

# **Council Agenda**

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**Date:** Thursday, 18th July, 2013  
**Time:** 4.00 pm  
**Venue:** Crewe Alexandra Football Club, Gresty Road, Crewe, CW2 6EB

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

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

1. **Prayers**
2. **Apologies for Absence**
3. **Minutes of the Annual Meeting of the Council Held on 15 May, 2013** (Pages 1 - 8)

To approve the minutes as a correct record.

4. **Mayor's Announcements**

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

5. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

6. **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.

7. **Leader's Announcements, Including Changes to Cabinet** (Pages 9 - 12)

- Preferred Delivery Model for Leisure, Sport, Play and Development Services. (Cabinet minute attached).
- Major Change Project 6.4 - Determine Future Delivery Model for Waste Management Services. (Cabinet minute attached).

8. **Changes to appointments of Chairmen and Vice-Chairmen** (Pages 13 - 14)

To agree changes to the appointment of Chairmen and Vice Chairman in respect of decision-making bodies and Policy Development Groups.

9. **Appointment of Chief Operating Officer/ Designation of Section 151 Officer** (Pages 15 - 16)

To appoint Mr Peter Bates as Cheshire East Council's Chief Operating Officer and Section 151 Officer, with effect from a date to be arranged and to confirm that the salary of the Chief Operating Officer.

10. **Designation of Monitoring Officer** (Pages 17 - 18)

To agree that Ms Suki Binjal be designated as Monitoring Officer of Cheshire East Council.

11. **Capital Programme Approval - Proposed School Expansion Lacey Green Primary Academy** (Pages 19 - 24)

To approve the Supplementary Capital Estimate to finance the proposed expansion of Lacey Green Primary Academy at a cost of £1.273m, subject to Gateway 2 approval.

12. **Officer Delegation Scheme** (Pages 25 - 26)

Oral update on behalf of the Chairman of the Constitution Committee.

13. **Notices of Motion** (Pages 27 - 30)

To consider any Notices of Motion that have been received in accordance with Procedure Rule 12

14. **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 to the Mayor or Chairman of a Committee must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting. There is no requirement for questions to be submitted in writing which relate to the work of the Cabinet.

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.

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**CHESHIRE EAST COUNCIL**

Minutes of the Annual meeting of the **Council**  
held on Wednesday, 15th May, 2013 at The Tenants' Hall, Tatton Park,  
Knutsford

**PRESENT**

Councillor G M Walton (Chairman Items 1-3)

Councillor D Flude (Chairman - Items 4 -22)

Councillors C Andrew, Rhoda Bailey, G Baxendale, D Bebbington, D Brickhill (Afternoon only), D Brown, L Brown, B Burkhill, P Butterill, Carter (Afternoon only), R Cartlidge, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, H Gaddum (Morning only), S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda (Afternoon only), M Jones, S Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, M A Martin (Afternoon only), P Mason, S McGrory (Afternoon only), R Menlove, A Moran, B Moran, B Murphy, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, L Roberts, J Saunders, B Silvester, M J Simon, L Smetham, D Stockton, C G Thorley (Morning only), A Thwaite, D Topping, G Wait, M J Weatherill, R West, P Whiteley, S Wilkinson, G Wait (Morning only) and J Wray.

**Apologies**

Councillors Rachel Bailey, A Barratt, G Barton, D Brickhill (Morning only), S Carter (Morning only), D Druce, H Gaddum (Afternoon only), P Hoyland, L Jeuda (Morning only), A Martin (Morning only), S McGrory (Morning only), G Merry, H Murray, M Sherratt, C Thorley (Afternoon only) and G Wait (Afternoon only).

**1 PRAYERS**

The Mayor's Chaplain said prayers at the request of the Mayor.

**2 DECLARATIONS OF INTEREST**

Councillors D Flude and W Fitzgerald declared a non- pecuniary interest in the agenda items relating to appointment of Mayor and Deputy Mayor 2013/14, by virtue of being the persons nominated.

**3 ELECTION OF MAYOR 2013/14**

Council was requested to elect a Mayor for the Borough of Cheshire East for 2013/14, who would also act as Chairman of the Council for that period.

It was proposed by Councillor D Newton, seconded by Councillor D Brown, and :-

**RESOLVED**

That Councillor D Flude be elected Mayor of the Borough of Cheshire East for the year 2013/14 and Chairman of the Council for that period.

The Mayor was invested with her chain of office and then completed her Declaration of Acceptance of Office and took the oath of loyalty.

The Mayor thanked the Council for electing her to this office and informed Members that her grandson, Alexander Flude, was to be her Consort and he was invested with the badge of office.

**4 APPOINTMENT OF DEPUTY MAYOR 2013/14**

Council was requested to appoint a Deputy Mayor of the Borough of Cheshire East, who would also act as Vice-Chairman of the Council for that period.

It was proposed by Councillor W Livesley, seconded by Councillor C Thorley, and

**RESOLVED**

That Councillor W Fitzgerald be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2013/14 and Vice-Chairman of the Council for that period.

The Deputy Mayor thanked the Council for appointing him to this office.

**5 APPOINTMENT OF MAYOR'S CHAPLAIN**

The Mayor announced that her Chaplain for the forthcoming Municipal Year would be the Rev Canon Hazel Rugman and that she looked forward to her support during her term of office.

**6 VOTE OF THANKS TO THE RETIRING MAYOR**

Councillor M Jones paid tribute to the retiring Mayor and Mayoress, Councillor Walton and Mrs Veronica Walton, for the dedicated work they had undertaken during their term of office.

The Mayor presented Councillor Walton with his Past Mayor's medal and the Mayoress with her Past Mayoress's Medal.

Councillor Walton gave a speech of thanks.

**7 MAYOR'S ANNOUNCEMENTS**

The Mayor informed members that the meeting would now stand adjourned until 2pm, when the remaining items of business on the agenda would be considered.

(It had been hoped to take a Member photograph outside the Tenants' Hall, during the lunch period, to promote Foster Care Fortnight. However, due to the inclement weather, this was taken inside the Tenants' Hall at the conclusion of the afternoon session of the meeting).

**8 DECLARATIONS OF INTEREST**

Cllrs A Thwaite, D Newton and P Groves declared a non pecuniary interest in item 21 of the agenda - Recommendation from Cabinet - Development Company, by virtue of being non-executive Directors to the Board of the Company. Caroline Simpson, Director of Economic Growth and Prosperity, also declared an interest in this item, for the above reason.

**9 MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL HELD ON 7 MAY 2013**

As the above meeting had taken place after the publication of the agenda, the minutes of the extraordinary meeting of the Council held on 7 May were circulated at the meeting and were attached at item 11 of the supplementary agenda for this meeting, as published on the Council's website.

**RESOLVED**

That the minutes be approved as a correct record.

**10 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present wishing to use public speaking time.

**11 APPOINTMENTS TO THE CABINET/LEADER'S ANNOUNCEMENTS**

The Leader of the Council, Councillor Michael Jones, presented to Council information about executive functions in the forthcoming year, including the names, addresses and electoral divisions of those Members appointed to the Cabinet, as attached.

**RESOLVED**

That the Leader's address and the information on executive functions in respect of the forthcoming year be noted.

**12 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES**

Consideration was given to a report inviting the Council to determine political representation on the Council's Committees.

A revised Appendix 1 to the report, showing the proportional distribution of seats on Committees amongst the political groups, was circulated at the meeting.

**RESOLVED**

That the political group representation, as set out in the revised Appendix 1, as circulated at the meeting and attached at item 14 of the supplementary agenda for the meeting, as published on the Council's website and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted.

**13 APPOINTMENT OF MEMBERS TO COMMITTEES**

Details of the political groups' nominations of Members to Committees were circulated at the meeting.

**RESOLVED**

That, the existing Committees, listed on the Appendix as circulated at the meeting and as attached to these minutes, be appointed with their existing powers, together with the memberships as shown.

**14 APPOINTMENTS TO POLICY DEVELOPMENT GROUPS**

Details of the political groups' nominations of Members to policy Development Groups were circulated at the meeting.

The Independent Group notified Council of the following changes to their circulated nominations :-

Finance PDG – Delete Cllr Murphy and add Cllr A Moran, including Vice-Chairmanship.

Health and Adult Social care PDG – Delete Cllr A Moran and add Cllr Murphy.

**RESOLVED**

That, subject to the above changes the political groups' nominations of Members to Policy Development groups, as shown in the Appendix circulated at the meeting. Details of the agreed memberships are attached to these minutes.



**15 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMEN**

Consideration was given to the appointment of Chairmen and Vice-chairmen of the Council's decision making and other bodies.

The Political Group Leaders' nominations of Chairmen and Vice-chairmen of the Council's decision-making and other bodies were circulated at the meeting.

**RESOLVED**

That the Chairmen and Vice-chairmen of the Council's decision-making and other bodies, as circulated at the meeting and as referred to at minutes 13 and 14 and as attached to these minutes, be appointed, subject to the appointment of Cllr A Moran as Vice- Chairman of the Finance Policy Development Group, as outlined in minute 14 above. (This change has been included in the document attached at item 14).

**16 APPOINTMENTS TO ADOPTION PANEL, FOSTERING PANEL AND CHESHIRE ADMISSIONS FORUM**

Consideration was given to appointments to the Adoption Panel, Fostering Panel and Cheshire Admissions Forum.

**RESOLVED**

1. That Councillor A Harewood be appointed to the Adoption Panel.
2. That Councillors R West and P Nurse be appointed to the Cheshire Admissions Forum.
3. That Councillor P Hoyland be appointed to the Fostering Panel.

**17 APPOINTMENTS TO CHESHIRE FIRE AUTHORITY AND THE CHESHIRE POLICE AND CRIME PANEL**

Consideration was given to appointments to the Cheshire Fire Authority and the Cheshire Police and Crime Panel.

**RESOLVED**

1. That Councillors M Simon, J Weatherill, W Livesley, D Topping, G Merry, C Thorley, D Flude and D Brickhill be nominated to serve on the Cheshire Fire Authority.
2. That Councillors P Findlow, H Murray, and P Nurse be nominated to serve on the Cheshire Police Authority.
3. That Councillors JP Findlow, H Murray and W Fitzgerald be

nominated to serve on the Cheshire Police and Crime Panel, with Councillor P Groves as nominated substitute.

**18 REAFFIRMATION OF THE COUNCIL'S CONSTITUTION**

Council was requested to reaffirm the provisions of the Council's Constitution.

**RESOLVED**

That the provisions of the Council's Constitution be reaffirmed.

**19 RECOMMENDATION FROM CABINET - DEVELOPMENT COMPANY**

Cabinet, at its meeting on 7 May 2013, had considered a report which set out the benefits, implications and proposed approach to the creation of a new delivery vehicle to drive forward the development of the Council's land assets, so as to promote housing and economic growth. It summarised the work of Deloitte LLP (business and financial advisors) and Bevan Brittan LLP (legal advisors), appointed to evaluate options and report back on a preferred model, to provide the best opportunity to realise the ambitions of the Council and to create the infrastructure necessary to ensure greater prosperity for all Cheshire East residents.

Consideration was given to a recommendation from Cabinet, seeking Council's agreement to set up a wholly owned and controlled, arms-length Development Company, limited by shares, where the Council retained the assets.

**RESOLVED**

1. That the setting up of a Development Company – East Cheshire, Engine of the North, wholly owned and controlled by the Council, in the form described in the report, to drive forward the development of the Council's land assets, as a key element for the Council's wider plans for housing and economic growth be approved.
2. That the following non-executive Directors be appointed, initially, to the Board of the Company - Cllr A Thwaite (Chairman), Cllr D Druce (Vice Chair), Cllr D Newton (Vice Chair), Cllr P Groves, the Director of Economic Growth and Prosperity (Caroline Simpson), the newly-appointed Head of Development (Darran Lawless) and that the Borough Solicitor, take on the role of Company Secretary.
3. That a Shareholder Committee be established, comprising of the Leader, Deputy Leader, Portfolio Holder for Prosperity, Portfolio Holder for Resources and the Chief Executive.
4. That delegated authority be given to the Interim Chief Executive and Interim Borough Solicitor and Monitoring Officer to take forward the actions required to implement the resolution of Council and set

up the Development Company, reporting back to Cabinet in October 2013 on progress. Specific actions to take forward being: -

- To set up the Company as operational (separate legal entity) and establish its Memorandum and Articles of Association, by end May 2013.
- Finalise initial staffing arrangements and related HR consideration; insurance arrangements; and other operating procedures, to ensure that the Council's budget envelopes and capital plans in relation to the activities of the Company are clearly understood, by end May 2013.
- Develop a 3-Year Business Plan for the Company, to establish the portfolio of assets it is required to act upon; any provision of resources to facilitate land acquisitions; and to set objectives against which its performance will be measured; and also draw up Company Objects and, if relevant, an Agency Agreement, by end October 2013.

**20 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - ACCRUAL OF POWERS AND DUTIES: OFFICER DELEGATION SCHEME**

The Constitution Committee at its meeting on 26 April 2013, had considered a proposal that all existing officer delegations remain effective pending the completion of the senior management review, which the Committee recommended to Council for approval.

As authorised by Council, a management review was being undertaken, the first appointments under the review having already been made. The Council's Constitution, including the officer delegation scheme, currently reflected the pre-review officer structure. As appointments were made to the new structure it would be important to ensure that the officers had the appropriate powers and duties to fulfil their responsibilities. It was, therefore, proposed that pending the completion of the management review, all existing delegations should remain effective and should accrue to the relevant post holders as appropriate.

Consideration was given to the recommendation from the Constitution Committee regarding the above proposal.

**RESOLVED**

That, in order to ensure that the Council's decision-making arrangements properly reflect the emerging officer structure under the management review, all existing delegations shall remain effective pending further review and shall accrue to the relevant post holders as appropriate, such arrangements to have effect until 1<sup>st</sup> September 2013.

**21 HEALTH AND WELLBEING BOARD TERMS OF REFERENCE**

The Health and Adult Care Portfolio Holder reported that the submitted report in respect of the above matter did not fully take account of the secondary legislation and therefore, she proposed that the item be deferred for consideration at the next meeting of the Council.

**RESOLVED**

That the item be deferred for consideration at the next meeting of the Council on 18 July 2013.

**22 QUESTIONS**

The following Members asked questions at the meeting :-

Cllr Cartlidge – In respect of Public Rights of Way – The Environment Portfolio Holder, Cllr Topping, responded.

Councillor Hogben – In respect of the number 37E bus service (Sandbach to Middlewich) – The Leader of the Council, Cllr M Jones and the Environment Portfolio Holder, Cllr Topping responded.

Cllr Neilson – In respect of the report relating to Lyme Green – The Leader of the Council, Cllr M Jones responded.

Cllr Brickhill – In respect of highway maintenance – The Environment Portfolio Holder, Cllr Topping responded.

Cllr Nurse – In respect of school budgets – The Adult and Social Care Portfolio Holder, Cllr Clowes responded.

Cllr Murphy – In respect of Primary School Education standards – The Leader of the Council responded and undertook to provide a written response.

Cllr Hough – In respect of Local Plan alternative site option consultation - The Leader of the Council, Cllr M Jones responded.

The meeting commenced at 11.00 am and concluded at 4.30 pm

Councillor D Flude  
CHAIRMAN

**PREFERRED DELIVERY MODEL FOR LEISURE, SPORT, PLAY AND DEVELOPMENT SERVICES**

Cabinet considered a report on the benefits, implications and proposed approach to the creation of a new delivery vehicle for the Council's leisure facilities, sport, play and development services.

The report summarised the work of specialist leisure consultants FMG, who had been appointed to look at various company models and to evaluate and report back on a preferred model that would safeguard the scope and quality of the existing service, whilst achieving required efficiency savings as set out in the Council's three year plan.

The report sought Members' approval to set up a charitable trust (limited by way of guarantee), whereby the Council retained the freehold of the current physical assets.

**RESOLVED**

That Cabinet

- (1) notes the findings of the options appraisal and consultation exercise that have concluded that the most appropriate delivery model is that of a new charitable trust;
- (2) approves the formation of the Trust and the transfer of leisure services into it with an effective operational target date of 1<sup>st</sup> April 2014, with the trust being established by the end of the year (December 2013) at the latest;
- (3) gives delegated authority to the Head of Public Protection and Enforcement (SRO for the project), the Borough Solicitor and the Section 151 Officer (or the officers that are devolved those powers) to commence the detailed implementation of the Trust, in consultation with the Portfolio Holder and Leader of the Council (involving, but not being limited to, a progress report to Cabinet in October 2013), using the following actions and timetable:
  - Start formal consultation with staff and Trade unions- July 2013-onwards
  - Development of a robust, detailed Business Plan, which includes an asset investment plan (for the Trust), performance specification and details of contract management- Oct 2013
  - Complete formation and registration with the Charities Commission- Nov 2013
  - Advertise intention to award contract – Nov 2013

**EXTRACT FROM CABINET MINUTES – 24 JUNE 2013**

- Recruitment and appointment of a board of trustees (see 2.4 below) - Sept -2013
  - Recruitment and appointment of the Trust's Senior Management Board- Nov 2013
  - Complete condition surveys for all the buildings at cost of approximately £20k- Nov 2013
  - Commission the Pension Actuary to confirm cost of any bond - Approximately £5K - Aug 2013
  - Finalisation of staff transfer arrangements and related HR, insurance considerations; and operating procedures.- Dec 2013
  - Shadow Trust becomes operational- Dec- 2013
  - Enter into lease(s) for all facilities with the Trust on terms and conditions to be agreed by the delegated officers- Feb- March 2014
  - Novation of current joint use agreements and other service contracts March 2014
  - Entering into pension admissions agreement and staff transfer agreement plus formal transfer of staff and services - April 2014
- (4) agrees to nominate two elected members to serve as the Council's representatives on the Trust Board, subject to approval by full Council in July 2013.

**EXTRACT FROM CABINET MINUTES - 24 JUNE 2013**

**MAJOR CHANGE PROJECT 6.4 - DETERMINE FUTURE DELIVERY MODEL FOR WASTE MANAGEMENT SERVICES**

Cabinet considered a report on a future delivery model for waste management services.

Following a service review earlier this year, the Council had identified a number of areas that would make significant contributions to future service delivery efficiencies, as set out in the report. This included a new approach to service delivery involving the creation of a wholly-owned company to manage the Council's waste collection and disposal needs.

The report was in four sections:

- Section A - Existing Service Efficiency Review
- Section B - Future Delivery Models
- Section C - Review of Depot Infrastructure
- Section D - Interim Residual Waste Disposal Options (This section contained exempt information and would be dealt with under Part 2 of the agenda)

**RESOLVED**

That

***Existing Service Efficiency Review***

- (1) Cabinet notes the findings of the service review that has highlighted the most appropriate areas for consideration (para 3.4, Section A of the report).
- (2) Cabinet approves the recommended plan and areas for delivery of the required efficiencies within the existing service (para 3.4, Section A).
- (3) Once the above have been approved, the responsibility for further development and implementation be delegated to the Head of Environmental Protection and Enhancement in conjunction with the Section 151 Officer, Monitoring Officer and Portfolio Holder for Environment, and is subject to the corporate project quality assurance process governed by the Executive Monitoring Board to ensure that the project is reviewed prior to any future implementation.

***Future Delivery Model***

- (4) Cabinet notes the findings of the options appraisal that has concluded the most appropriate future delivery model to be that of a wholly owned company encompassing an in-house collection service. (Section B).
- (5) Cabinet approves, in principle, the formation of the company shell and the further work required to define the most appropriate legal form of company.
- (6) Cabinet agrees to the establishment of a Shadow Board of Directors for the company and the Cabinet portfolio holder for Environment work with the

**EXTRACT FROM CABINET MINUTES - 24 JUNE 2013**

Leader of the Council and Chief Executive to define the appointments of the Non-Executive Directors to the Shadow Board.

- (7) The Chief Executive and Monitoring Officer be given delegated authority to take forward the actions required to implement the recommendations and set up the Company shell, reporting back to Cabinet in October 2013 for endorsement of the new company (Section B).
- (8) Subject to agreement of 2.1 to 2.4 of Section B of the report, and with cognisance of delegation in 2.4 of the report, the responsibility for further development and implementation be delegated to the Head of Environmental Protection and Enhancement in conjunction with the Section 151 Officer, Monitoring Officer, Portfolio Holder for Environment and subject to the corporate project quality assurance process governed by the Executive Monitoring Board to ensure that the project is reviewed, prior to any future implementation.

***Review of Depot Infrastructure***

- (9) Cabinet acknowledges the need for new facilities within the North of the Borough along with the need for improvements to be made to existing facilities at Pym's Lane (Southern Depot) to accommodate current and future service needs.
- (10) The responsibility for further development, funding and future implementation be delegated to the Head of Environmental Protection and Enhancement in conjunction with the Section 151 Officer, Monitoring Officer and Portfolio Holder for Environment and be subject to the corporate project quality assurance process governed by the Executive Monitoring Board to ensure that the project is reviewed, prior to any future implementation.



## **CHESHIRE EAST COUNCIL**

### **COUNCIL**

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<b>Date of Meeting:</b>	18 July 2013
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Title:</b>	Changes to appointments of Chairmen and Vice-Chairmen

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

- 1.1 To enable any changes to be made to the appointment of Chairmen and Vice Chairmen of the Council's decision-making bodies and the Policy Development Groups.

#### **2.0 Decision Required**

- 2.1 That Council agrees any proposed changes to the appointment of Chairmen and Vice Chairman in respect of decision-making bodies and Policy Development Groups.

#### **3.0 Legal Implications**

- 3.1 The Annual Meeting of Council appoints Chairmen and Vice-chairmen of the Council's decision-making and other bodies. From time to time, Council may agree changes to these appointments.

#### **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 Changes to the appointment of Chairmen and Vice Chairmen**

- 5.1 Council at its Annual meeting is required to appoint its decision-making and other bodies and is required to appoint the Chairman and Vice Chairman for each of these bodies.
- 5.2 From time to time Council may be asked to agree to make changes to these appointments

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

Officer: Brian Reed Head of Governance and Democratic Services  
Tel No: 01270 686670  
Email: [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)

#### **Background Documents: None**

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## CHESHIRE EAST COUNCIL

### Council

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<b>Date of Meeting:</b>	18 July 2013
<b>Report of:</b>	Executive Director of Strategic Commissioning/Acting Chief Executive
<b>Subject/Title:</b>	Appointment of Chief Operating Officer / S151 Officer

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

- 1.1 For Council to consider the appointment of a Chief Operating Officer and resolve that the post holder also be designated as the Council's Section 151 Officer.

#### **2.0 Recommendation**

That Council:

- 2.1 shall appoint Mr Peter Bates as Cheshire East Council's Chief Operating Officer and Section 151 Officer with effect from a date to be arranged; and
- 2.2 confirms that the salary of the Chief Operating Officer be £110,000 with an additional performance related payment of up to £10,000 per annum.

#### **3.0 Reasons for Recommendations**

- 3.1 In accordance with the constitution and the Council's Pay Policy Statement the appointment of the Chief Operating Officer, (as the Chief Finance Officer / S151 Officer), must be a resolution of Council.

#### **4.0 Wards Affected**

- 4.1 Not applicable

#### **5.0 Local Ward Members**

- 5.1 Not applicable

#### **6.0 Policy Implications**

- 6.1 Not applicable

#### **7.0 Financial Implications**

- 7.1 The post of Chief Operating Officer is an established post within the Council's new staffing structure.

## **8.0 Legal Implications**

- 8.1 The appointment of Chief Operating Officer and designation of Section 151 Officer must be made by Council pursuant to the Local Government and Housing Act 1989

## **9.0 Risk Assessment**

- 9.1 Failure to appoint to the role of Section 151 Officer correctly would contravene the requirements of legislation.

## **10.0 Background and Options**

### **10.1 Appointment of Chief Operating Officer / Section 151 Officer**

- 10.2 The recruitment processes for the Chief Operating Officer has been managed by the Staffing Committee and three candidates were considered as part of the final selection process. This involved a presentation and formal interview with Staffing Committee.
- 10.3 The Staffing Committee has now completed its deliberations and recommends to the Council that Mr Peter Bates be offered the post of Chief Operating Officer with effect from a date to be arranged.
- 10.4 Mr Bates is a qualified accountant (CIPFA) and is also a Member of the Chartered Institute of Personnel & Development. He is currently employed as Assistant Director of Financial Services / Section 151 Officer with Stoke on Trent Council. Prior to this Mr Bates held other senior finance positions with Stoke Council working on the North Staffordshire Regeneration Partnership and the Housing Market Renewal Programme for North Staffordshire.

### **11.0 Access to Information**

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

Name: Paul Bradshaw  
Designation: Head of Organisational Development  
Tel No: 01270 686027  
Email: paul.bradshaw@cheshireeast.gov.uk

## CHESHIRE EAST COUNCIL

### Council

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<b>Date of Meeting:</b>	18 July 2013
<b>Report of:</b>	Executive Director of Strategic Commissioning/ Acting Chief Executive
<b>Subject/Title:</b>	Designation of Monitoring Officer

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

- 1.1 To outline the process used for the recruitment of the Interim Head of Legal Services and Monitoring Officer and request that the Council agree that the appointee be designated as Monitoring Officer.

#### **2.0 Decision Required**

- 2.1 To agree that Ms Suki Binjal be designated as Monitoring Officer of Cheshire East Council.

#### **3.0 Reasons for Recommendations**

- 3.1 In accordance with the Constitution, Council must approve the designation of the Council's Monitoring Officer.

#### **4.0 Wards Affected**

- 4.1 Not applicable

#### **5.0 Local Ward Members**

- 5.1 Not applicable

#### **6.0 Policy Implications**

- 6.1 Not applicable

#### **7.0 Financial Implications**

- 7.1 The post of Head of Legal Services and Monitoring Officer is an established post within the Councils staffing structure.

#### **8.0 Legal Implications**

- 8.1 The designation of Monitoring Officer must be approved by Council.

The Monitoring Officer is appointed under Section 5 of the Local Government and Housing Act 1989, who is required to report to Council where it appears to him/her that the Authority has done or is about to do anything which would contravene the law or which would constitute maladministration.

## **9.0 Risk Assessment**

- 9.1 It is a statutory duty to appoint a Monitoring Officer to undertake the role as set out in Section 5 of the Local Government and Housing Act 1989 and subsequent legislation.

## **10.0 Background and Options**

- 10.1 The recruitment process for the Interim Head of Legal Services and Monitoring Officer was managed by the Interim Chief Executive and Interim Chief Operating Officer.
- 10.2 Following her appointment as Interim Head of Legal Services, Ms Suki Binjal's designation as Monitoring Officer requires the formal agreement of Council.

## **11.0 Access to Information**

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

Name: Brian Reed  
Designation: head of Governance and Democratic Services  
Tel No: 01270 686670  
Email: [Brian.reed@cheshireeast.gov.uk](mailto:Brian.reed@cheshireeast.gov.uk)

## CHESHIRE EAST COUNCIL

### Council

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<b>Date of Meeting:</b>	18 July 2013
<b>Report of:</b>	Tony Crane, Director of Children's Services
<b>Subject/Title:</b>	Proposed School Expansion – Lacey Green Primary Academy
<b>Portfolio Holder:</b>	Cllr Rachel Bailey

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#### 1.0 Report Summary

- 1.1 This report requests formal approval to a Supplementary Capital Estimate which has been approved by Cabinet at the meeting on 24 June 2013. The item requires the approval of Full Council in accordance with Finance Procedure Rules.
- 1.2 This proposed expansion of Lacey Green is from 300 to 420 places with a planned implementation date of September, 2014. This will be fully funded from the DfE grant allocation 2013-14.

#### 2.0 Decision Requested

- 2.1 Cabinet requests Council to approve the Supplementary Capital Estimate to finance the proposed expansion of Lacey Green Primary Academy at a cost of £1.273m, subject to Gateway 2 approval.

#### 3.0 Reasons for Recommendations

- 3.1 Finance Procedure Rules require the approval of Council to requests for supplementary estimates in excess of £1m, or which require funding from general reserves, or which have significant implications for future years' budgets.

#### 4.0 Wards Affected

- 4.1 Wilmslow Lacey Green

#### 5.0 Local Ward Members

- 5.1 Cllr Don Stockton – Wilmslow Lacey Green

## **6.0 Policy Implications**

- 6.1 Cheshire East Local Authority has a statutory duty to commission sufficient school places for children resident in its area and this project will enable the Local Authority to comply with its duty to provide these places. The Education Act 2006 requires local authorities to promote fair access to educational opportunity, high standards and pupil achievement, to increase opportunities for parental choice and respond to parental representations and secure diversity in the provision of schools when planning the provision of school places

## **7.0 Financial Implications**

- 7.1 A block budget (grant) has been approved to fund schemes identified as Basic Need. This block budget was formally approved at Council on 28 February 2013.
- 7.2.1 The building works necessary for the proposal would be funded from the Council's 2013/2014 Capital Programme and the investment required is estimated at £1.273m.

## **8.0 Legal Implications**

- 8.1 Significant changes to an Academy's existing arrangements are subject to procedures set out in guidance issued by the Education Funding Agency (EFA). Full details are published on the EFA website at <http://media.education.gov.uk/assets/files/pdf/a/significant%20changes%20academies%20qa%20v2.pdf>
- 8.2 The proposed change to Lacey Green Academy, which falls within the category of a significant enlargement; with capacity increasing by more than 30 pupils and more than 25% of existing capacity, needs final approval by the Secretary of State to change the funding agreement. The responsibility for securing such approval rests with the Academy Trust and not the Local Authority.
- 8.3 The Academy Trust is required to submit a business case via the Education Funding Agency. The procedure outlined by the EFA is:
- The Academy read the guidance available, including the School Admissions Code.
  - The Academy carries out a consultation with stakeholders, including parents and other schools.
  - The Academy submits a business case to the EFA. This should include the consultation responses together with the Academy's response to the consultation.
  - The Secretary of State either approves or rejects the proposal.
  - Education Funding Agency (EFA) notifies the Academy of the decision and takes any necessary action.



## **9.0 Risk Management**

- 9.1 Disruption to pupils, staff and the community must be kept a minimum during whilst statutory school organisation procedures are being implemented and during any subsequent building programme.
- 9.2 The proposed expansion of Lacey Green Primary Academy was identified to address a Basic Need in the Wilmslow area. This is in order to ensure that the Authority meets its statutory duty to provide sufficient school places in this area. In order to meet the required time scale, the construction phase would need to be complete by August 2014. There is therefore a key risk resulting from the very tight timetable leading up to this.

## **10.0 Background and Options**

- 10.1 The basic need capital allocation to Cheshire East supports the requirement for providing new pupil places both in new or expanded maintained schools, and in Free Schools or expanded Academies. Capital investment necessity will be identified by the School Organisation requirements. The Council will determine there is basic need at a school if the forecast number on roll exceeds the top of the “net capacity” range and there are no surplus places at schools within a reasonable distance. If the need for places is permanent, the Council will seek to provide the accommodation in permanent buildings.
- 10.2 When considering which schools to expand the Authority has given consideration to a number of issues including the number of pupils in each school’s catchment area and the community’s ability to sustain the school, the number of first preferences received for each school as an indication of popularity, the current size of the school and capacity to expand; the latter taking into account site suitability, and the latest Ofsted inspections. Suitable schools also needed to be central to the areas where the extra places are required.
- 10.3 To accommodate the growing need for additional places in the area the following expansions are proposed for completion in September 2014:
- **Wilmslow Grange Community Primary and Nursery School, Handforth** - from 210 to 315 pupil places;
  - **Dean Oaks Primary, Wilmslow** - from 315 to 420 pupil places;
  - **Lacey Green Primary Academy** - from 300 to 420 pupils places;
- 10.4 It should be noted that the Local Authority cannot propose the expansion of an Academy. This is the responsibility of the Academy Trust. The purpose of including the Lacey Green proposal in the Authority’s consultation exercise is to work in collaboration with the Academy and to provide clarity for all consultees on the plans for growth in the Wilmslow area.

- 10.5 The proposed expansions, if approved, would provide an additional 330 places (all year groups) for the Wilmslow area. This additional capacity would be phased in at the normal point of entry to school allowing the current reception admission to increase from 360 pupil places to 405 pupil places (+45) and therefore more in line with current demand. Admissions into other year groups may be necessary to provide some operational surplus in other year groups from 2014.
- 10.6 The latest pupil forecasts indicate that there will be a shortfall of 227 pupil places across all schools in the Wilmslow area by 2018.

Wilmslow Area	Number on Roll (NOR) Jan 13	Capacity -Number of Pupil Places	Academic Year					
			13/14	14/15	15/16	16/17	17/18	18/19
Forecast NOR	2424	2498	2511	2562	2607	2661	2692	2725
Forecast without surplus	Shortfall the 4% operational	Places	-13	-64	-109	-163	-194	-227
Forecast including surplus	Shortfall a 4% operational	Places	-113	-164	-209	-263	-294	-327

- 10.7 For admission in 2012 the Local Authority, in agreement with Lacey Green Academy, admitted 60 pupils to ensure that children living in Wilmslow could access a school place within a reasonable distance from their home address. For admission in 2013 the Local Authority, in agreement with the school, are again looking to accommodate additional children above the current 45 intake to ensure local children can access a school place within a reasonable distance to their home address.

Reception Admissions	PAN	Catchment Area Data – Reception Admissions	Number of First Preferences
2010	30	38	44
2011	30	46	48
2012	30	42	60
2013	45	54*	67*

\* On 3 April 2013

- 10.8 Planning permission was received for the Lacey Green Academy project on 23 May, 2013 (planning application number 13/1189 M).
- 10.9 A Gateway 1 endorsement was received on the 21 June 2013 from the Executive Monitoring Board.

- 10.10 Informal consultation with headteacher's of the Wilmslow primary schools has been undertaken and the feedback received during this process has informed these proposals. These proposals have the full support of the headteacher's and governing bodies of the schools proposed for expansion.

#### **11.0 Access to Information**

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

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**EXTRACT FROM COUNCIL MINUTES – 15 MAY 2013****RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - ACCRUAL OF POWERS AND DUTIES: OFFICER DELEGATION SCHEME**

The Constitution Committee at its meeting on 26 April 2013, had considered a proposal that all existing officer delegations remain effective pending the completion of the senior management review, which the Committee recommended to Council for approval.

As authorised by Council, a management review was being undertaken, the first appointments under the review having already been made. The Council's Constitution, including the officer delegation scheme, currently reflected the pre-review officer structure. As appointments were made to the new structure it would be important to ensure that the officers had the appropriate powers and duties to fulfil their responsibilities. It was, therefore, proposed that pending the completion of the management review, all existing delegations should remain effective and should accrue to the relevant post holders as appropriate.

Consideration was given to the recommendation from the Constitution Committee regarding the above proposal.

**RESOLVED**

That, in order to ensure that the Council's decision-making arrangements properly reflect the emerging officer structure under the management review, all existing delegations shall remain effective pending further review and shall accrue to the relevant post holders as appropriate, such arrangements to have effect until 1<sup>st</sup> September 2013.

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**COUNCIL – 18 JULY 2013****NOTICES OF MOTION****Submitted to Council in Accordance with Procedure Rule 12****1     HIGHWAYS COMMITTEES****Proposed by Councillor David Brickhill**

That

- Three Highways Committees be formed to correspond to the three old District boundaries with one Member from each local Ward entitled to sit on them.
- All highways alterations must first be discussed by the appropriate Committee, which will send a recommendation to the Cabinet Member.
- All delegated powers to alter or make highways orders, other than temporary closure orders, must first be subjected to this process.
- That priorities for implementation will be decided by the appropriate Committee if there are budgetary constraints.

**2     HS2****Proposed by Councillor David Brickhill**

That if HS2 is to be built, Council will only support its construction, if the entire Cheshire East section is underground.

Note: The sections under Crewe and Manchester are already planned to be underground. This motion suggest that the intervening section is also in a tunnel, thus preserving all the agricultural land that would otherwise be destroyed

**3     LATE NIGHT LEVY****Proposed by Councillor David Brickhill and seconded by Councillor Michael Jones**

That the Cabinet investigate the cost and likely income of imposing a levy on those establishments which sell alcohol after midnight in order to help fund the cost of control of the late night economy.

Background : The Financial Times reports that Newcastle City Council could become the first local authority in the country to impose a late night levy on pubs, bars and clubs which sell alcohol after midnight to help fund the cost of policing the night-time economy. The paper adds that a further 30 councils are thought to be considering introducing similar levies.

#### **4 FIRE SPRINKLERS**

**Proposed by Councillor Gillian Merry and seconded by Councillor Jacqueline Weatherall**

The Council recognises the consequences of fire and the benefits of fitting fire sprinklers in properties.

The Council welcomes the decision of Cheshire Fire Authority to assist social landlords by part-funding the retro-fitting of sprinklers in some high-rise buildings.

The Council urges social landlords to complete a programme of sprinkler retro-fitting to all of their high-rise buildings and to act as advocates for the fitting of sprinklers.

The Council instructs its officers to use whatever powers are available to it to secure the fitting of sprinklers by others, where necessary changing Council's own policies and its approach to implementation.

The Council instructs its officers to investigate the fitting of sprinklers in Council-owned properties.

The Council calls on the Secretary of State to legislate for sprinklers as a requirement in all new residential buildings.

#### **5 FUNDING OF ADULT CARE**

**Proposed by Councillor Laura Jeuda and seconded by Councillor Janet Jackson**

Council notes that the Coalition Government has issued new Draft Rules for consultation on the future funding of Adult Social Care. In an attempt to prevent the 'postcode lottery' that currently exists all councils will be required, from 2015, to fund services for those deemed to have 'substantial needs'.

Council further notes that that several important national charities and voluntary organisations believe that the barrier is being set too high and that many elderly people currently receiving care will not meet the threshold of 'substantial needs', which would therefore have the effect of excluding people who need help with everyday tasks. The Local Government Association questions the relevance of trying to provide clarity over who is eligible for care if the money is not available in the system to enable local authorities to provide, appropriate, effective, and responsive services.

This motion calls on Council to join with Age UK, Scope, the Alzheimer's Society, and the National Autistic Society, in opposing the proposals as they stand, because they fail to meet the needs of those who rely on them most, and who will not benefit from these reforms.



**6      DIAL A RIDE**

**Proposed by Councillor Sam Corcoran and seconded by Councillor Steve Hogben**

In order to limit its potential exposure the Council should make an offer to the Trustees of East Cheshire Community Transport of £2,000 for the Chair of Trustees and £250 for each other Trustee in 'full and final settlement' of all claims they might have against the Council as a result of the demise of East Cheshire Community Transport and any actions by the Council, its staff or Members.

**7      LYME GREEN DIP REPORT**

**Proposed by Councillor Brendan Murphy and seconded by Councillor Arthur Moran**

In the light of the findings of the Designated Independent Person - as published by the former Interim Chief Executive in the matter Lyme Green - and to have this matter finally concluded, the Council requests its Leader to publish on its behalf a formal apology for the following reasons:

1. The matter has caused widespread anxiety and considerable unnecessary and avoidable expense for taxpayers and employees.
2. The handling of the crisis has seriously damaged the reputation of the Council and its employee; furthermore it is undermining public confidence in local democracy.
3. The published report clearly indicates a failure of the Council's Executive body to maintain due diligence in its oversight of the Council's affairs.

**8      STAFFING COMMITTEE REMIT**

**Proposed by Councillor Brendan Murphy and seconded by Councillor Arthur Moran**

The Council requests an immediate review of the Staffing Committee's terms of reference with a view to widening its remit to encompass matters that are normally entailed in the work of a staffing committee such as corporate culture, employee relations and communications, senior appointment, disciplinary matters and management structures.

**9      TRANSPARENCY**

**Proposed by Councillor Brendan Murphy and seconded by Councillor Arthur Moran**

The Council believes openness and rigorous accountability are essential components in sustaining trust and confidence in the democratic process and therefore calls for a review of the use, justification and value of Compromise Agreements and for this purpose requests the matter be considered by the Staffing Committee.

**10     LOCALISM IN PLANNING**

**Proposed by Councillor David Brickhill and seconded by Councillor Lloyd Roberts**

Noting the Government's anti-democratic determination to override local opinion in local planning and noting in particular that the Council's Strategic Planning Board was required to ignore the 82% majority of Macclesfield residents, including over 3000 individual written representations, opposed to the Wilson Bowden planning application, the Council calls upon all Cheshire East MPs to demonstrate a definite commitment to localism in especially in planning matters by taking a more proactive stance in relation to planning matters in Parliament; we call upon them furthermore to repudiate any attempt to impose "special measures" on Cheshire East on account of its record in relation to the determination of planning applications.