicitor of their nominations;
 - (4) the consideration of the terms of reference of the two new Overview and Scrutiny Committees be referred to the Overview and Scrutiny Chairmen in the June/July cycle of meetings and the terms of reference thereafter be finalised by Council, following consideration by the Constitution Committee;
 - (5) the consideration of the terms of reference of the new Policy Groups be referred to the shadow Policy Groups in the June/July cycle of meetings and thereafter be finalised by Council, following consideration by the Constitution Committee; and

- (6) the Borough Solicitor submit a further report to Council which will enable Council to formalise all remaining arrangements following the shadow period.

3.0 Legal Implications

- 3.1 Under the Localism Act 2011 Councils will be permitted to introduce alternative forms of governance from those prescribed in the Local Government Act 2000. In some instances the Secretary of State's consent would also be required. The recommendations in this report, however, are made in accordance with the Local Government Act 2000 and can be introduced as soon as the Council wishes.

4.0 Risk Assessment

- 4.1 Failure to comply with legislation when appointing its committee memberships would leave the Council open to legal challenge.
- 4.2 The recommendations of this report propose shadow arrangements which would be reviewed and, if necessary, amended according to the needs of the Council before they become formally established. As a consequence, there would appear to be few risks associated with the report's recommendations.

5.0 Background Information

- 5.1 Council appointed a Joint Member Working Group consisting of 10 Members, on a cross party basis, with a view to investigating in detail all available options to review governance arrangements under the Localism Act 2011.
- 5.2 The Group has met on a number of occasions to review the options available to the Council.
- 5.3 Under the Local Government Act 2000 the Council operates a Leader and Cabinet style of governance.
- 5.4 The Localism Act 2011 would permit, in addition to the existing arrangements:
- a return to the pre-2000 legislation committee system;
 - the introduction of a "hybrid" system whereby Cabinet arrangements could be combined, to some degree, with the old committee system; and
 - a directly-elected Mayor.
- 5.5 The Joint Member Working Group has given thought to the options available and has concluded that neither a directly-elected Mayor nor a committee system would meet the needs of the Council. Views have

been expressed that the Council's governance arrangements should provide for the inclusion of non-executive members in policy initiation and development; also that the existing scrutiny arrangements have not been successful in achieving this objective.

- 5.6 Appendix 4 to this report contains the Borough Solicitor's report to the Member Working Group, together with the minutes of the meeting which the Committee is asked to consider.
- 5.7 The Committee is asked to recommend to Council that it change its governance arrangements to those illustrated in Appendix 3 as follows:
 - 5.7.1 Initially, the Council's existing Overview and Scrutiny Committees would all be reappointed by Annual Council. At the same time, Policy Groups would be appointed to operate in shadow form for a maximum period extending up to the end of the 2012 calendar year. These would have the functions set out in paragraph 5.7.3 and Appendix 2. It is anticipated, however, that the review would be finalised by the October 2012 meeting of Council.
 - 5.7.2 After the shadow period, the existing Overview and Scrutiny Committees would cease to operate and would be replaced with two Overview and Scrutiny Committees. The Policy Groups would continue their work on a formal but non-decision-making basis in the first instance.
 - 5.7.3 The Policy Groups would undertake the function of policy initiation, development and review, and would report to Cabinet. The Groups would be cross-party and would enable non-executive members to work more closely with Portfolio Holders. They would have access to financial and performance information. These arrangements would be made under the Local Government Act 2000.
 - 5.7.4 In the fullness of time, opportunity would exist for Council to examine the possibility of giving the Policy Groups decision-making powers. However, these arrangements would only be possible under the emerging Localism Act 2011 provisions.
- 5.8 Appendix 1 contains the proposed provisional draft terms of reference and operating arrangements of the two Overview and Scrutiny Committees which would be appointed by Council later in the year, at the end of the shadow period. Each Committee would have 12 members and would be supported by Democratic Services. As formal bodies they would be subject to the political proportionality, and Access to Information rules. They would meet in public.
- 5.9 Appendix 2 contains the proposed provisional terms of reference of the Policy Groups. Each Group would be supported by Democratic Services. As informal bodies they would not be subject to political proportionality rules, nor to the Access to Information rules. They would be able to meet in private but may choose to meet occasionally in public. Members of

overview and scrutiny committees may sit on the Policy Groups but should not take a seat on a Group that might lead to a conflict of interest.

- 5.10 It is recommended that a member serve on no more than one Policy Advisory Group. The relevant Portfolio Holder(s) would be able to attend the relevant Group.
- 5.11 A copy of the revised decision making structure that would be introduced after the shadow period, but no earlier than October 2012, is appended at Appendix 3 which shows the alignment of the Policy Groups with Cabinet. The titles of the Policy Groups are listed in Appendix 2 and the remit of each Group is currently being developed by the officers. The titles of the Groups, and the number of Groups will be revised once the Leader of the Council has been appointed and Portfolio Holders and their remits have been announced.
- 5.12 The Committee is asked to recommend that Council agree the provisional terms of reference of the new Policy Groups and extend an invitation to each Group to meet in shadow form to consider their terms of reference and operating arrangements. The Committee is also requested to ask the Borough Solicitor to submit a further report with recommendations to the Committee and Council later in the year. This shadow period will provide an ideal opportunity for the Groups to consider their working arrangements and to make recommendations as to whether these need to change.
- 5.13 At the end of the shadow period, and subject to the agreement of Council, the six existing Overview and Scrutiny Committees would cease to operate and their statutory functions would transfer to the two new Overview and Scrutiny Committees that would be established under the revised arrangements.
- 5.14 The Joint Member Working Group has informally consulted the Overview and Scrutiny Chairmen in arriving at its recommendations. The views of the Scrutiny Chairmen are appended to this report.
- 5.15 It should be noted that the creation of a new structure of this size may bring with it the need for additional servicing and research by officers and the resource implications of this will need further consideration. There will also be a need for the Independent Remuneration Panel to consider the implications of any new structure in terms of Member allowances.

For further information:

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Background Documents: None

Appendix 1

PROPOSED OVERVIEW AND SCRUTINY COMMITTEE DRAFT TERMS OF REFERENCE WHICH WOULD APPLY TO THE NEW OVERVIEW AND SCRUTINY COMMITTEES FOLLOWING THE SHADOW PERIOD

- 1 to discharge the Council's functions under Section 21 of the Local Government Act 2000 (Scrutiny Committees);
- 2 to oversee the Council's overall scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for scrutiny and arrangements for the scrutiny of other public bodies particularly where required to do so by law
- 3 to establish such task and finish groups, appointing the Chairman with such membership as it sees fit, to undertake scrutiny on a task and finish basis;
- 4 to ensure that officers discharge their responsibilities effectively and efficiently in relation to the scrutiny function;
- 5 In performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations;
- 6 scrutinise decisions after implementation to examine their effect and outcomes;
- 7 ensure in conjunction with the Standards and Constitution Committees that the Council has in place appropriate mechanisms to protect organisational Integrity including the development of appropriate policies and guidance;
- 8 deal with any overview and scrutiny matter which is the subject of a call-in, a Councillor Call for Action or a Local Petition (a Councillor Call for Action Protocol is included in Part 5 of this Constitution);
- 9 to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- 10 to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- 11 to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- 12 to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
- 13 to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
14. to undertake the statutory responsibility to scrutinise flood risk management
15. to undertake the statutory responsibility to examine the work of Community Safety Partnerships

16 to undertake the statutory responsibility to examine the work of relevant partners

Notes:-

The Overview and Scrutiny Committee will continue to have power to require officers and Cabinet Members to appear before it.

Provision has to be made for Church and Parent Governors in respect of education matters.

The Council must ensure must ensure that the overview and scrutiny committee has power to require Partner organisations to provide information to it.

The Overview and Scrutiny Committee may give a relevant partner organisation notice in writing requiring them to have regard to a report or recommendations in exercising its functions

HEALTH AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE WHICH WOULD APPLY TO THE NEW OVERVIEW AND SCRUTINY COMMITTEES FOLLOWING THE SHADOW PERIOD

The Health and Wellbeing Scrutiny Committee will fulfil the functions of an Overview and Scrutiny Committee as they relate to performance management, Corporate Resources and Strategy and in particular (but not restricted to):

1. Fulfil the Health Scrutiny duties falling on the Authority by virtue of the relevant Health acts and subsequent relevant legislation and Government Guidance;
2. liaison with NHS Trusts and Clinical Commissioning Groups(CCG's) on any matter relating to the planning, provision and operation of Health services in Cheshire East, including commenting on any performance or quality documents.
3. responding to any formal consultations undertaken by relevant NHS Trusts and CCG's or relevant health providers or commissioners on any substantial development or variation in service;
4. participation with other relevant local authorities in joint scrutiny arrangements of NHS Trusts providing cross-border services to Cheshire East residents, in particular the Cheshire and Wirral Partnership, NHS Foundation Trust;
5. liaison with the Local Involvement Network (LiNK)/Healthwatch for Cheshire East, commissioning work and receiving reports and recommendations as appropriate;
6. deal with any matter referred by the Department of Health, the Local Involvement Network/Healthwatch or by the Council;
7. scrutinise, the effective integration of the NHS and the work of the Council and its partners in delivering improved public health and public health protection
8. analyse and comment on the progress towards achieving the outcomes relevant to health and wellbeing whether specified locally, regionally or nationally
9. deal with any Health or Adult Social Care matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;
- 10 provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee.

Note: The provisional terms of reference will need to be reviewed to ensure that there is a clear focus on Health and Wellbeing and the thrust of legislative changes arising from the Health and Social Care Act 2012 together with clarity around the establishment of the Health and Wellbeing Board and the future working arrangements between the board and scrutiny.

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Appendix 2

POLICY GROUPS TERMS OF REFERENCE

There will be seven Policy Groups as follows:-:

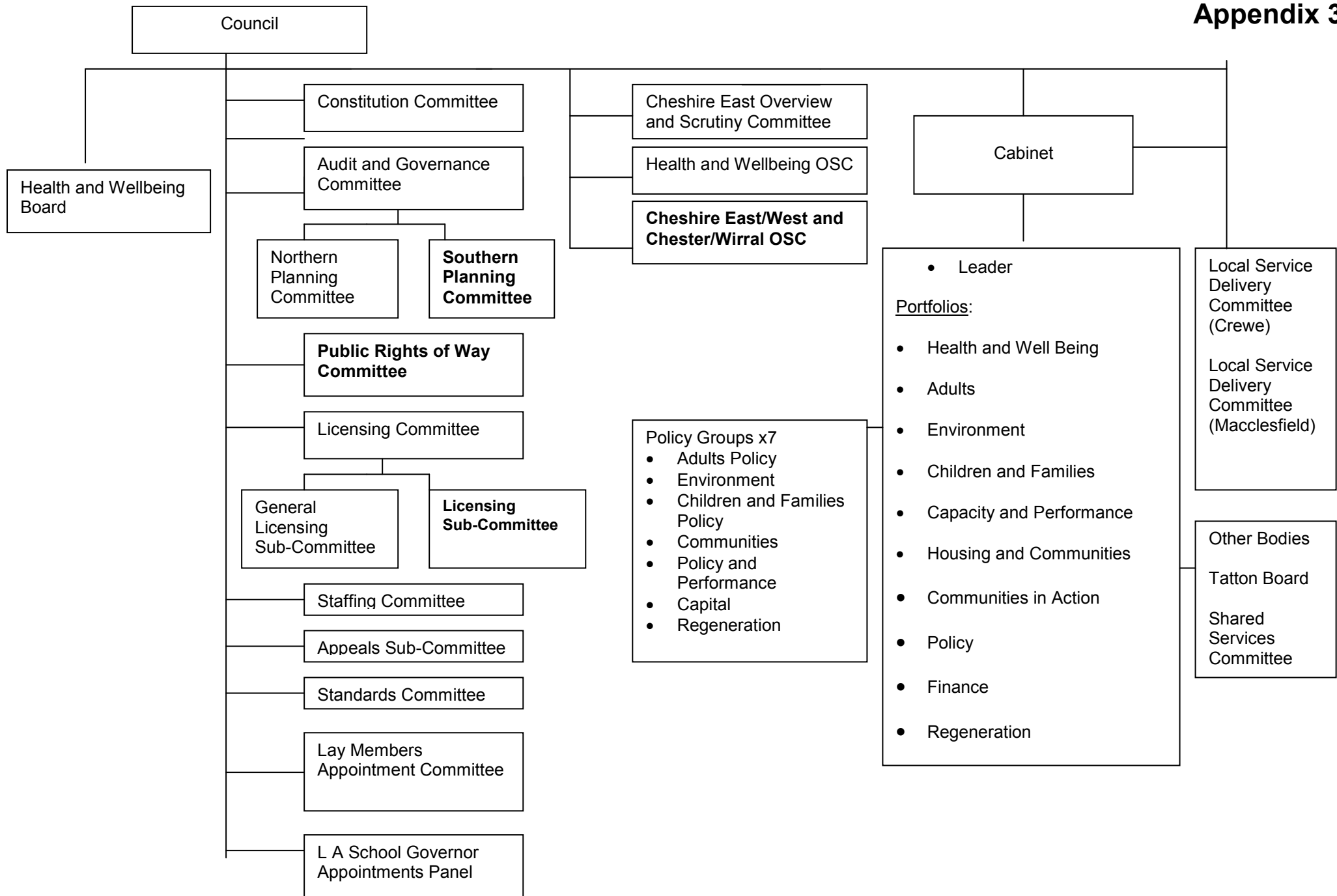
- *Capital*
- *Communities*
- *Children & Families*
- *Adults*
- *Environment*
- *Policy and Performance*
- *Regeneration*

The Policy Group will:

- 1. Develop and review policy*
- 2. Advise upon significant service delivery issues*
- 3. Consider financial and performance information*
- 4. provide advice on business within the appropriate Portfolio and, on occasion, to other Portfolios*
- 5. be the main vehicle to enable all members to participate in policy development*
- 6. have oversight of service developments and significant service delivery issues*
- 7. contribute to policy development across the full range of Portfolio issues, and support the Portfolio in Cabinet matters*
- 8. from time to time lead policy projects specially commissioned by the Portfolio Holder to progress issues of significance*
- 9. facilitate cross-directorate linkages amongst services working on related issues and seek to ensure that officers take account of Council priorities*
- 10. take a medium to long term view to ensure policy coherence*
- 11. provide the Portfolio Holder with up-to-date information on emerging service issues*
- 12. promote a collective approach to lifting performance of the Council and build leadership that enables the Council to carry out its duties to best effect*
- 13. Be able to call before it senior officers of the Council and Cabinet members in order to assist it in its work.*

Note: the Policy Groups will be reviewed once the Leader of the Council has been appointed and Portfolio Holders and their remits have been announced.

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Appendix 4

CHESHIRE EAST COUNCIL

Governance Review Joint Member Working Group

Date of Meeting: 20th April 2012
Report of: Borough Solicitor
Subject/Title: Governance Arrangements – Initial Options Appraisal

1.0 Report Summary

- 1.1 To consider a number of initial options for possible governance structures.

2.0 Recommendations

- 2.1 That the Working Group note the report and indicate a preferred option for further detailed development and a report to a future meeting.

3.0 Reasons for Recommendations

To enable the Working Group to consider how the Council might review its Governance structures in the light of the Localism Act and the experience of other Local Authorities.

4.0 Wards Affected

- 4.1 All wards will be indirectly affected by any changes to the Council's governance arrangements

5.0 Financial Implications

- 5.1 There are no direct financial implications arising from this report. The potential financial implications of any changes to the Council's governance arrangements will be quantified in future reports.

6.0 Legal Implications

- 6.1 Under the Localism Act 2011 Councils are permitted to introduce alternative forms of governance from those prescribed in the Local Government Act 2000.

7.0 Risk Management

- 7.1 No issues have been identified arising from the matters covered in this report.

8.0 Background

- 8.1 At the last meeting of the Working Group Members requested that officers draft a number of initial options for possible alternative Governance Structures for further consideration. The broad parameters included:

- the retention of a Leader and Cabinet of up to nine portfolios
- two Overview and Scrutiny Committees (one specifically dealing with Health and Well Being)
- the development of a number of Policy Groups (either Advisory or Decision-making)
- Regulatory Committees not to be part of the initial review

- 8.2 Based on these broad parameters, three initial options have been developed. It is recognised that the options are at a very preliminary stage. However, the intention is to stimulate debate to enable members to discuss the different approaches with a view to enabling officers to develop a more detailed structure designed around the specific requirements of members of Cheshire East Council.

- 8.3 The schedule attached at Appendix 1 sets out the three Options A - C, together with an indicative structure chart which can be compared to the Council's current Governance Structure. A brief overview of each option is set out below:

8.3.1 Option A (Advisory Policy Groups aligned to Overview and Scrutiny)

- Leader and Cabinet
- Corporate / Health and Wellbeing Overview and Scrutiny Committees
- Five Cross Party Service Review Panels undertaking policy review and development with a direct relationship to the Corporate Overview and Scrutiny Committee
- Corporate Overview and Scrutiny will undertake the statutory functions of an Overview and Scrutiny Committee, including call in
- Chairman and Vice Chairman of the SRP to sit on Corporate Overview and Scrutiny Committee
- Individual Work Programmes of the SRP to be approved by Corporate Overview and Scrutiny Committee
- Portfolio holders are not members of SRPs but will liaise and co operate fully

- SRP's will advise on significant service delivery issues and have access to financial and performance information
- SRP's will not be a formal decision making body and so will meet in private but may meet in public if they choose to do so
- SRP's will make recommendations to Corporate Overview and Scrutiny Committee

8.3.2 Option B (Advisory Policy Groups aligned to Cabinet)

- Leader and Cabinet
- Corporate / Health and Wellbeing Overview and Scrutiny Committees
- Five Cross Party Advisory Groups undertaking policy review and development with a direct relationship to the Cabinet
- Corporate Overview and Scrutiny will undertake the statutory functions of an Overview and Scrutiny Committee, including call in
- Advisory Groups will advise on significant service delivery issues and have access to financial and performance information
- Advisory Groups will not be formal decision making bodies and so will meet in private but may meet in public if they choose to do so
- Recommendations will be made directly to the Cabinet / Portfolio holders
- Cabinet Support Members will be members of the Advisory Groups

8.3.3 Option C (Decision-making Policy Groups aligned to Cabinet)

- Leader and Cabinet
- Corporate / Health and Wellbeing Overview and Scrutiny Committees
- Corporate Overview and Scrutiny will undertake the statutory functions of an Overview and Scrutiny Committee, including call in
- Five Cross Party Advisory / Policy Groups undertaking policy review and development with a direct relationship to the Cabinet
- Advisory / Policy Groups to have delegated decision making powers in addition to policy development e.g. approval of fees and charges / withdrawal or significant modification of public services/ approval of bids for grant funding / award of high value contracts / delivery of specific capital projects
- Advisory / Policy Groups will be formal decision making bodies and so will meet in public
- Advisory / Policy Groups will advise on significant service delivery issues and have access to financial and performance information
- Recommendations will be made directly to the Cabinet / Portfolio holders

8.4 Role of Overview and Scrutiny

There are a number of statutory requirements which all Councils must adopt and ensure are carried out under the Overview and Scrutiny function. Appendix 2 sets out the position for clarity and members information.

9.0 Constitutional Considerations

The three options are at the initial concept stage and there are a number of issues which need further consideration including the following broad areas:

- Review of any Special Responsibility Allowances by the Independent Review Panel
- Review of current Executive and Overview and Scrutiny Procedure Rules
- Protocols and Conventions to clarify the role of Portfolio holders in championing the work of the Advisory Groups
- Review of the criteria and reasons for call in
- An assessment of the resources required to support the new structures

10. Summary

Members have the opportunity under the Localism Act to fundamentally review the current Governance arrangements. The initial three options are designed to encourage debate and start to tease out what any new structure might look like. Officers recognise that the three options are at the concept stage and need far more detailed development but before this is undertaken Members' views are sought.

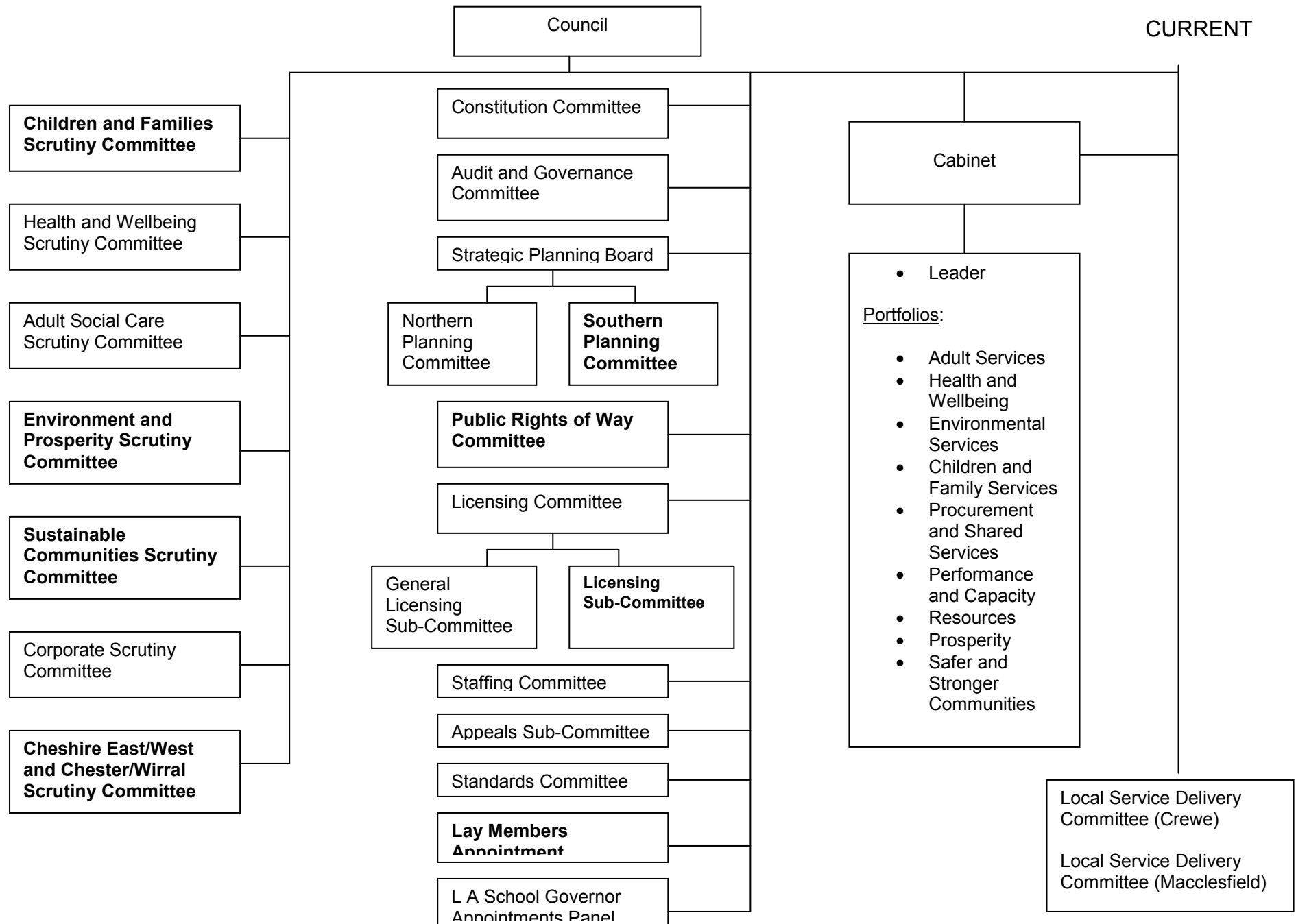
Name: Caroline Elwood

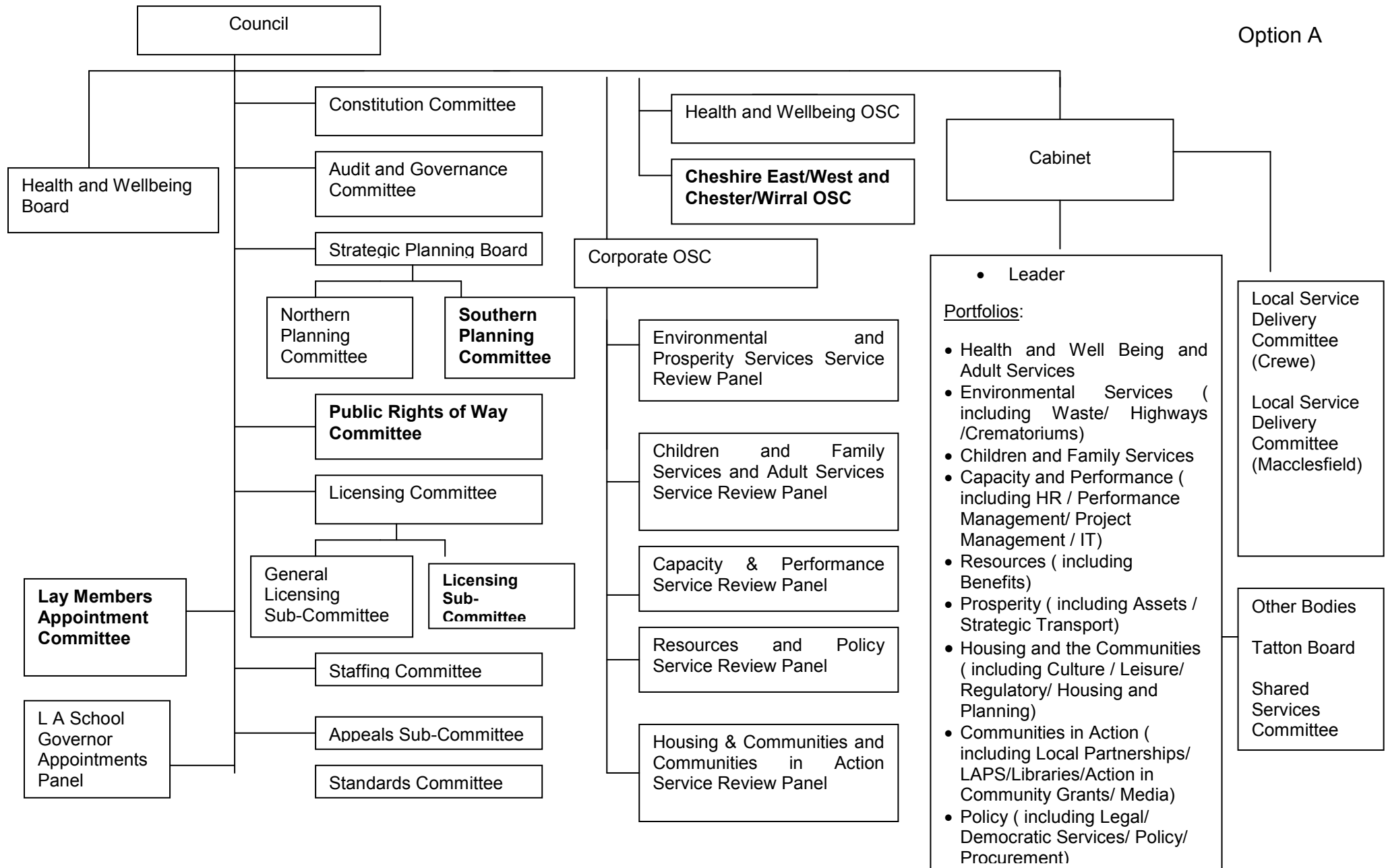
Designation: Borough Solicitor

Tel No: 01270 685882

Email:

caroline.elwood@cheshireeast.gov.uk





Option A – Advisory Policy Groups aligned to Overview & Scrutiny (Based on Local Government Act 2000)

The Council elects the Leader of the Council who may then appoint up to nine other members of the Cabinet and determine their responsibilities or portfolios. Council Committees are also retained.

Terms of Reference and Role and Function of Service Review Panels and their relationship with Cabinet

Terms of Reference and Role and Function of the Service Review Panels

- There will be five Service Review Panels this being the number that can be supported within existing resources. They will each consist of seven members and be Cross Party based on the proportionality of the Council. A member will only serve on one Review Panel. The Chairman will be drawn from the ruling Group. Appointments should be made by Full Council.
- Service Review Panels are the main vehicles to enable all members to undertake future policy development and have oversight of service developments. Service Review Panels will advise on significant service delivery issues such as fees and charges. This will be the equivalent of the Overview element of the Overview and Scrutiny function.
- Service Review Panels will have access to performance and financial information
- Service Review Panels will be the forum for non executive members to promote policy
- Service Review Panels will meet to fit the processes of Cabinet
- Each Service Review Panel will devise a Work Programme

Operation of the Service Review Panels

- The Service Review Panels will be supported by Democratic Services and the relevant Heads of Service
- Chairman of the relevant Service Review Panels will determine the Agenda for each meeting
- The Service Review Panels are not a formal decision making body so will normally meet in private. They may meet in public as and when required or appropriate to do so
- They may set up sub groups

Relationship of the Service Review Panels to Cabinet

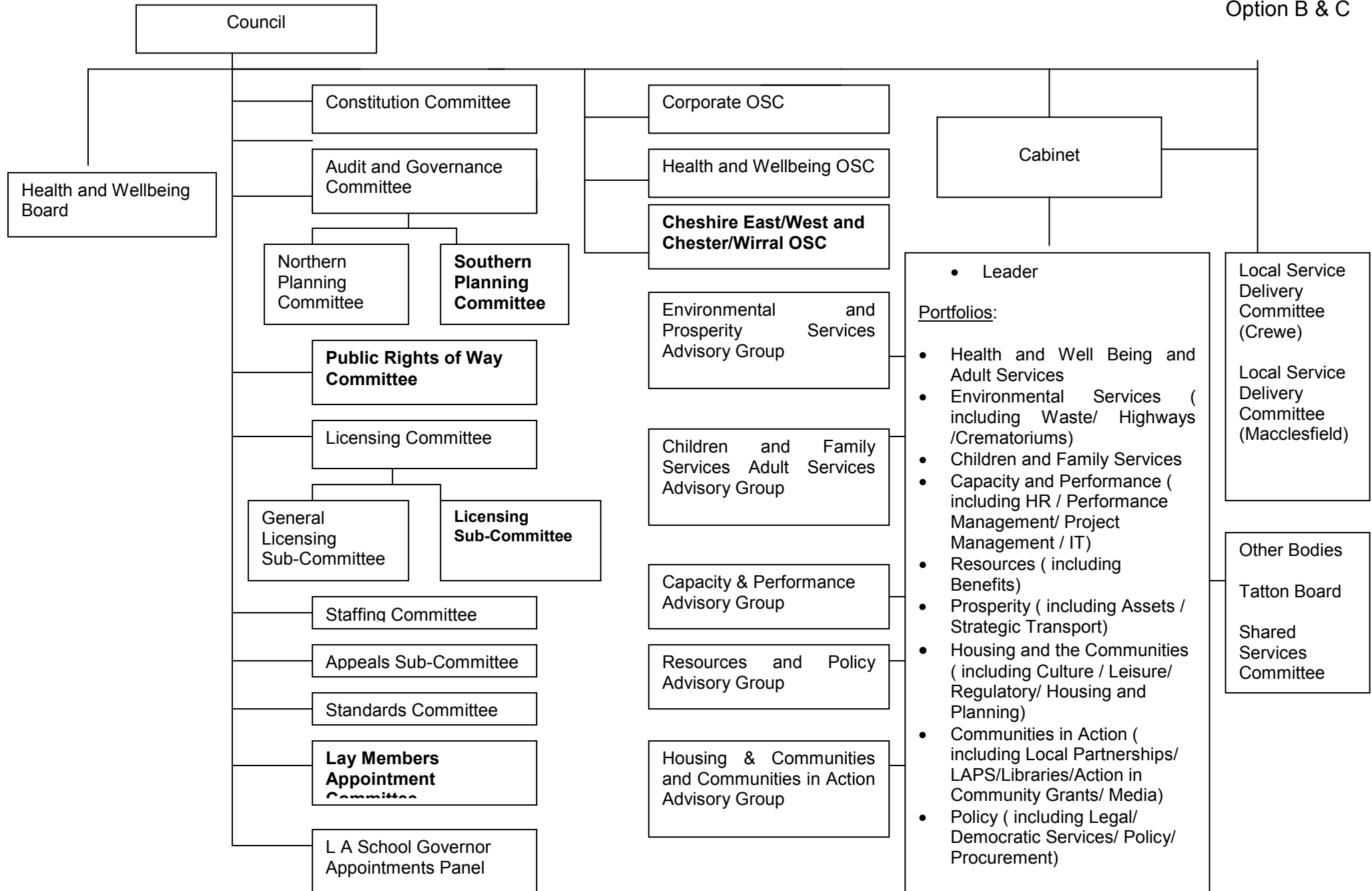
- Whilst not Members of the Service Review Panels Portfolio holders are expected to liaise and co-operate with Service Review Panels.
- Service Review Panels will make recommendations to Corporate Overview and Scrutiny Committee
- In the event that the Cabinet makes a decision contrary to the recommendations of policy recommended by Corporate Overview and Scrutiny Committee members may use the Call In procedures.

Relationship with Overview and Scrutiny Committees

- The Chairman and Vice Chairman of the Service Review Panels will be members of the Corporate Overview and Scrutiny Committee
- Overview and Scrutiny Committees will undertake the Statutory Overview and Scrutiny function in accordance with the relevant legislation. (See separate paper). This will include being consulted on Budget and Policy Framework issues. Matters such as Flood Risk Management or Health will be carried out by the relevant Overview and Scrutiny Committee
- Overview and Scrutiny Committees will review the Forward Plan
- Corporate Overview and Scrutiny Committee will approve the Work Programme of Service Review Panels

Constitutional Considerations

- The appointment of the Performance Review Panels and their Chairman and Vice Chairman will be undertaken by full Council
- The Independent Remuneration Panel will need to consider what if any SRA might be payable in respect of Chairmen and Vice Chairmen of Performance Review Panels
- Executive, Council and Overview and Scrutiny Procedure rules will need to be reviewed.
- Council will need to approve conventions that will provide the framework in which Portfolio Holders will work with Performance Review Panels
- Church and Parent Governor Representatives will need to have a place on either the relevant Service Review Panel or attend the relevant Overview and Scrutiny Committee?
- The Call In Procedures need to be strengthened to include clear criteria for the reasons for the Call In



Option B – Advisory Policy Groups aligned to Cabinet (Based on Local Government Act 2000)

The Council elects the Leader of the Council who may then appoint up to nine other members of the Cabinet and determine their responsibilities or portfolios. Council Committees are also retained.

Terms of Reference and Role and Function of the Advisory Groups and their relationship with Overview and Scrutiny Committees

Terms of Reference and Role and Function of the Advisory Groups

- There will be five Advisory Groups this being the number that can be supported within existing resources. They will each consist of seven members and be Cross Party based on the proportionality of the Council. A member will only serve on one Advisory Group. The Chairman will be drawn from the ruling Group.
- Advisory Groups will be the main vehicles to enable all members to undertake future policy development and have oversight of service developments. Advisory Groups will advise on significant service delivery issues such as fees and charges. This will be the equivalent of the Overview element of the Overview and Scrutiny function.
- Advisory Groups will have access to performance and financial information
- Advisory Groups will be the forum for non executive members to promote policy
- Advisory Groups will meet to fit the processes of Cabinet
- Advisory Groups will not perform statutory functions of Overview and Scrutiny.

Operation of the Advisory Groups

- The Advisory Groups will be supported by Democratic Services and the relevant Heads of Service
- Chairman of the relevant Advisory Group will determine the Agenda for each meeting
- Cabinet Support Members will sit on the Advisory Group in a non -voting capacity
- Portfolio holders can be requested to attend as appropriate
- The Advisory Groups are not a formal decision making body so will normally meet in private. They may meet in public as and when required or appropriate to do so
- They may set up task and finish groups

- In the event that Cabinet indicates that it does not support the recommendations of an Advisory Group it may refer the issue back to the Advisory Group for further consideration.
- In the event that the Cabinet makes a decision contrary to the recommendations of an Advisory Group Corporate Overview and Scrutiny Committee may Call In the decision.

Relationship with Overview and Scrutiny Committees

- Overview and Scrutiny Committees will undertake the Statutory Overview and Scrutiny in accordance with the relevant legislation. (See separate paper). This will include being consulted on Budget and Policy Framework issues. Matters such as Flood Risk Management or Health will be carried out by the relevant Overview and Scrutiny Committee
- Overview and Scrutiny Committees will review the Forward Plan and continue to exercise Call In.
- Overview and Scrutiny Committees may set up task and finish groups/sub groups to undertake specific work

Constitutional Considerations

- The Independent Remuneration Panel will need to consider what if any SRA might be payable in respect of Chairmen and Vice Chairmen of Advisory Groups
- Executive, Council and Overview and Scrutiny Procedure rules will need to be reviewed.
- How will the requirement to meet Church and Parent Governor Representation provisions be met? Will they have a place on the relevant Advisory Group or attend the relevant Overview and Scrutiny Committee?
- Currently neither Cabinet Members nor Cabinet Support Members may sit on an Overview and Scrutiny Committee. How does the new structure affect this? Will any Member serving on an Advisory Group be excluded from sitting on an Overview and Scrutiny Committee?

Option C Based on Localism Act 2011

Under Option B the Advisory Groups make recommendations directly to Portfolio holders and Cabinet and they are very much aligned to working directly with the Executive.

Under the Localism Act there is the opportunity to expand the role and function of Advisory Groups set out in Option B **to include** delegated decision making powers. This is a significant departure from the current arrangements under the Local Government Act 2000 that only permit Officers and Cabinet Members and Full Cabinet to make decisions on executive matters.

Under this option decision making transfers to a wider cohort of members and would therefore require consent to be sought under the provisions of the Localism Act 2011 and any Regulations that will apply.

Examples of the types of decisions that might be delegated include:-

- to approve Service Plans.
- to award high value contracts
- to approve fees and charges
- to take decisions to withdraw public services;
- to take decisions to significantly modify public services
- provide formal responses to any Government White Paper or Green Paper or other consultation
- to deal with certain statutory processes e.g car parking
- to approve service standards e.g number of days to deal with certain issues
- to deal the delivery of certain capital projects
- to approve holiday closing of all sites and services controlled by the Council.
- the approval of bids for grant funding

Constitutional Considerations

- The Independent Remuneration Panel will need to consider what if any SRA might be payable in respect of Chairmen and Vice Chairmen of Advisory Groups
- Executive, Council and Overview and Scrutiny Procedure rules will need to be reviewed.
- How will the requirement to meet Church and Parent Governor Representation provisions be met? Will they have a place on the relevant Advisory Group or attend the relevant Overview and Scrutiny Committee?
- Currently neither Cabinet Members nor Cabinet Support Members may sit on an Overview and Scrutiny Committee. How does the new structure affect this? Will any Member serving on an Advisory Group be excluded from sitting on an Overview and Scrutiny Committee? This would be highly likely in this option.
- The Advisory Groups would on occasion be formal decision making bodies so would meet in public as and when required or appropriate to do so

Overview and Scrutiny – New Arrangements under the Localism Act 2011

1. The Localism Act 2011 requires local authorities, which are operating executive arrangements, to set up at least one overview and scrutiny committee. Overview and Scrutiny committees must have power to make reports and recommendations to the Cabinet, (Health and Wellbeing Board) and the Authority on any aspect of the Council's business and in respect of matters which affect the authority's area or its inhabitants (including partner organisations).

Specifically, Local Authorities must ensure that overview and scrutiny committee(s) has power, and any joint overview and scrutiny committees, have power between them)—

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
- (f) in the case of the overview and scrutiny committee, or committees, of an authority to which section 244 of the National Health Service Act 2006 applies(in Cheshire East this does apply)—
- (i) to review and scrutinise, in accordance with regulations under that section, matters relating to the health service (within the meaning given by that Act as extended by that section) in the authority's area, and
- (ii) to make reports and recommendations on such matters in accordance with the regulations.

2. Partner organisations are required to provide O&S with information
3. Overview and Scrutiny Committees may give a relevant partner organisation notice in writing requiring them to have regard to a report or recommendations in exercising their functions (this does not apply to health service bodies);
4. Overview and Scrutiny Committees will continue to have power to require officers and Cabinet Members to appear before it;
5. Provision has to be made for Church and Parent Governors in respect of education matters;
6. There is a statutory responsibility to scrutinise flood risk management, and risk management authorities are placed under a duty to comply with a request made by an Overview and Scrutiny Committee in relation to its flood risk management functions;
7. Existing arrangements regarding powers to examine the work of Community Safety Partnerships remain and this position is not expected to change substantially when Police and Crime Commissioners are elected;
8. Must have a statutory Scrutiny Officer.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Governance Review Joint Member Working Group
held on Friday, 20th April, 2012 in the Fred Flint Room, Westfields, Middlewich
Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor G Baxendale (Vice-Chairman)

Councillors J P Findlow, L Gilbert, J Jackson, M Jones, S Jones, D Newton
and P Whiteley.

Officers

Brian Reed – Democratic and Registration Services Manager
Paul Jones – Democratic Services Team Manager
Cherry Foreman – Democratic Services Officer
Mark Nedderman – Scrutiny Team Manager
Jane Strange – Policy and Research Manager

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor B Murphy.

17 DECLARATIONS OF INTEREST

There were no declarations of interest.

18 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 22 March 2012 be approved as a correct record.

19 GOVERNANCE ARRANGEMENTS - INITIAL OPTIONS APPRAISAL

The Working Group considered a report of the Borough Solicitor setting out initial options for a revised governance structure; it was asked to indicate its preferred option for detailed development. In addition the Democratic and Registration Services Manager gave a presentation on the key components of each option, highlighting the salient differences.

Based on the broad parameters established by the Group at its last meeting three initial options had been developed to a preliminary stage. Consideration

of the options at this early stage was intended to stimulate debate and to further refine the preferences of the Group; a more detailed structure would then be developed around the specific requirements arising from the discussion.

The three options set out in the report were: -

- Option A – Advisory Policy Groups aligned to Overview and Scrutiny
- Option B – Advisory Policy Groups aligned to Cabinet
- Option C – Decision making Policy Groups aligned to Cabinet

Information on each included broad terms of reference, the relationship with overview and scrutiny, specific constitutional considerations and an indicative structure chart for comparison with the current governance structure.

In considering the advantages and disadvantages of each option particular account was taken of the overview and scrutiny functions to be maintained by the Council. The relationship between advisory panels (titles/terminology to be agreed), the opportunity for the call-in of decisions, and the need to gain the approval of the Secretary of State for any sort of hybrid structure were also considered. With regard to this last point it was anticipated that it could take a considerable time for approval to be given bearing in mind that Government guidance was still awaited. The resource implications of the differing options were also considered.

During a wide ranging discussion the main points arising included: -

- The need to ensure that cost implications to the Council of any governance changes were cost neutral.
- New arrangements must result in the greater involvement of Councillors in policy development at an early stage.
- No Councillor should sit on more than one advisory group in order to use and develop their areas of personal expertise.
- The additional time it would take to gain approval for more radical governance arrangements should not result in such options being dismissed at an early stage in favour of those that could be introduced more quickly and easily.
- The Terms of Reference for any scheme needed to be carefully formulated in order to ensure Members were awarded as much influence as possible in both the policy development and decision making processes.
- The position regarding the attendance of substitutes at meetings needed to be further discussed.

Whilst some Members favoured Option C as a long term goal, for the increased involvement it would give to a wider cohort of members, it was appreciated that the introduction of such a governance scheme would be considerably delayed whilst consent was sought. It was considered that the most expedient way forward was to opt for a scheme based on that set out in Option B; this had the advantage that it could be introduced at an early date

but that it could be developed and adapted in the light of experience, and also of emerging approvals by the Secretary of State.

RESOLVED

That

- (1) option A of the report be dismissed as it would not provide the range and extent of revised governance arrangements being sought by Members;
- (2) option B of the report be developed for further consideration, to include the appointment of members to Shadow Groups/Panels at an early stage;
- (3) an announcement of the draft proposals be made at the forthcoming Annual Council meeting, with a projected implementation date being the end of the calendar year; and
- (4) the Governance Review Joint Member Group continue to meet throughout the development of the revised governance arrangements, and also following implementation, in order to monitor effectiveness and guide future developments.

20 NEXT MEETING

Thursday 10 May 2012 at 9.30 am in the Fred Flint Room, Westfields.

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor A Martin (Chairman)

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Views of the Scrutiny Chairmen in respect of options considered by the Working Group

AGREED –That the interim proposals outlined to the group to introduce option B in 2012/13 be supported, with a view to further work being undertaken in relation to the possible introduction of scheme C at a future date, which would be the Group's favoured option.

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CHESHIRE EAST COUNCIL

REPORT TO: STANDARDS COMMITTEE

Date of Meeting: 14 May 2012
Report of: Borough Solicitor / Monitoring Officer
Subject/Title: Standards Regime under the Localism Act

1.0 Report Summary

- 1.1 The report identifies a number of recommendations, which Council is asked to consider in relation to new ethical governance arrangements under the Localism Act 2011.

2.0 Decision Requested

- 2.1 That the Standards Committee recommends to Council that :-
1. The Council's existing model code of conduct for elected members and the procedure for the investigation of complaints under the code remain in force on an interim basis until the next meeting of the Council in July 2012, when further recommendations will be brought forward for the adoption of a new code of conduct.
 2. That the Audit and Governance Committee establish on an ad hoc basis a sub-committee with delegated powers to deal with standards issues with effect from the next meeting of the Council in July 2012.
 3. That the terms of Reference at Appendix (i) be adopted in respect of the Audit and Governance sub-committee.
 4. That the Monitoring Officer be given delegated authority to undertake a recruitment process for up to three Independent Persons as required under section 28(7) of the Localism Act 2011 once details of the transitional provisions have been received.
 5. That if necessary in order to comply with statutory timescales the Council's urgency sub-committee shall approve the provisional appointment of the Independent Persons subject to formal ratification by Full Council at the July meeting.
 6. Members note that work is ongoing to draft a new standard code of conduct to be adopted across the Cheshire Authorities, which will include Town and Parish Councils and the Fire Authority.

3.0 Reasons for Recommendations

- 3.1 To comply with the provisions of the Localism Act 2011 which requires the Council to adopt a Code of Conduct and appropriate procedures to deal with any breaches with effect from 1 July 2012. The appointment of Independent Person(s) and the adoption of the new Code requires approval by Full Council.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

**6.0 Policy Implications including - Carbon reduction
- Health**

- 6.1 The Act places a statutory duty upon the Council to promote and maintain high standards of conduct amongst its own elected members and any co-opted members. Strong ethical governance is key critical to the Corporate Governance of the Authority and supports the Council's decision making processes across the organisation as a whole.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 Final costs of implementation of the new legislation will depend on the local arrangements approved by the Council. However it should be noted that the new regime is intended to be cheaper and more effective, accordingly it is anticipated that costs will be met from existing resources.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Localism Act 2011 was enacted in November 2011 but its implementation is being phased. The provisions in relation to the replacement of the current Standards regime are due to be brought into force with effect from 1 July 2012. In the meantime regulations are awaited which will set out matters of details and in particular will define the new 'pecuniary interests' which in future members will be expected to register. It is also anticipated that Ministers are minded to make transitional provision for a Council to appoint a person as an Independent Person who has held the post of chairman or as a member of the Council's Standards Committee within the last 5 years.

9.0 Risk Management

- 9.1 It is important for the corporate governance of the Authority that the Council has the highest standards of conduct from its elected members and that the public has confidence that any complaints procedure is robust and transparent. If the Council fails to adopt a code of conduct which is fit for purpose or to establish an appropriate procedure for complaints to be effectively dealt with then there are risks to the Council from a reputational management viewpoint and also to the integrity of the Councils corporate governance and decision making process. Equally the Council must ensure frivolous or fit for tat complaints are discouraged if the process is not to fail into disrepute.

10.0 Background

- 10.1 The Standards Committee has been meeting as an Issues and Ideas Working Group to discuss proposals for revised ethical governance arrangements in accordance with the Localism Act 2011, which need to be adopted and in place by 1 July 2012.
- 10.2 The Regulations, which underpin much of the new procedure, have not yet been published and it has not been possible at this time for the Committee to reach a conclusion on some of the issues under consideration e.g. the adoption of a Code of Conduct. Notwithstanding this, matters need to be progressed pending publication of the Regulations.
- 10.3 With this in mind, the Issues and Ideas Working Group has been asked to consider the recommendations which were submitted to the Standards Committee at its meeting on 26 March 2012 and make recommendations where possible on the matters under consideration. A copy of the report is appended.
- 10.4 It is hoped to avoid the necessity of convening a special Council meeting prior to the date for implementation of 1 July by recommending that the existing code of conduct and procedure for investigation of any complaints remains in place until the next Full Council meeting on 19 July 2012.
- 10.5 In the meantime it is recommended that the Council approves that the Audit and Governance Committee establishes an ad hoc sub-committee to deal with complaints once any new code is adopted.
- 10.6 The regulations are not yet available in relation to any transitional provisions for existing independent members to stand as the new Independent Person under the Act. However as soon as these are available a recruitment process must be undertaken and delegated authority is sought for the Monitoring Officer to undertake the necessary procedure. The appointment of Independent Persons must be approved by the majority of members. In order to try to avoid the necessity for a special Council meeting it is recommended that the Council's urgency sub-committee approves the provisional appointment to comply with any

statutory deadline of 1 July 2012 but that this is subject to formal ratification by Council at its meeting on 19 July 2012.

- 10.7 Members subsequently need to approve a new code of conduct and procedure for investigation. Members are asked to note that work is ongoing to draft a standard code of conduct to be adopted across the Cheshire Authorities to include both Town and Parish Councils and the Fire Authority. This will be brought to a future meeting for member's approval.

Appendix (i)

Audit and Governance Standards sub-committee (Draft Terms of Reference)

The sub-committee comprising of # members is responsible for:-

- Promoting high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity)
- Advising the Council on the adoption or revision of the Codes of Conduct for Members and Officers
- Ensuring that Members receive advice and training as appropriate on the Members' Code of Conduct
- Receiving and determining whether to refer for investigation, or other appropriate action, any written complaints regarding alleged misconduct and breach of the Code of Conduct by any Borough Councillor or Town or Parish Council Member
- Consideration of the written report of the External Investigator in relation to a complaint that a Borough Council or Parish Council Member has broken the Code of Conduct and the determination of any appropriate action, in consultation with the Independent Person
- Granting dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted member to participate in a meeting of the authority.

11.0 Access to Information

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

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CHESHIRE EAST COUNCIL

REPORT TO: STANDARDS COMMITTEE

Date of Meeting: 26 March 2012
Report of: Borough Solicitor / Monitoring Officer
Subject/Title: Standards Regime under the Localism Act

1.0 Report Summary

- 1.1 This report sets out the requirements of the Localism Act 2011 and summarises the provisions of the Act in relation to the arrangements the Council must put in place to ensure it complies with the duty under the Act to promote and maintain high standards of conduct for its own elected members.

2.0 Decision Requested

2.1 That Members:-

1. Agree in principle to recommend that the Audit and Governance Committee establishes a sub-committee with delegated powers to deal with Standards issues.
2. Note and comment upon the draft procedure for complaints under the new Code of Conduct.
3. Endorse the proposal to undertake a joint exercise to recruit Independent Person(s) with other local Public Bodies.
4. Note that transitional provisions are likely to be made to ensure that existing Independent Members are eligible to apply for the position of Independent Person(s) at Cheshire East Council.
5. Provisionally approve the draft ACSeS Model Code of Conduct as the Council's new Code of Conduct for Elected Members subject to a further report once the Code has been issued in its final format.
6. Endorse the proposal to appoint a panel of external investigators approved to undertake investigation into breaches of the new code.
7. Note that a further report will be brought to a future meeting once the Regulations are enacted and that it may be necessary to convene a special meeting of both the committee and the Full Council to comply with the statutory timescales

3.0 Reasons for Recommendations

- 3.1 To comply with the provisions of the Localism Act 2011 which requires the Council to adapt a Code of Conduct and appropriate procedures to deal with any breaches with effect from 1 July 2012. The appointment of Independent Person(s) and the adoption of the new Code requires approval by Full Council.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Carbon reduction - Health

- 6.1 The Act places a statutory duty upon the Council to promote and maintain high standards of conduct amongst its own elected members and any co-opted members. Strong ethical governance is key critical to the Corporate Governance of the Authority and supports the Council's decision making processes across the organisation as a whole.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 Final costs of implementation of the new legislation will depend on the local arrangements approved by the Council. However it should be noted that the new regime is intended to be cheaper and more effective, accordingly it is anticipated that costs will be met from existing resources.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Localism Act 2011 was enacted in November 2011 but its implementation is being phased. The provisions in relation to the replacement of the current Standards regime are due to be brought into force with effect from 1 July 2012. In the meantime regulations are awaited which will set out matters of details and in particular will define the new 'pecuniary interests' which in future members will be expected to register. It is also anticipated that Ministers are minded to make transitional provision for a Council to appoint a person as an Independent Person who has held the post of chairman or as a member of the Council's Standards Committee within the last 5 years.

9.0 Risk Management

- 9.1 It is important for the corporate governance of the Authority that the Council has the highest standards of conduct from its elected members and that the public has confidence that any complaints procedure is robust and transparent. If the Council fails to adopt a code of conduct which is fit for purpose or to establish an appropriate procedure for complaints to be effectively dealt with then there

are risks to the Council from a reputational management viewpoint and also to the integrity of the Councils corporate governance and decision making process. Equally the Council must ensure frivolous or tit for tat complaints are discouraged if the process is not to fall into disrepute.

10.0 Background and Options

10.1 The Localism Act 2011 was enacted on 15 November 2011. The final provisions within the Act differed from those set out initially in the Localism Bill. In particular it was originally envisaged that Council would not be required to have a mandatory Code of Conduct, although it was always open to the Council to adopt a voluntary code.

The main provisions set out within the Act in relation to Standards issues are:-

- All authorities will be required to have a Code of Conduct
- The Code must be in accordance with the Nolan Principles
- The Code must include a requirement for members to register and disclose pecuniary and non pecuniary interests
- Local authorities will have to put in place a system to deal with allegations that members have breached the Code
- A local authority must appoint an Independent Person through a transparent process and, where a local authority has investigated an allegation, it must seek the Independent Person's view before reaching a decision about the allegation. It must then have regard to that view
- A person against whom a complaint is made may also seek the views of the Independent Person
- Parish Councils must have a Code, but may adopt their principal Council's Code (thereby satisfying the obligation to ensure it meets the above requirements)
- Principal Councils are to deal with allegations of breach in relation to Parish Councillors

10.2 The intention of the Act was to replace the current standards regime with shorter, more cost effective and proportionate investigations with less formal time consuming hearings and procedures. As a result there is local discretion for each Authority to design a process which meets its own circumstances but is sufficiently robust to assure the public that complaints will be dealt with appropriately.

10.3 It is anticipated that the new arrangements will come into effect from 1 July 2012. This may present a challenge to the Council in terms of timescales as both the Code itself and the appointment of the new Independent Persons will

be for Council to approve. Council meetings are currently scheduled for 16 May and 19 July 2012. **Members may therefore need to consider the possibility of a special Council meeting.**

11.0 Standards for England

- 11.1 Standards for England (previously known as the Standards Board) has been abolished by the Localism Act 2011. Its regulatory role has ceased with effect from 31 January 2012 and all existing guidance and information has been removed from its website. It is expected that the organisation will be closed fully with effect from 31 March 2012. Transitional arrangements are in place for those Councils with outstanding cases or investigations with Standards for England but Cheshire East Council is not affected as there are no outstanding matters in this category.

12.0 Duty to promote high standards of conduct

- 12.1 Under the 2011 Act Cheshire East Council will have a statutory duty to promote and maintain high standards of conduct by both its members and co-opted members. All Town and Parish Councils within the area will be under the same duty for their members.
- 12.2 The nationally prescribed Model Code of Conduct for members will be abolished but Cheshire East Council itself and all Town and Parish Councils within the Borough must adopt a Code of Conduct setting out the conduct expected of their members when acting in their capacity of an elected member. Any local code must be consistent with the Nolan principles of:
- Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership
- 12.3 Once the current legislation is repealed the statutory requirement to have a Standards Committee will also be abolished. Accordingly Cheshire East Council is free to consider how best to deal with any complaints and investigations in relation to breach of its new code subject to the requirement to appoint at least one Independent Person (IP) who must be consulted before any decision on an allegation that it has decided to investigate (see para 18)

13.0 The current arrangements

- 13.1 Cheshire East Council currently has a Standards Committee comprising 16 members as follows:-
- 8 Councillors (5·1·1·1)
 - 5 statutory independent members

- 3 Parish members

The current terms of reference are set out at Appendix A

13.2 The full Standards Committee currently meets once a committee cycle. There are three sub-committees which deal with

- The initial assessment of complaints
- The review [appeal] of the decision of the initial assessment committee not to refer a complaint for investigation
- The determination or hearing of a complaint upon receipt of a final report by the external investigator
- All committees and sub committees are chaired by an independent member.

14.0 Future Standards Committee

14.1 Under the Localism Act the Council may if it wishes set up a “voluntary” Standards Committee or sub-committee with delegated powers to deal with Standards issues. This will be an ordinary committee or sub-committee of the Council and so it will

- Need to be politically balanced
- Be subject to the same requirements or confidential and exempt information and any other committee (NB the initial assessment process is no longer automatically confidential)
- Will not include independent members (other than as non-voting co-optees) as a result it cannot be chaired by an independent member as the chair has a second or casting vote
- Will not include Town / Parish Council representatives, other than as non-voting co-optees

14.2 At the meeting of the Issues and Idea Working Group on 23 January 2012 members considered the future format and role of any member body. It was felt that there was unlikely to be a future role for a formal Standards Committee to deal purely with Standards matters. It is suggested that in future Standards issues should be dealt with by a sub-committee of the Audit and Governance to be known as the ‘Audit and Governance Standards sub-committee’.

14.3 Draft Terms of reference for the new sub-committee and proposed membership of the sub-committee are set out at Appendix B.

15.0 The new Code of Conduct

- 15.1 Although there is no mandatory Code of Conduct the Council must adopt a Code of Conduct which sets out the standards of behaviour expected of its elected and co-opted members when acting in their official capacity. Any local Code must be consistent with the Nolan principles of Public Life. The Council has three main options:-
- Retain the existing model Code of Conduct
 - Draft its own Local Code of Conduct
 - Adapt the ACSeS model Code of Conduct
- 15.2 At their meeting on the 23rd January 2012 members of the Issues and Ideas Working Group felt a balance that the most appropriate way forward was to adopt the ACSeS Draft Code of Conduct. This reflects the format of the current Model Code of Conduct but is written in a more user friendly style and format. Unfortunately the ACSeS Code cannot be finalised until regulations are enacted which define the new 'pecuniary interests'. A copy of the draft Code is appended at Appendix C. Members of the working group also felt it would be helpful to attach an explanatory definitions Appendix to assist in understanding the detailed application of the Code.
- 15.3 The Government is due to publish new regulations under the Act which will set out those new pecuniary interests which in future all members will be required to register. Failure to do so will be a criminal offence punishable upon summary conviction to a fine not exceeding level 5 on the standard scale. In addition the court may disqualify the person for a period of up to 5 years from being or becoming a member or co-opted member of any authority. However, proceedings under this section may only be brought with the consent of the Director of Public Prosecutions.
- 15.4 Until the regulations are published and the definition of a "pecuniary interest" is clear it is not possible to finalise the Council's Code of Conduct.

16.0 External Investigator

- 16.1 Once the sub-committee has referred a matter for investigation it is recommended that an external investigator should be appointed to report back to the sub-committee after interviewing the subject member, complainant and relevant witnesses.
- 16.2 Members have been critical of the time taken to produce the final report in recent investigations and it is therefore recommended that under the new procedure a guideline time of 8 weeks should be agreed.
- 16.3 In addition members may wish to approve a panel of external investigations and this is a further exercise which could be undertaken with neighbouring Councils.

17.0 Procedure for Investigations

17.1 Councils are free to adopt any suitable procedures at a local level to investigate complaints that a member is in breach of the new Code of Conduct. A suggested draft procedure is set out at Appendix D which provides for:-

- An initial assessment of the written complaint by the sub-committee within 21 days
- Options to take no action / refer to the Group Leader for informal action / refer for external investigation
- No right of appeal against the decision of the sub-committee
- External investigator produces a written report within 8 weeks
- Complainant and subject member have the opportunity to make written representations
- Sub-committee considers the written report and submissions and consults with the Independent Person
- Submission agrees any sanction

17.2 Members need to be satisfied that this procedure is acceptable and in particular that written submissions will be preferable to a full hearing. In reaching this conclusion, members need to balance the principles of natural justice and the right to a fair hearing with the policy driver that in future the process should be more streamlined, simpler and less resource intensive.

18.0 Independent Persons

18.1 The Act requires that the Authority appoint one or more Independent Persons (IPs) whose

- Views must be sought and taken into account by the Authority before it makes a finding that any member has failed to comply with its Code of Conduct or imposes any sanction
- Views may be sought on whether to investigate a complaint and how to deal with a particular allegation
- In addition any member against whom an allegation has been made (including a Town and Parish Councillor) may consult him or her regarding the allegation.

18.2 Unfortunately the Act prevents any person who has been a member or a co-opted member of Cheshire East Council in the last 5 years from being appointed as an IP. Accordingly the Association and Council Secretaries and Solicitors (ACSeS) has sought counsel's advice on whether current or past

independent members of the Council's Standards Committee are prevented from becoming IPs for the same Council under the 2011 Act. Counsel's clear advice is that an independent member of an Authority's Standards Committee is prevented from becoming an IP of the same Authority by the Act, as they fall within the definition of a co-opted member. As a result ACSeS has now made representations to the CLG requesting that the transitional arrangements should enable Councils to have the option to appoint independent members as IPs in view of the loss of skill and expertise which would otherwise occur following the meeting of the Issues and Ideas Working Group on 23rd January 2012 Cheshire East Council has also written supporting this request. Recent indications are that the Minister would be minded to make such transitional provisions.

- 18.3 The Act requires that the Council follows a robust recruitment process for the appointment of IPs. The vacancy must be advertised, application forms must be submitted and the individual appointments must be approved at Full Council by a majority of the members of the Authority. Individuals are not eligible to be appointed as IPs if they are a relative or close friend of any member or co-opted member of Cheshire East Council and/ or any Town and Parish Council within the area.
- 18.4 In the absence of any transitional arrangements which would enable current members of Cheshire East Council Standards Committee to act as Independent Persons it has been suggested that it would be appropriate to co-ordinate the advertisement of all vacancies for IPs with neighbouring authorities so that experienced independent members could be appointed as an IP at a neighbouring Authority. The current suggestion is that Cheshire East, Cheshire West and Chester, Warrington, Halton, the Cheshire Fire and Rescue Service and Cheshire Police Authority co-ordinate a joint recruitment exercise and this is being co-ordinated at Officer Level.

19.0 Sanctions

- 19.1 Under the current legislation a number of sanctions may be imposed upon and members found to be in breach of the Code of Conduct as follows:-
- Censure
 - Restricted access to Council premises or resources for up to 6 months provided this is reasonable and proportionate and does not unduly restrict the ability to perform the functions of a member.
 - Partial suspension as a member for up to 6 months
 - Suspension as a member for up to 6 months
 - Submission of a written apology in a form approved by the committee
 - Specified Training

- Conciliation
- Partial or full suspension for up to 6 months until the member either submits an apology or undergoes specified training or conciliation

19.2 Under the 2011 Act sanctions are less extensive and ACSeS has also taken Counsel's opinion on what sanctions are available to the Local Authority. His advice is that the following sanctions will be available in future:-

- Formal Letter
- Formal Censure through a motion
- Recommendation to a Political Group that the member be removed from a specific committee

19.3 He does not consider that it would be advisable to withhold a members allowance for breach of the Code of Conduct nor to withhold confidential information in future, even where the breach of the Code involves the breach of the duty of confidentiality by the Councillor in question. Counsel also advises it would not be possible to suspend and disqualify him from his or her role as an elected member as this interferes with the will of the local electorate and interferes with Local Democracy. Similarly there is no power to exclude a member from specific meetings as a disciplinary sanction.

19.4 Counsel does consider that there is no objection in principle to a press release and / or publicity that the member had breached the Authority's Code of Conduct.

20.0 Town and Parish Councils

20.1 Town and Parish Councils will also be under a duty to promote high standards of conduct amongst their members and will also have the same duty to adopt a Code of Conduct, which is consistent with the seven Nolan Principles of Public Office. Town and Parishes will be free to decide to adopt the service code as Cheshire East Council or retain the provisions in its existing Code (suitably amended)

20.2 Cheshire East Council will continue to remain responsible for handling complaints about member conduct at Town and Parish levels and must have a place in an appropriate procedure for investigations.

20.3 In addition the Monitoring Officer must keep registers of Interests for members of each Town and Parish Council in Cheshire East. They must be published on the Council's website and on the Town and Parish Council website, if it has one.

21.0 Access to Information

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

Name: Caroline Elwood
Designation: Borough Solicitor
Tel No: 01270 685882
Email: caroline.elwood@cheshireeast.gov.uk

Appendix A

STANDARDS COMMITTEE

The Standards Committee is composed of 16 members as follows:

8 Councillors (5:1:1:1)

5 Statutory Independent Members, who are entitled to vote at meetings, but who are not Councillors or officers of the Council

3 Parish Members. At least one Parish Member must be present when matters relating to Parish Councils or their Members are being considered

The Committee is responsible for

- By itself or by sub-committee, the discharge of the Council's functions under Part III of the Local Government Act 2000, including:
 - Assessment of new complaints (discharge of any functions under S57A of the Act).
 - Reviewing decisions to take no action over a complaint (S57B of the Act)
 - Consider final investigation reports and conduct determination hearings.
- considering and granting, or otherwise, dispensations in respect of Members' Interests when so enabled under Part III of the Local Government Act 2000;
- promoting high standards of ethical behaviour by developing, maintaining and monitoring codes of Conduct for Members of the Council (including Co-opted Members and other persons acting in a similar capacity) and for employees in accordance with best practice and Government guidance;
- advising the Council on the adoption or revision of the Codes of Conduct for Members and Officers;
- ensuring that Members receive advice and training as appropriate on the Members' Code of Conduct;
- issuing advice to Members on the treatment of personal interests and on conduct matters generally;
- ensuring that the Council maintains appropriate links with the Standards Board for England and the Commission for Local Administration in England (Ombudsman);

- referring issues, which impinge on staff conduct, performance, terms of employment, training and development to the appropriate and responsible Executive Member and/or Manager;
- promoting high standards of responsiveness by the Council to its clients and contacts

(a) advising other persons/bodies on probity and ethics as appropriate, particularly where that person or body is exercising functions on behalf of the Council;

(b) supporting the Council's statutory officers as appropriate or their authorised deputies, in the performance of their duties;

- the local determination of complaints following any allegations of misconduct by Members;
- the determination of applications for exemption in respect of politically restricted posts.

The Committee has appointed three Sub-Committees as follows:

1. Assessment Sub-Committee
2. Review Sub-Committee
3. Hearings Sub-Committee

The rules governing the composition and procedures of the Standards Committee and its sub-committees, and the terms of reference of the sub-committees, are set out in the Standards Committee (England) Regulations 2008 and the Local Standards Framework guidance published by the Standards Board for England.

Appendix B

Audit and Governance Standards sub-committee (Draft Terms of Reference)

The sub-committee comprising of # members is responsible for:-

- Promoting high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council (including co-opted Members and other persons acting in a similar capacity)
- Advising the Council on the adoption or revision of the Codes of Conduct for Members and Officers
- Ensuring that Members receive advice and training as appropriate on the Members' Code of Conduct
- Receiving and determining whether to refer for investigation, or other appropriate action, any written complaints regarding alleged misconduct and breach of the Code of Conduct by any Borough Councillor or Town or Parish Council Member
- Consideration of the written report of the External Investigator in relation to a complaint that a Borough Council or Parish Council Member has broken the Code of Conduct and the determination of any appropriate action, in consultation with the Independent Person
- Granting dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted member to participate in a meeting of the authority.

Appendix C

Ethical Governance Portfolio Draft CODE OF CONDUCT

Introduction

This Code applies to you as a member of this authority when you act in your role as a member and it is your responsibility to comply with the provisions of this Code.

You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code is based upon the "Nolan Principles – the seven principles of public life" which are set out at Appendix 1.

This Code does not cover matters in respect of which the Secretary of State may, under the Localism Act (when in force), specifically provide that criminal sanctions will apply.

Interpretation

In this Code—

"meeting" means any meeting of—

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

"member" includes a co-opted member and an appointed member.

General Obligations

1. When acting in your role as a member of the authority:

1.1 **Do** treat others with respect.

1.2, **Do not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of members.

1.3 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional *legal* advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (cc) you have consulted the Monitoring Officer prior to its release; or

1.4 **Do not** prevent another person from gaining access to information to which that person is entitled by law.

2. When using or authorising the use by others of the resources of the authority—

2.1 **Do** act in accordance with the authority's reasonable requirements including the requirements of the authority's ITC policy and the policies listed at appendix 3, copies of which have been provided to you and which you are deemed to have read ;

2.2 **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and

2.3 **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Interests [Subject to localism Bill]

3. As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a member, **Do** act solely in terms of the public interest and **Do not** act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.

4. There will be no requirement for you to declare or register any gifts and hospitality; however **Do not** accept any gifts or hospitality in excess of £50.00 (Fifty Pounds).

Disclosure and participation [Dependant on contents of interests Above]

5. At a meeting where any such issues arise, **Do** declare any personal and/or professional interests relating to your public duties and **Do** to take steps to resolve any conflicts arising in a way that protects the public interest.

6. Certain types of decisions, including those relating to a permission, licence, consent or registration for yourself, your friends, your family members, your employer

or your business interests, are so closely tied to your personal and/or professional life that your ability to make a decision in an impartial manner in your role as a member may be called into question and in turn raise issues about the validity of the decision of the authority. **Do not** become involved in these decisions any more than a member of the public in the same personal and/or professional position as yourself is able to be and **Do not** vote in relation to such matters.

7. There are some decisions that your authority will need to make that could affect every member. A list of these is set out at Appendix 2. **You may** take part in these decisions *unless* you fall into one of the exceptions set out in the list.

8. **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer or your business interests.

Pre-determination or bias [Subject to Localism Bill provisions]

9. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however **Do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

10 When making a decision, **Do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Interests arising in relation to overview and scrutiny committees [Subject to Localism Bill provisions]

11. In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—

11.1 that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

11.2 at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph 11.1 and you were present when that decision was made or action was taken;

Or

11.3 that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

You may attend a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

APPENDIX 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

APPENDIX 2

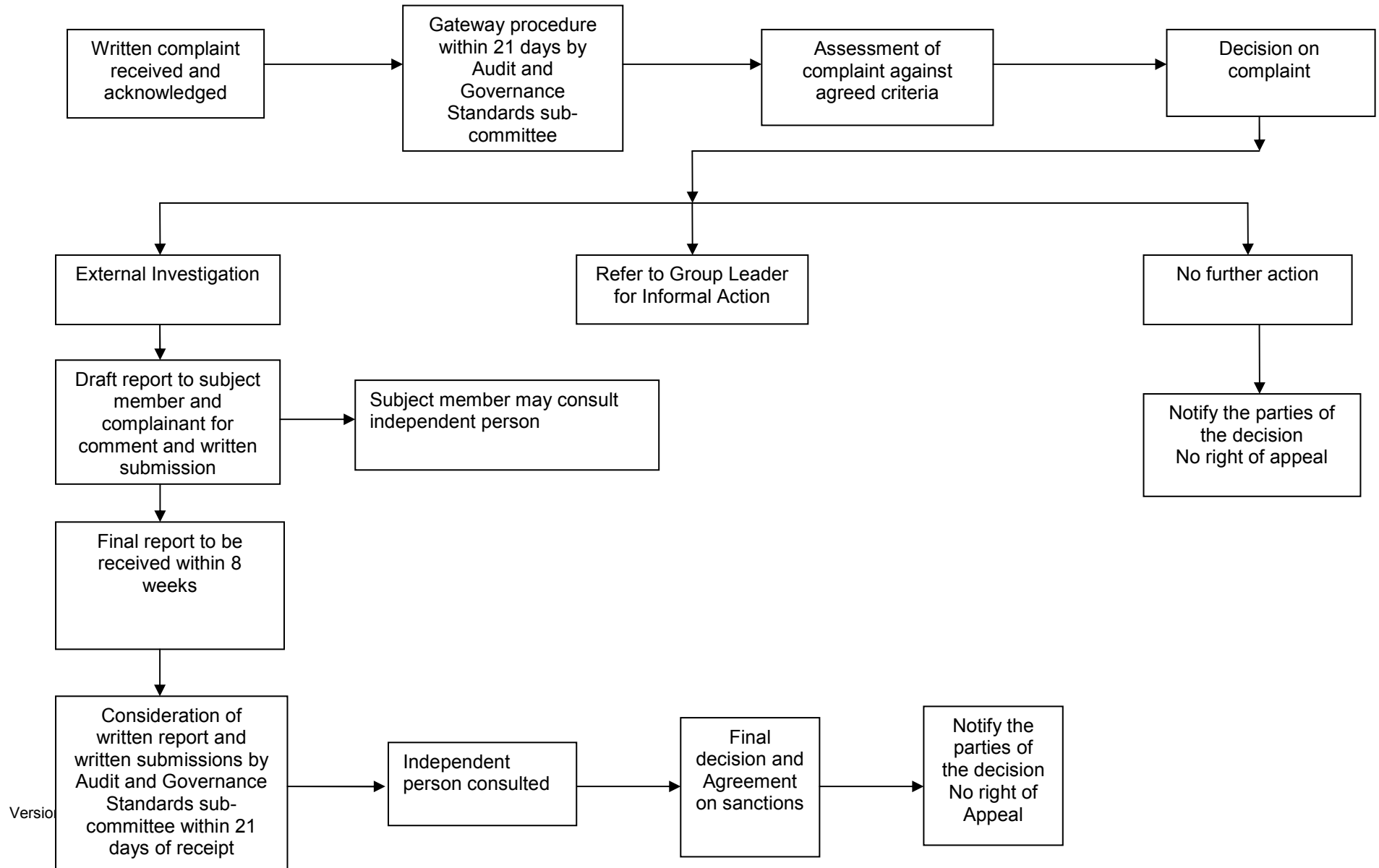
Where the decision referred to in Clause 7 above relates to one of the functions of the authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, *unless* it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Deborah Collins
Ethical Governance Portfolio Officer

Appendix D

Proposed Draft Procedure for Complaints



Appendix D

Complaints under the New Code - Proposed Draft Procedure

1. The Monitoring Officer receives a written complaint and acknowledges receipt.

Initial Assessment / Gateway Procedure

2. The Monitoring Officer refers the complaint to Audit and Governance Standards Sub Committee to consider the written complaint within 21 days and determine whether to;
 - **Take no action**
 - **Refer the matter to the relevant Group Leader for informal action**
 - **Refer the matter for formal investigation by an external investigator**
3. Criteria will be developed to assist in determining complaints and ensuring consistency.
4. The independent person may be consulted and his / her views sought.
5. The initial assessment decision to take no action will be final. Accordingly there will be no right of review for either the complainant or subject member.

Independent Person

6. The subject member has the opportunity to consult the independent person at any stage in the investigation process and prior to the final determination.

External Investigation

7. The matter will be referred for an independent investigation by a suitably experienced external investigative officer. The investigation should be completed within 8 weeks of the referral.
8. The report of the external investigator should incorporate the following:-
 - **Executive Summary** - An outline of the allegation, who made it, the relevant provisions of the Code and whether there has been a breach.

- **Member's official details** - A brief outline of when the Member was elected, term of office, details of committees served on and any relevant training.
 - **Summary of facts and evidence gathered**- A summary of the facts and evidence gathered highlighting facts which are in dispute and setting out the investigating officer's conclusions based on the balance of probabilities
 - **Reasoning as to whether there has been a failure to comply with the Code and investigator's findings** – Dealing with each allegation in turn and outline of whether the investigating officer considers whether there has been a breach and any aggravating or mitigating facts.
 - **Schedule** - a list of witnesses interviewed and copies of relevant documents
9. A copy of the draft report will be circulated to the subject member and complainant to check for factual accuracy.
10. Both the complainant and the subject member will have the opportunity to make written submissions / representations to be considered by the sub-committee.

Final Determination

11. The Audit and Governance Standards sub-committee will consider the final report together with any written submissions from the complainant and the subject member.
12. The independent person must be consulted and his/her views taken into account before any decision as to whether there has been a breach of the Code and any appropriate sanction.
13. There will be no requirement for the subject member, complainant or any witnesses to attend. The matter will be determined purely on the written documentation.
14. There will be no further right of appeal.

Issues for Consideration

- a) When the complaint is initially received should the subject member be informed at that stage or only when a decision has been made whether or not to investigate?
- b) Is it appropriate for the Independent person to be involved in the initial assessment / gateway procedure?

- c) Are Members happy that the external Investigator circulates the draft report for comment on factual accuracy to the subject member and complainant?
- d) Are Members happy with the proposal that the sub-committee's determination should be dealt with by way of written representation? Is there a view that there ought to be the opportunity for the external investigating officer and the subject member and witnesses to appear and give evidence as is the case now?
- e) Should the Independent Person be present at the sub-committee as a moderator (he/she may not vote but their views must be sought and taken into account) or should the IP also make written representations?
- f) Should there be the opportunity to appeal the findings in the final report?
- g) Should the final outcome be publicised on the Council's website?

CHESHIRE EAST COUNCIL

COUNCIL

Date of meeting: 16th May 2012

Report of: Borough Solicitor

Title: Reaffirmation of Council's Constitution

1.0 Purpose of Report

1.1 To reaffirm the Council's Constitution.

2.0 Decision Required

2.1 Council is requested to reaffirm the provisions of the Council's Constitution published on 18th April 2012.

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 in order to demonstrate that officers are empowered 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:

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Email: paul.jones4@cheshire.gov.uk

Background Documents:

None

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CHESHIRE EAST COUNCIL

Special Constitution Committee

Date of Meeting: 11th May 2012
Report of: Borough Solicitor
Subject/Title: Delegated Powers Relating to Development Management

1.0 Report Summary

- 1.1 The report provides the background to the existing delegations relating to the Development Management Service to the Strategic Planning Board, and sets out the additional delegation now recommended.

2.0 Recommendations

- 2.1 That Council be recommended to approve that the function of dealing with applications for Certificates of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961 be added to the functions delegated to the Strategic Planning Board, and the Board's terms of reference within the Constitution be amended accordingly.

3.0 Reasons for Recommendations

- 3.1 The Strategic Planning Board is the most appropriate decision making body of the Council to deal with these applications but currently the determination of this type of application is not contained within the delegations to SPB so it would rest with full Council, which is inappropriate.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications (including Carbon reduction and Health)

- 6.1 None

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 None

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 The Land Compensation Act 1961 provides that certain assumptions as to what planning permission might be granted are to be taken into account in determining market value. Section 17 of the Act provides a mechanism for indicating the kind of development, if any, for which planning permission could be assumed in relation to a piece of land. The permissions indicated in a positive certificate of alternative appropriate development are those with which the owner might reasonably have been expected to sell his land if it were not for the compulsory purchase.

8.2 The Local Planning Authority is required to consider any application received and respond in the form of a certificate as required by the Land compensation Act 1961.

9.0 Risk Management

9.1 No risks would appear to arise from the proposals contained within the report.

10.0 Background and Options

10.1 The Land Compensation Act 1961 provides that compensation for the compulsory purchase of land is valued on a market value basis. This is usually assessed in terms of existing planning permissions for the land, but where there are none section 17 of the Land Compensation Act 1961 provides a mechanism for the types of development that would have been acceptable to the Local Planning Authority to be identified in a formal way.

10.2 The Local Planning Authority is required to respond to an application for a certificate of appropriate alternative development by setting out what planning permission would have been granted if the land had not been compulsorily acquired.

10.3 This application is a different process to the normal method of applying for planning permission set out in the Town and Country Planning Act 1990 (as amended), as it requires the Local Planning Authority to assess the land the subject of the application and determine what, if any, planning permission it would be prepared to grant for the land. This is in contrast to the usual application procedure whereby an applicant will consider the land, the policies that would apply to it, and then formulate a proposal for development to submit to the Local Planning Authority for it to consider and then either approve or refuse. The process in s17 of the Land Compensation Act 1961 puts the onus on the Local Planning Authority to consider all types of development that would be acceptable, accord with relevant planning policy and to identify if there would be any conditions that would have been attached to that permission.

10.4 Currently the Terms of Reference of the Strategic Planning Board are set out in the Constitution and cover a variety of town and country planning and development control functions, but do not include reference to the determination of applications made under section 17 of the Land Compensation Act 1961.

However, the Strategic Planning Board is the most appropriate decision maker within the Council structure to deal with this particular function. The Constitution Committee is therefore invited to recommend to Council that the Constitution be amended to allow the Strategic Planning Board to determine applications under section 17 of the Land Compensation Act 1961.

Access to Information

There are no background papers relating to this report.

The report writer is:

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Designation: Legal Team Manager (Places)

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CHESHIRE EAST COUNCIL

Community Governance Review Sub-Committee

Date of Meeting:	27 th April 2012
Report of:	Borough Solicitor
Subject/Title:	Crewe Community Governance Review – Preparation for Stage 2 Consultation

1. Report Summary

- 1.1 This paper deals with the next stage of the Crewe Community Governance Review, namely the arrangements for the Stage 2 consultation. Council at its meeting on 19th April 2012 will consider the recommendations of the Constitution Committee on the Draft Recommendation on the review and Council's decision will be reported at the meeting.

2. Recommendation

- 2.1 That the Sub-Committee consider the arrangements for the Stage 2 consultation in the light of the decision of Council on the Draft Recommendation.

3. The Review Process

- 3.1 To remind the Sub-Committee, the key stages of the community governance review process are set out below:
- (1) Determine viable options for community governance in the area under review.
 - (2) Draw up a Consultation Plan focused on consulting on those viable options.
 - (3) Stage 1 Consultation on the options.
 - (4) Evaluation and analysis of responses.
 - (5) Draft recommendation for the Constitution Committee to consider for recommendation to Council.
 - (6) Draft Proposal advertised
 - (7) Stage 2 Consultation on the Draft Proposal
 - (8) Council decides Outcome of the review.
- 3.2 The review has now reached stages (6) and (7) in which the Draft Recommendation approved by Council will be advertised and a second round of consultation will be undertaken.

- 3.3 The timetable for the review process is set out in the project plan attached at **Appendix 1**. The project plan timetable has been updated since the previous meeting, and Members are asked to note and endorse the revised timetable.

3 Outcome of the Stage 1 Consultation

- 3.1 The Sub-Committee considered the outcome of the Stage 1 consultation at its last meeting.
- 3.2 The initial phase of consultation had included written representations received in response to public notices, specific invitations, a website tool and information leaflets. Two public meetings had been held in September to give members of the public the opportunity to learn more about the review and to express their views in a public forum. Further opportunities had subsequently been provided to provide information at various community events during November and December 2011. The Council's website had also been used as a source of information and as a tool for people to use to record their views. Finally, a voting paper had been sent to electors in Crewe to be returned by 29th February.
- 3.3 The ballot of local electors had taken place throughout the month of February 2012 and the result showed 10,810 electors in favour of a single town council for Crewe and 1,390 against. The vote represented a 32% turnout and the Sub-Committee had been satisfied that this was sufficient to represent the views of the electors of Crewe. Other public and stakeholder responses made during the Stage 1 consultation had also showed a clear preference for a single town council.
- 3.4 The Sub-Committee had also considered the electoral and warding arrangements for the parish council, including the numbers and disposition of wards, number of parish councillors, date of elections and transitional arrangements, details of which were set out in the minutes of the Sub-Committee's meeting.
- 3.5 Having considered the outcome of the Stage 1 consultation, including the Ballot result, and having considered alternative forms of community governance arrangements, the Sub-Committee had recommended the Constitution Committee to advise Council that
- a. that the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a parish council for the unparished area of Crewe and that parish council be advised to consider its designation as a Town Council;
 - b. that the parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards except that the unparished part of Leighton (Polling District 3FJ5) be incorporated into the St

Barnabas parish ward, and that each ward should have the same number of parish councillors as Borough Councillors as follows:

St Barnabas (inc part of Leighton)	1
Crewe Central	1
Crewe North	1
Crewe South	2
Crewe East	3
Crewe West	2
TOTAL	10

- c. that the first year of elections to the new parish council should be 2015;
 - d. that in the intervening period, as soon as the community review governance process allows, a temporary parish council be appointed by the Borough Council, to comprise the members of the Crewe Local Service Delivery Committee; and
 - e. that these proposals form the basis of a second stage of public consultations and that the Boundary Commission be informed of these proposals.”
- 3.6 In noting the advice of the Sub-Committee, the Constitution Committee had considered a number of issues:
1. whether the electors of the unparished part of Leighton should be asked if they wished to be included in the proposed parish of Crewe or in the existing parish of Leighton;
 2. whether the proposed number of 10 parish councillors for Crewe was sufficient for a town of that size, given that a number of smaller towns in Cheshire East, such as Nantwich, Congleton, Alsager and Wilmslow, had a larger number of town councillors; and
 3. whether it was appropriate to delay parish elections until 2015 and to appoint a temporary parish council when elections could be held in May 2013.
- 3.7 Having considered these issues and the advice of the Sub-Committee, the Committee recommended to Council
- a. that the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a parish council for the unparished area of Crewe and that parish council be advised to consider its designation as a Town Council;

- b. that the parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards except that, subject to recommendation c. below, the unparished part of Leighton (Polling District 3FJ5) be incorporated into the St Barnabas parish ward, and that each ward should have the number of parish councillors as follows:

St Barnabas	2
Crewe Central	2
Crewe North	2
Crewe South	3
Crewe East	4
Crewe West	3
TOTAL	16

- c. that the electors of the unparished part of the Borough ward of Leighton should be asked whether they would prefer to be included within the proposed parish of Crewe or within the existing parish of Leighton;
- d. that elections to the Crewe parish council should be held as soon as is practicably possible, and should thereafter be synchronised with the ordinary date of parish council elections; and
- e. that these proposals form the basis of a second stage of public consultation and that the Boundary Commission be informed of the proposals.

3.8 The decision of Council will be reported at the meeting.

4 Stage 2 Consultation

- 4.1 The Sub-Committee now needs to consider the arrangements for the Stage 2 consultation in the light of Council's decision on the draft recommendation.
- 4.2 The first step will be the publication of a Notice on 30th April 2012. The Notice will set out the Council's draft recommendation and invite comments which may be submitted in writing to the Registration Service and Business Manager, by email or through the Council's website. The Notice will be published in a prominent local newspaper and on the Council's website, and copies will be displayed in appropriate public buildings in the Crewe area and at Westfields. Copies will also be sent to the consultees and stakeholders consulted during the Stage 1 consultation. Electors and stakeholders will then have a three week period, commencing 11th May 2012, in which to submit comments on the draft recommendation. A draft Notice will be prepared for consideration at the Sub-Committee's meeting.

- 4.3 A further meeting of the Sub-Committee will be convened to consider the outcome of the Stage 2 consultation and to make a final recommendation to the Constitution Committee.

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CHESHIRE EAST COUNCIL

COMMUNITY GOVERNANCE REVIEW SUB COMMITTEE

Date of Meeting:	13 March 2012
Report of:	Borough Solicitor
Subject/Title:	Crewe Community Governance Review – Formulating The Council's Draft Recommendation

1. Report Summary

1. This paper provides members with an outline of the process to be followed in conducting this review. It is based on the statutory guidance in respect of the process for creating a new local council 'Guidance on community governance reviews' issued by the Department for Communities and Local Government and the Electoral Commission.

2. Procedure

1. Since February 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements has been devolved from the Secretary of State and the Electoral Commission to principal Councils such as Cheshire East Council.
2. Cheshire East Council can, therefore, decide whether to give effect to the recommendations made arising from the Community Governance Review, provided it takes the views of local people into account.
3. In broad terms the process will follow a number of phases outlined below:
 - Determine viable options for community governance in the area under review.
 - Draw up a Consultation Plan focused on consulting on those viable options.
 - Stage 1 Consultation on the options.
 - Evaluation and analysis of responses.
 - Draft recommendation for the Constitution Committee to consider for recommendation to Council.
 - Draft Proposal advertised
 - Stage 2 Consultation on the Draft Proposal
 - Council decides Outcome of the review.

4. The key element of the Review is the consultation process. The Sub Committee agreed the list of consultees, method of consultation and the timing of the consultation process.
5. The consultation process is central to the Review and must include:
 - Local government electors in the area under review
 - Local businesses, local public and voluntary organisations, schools, health bodies
 - Residents and community groups
 - Area working arrangements.
6. The initial phase of consultation has been based largely on written representations received in response to public notices, specific invitations, a website tool and information leaflets. Two public meetings were held in September to give members of the public the opportunity to learn more about the review and to express their views in a public forum. As these were poorly attended, further opportunities were subsequently provided to provide information at various community events during November and December 2011. An exhibition display was also located on various days at the Crewe Market, Crewe Library and Delamere House. A communications plan was also developed to support the consultation which comprised of seven press releases, an article in the partnership newsletter, an advert in the programme for a fixture at the Crewe Alexandra Football ground and information on the plasma screens at the customer centre. A voting paper was also sent to electors in Crewe which were required to be returned by 29 February. The website has also been used as a source of information and as a tool for people to use to record their views. A link has been included on the front page of the website during the course of the consultation period.

3. Criteria when undertaking a Review

1. The Council now needs to consider the results of the initial phase of consultation and formulate recommendations ensuring that community governance within the area under review will be
 - Reflective of the identities and interests of the community in that area
 - Effective and convenient
2. Key considerations in meeting the criteria include:
 - The impact of community governance arrangements on community cohesion
 - The size, population and boundaries of a local community or parish
 - Parishes should reflect distinctive and recognisable communities of interest with their own sense of identity
 - The degree to which the proposals offer a sense of place and identity for all residents
 - The ability of the proposed authority's ability to deliver quality services economically and efficiently providing users with a democratic voice

- The degree to which a town/ parish council would be viable in terms of a unit of local government providing at least some local services that are convenient, easy to reach and accessible to local people.

4. Recommendations and Decisions on the Review Outcome

1. The guidance requires that recommendations must be made with respect to the following:
 - a) Whether a new parish or any new parishes should be constituted
 - b) The name of any new parish
 - c) Whether or not the new parish should have a parish council (if the parish has more than 1000 electors, the review must recommend that the parish should have a parish council)
 - d) What the electoral arrangements for new parishes which are to have parish councils should be
2. These recommendations must have regard to:
 - The need to ensure that community governance reflects the identities and interests of the community in the area and is effective and convenient
 - Any other arrangements that have already been made for the purposes of community representation or engagement
 - Any representations received and should be supported by evidence which demonstrates that the community governance arrangements would meet the criteria.
3. It should be noted that Cheshire East Council can only establish a parish council, but could recommend that it should be given the title of a Town Council. The decision whether to be called a Town Council or not would be one for any new parish council established to consider and determine.

5. Electoral Arrangements

1. The Review must give consideration to the electoral arrangements that should apply in the event that a parish council is established. In particular the following must be considered:
 - a) The ordinary year of election – if a single parish council were established, the elections would take place every four years. The next scheduled parish council elections are in May 2015. Should a decision be made to establish a parish council before that date, Councillors would be elected on the same basis as a by-election i.e. their term of office would expire in May 2015, rather than being in office for a full four year term.

- b) The Council can also consider whether to put a “temporary parish council” in place for a period of time before elections are held. The authority can choose anybody it wants to sit on the body and usually it will appoint at least one ward councillor. Temporary parish councils have all the legal powers of an elected parish council, so they can appoint a clerk or other staff, exercise powers and provide services. In the case of a decision being made to hold elections relatively quickly, councils would not normally deem it necessary to put such temporary arrangements in place.
- c) Council size – the number of councillors to be elected to the parish
- d) Parish warding – whether the parish should be divided into wards; this includes the number and boundaries of such wards; number of councillors per ward and the names of wards. In considering whether to recommend that a parish should or should not be warded, the council should consider:-
 - whether the number or distribution of electors would make a single election of councillors impractical or inconvenient;
 - whether it is desirable that any area of the parish should be separately represented on the council

If the Council decides to recommend wards – in considering the size and boundaries of the wards and the number of Councillors for the wards it must have regard to the following factors:

- i) the number of electors for the parish
- ii) any change in number / distribution of electors likely to occur in period of 5 years
- iii) desirability of fixing boundaries which will remain easily identifiable
- iv) any local ties which will be broken by the fixing of any particular boundaries

6. Council Size

1. The Local Government Act 1972 Act specifies that each parish council must have at least 5 members; there is no maximum number. There are no rules relating to the allocation of those Councillors between parish wards.
2. There is a wide variation of council size between parish councils. Research in 1992 has shown this is influenced by population:
 - Between 2501 and 10,000 population had 9 to 16 councillors
 - Between 10,001 and 20,000 population had 13 to 37 councillors
 - Almost all over 20,000 population had between 13 and 31 councillors.
3. The National Association of Local Councils suggests that the minimum number of councillors for any parish should be 7 and the maximum 25.

4. Each area should be considered on its own merits, having regard to population, geography and patterns of communities. Principal councils should bear in mind that the conduct of parish business does not usually require a large body of councillors. However, a parish council's budget and planned level of service provision may be important factors in reaching a decision on Council size.

7. Parish warding and names of wards

1. There is likely to be a stronger case for the warding of urban areas. In urban areas community identity tends to focus upon a locality, with its own sense of identity. In terms of naming parish wards consideration should be given to existing local or historic places, so that these are reflected where appropriate. The Council should take account of community identity and interests and consider whether any ties or linkages would be broken by the drawing of particular ward boundaries.
Also, when considering ward boundaries the Council should consider the desirability of fixing boundaries which will remain easily identifiable.

8. Number of Councillors to be elected for parish wards

1. If the council decides that a parish should be warded, it should give consideration to the levels of representation between each ward. It is best practice for each persons vote should be of equal weight as far as possible.

9. Other forms of Community Governance

1. In conducting the Community Governance Review, the Council must consider other forms of community governance as alternatives to establishing parish councils, for example:

1. Area Committees
2. Neighbourhood management
3. Tenant Management Organisations
4. Area/ community forums
5. Residents/ Tenants organisations
6. Community Associations

The Sub Committee has included these options as part of the consultation process and no support has been demonstrated for any of these alternative options. The Sub Committee also received a report from the LAP Manager in September 2011 on existing community governance arrangements in Crewe.

10. RECOMMENDATION

In summary, in forming a draft recommendation for the Community Governance Review, the Sub Committee needs to have regard to all representations received, and consider and recommend to the Constitution Committee:

- a. Any forms of community governance as alternatives to establishing parish councils, for example:
 - Area Committees
 - Neighbourhood management
 - Tenant Management Organisations
 - Area/ community forums
 - Residents/ Tenants organisations
 - Community Associations
- b. Whether a new parish or any new parishes should be constituted
- c. The name of any new parish or parishes
- d. Whether or not the new parish should have a parish council (if the parish has more than 1000 electors, the review must recommend that the parish should have a parish council)
- e. Whether the parish should have an alternative Style e.g. Community, Neighbourhood, or Village; or whether the status of Town Council should be recommended
- f. What the electoral arrangements for new parishes which are to have parish councils should be
- g. The ordinary year of election
- h. Council size – the number of councillors to be elected to the parish
- i. Parish warding – whether the parish should be divided into wards; this includes the number and boundaries of such wards; number of councillors per ward and the names of wards.

Officer Contact Details

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Daily Returns

Date	Crewe (Without Leighton)		37,344		Leighton (1F14)		406		Total		37,750	
	Daily	Total	Turnout		Daily	Total	Turnout		Daily	Total	Turnout	
Friday 03/02/12	9	9	0.02%		0	0	0.00%		9	9	0.02%	
Monday 06/02/12	4,933	4,942	13.23%		2	2	0.49%		4,935	4,944	13.10%	
Tuesday 07/02/12	52	4,994	13.37%		0	2	0.49%		52	4,996	13.23%	
Wednesday 08/02/12	1,873	6,867	18.39%		23	25	6.16%		1,896	6,892	18.26%	
Thursday 09/02/12	914	7,781	20.84%		12	37	9.11%		926	7,818	20.71%	
Friday 10/02/12	976	8,757	23.45%		9	46	11.33%		985	8,803	23.32%	
Monday 13/02/12	1,143	9,900	26.51%		12	58	14.29%		1,155	9,958	26.38%	
Tuesday 14/02/12	10	9,910	26.54%		0	58	14.29%		10	9,968	26.41%	
Wednesday 15/02/12	502	10,412	27.88%		3	61	15.02%		505	10,473	27.74%	
Thursday 16/02/12	260	10,672	28.58%		2	63	15.52%		262	10,735	28.44%	
Friday 17/02/12	332	11,004	29.47%		4	67	16.50%		336	11,071	29.33%	
Monday 20/02/12	229	11,233	30.08%		2	69	17.00%		231	11,302	29.94%	
Tuesday 21/02/12	124	11,357	30.41%		1	70	17.24%		125	11,427	30.27%	
Wednesday 22/02/12	83	11,440	30.63%		1	71	17.49%		84	11,511	30.49%	
Thursday 23/02/12	218	11,658	31.22%		2	73	17.98%		220	11,731	31.08%	
Friday 24/02/12	24	11,682	31.28%		0	73	17.98%		24	11,755	31.14%	
Monday 27/02/12	233	11,915	31.91%		4	77	18.97%		237	11,992	31.77%	
Tuesday 28/02/12	98	12,013	32.17%		1	78	19.21%		99	12,091	32.03%	
Wednesday 29/02/12	122	12,135	32.50%		0	78	19.21%		122	12,213	32.35%	

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Final Results

Area	No of voting papers received	Yes	No	Rejected	Total	Do totals match?
Crewe	12,135	10,741	1,381	13	12,135	YES
Leighton (1FJ4)	78	69	9	0	78	YES
TOTALS	12,213	10,810	1,390	13	12,213	YES

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Crewe Community Governance Review Sub Committee
13 March 2012

Summary of Representations Received

1. The following feedback was received in response to the Stage 1 consultation undertaken between 14 November and 16 December and was reported to the Sub Committee at its meeting on 20 December, together with a copy of each representation received.

	Responses received by Registration Service and Business Manager (as at Monday 19 December 2011)	Hardcopy responses received by LAP Manager at consultation events (as at Tuesday 20 December 2011)	Totals
Town / Parish Council	37	15	52
Town /Parish Council and Community Association	1	-	1
Parish Council and Community Forum	1	-	1
Town / Parish Council and Neighbourhood Management	-	1	1
Supports concept of subsidiarity	1	-	1
No change	1	-	1
No preference expressed	4	1	5
Total	45	17	62

87% of respondents support a Town / Parish Council as their highest preference.

2. The following representations in support of and against a Single Town Council for Crewe have been received since 16th December, copies of which are attached. 10 further communications were received which have not been included in the summary as they are seeking further information before completing and returning their ballot paper. Further correspondence was also received from some people indicating that they had not received their ballot paper. In many cases this was because people were residents of an area of Crewe which was already parished, and would not therefore have been sent a ballot paper. In

those cases where a ballot paper should clearly have been received, people were encouraged to submit their views by letter or by email.

34x Representations Received since 16 December 2011 in Support of a Single Town Council for Crewe	
A1	Jack Wimpenny, Chair of Governors, St Mary's Primary School
A2	Mrs Stephenson
A3	Andrew Brown
A4	Lenka MolCanova & Jason Bennett
A5	Mr C Nicholson
A6	Malcolm Riley, Deacon of Union Street Baptist Church
A7	Mr & Mrs Corbett
A8	Andrew Dixon
A9	Andrew Taylor, Minister of Union Street Baptist Church
A10	David Elliott
A11	D Harrison
A12	P A Harrison
A13	Unsigned letter of support
A14	Petition signed by 14 residents of Coleridge Way, Crewe
A15	Ballot paper received and not included in the summary of voting papers returned
A16	Ballot paper received and not included in the summary of voting papers returned
A17	Unofficial ballot paper received and not included in the summary of voting papers returned
A18	Ballot paper received and not included in the summary of voting papers returned
A19	Ballot paper received and not included in the summary of voting papers returned
A20	Nigel Parton

4 x Representations Received since 16 December 2011 against a Single Town Council for Crewe	
B1	Hassall
B2	P & M Eustance
B3	T J Stubbs

1x Representations Received since 16 December 2011 concerning the consultation process	
C1	David Perry

PARTON, Lindsey

From: Jack Wimpenny [jack.wimpenny@tiscali.co.uk]
Sent: 19 December 2011 20:33
To: COMMUNITY GOVERNANCE REVIEW
Subject: Crewe Community Governance Review

Dear Sir,

Thank you for asking me to take part in this consultation and I apologise for my late submission.

I welcome the clear description of the various options for Crewe. After considering these, my view is that Crewe should have its own, elected Town Council.

The cabinet system of governance adopted by Cheshire East can result in few, if any, of Crewe Councillors being in a position to represent their town at the highest level of decision making. As funding for Local Government tightens, the allocation of money for Crewe's local needs may thus be compromised.

Things important to Crewe residents are likely to be of little significance to those of other towns. I can think of Crewe Park as an example. Funding shortages appear to have left the park without sufficient daily supervision, compromising the benefits of the recent renovation work. Crewe residents might consider this an area in which they would like to invest more resources.

Responsibility goes hand-in-hand with authority. Of the options suggested in your consultation document, the elected Town Council is the only structure that links responsibility for service delivery with authority mandated to them by the local electorate. In your own words, 'Parish/Town Councils are arguably the most local form of government'. All the other options lack either a true mandate from the local electorate and/or the ability to raise money independently.

I feel that 'fairness' is lacking in the present arrangements. Towns fortunate to have a Town/Parish Council at the time of Cheshire East's formation have benefitted from almost three years in which their local agenda has been able to move forward. As far as I am aware, this has been achieved alongside and at no detriment to the progress of Cheshire East's plans or policies.

At St Mary's Primary School, we teach that everyone should have a voice and that voice has a right to be heard. An elected Town Council for Crewe would give residents more of a voice in the services that affect their lives locally and the means to put ideas into action.

Yours faithfully,

Jack Wimpenny,

Chair of Governors,

St Mary's primary School, Crewe.

Friend,

MRS. L. STEPHENSON.
 FLAT 8, ELM COURT,
 ON, ELM DRIVE,
CREWE, CHESHIRE.

Dear Sir,

Yes, I would like to know
 what a difference it will make
 to have a Single Town Council
 here in Crewe?

Page 122

Our town has gone down so much
 we wonder if it will ever be put
 right? Because it has really gone
 down these days.

I am pleased to say that the Quebec
East Council have been very good
 & helpful with me, of which I am

very grateful. At 90 yrs of age, and
 I had my 2 falls at home at

times, they & many others have
 all really been a great help to me,
 to get me back to life again.

So good luck & let hope we have

P107

a Crewe Town to be proud of
 again in the future?

So, you a yes?

Yours Hopfully
Leah Stephenson.

My family have been brought
 up & lived here for many years,
 we, call themselves, real Creweites
 so.

PARTON, Lindsey

From: Centre, Call
Sent: 30 January 2012 09:08
To: COMMUNITY GOVERNANCE REVIEW
Cc: PARTON, Lindsey
Subject: Crewe Consultation Options Feedback

[Submitted by Anonymous User]

Crewe Community Governance Review

Name:	Andrew Brown
Address:	1 Brown Lees Close Crewe CW2 6AT
Do you represent a particular local group?	No
<p>If you would like to add any further brief comments, please do so in the box below</p> <p>Crewe needs a Town Council as the current arrangement whereby non-Crewe councillors are deciding the fate of the town is completely wrong. It is completely undemocratic that the wishes of the people of this great town are being overridden by those councillors elected by small numbers of voters in leafy villages at the other end of the county.</p>	

Preferred Option(s)

The preferred option(s) would be:

Parish or Town Councils. 16 points out of 27.

All the scores given against the various options:

Option	Total score (out of a possible 27)
No change	3
Parish or Town Councils	16
Neighbourhood Management	13
Community forum	3
Residents' or tenants' association	3

PARTON, Lindsey

From: lenka molcanova [pepeliskka@gmx.co.uk]
Sent: 02 February 2012 13:42
To: COMMUNITY GOVERNANCE REVIEW
Subject: single Crewe town council

Hi There,
Lenka Molcanova and Jason Bennett 30 Rolls Avenue Crewe CW13GE we are voting for single crewe town council we wote for YES.
thank you

PARTON, Lindsey

From: Centre, Call
Sent: 10 February 2012 10:46
To: COMMUNITY GOVERNANCE REVIEW
Cc: PARTON, Lindsey
Subject: Crewe Consultation Options Feedback

[Submitted by Anonymous User]

Crewe Community Governance Review

Name:	Mr.C.Nicholson
Address:	19 Danebank Avenue Crewe CW2 8AE
Do you represent a particular local group?	No
<p>If you would like to add any further brief comments, please do so in the box below</p> <p>I thought that the original idea of splitting Cheshire into two parts and do away with the Crewe and Nantwich Council was to save money. However, since most other areas in Cheshire East have now got their own local councils, it seems we in Crewe have no alternative but to have our own. So; here we are going back to our original state before the split up of Cheshire into two parts and having spent a great deal of money in the process.</p>	

Preferred Option(s)

The preferred option(s) would be:

Parish or Town Councils. 21 points out of 27.

All the scores given against the various options:

Option	Total score (out of a possible 27)
No change	11
Parish or Town Councils	21
Neighbourhood Management	13
Community forum	9
Residents' or tenants' association	9

PARTON, Lindsey

From: Malcolm Riley [msriley@btinternet.com]
Sent: 18 February 2012 14:55
To: COMMUNITY GOVERNANCE REVIEW
Cc: Andrew Taylor
Subject: Crewe Town Council - current vote

Whilst I am not resident within the town of Crewe, I believe I am able to support the current vote process in supporting a 'yes' vote for Crewe to have a Town Council, in view of Councillor Fitzgerald's comment on your website i.e '...those who have an interest in the town'.

I am a deacon and property steward of Union Street Baptist Church, Crewe which owes its beginnings in 1882 to Mr Richard Pedley JP who was an Alderman and Mayor of Crewe. He led the small group of people who first met in an upper room in Station Street, towards the building of the church in 1883-4. Mr Pedley was, like myself, a resident of Winterley, also a cheese factor in the town, having a warehouse in South Street. He was most influential in the early years of Crewe, and it would be good for these beginnings to be recognised again, in Civic terms, with Crewe having the dignity of a Town Council.

Apart from his name being recorded on the Council Chamber's board, we also have the physical presence in the town of the baptist church in Union Street which he helped create, and which still continues in its original use today as an important link with Crewe's early years, and appropriately so is now Grade II listed.

Apart from these historical points, I believe that the creation of Town Council status will assist Crewe's continued success as a significant centre of business and commerce in south Cheshire.

I would be pleased therefore if my name could be added to those voting 'yes' to the creation of 'Crewe Town Council'.

Thank you

Malcolm Riley, 26 Pool Lane, Winterley, Sandbach CW11 4RY

3 Leighton View,
 Crewe,
 Cheshire,
 CW1. 3YT.
 Tel: 01270 580630
 19/2/12.

Ref: Votes in favour of a Town Council in Crewe.
 (DO YOU WANT A SINGLE TOWN COUNCIL)
 MR. S. CORBETT.
 MR. E. A. CORBETT.

Dear, Ms. Parton,

We have not received any ballot papers for this issue. We have been advised by Cheshire East Council to write directly to you to express a preference for or against.

YES WE ARE IN FAVOUR OF A CREWE TOWN COUNCIL.

2 Votes: ~~S. Corbett~~ YES
 E. Corbett YES

Yours Sincerely

~~S. Corbett~~
 E. Corbett

PARTON, Lindsey

From: andrew dixon [dicko601@hotmail.co.uk]
Sent: 22 February 2012 18:19
To: COMMUNITY GOVERNANCE REVIEW
Subject: Re: Crewe ballot

Hi lindsey

Thanks for the reply, I live in parkfield off parkers road, and I would like to express my view, If given the choice I would like Crewe to have its own council, thanks for offering to forward my views. Regards Andrew Dixon

Sent from my iPhone

On 22 Feb 2012, at 15:11, "COMMUNITY GOVERNANCE REVIEW"
 <CommunityGovernance@cheshireeast.gov.uk> wrote:

>
 > Hello
 >
 > Do you not mention your address in your message, but only those
 > residents who live in the area of Crewe which is currently unparished
 > have been sent a voting paper which could explain why you have not
 > received a voting pack. The unparished area covers the Cheshire East
 > Wards of Crewe Central, Crewe East, Crewe North, Crewe South, Crewe St
 > Barnabas, Crewe West and a small part of Leighton.
 >
 > However, you are still welcome to express your views, which you can do
 > by responding to my email by 5pm on Wednesday 29th February. I will
 > ensure that your comments are put forward for consideration by the
 > Council as part of the Review process.
 >
 > Kind regards
 > Lindsey
 >
 > Lindsey Parton
 > Registration Service and Business Manager
 > Cheshire East Council
 > Westfields, Sandbach
 >
 > Tel: 01270 686477
 >
 >
 > -----Original Message-----
 > From: andrew dixon [mailto:dicko601@hotmail.co.uk]
 > Sent: 17 February 2012 16:47
 > To: COMMUNITY GOVERNANCE REVIEW
 > Subject: Crewe ballot
 >
 >
 > I have just read in the Crewe Guardian newspaper an article about the
 > vote for Crewe's own council, I have never received a ballot paper
 > regarding this vote. Is there anyway I can vote before the closing
 > date ? Regards A Dixon
 >
 > Sent from my iPhone
 > *****
 > **
 > Confidentiality: This email and its contents and any attachments are intended only
 > for the above named. As the email may contain confidential or legally privileged
 > information, if you are not the above named person or responsible for delivery to the
 > above named, or suspect that you are not an intended recipient please delete or
 > destroy the email and any attachments immediately.
 >
 > Security and Viruses: This note confirms that this email message has
 > been swept for the presence of computer viruses. We cannot accept any
 > responsibility for any damage or loss caused by software viruses.
 >

PARTON, Lindsey

From: Andrew Taylor [andrewn.taylor@btinternet.com]
Sent: 23 February 2012 17:45
To: COMMUNITY GOVERNANCE REVIEW
Cc: David Cannon; Malcolm and Sandra Riley
Subject: Crewe Town Council

Dear Lindsey Parton,

I write as the Minister of Union Street Baptist Church, in which capacity I responded to the earlier consultation in the matter in 2009. However, unusually for a local minister, I live outside the area currently being polled, though my professional concerns are entirely within it. I am obviously unable to cast a vote in the matter but I hope my views, sent on behalf of the church might be included in the process.

We are strongly of the view that there should be a single town council for Crewe. The concept of community is an important one. Union Street Baptist Church was established over 125 years ago to be at the centre of the community that was developing amongst the workforce of the North Sheds, and that call to serve our community, albeit now a very different one, remains a powerful one for us today. The wider community that is the town of Crewe equally needs to be recognised, identified and served.

The churches of the town, including our own, have in recent years covenanted together in acknowledgement of the fact that although distributed around the town we still serve the town as a whole. Collective endeavours, such as the Christmas Day lunch, the successful hustings meeting held just before the last General Election, and the provision of night shelter accommodation during this winter's cold snap, have been prompted by a concern for the community of Crewe as a whole, and would not have been feasible on a lesser scale. We believe that on a yet broader range of issues a Town Council for Crewe would also serve that purpose.

I hope these views might be taken into account.

With sincere thanks,

Andrew Taylor
Minister
Union Street Baptist Church

PARTON, Lindsey

From: Centre, Call
Sent: 28 February 2012 09:11
To: COMMUNITY GOVERNANCE REVIEW
Cc: PARTON, Lindsey
Subject: Crewe Consultation Options Feedback

[Submitted by Anonymous User]

Crewe Community Governance Review

Name:	David Elliott
Address:	32 Broughton Lane Wistaston Crewe CW2 8JP
Do you represent a particular local group?	No
If you would like to add any further brief comments, please do so in the box below	

Preferred Option(s)

The preferred option(s) would be:

Parish or Town Councils. 25 points out of 27.

All the scores given against the various options:

Option	Total score (out of a possible 27)
No change	3
Parish or Town Councils	25
Neighbourhood Management	24
Community forum	24
Residents' or tenants' association	24

A12

103 Coleridge Way

CREST

CW01 5LE

I wish to vote for a
Town Council

P. A. HARRISON

Pd Hansen

A11

103 Coleridge Way

CREST

CW01 5LE

28-02-12

I wish to vote for a
Town Council

P. A. HARRISON

Pd Hansen

I am in favour of a Town Council
for Greve - 27/2/12 EWS 6QG

FAO Lindsey Parton
Cheshire East
Westfields
Middlewich Road
Sandbach
Cheshire CW11 9HZ

Vote for Crewe Council

Dear Madam,

We the undersigned wish to vote in favour of having a Crewe Council

Name	Address	Signature
Derek George Shaw	57 Coleridge Way Crewe CW1 5JX	D Shaw
Ann Shaw	57 Coleridge Way Crewe CW1 5JX	A S Shaw
John Bryan	61 Coleridge Way Crewe CW1 5JX	J Bryan
Margaret Bryan	61 Coleridge Way Crewe CW1 5JX	M. Bryan
Jack Brucker	59, Coleridge Way Crewe CW1 5JX	J Brucker
Jack Brucker	59, Coleridge Way Crewe CW1 5JX	J Brucker
George Stubbs	65 Coleridge Way Crewe CW1 5JX	G Stubbs
Paul Nunn	67 Coleridge Way, Crewe CW1 5LE	P Nunn
Margaret Bell	69, Coleridge Way Crewe	M Bell
Darrell Taylor	71, Coleridge Way, Crewe	D Taylor
Clare Taylor	71 Coleridge Way, Crewe	C Taylor
Sadie Hulme	63 Coleridge Way, Crewe, CW1 5JX	S Hulme
Jason Barnes	63 Coleridge Way, Crewe	J Barnes
Philip Shaw	(138 Elm Drive Crewe) (Formally 57 Coleridge Way)	P Shaw

(None of the above have received voting papers)

Crewe Community Governance Review

Voting Paper for Electors

1. Place a cross (x) in the box below opposite the option you are voting for.
2. Put no other mark on the voting paper or your vote may not be counted.
3. Once completed, return by post in the pre-paid envelope without delay.
4. The voting paper must be received by no later than **5pm** on **Wednesday 29 February 2012**.

Question:

Do you want a single Town Council for Crewe?

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

Crewe Community Governance Review

Voting Paper for Electors

1. Place a cross (x) in the box below opposite the option you are voting for.
2. Put no other mark on the voting paper or your vote may not be counted.
3. Once completed, return by post in the pre-paid envelope without delay.
4. The voting paper must be received by no later than **5pm** on **Wednesday 29 February 2012**.

Question:

Do you want a single Town Council for Crewe?

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

Crewe Community Governance Review

Voting Paper for Electors

1. Place a cross (x) in the box below opposite the option you are voting for.
2. Put no other mark on the voting paper or your vote may not be counted.
3. Once completed, return by post in the pre-paid envelope without delay.
4. The voting paper must be received by no later than **5pm on Wednesday 29 February 2012.**

Question:

Do you want a single Town Council for Crewe?

YES	<input checked="checked" type="checkbox"/>
NO	<input type="checkbox"/>

Voting Paper for Electors

Voting Paper for Electors

- 1. Place a cross (x) in the box below opposite the option you are voting for.
- 2. Put no other mark on the voting paper or your vote may not be counted.
- 3. Once completed, return by post in the pre-paid envelope without delay.
- 4. The voting paper must be received by no later than 5pm on Wednesday 29 February 2012.

- 1. Place a cross (x) in the box below opposite the option you are voting for.
- 2. Put no other mark on the voting paper or your vote may not be counted.
- 3. Once completed, return by post in the pre-paid envelope without delay.
- 4. The voting paper must be received by no later than 5pm on Wednesday 29 February 2012.

Question:

Do you want a single Town Council for Crewe?

Question:

Do you want a single Town Council for Crewe?

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

A20

2-2-2012

Yes X

I would like a single brown barrel.

Note lost postcard envelope.

Nigel Panton

98 Davenport Avenue

Leam

EW26LT

01290 652931

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PARTON, Lindsey

From: Centre, Call
Sent: 13 January 2012 21:18
To: COMMUNITY GOVERNANCE REVIEW
Cc: PARTON, Lindsey
Subject: Crewe Consultation Options Feedback

[Submitted by Anonymous User]

Crewe Community Governance Review

Name:	I. Hassall 11 Hawthorn lane
Address:	11 Hawthorn Lane Crewe
Do you represent a particular local group?	No
If you would like to add any further brief comments, please do so in the box below	
<p>why do we need a council in crewe when the government set up a unitary authority to remove all the layers of governance. Is this same democratic process to be carried out in macclesfield or do they have sufficient representation at cheshire east to ensure that their needs are catered for.</p>	

Preferred Option(s)

The preferred option(s) would be:

No Change. 5 points out of a possible 27.

All the scores given against the various options:

Option	Total score (out of a possible 27)
No change	5
Parish or Town Councils	4
Neighbourhood Management	3
Community forum	3
Residents' or tenants' association	3

PARTON, Lindsey

To: COMMUNITY GOVERNANCE REVIEW

Subject: RE: Proposed Crewe Town Council

-----Original Message-----

Sent: 27 January 2012 16:22

To: COMMUNITY GOVERNANCE REVIEW

Subject: Re: Proposed Crewe Town Council

Dear Sir/Madam, We are against the proposed Crewe Town Council or Parish Council, We prefer that the present arrangements are kept.

Kind Regards

P & M Eustance
21 Herbert Street
Crewe Cheshire
CW1 5LZ

06/03/2012

PARTON, Lindsey

From: terence stubbs [christerry@sky.com]
Sent: 08 February 2012 11:16
To: COMMUNITY GOVERNANCE REVIEW
Subject: Re: local council for crewe

thank you for the reply
i know that £15.50 is not a lot of money for one year
but what will the cost rise to in future years
so with that i mind i will be voting no
your t j stubbs

On Tue, Feb 7, 2012 at 12:09 PM, COMMUNITY GOVERNANCE REVIEW
<CommunityGovernance@cheshireeast.gov.uk> wrote:

Thank you for your email.

More information is available on the Council's website.

I attach some information that I hope will help.

The additional cost per household is estimated to be £15.50 per year

Paul Jones
Democratic Services Team Manager
Cheshire East Council
Westfields, Middlewich Road,
Sandbach, Cheshire.
CW11 1HZ.
Tel. 01270 686458

<http://www.cheshireeast.gov.uk/>

PARTON, Lindsey

From: terence stubbs [christerry@sky.com]
Sent: 03 February 2012 09:14
To: COMMUNITY GOVERNANCE REVIEW
Subject: local council for crewe

dear sirs

this is probable a question that has been asked before
but would a singular council for crewe increase our council tax or would there be
another tax to pay ie a local one like the old parish council tax
or would there be addition tax paid by the residents of crewe to finance
the singular crewe council

yours

tj stubbs cw2 6ne
christerry@sky.com

Mr D. Perry.

10 Grenville Close,

Haslington,

Crewe.

20 February 2012.

Dear Lindsey,

Re my phone call to you at lunchtime today, about the reforming of Crewe Borough Council and the lack of information for all the people of the Borough. I suggested that maybe a "Flyer" distribution throughout the whole Bough, as I said I would be prepared to do an area of Haslington I stand by that, but think maybe the "Flyer" should ask for volunteers to help. Also the formation of a Forum of ordinary people working with and alongside with your committee dealing with this issue. As I said to you there are a lot of people I have spoken to who know nothing of this issue and I personally believe that if this new Council will better represent our Town at a Local level then Local people from all parts of the Borough should be allowed to be involved if that's what they want to do.

Kind Regards,

David Perry.

Tel-01270586507

Email- david.s.perry@talktalk.net

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