

# Public Document Pack

## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**  
held on Wednesday, 14th May, 2014 at The Tenants' Hall, Tatton Park,  
Knutsford

### **PRESENT**

Councillor D Flude  
Councillor W Fitzgerald

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

### **Apologies**

Councillors Rachel Bailey, G Barton, D Bebbington, S Carter (morning only) R Cartlidge, D Druce, P Edwards, P Hayes, J Jackson, J Macrae, M Martin, S McGrory, H Murray(afternoon only), B Silvester(morning only), M Simon(morning only), S Wilkinson(morning only)

### **1 PRAYERS**

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

### **2 DECLARATIONS OF INTEREST**

Councillors W Fitzgerald and H Gaddum declared a non- pecuniary interest in the agenda items relating to appointment of Mayor and Deputy Mayor 2014/15, by virtue of being the persons nominated.

### **3 ELECTION OF MAYOR 2014/15**

Council was requested to elect a Mayor for the Borough of Cheshire East for 2014/15, who would also act as Chairman of the Council for that period.

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

## **RESOLVED**

That Councillor Wesley Fitzgerald be elected Mayor of the Borough of Cheshire East for the year 2014/15 and Chairman of the Council for that period.

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

The Mayor thanked the Council for electing him to this office and informed Members that his wife Joan, was to be his Mayoress and she was invested with the badge of office.

### **4 APPOINTMENT OF DEPUTY MAYOR 2014/15**

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 P Raynes, seconded by Councillor B Murphy, and

## **RESOLVED**

That Councillor Hilda Gaddum be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2014/15 and Vice-Chairman of the Council for that period.

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

### **5 APPOINTMENT OF MAYOR'S CHAPLAIN**

The Mayor announced that his Chaplain for the forthcoming Municipal Year would be the Rev Dr Paul Smith and that he looked forward to his support during his term of office.

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

Councillor Michael Jones paid tribute to the retiring Mayor and Consort, Councillor Dorothy Flude and Mr Alexander Flude, for the dedicated work they had undertaken during their term of office.

The Mayor presented Councillor Flude with her Past Mayor's medal and the Consort with a medal.

Councillor Flude gave a speech of thanks.

### **7 MAYOR'S ANNOUNCEMENTS**

The Mayor informed Members that the meeting would stand adjourned until 1.45pm, when the remaining items of business on the agenda would be considered.

## **8 DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this stage in the meeting. However, Cllrs S Gardiner, Rhoda Bailey and L Brown declared a pecuniary interest at item 12 of the agenda, following the proposal and seconding of an amendment relating to the payment of a Special Responsibility Allowance to Deputy Cabinet Members. In accordance with the general dispensation approved by the Audit and Governance Committee at its meeting on 27 September 2012 the Members remained in the room.

## **9 MINUTES OF PREVIOUS MEETING**

### **RESOLVED**

That the minutes of the meeting of the Council held on 10 April 2014 be approved as a correct record.

## **10 PUBLIC SPEAKING TIME/OPEN SESSION**

Mr Alan Leonard used public speaking time to ask the Leader of the Council a question regarding the Council's decision not to remove an area of land situated at Hollin Road, Bollington from the Green Belt.

The Leader of the Council in response stated that there would be an opportunity to consider rebalancing the Green Belt around Bollington and that he considered that this should be considered at local level, through Bollington Town Council.

Mrs Charlotte Peters Rock used public speaking time to ask a question regarding the pan-Cheshire Pioneer status, as to when the meetings would be taking place, what opportunity there was for public involvement and whether the public would be able to attend meetings.

The Leader of the Council undertook to provide a written response to the question and stated that the process would take time, as it was important to get it right.

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

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

The Leader also highlighted the key points of his written speech, which had been circulated around the Chamber.

### **RESOLVED**

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

## 12 **RECOMMENDATION FROM CONSTITUTION COMMITTEE: THE COUNCIL'S DECISION MAKING AND GOVERNANCE ARRANGEMENTS**

The Constitution Committee had appointed a cross-party member working group to conduct a review of the arrangements relating to the Council's scrutiny committees and policy development groups. The Working Group had appointed Professor Steve Leach and Professor Colin Copus of DeMontfort University to undertake the work required in respect of the review. Their report and recommendations had been submitted to the PDG/Scrutiny Review Working Group, which had supported the recommendations contained in the report.

The Constitution Committee, at its meeting on 1 May 2014, had considered the report's recommendations, together with a range of proposals concerning the Council's governance arrangements, including the Constitution Working Group's suggestions concerning the size of Committees, the Terms of Reference of the Staffing Committee, Audit and Governance Committee and Health and Wellbeing Board and the introduction of Cabinet Support Members and resolved to recommend to Council:-

1. The abolition of the Councils existing Scrutiny and Policy Development Group arrangements and the creation of five overview and scrutiny committees, reflecting Cheshire East Council's five strategic priorities: Communities, Economy, Life Skills, Environment and Health.
2. The adoption of the terms of reference, attached as Appendix B to the report to the Constitution, as the committees' terms of reference, with each committee having all relevant overview and scrutiny powers under the Local Government Act 2000; together with the appropriate committee having responsibility for the Alternative Service Delivery Vehicle (ASDV) which best fits within the work of that committee.
3. The creation of an overarching Cheshire East Overview and Scrutiny Committee, having all relevant overview and scrutiny powers under the Local Government Act 2000, and the terms of reference and scrutiny powers appended to the report, with those additional responsibilities set out in recommendation 10 of the PDG/Scrutiny Review Report; the powers of this committee also to include the power to determine which overview and scrutiny committee should take responsibility for specific pieces of work where there may be uncertainty.
4. The designation of the Communities Overview and Scrutiny Committee to deal with crime and disorder issues under the Police and Justice Act 2006; the Environment Overview and Scrutiny Committee to deal with scrutiny of Flood Risk Management arrangements under the Flood Risk management Overview and Scrutiny (England) Regulations 2011; the Health Overview and Scrutiny Committee to deal with health scrutiny requirements under the Health and Adult Social Care Act 2012.

5. That the Life Skills Overview and Scrutiny Committee have the responsibility of co-opting faith and parent-governor representatives to deal with education matters.
6. The amendment of the existing call-in arrangements as set out in recommendation 13 of the PDG/Scrutiny Review Report, including the reduction in the number of Members required to trigger a call-in from 8-6 and the inclusion of provisions requiring reasons for call-in (as set out in the PDG/Scrutiny report) to be stipulated and the empowerment of the Head of Legal Services and Monitoring Officer to be the arbiter if the justification for call-in is disputed.
7. That the number of Council Members who will be members of each of the five overview and scrutiny committees be eight (which may be supplemented by up to two members of the public).
8. That, in acknowledgement of recommendation 12 of the report by Professors Leach and Copus, as set out in Appendix A of the report to the Constitution Committee, the Council move to a position where there is some sharing of committee chairs and vice chairs with opposition parties, subject to an appropriate behavioural protocol being adopted.
9. That the Special Responsibility Allowances paid to the Chairmen and Vice-Chairmen of the new overview and scrutiny committees be the same as those paid to the Chairmen and Vice-Chairmen of the Council's existing scrutiny committees.
10. That the membership of those bodies referred to in paragraph 12.2 of the report be reduced as indicated in that paragraph with the exception of the Licensing Committee whose membership shall remain at 15 (and whose quorum as a consequence shall remain unchanged), with the quorum for planning boards and committees being reduced from 5 to 4 members.
11. That the proposed terms of reference of the Staffing Committee (as circulated at the Staffing committee meeting), of the Audit and Governance Committee and the Health and Wellbeing Board, as set out in Appendices D and E of the report respectively, be adopted as the terms of reference of those bodies subject to the further amendments to the Audit and Governance Committee's terms of reference as agreed at the meeting.
12. That the responsibilities of Deputy Cabinet Members, as contained in Appendix F of the report, be noted and included in the Constitution subject to any further drafting changes which might be made to reflect the discussion at the Committee's meeting and which might be put forward before consideration by Council.
13. Given that a recommended job description is now in place in respect of the role of Deputy Cabinet Members, and having regard to the report of the Independent Remuneration Panel presented to Council on 27<sup>th</sup> February 2014, Special Responsibility Allowances be paid to the

newly-appointed Deputy Cabinet Members in accordance with the arrangements which currently apply to Cabinet Support Members.

14. That the Head of Legal Services and Monitoring Officer be given delegated authority to make such consequential and other changes to the Council's Constitution as she considers necessary to give effect to the wishes of Council.

The Chairman of the Constitution Committee, Cllr A Martin, formally proposed the recommendations of the Constitution Committee, with the following additions, which had been discussed between the Leader of the Council and the other Group Leaders, and this was duly seconded: -

- That the overarching overview and scrutiny committee, referred to in recommendation 3 comprise 13 Members of the Council, on a politically proportional basis.
- That a period of time after the meeting of the Council be provided for the Group Leaders to make any suggested changes to the finer details of the matters to be agreed by Council, with delegated authority being given to the Head of Legal Services and Monitoring Officer to make such consequential changes to the Constitution as she considers reasonably arise from the recommendations and the proposed representations, in consultation with the Chairman of the Constitution Committee and the Leader of the Council, in particular, relating to:-
  - The titles of the new overview and scrutiny committees, which would be changed to reflect the new titles and responsibilities of Portfolio Holders announced under Item 13 of the agenda.
  - The job description of Deputy Cabinet Member.
  - The arrangements for public involvement in the overview and scrutiny committees;
  - The responsibilities for overview and scrutiny of the work of the ASDVs.

## **AMENDMENT 1**

The following amendment was proposed and seconded and declared carried:-

"That Council accept all of the recommendations of the Constitution Committee, as supplemented by the additions proposed by the Chairman of the Constitution Committee, but with a change to the effect that the Committee sizes on pages 9 & 10 of the agenda (and referred to in recommendation 10 on page 12) remain the same as they currently are, with the exception of the Strategic Planning Board, Northern Planning Committee and Southern Planning Committee, whose figure would be 15 each, subject to the usual requirements relating to proportionality, as discussed between the Groups and as circulated in respect of Item 15 and that there be no change in quorum figures.

The cross-party Working Group should be given a proper opportunity to consider the question of Committee sizes again, and this can take place before the autumn, following which a more fully considered report can be brought before Council.”

## **AMENDMENT 2**

An amendment to delete recommendation 13 from the Constitution Committee, relating to the payment of a Special Responsibility Allowance to Deputy Cabinet Members, was proposed and seconded and declared lost.

## **Declarations of Interest.**

(Following the proposal and seconding of the above amendment Cllrs S Gardiner, Rhoda Bailey and L Brown declared a pecuniary interest, by virtue of being put forward as Deputy Cabinet Members. In accordance with the general dispensation approved by the Audit and Governance Committee at its meeting on 27 September 2012 the Members remained in the room).

## **RESOLVED**

1. That the Council’s existing Scrutiny and Policy Development Group arrangements be abolished and that five overview and scrutiny committees be created, reflecting Cheshire East Council’s five strategic priorities: Communities, Economy, Life Skills, Environment and Health.
2. That the terms of reference, attached as Appendix B to the report to the Constitution Committee, be adopted as the committees’ terms of reference, with each committee having all relevant overview and scrutiny powers under the Local Government Act 2000; together with the appropriate committee having responsibility for the ASDV which best fits within the work of that committee.
3. That an overarching Cheshire East Overview and Scrutiny Committee be created, comprising 13 Members of the Council, on a politically proportional basis, having all relevant overview and scrutiny powers under the Local Government Act 2000, and the terms of reference and scrutiny powers appended to the report, with those additional responsibilities set out in recommendation 10 of the PDG/Scrutiny Review Report; the powers of this committee also to include the power to determine which overview and scrutiny committee should take responsibility for specific pieces of work where there may be uncertainty.
4. That the Communities Overview and Scrutiny Committee be designated to deal with crime and disorder issues under the Police and Justice Act 2006; the Environment Overview and Scrutiny Committee to deal with scrutiny of Flood Risk Management arrangements under the Flood Risk management Overview and Scrutiny (England) Regulations 2011; the Health Overview and

Scrutiny Committee to deal with health scrutiny requirements under the Health and Adult Social Care Act 2012.

5. That the Life Skills Overview and Scrutiny Committee have the responsibility of co-opting faith and parent-governor representatives to deal with education matters;
6. That the existing call-in arrangements be amended as set out in recommendation 13 of the PDG/Scrutiny Review Report, including the reduction in the number of Members required to trigger a call-in from 8-6 and the inclusion of provisions requiring reasons for call-in (as set out in the PDG/Scrutiny report) to be stipulated and the empowerment of the Head of Legal Services and Monitoring Officer to be the arbiter if the justification for call-in is disputed.
7. That the number of Council Members who will be members of each of the five overview and scrutiny committees be eight (which may be supplemented by up to two members of the public);
8. That, in acknowledgement of recommendation 12 of the report by Professors Leach and Copus, as set out in Appendix A of the report to the Constitution Committee, the Council move to a position where there is some sharing of committee chairs and vice chairs with opposition parties, subject to an appropriate behavioural protocol being adopted;
9. That the Special Responsibility Allowances paid to the Chairmen and Vice-Chairmen of the new overview and scrutiny committees be the same as those paid to the Chairmen and Vice-Chairmen of the Council's existing scrutiny committees;
10. That the membership of those bodies referred to in paragraph 12.2 of the report remain the same as they currently are, with the exception of the Strategic Planning Board, Northern Planning Committee and Southern Planning Committee, whose figure would be 15 each, subject to the usual requirements relating to proportionality as discussed between the Groups, and as circulated in respect of Item 15 of the agenda, and that there be no change in quorum figures. That the cross-party Working Group be given a proper opportunity to consider the question of Committee sizes again, this to take place before the autumn, following which a more fully considered report should be submitted to Council.
11. That the proposed terms of reference of the Staffing Committee, Audit and Governance Committee and the Health and Wellbeing Board, as set out in Appendices C, D and E of the report respectively, be adopted as the terms of reference of those bodies.
12. That the responsibilities of Deputy Cabinet Members, as contained in Appendix F of the report, be noted and included in the Constitution, subject to any further drafting changes which might be put forward.



13. Given that a recommended job description is now in place in respect of the role of Deputy Cabinet Members, and having regard to the report of the Independent Remuneration Panel presented to Council on 27<sup>th</sup> February 2014, Special Responsibility Allowances be paid to the newly-appointed Deputy Cabinet Members in accordance with the arrangements which currently apply to Cabinet Support Members.

14. That a period of time after the meeting of the Council be provided for the Group Leaders to make any suggested changes to the finer details of the matters to be agreed by Council today, with delegated authority being given to the Head of Legal Services and Monitoring Officer to make such consequential and other changes to the Constitution as she considers reasonably arise from these recommendations and the proposed representations, in consultation with the Chairman of the Constitution Committee and the Leader of the Council, in particular, relating to:-

- The titles of the new overview and scrutiny committees, which will be changed to reflect the new titles and responsibilities of Portfolio Holders announced under Item 13 of the agenda;
- The job description of Deputy Cabinet Member;
- The arrangements for public involvement in the overview and scrutiny committees;
- The responsibilities for overview and scrutiny of the work of the ASDVs.

### **13 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.

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 Appendix 1, as circulated at the meeting and attached to these minutes at minute 13 and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted.

### **14 APPOINTMENT OF MEMBERS TO COMMITTEES**

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

#### **RESOLVED**

That, the Committees, listed on the Appendix as circulated at the meeting be appointed. That the nominations made to the Committees by the time of the meeting be noted, with agreement that the remaining nominations

would be submitted to officers by the political groups in due course and circulated to all Members after the meeting.

## 15 APPOINTMENT OF CHAIRMEN 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 and were as follows :-

### Overview and Scrutiny Committees

Corporate Overview and Scrutiny Committee	Chairman – Cllr S Wilkinson Vice Chairman – Cllr B Murphy
Communities Overview and Scrutiny Committee	Chairman – Cllr G Baxendale Vice Chairman – Cllr M Grant
Commissioning ASDVs Overview and Scrutiny Committee	Chairman – Cllr W Livesley Vice Chairman – Cllr K Edwards
Children, Families and Adult Safeguarding Overview and Scrutiny Committee	Chairman – Cllr P Hoyland Vice Chairman – Cllr A Moran
Health and Adults in the Community Overview and Scrutiny Committee	Chairman – Cllr M Simon Vice Chairman – Cllr J Saunders
Jobs, Regeneration and Assets Overview and Scrutiny Committee	Chairman – Cllr P Groves Vice Chairman – Cllr F Keegan

### Regulatory and Other Committees

Audit and Governance Committee	Chairman – Cllr J Wray Vice Chairman – Cllr L Brown
Constitution Committee	Chairman – Cllr A Martin Vice Chairman – Cllr D Marren
Strategic Planning Board	Chairman – Cllr H Davenport Vice Chairman – Cllr G Walton
Northern Planning Committee	Chairman – Cllr R West Vice Chairman – Cllr B Livesley
Southern Planning Committee	Chairman – Cllr G Merry Vice Chairman – Cllr J Weatherill
Public Rights of Way Committee	Chairman – Cllr M Hardy Vice Chairman – Cllr Rhoda Bailey
Licensing Committee	Chairman – Cllr P Whiteley Vice Chairman – Cllr S Davies
Staffing Committee	Chairman – Cllr R Domleo Vice Chairman – Cllr H Murray

LA Authority School Governor	Chairman – Cllr G Merry Vice Chairman – Cllr Rhoda Bailey
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## **RESOLVED**

That the Chairmen and Vice-chairmen of the Council's decision-making and other bodies, as circulated at the meeting and as set out above, be appointed.

### **16 APPOINTMENTS TO ADOPTION PANEL AND FOSTERING PANEL**

Consideration was given to appointments to the Adoption Panel and the Fostering Panel.

## **RESOLVED**

1. That Councillor A Harewood be appointed to the Adoption Panel.
2. That Councillor G Merry 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 D Brickhill, D Flude, B Livesley, G Merry, M Simon, D Topping, C Thorley, J Weatherill be nominated to serve on the Cheshire Fire Authority.
- 2 That Councillors H Murray, P Findlow and L Brown be nominated to serve on the Cheshire Police and Crime Panel, with Councillor G Walton as nominated substitute.

### **18 RECOMMENDATION FROM CONSTITUTION COMMITTEE: CHESHIRE/WIRRAL/MERSEYSIDE - JOINT SCRUTINY ARRANGEMENTS**

The Constitution Committee, at its meeting on 1 May 2014, had considered the adoption of a protocol for setting up joint scrutiny arrangements across Cheshire, Wirral and Merseyside, to consider proposed substantial developments or variations in health services.

The Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations had introduced new arrangements to require a joint scrutiny committee to be established for the purposes of considering consultations by a relevant NHS body or provider of NHS funded Services where such proposals impacted on more than one local authority area and where more than one

authority agreed that the proposal was a substantial development or variation in service (SDV).

Knowsley Borough Council, as lead authority on behalf of the Merseyside authorities, had developed a draft protocol, which was attached as an Appendix to the report, which proposed a framework for the operation of joint scrutiny across Cheshire, Merseyside and Wirral. The protocol would put in place arrangements to convene a joint health overview and scrutiny committee to be made up of each of the constituent local authorities that deemed a proposal to be an SDV. Cheshire, and Merseyside authorities had been invited to consider and adopt the protocol, in order for it to be in place in time for the formal consultation process regarding changes to the provision of cancer services at the Clatterbridge Centre in Wirral.

Council was recommended to approve the adoption of the draft joint scrutiny protocol.

## **RESOLVED**

1. That the draft joint scrutiny protocol as appended to the report be approved and adopted.
2. That nominations to any joint scrutiny committees established in accordance with the protocol be made by the Chairman of the Health and Wellbeing Scrutiny Committee (or successor body) in compliance with the proportionality requirements set out in the protocol.

## **19 RECOMMENDATION FROM CONSTITUTION COMMITTEE: REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

The Constitution Committee, at its meeting on 1 May 2014, had considered arrangements to undertake a review of polling districts and polling places.

The Electoral Administration Act 2006 had introduced a statutory duty for local authorities to carry out a review of their parliamentary Polling Districts and Polling Places by 31<sup>st</sup> December 2007; and at least every four years thereafter. In accordance with this legislation, the Council had conducted its last Review in 2011 and a Polling Arrangements Review Sub-Committee had been appointed for this purpose.

The Electoral Registration and Administration Act 2013 had introduced a change to the timing of compulsory reviews of UK Parliamentary Polling Districts and Polling Places. The next compulsory review must now be completed by 31<sup>st</sup> January 2015. Subsequent compulsory reviews must then be completed every five years thereafter.

The Committee authorised the publication of the notice of the Polling Districts and Polling Places Review and that the convening of the Polling Arrangements Review Sub-Committee to undertake the Review of Polling Districts and Polling Places as required by the Electoral Administration Act 2013 and recommended to Council that the final decision concerning the

outcome of the Polling Districts and Polling Places Review be delegated to the Constitution Committee at its meeting on 27<sup>th</sup> November 2014.

## **RESOLVED**

That the final decision concerning the outcome of the Polling Districts and Polling Places Review be delegated to the Constitution Committee at its meeting on 27<sup>th</sup> November 2014.

## **20 RECOMMENDATION FROM CONSTITUTION COMMITTEE: COUNCIL CONSTITUTION - REVISION TO SCHEME OF DELEGATION TO OFFICERS**

The Constitution Committee, at its meeting on 1 May 2014, had considered a revised scheme of delegation to officers.

The revisions were required because of the revised Council Chief Officer Management Structure following the review of management roles and responsibilities, and the Council's decision to become a Strategic Commissioning Council with the creation of Alternative Service Delivery Vehicles for the provision of Council Services.

The main revisions reflected the Chief Officer Management changes, in particular the span of functions for which the Executive Director of Strategic Commissioning was now responsible..

A rolling programme would be required in order to keep the Scheme of Delegation up to date and ensure that Directors established, operated and kept under review Local Schemes of Delegation within their departments. The Scheme of Delegation would also require appropriate revision as further Alternative Service Delivery Vehicles were developed.

The Scheme of Delegation incorporating the changes agreed by the Constitution Committee was appended to the report and Council was recommended to approve the revised Scheme, as submitted.

## **RESOLVED**

1. That the revised Scheme of Delegation to Officers as appended to the report be approved.
2. That the Head of Legal Services and Monitoring Officer be authorised to update the Council's Constitution accordingly by inclusion of the revised Scheme of Delegation.
3. That the Head of Legal Services and Monitoring Officer be authorised to undertake consequential drafting amendments to the remaining parts of the Council's Constitution to ensure consistency with the revised Scheme of Delegation.
4. That a rolling programme approach to keep the Scheme of Delegation up to date be authorised.

## **21 REAFFIRMATION OF THE COUNCIL'S CONSTITUTION**

Council was requested to reaffirm the provisions of the Council's Constitution published on 13 September 2013 and amended by Council on 17 October 2013 and 14 May 2014.

### **RESOLVED**

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

## **22 QUESTIONS**

Cllr Hardy, in respect of the recent potential takeover bid of Astra Zeneca and support for jobs in Macclesfield - Cllr Michael Jones, the Leader of the Council responded.

Cllr Jueda in respect of the appointment of Dame Jo Williams as Chairman of the Caring Together Executive Board - Cllr J Clowes, Care and Health in the Community Portfolio Holder, responded.

Cllr Newton, in respect of whether Cheshire East Council had sent a written submission in respect of the Inquiry into the National Planning Policy Framework - Cllr Michael Jones, the Leader of the Council responded.

Cllr Flude, requesting an update in respect of Mount View Care Home, in Congleton - Cllr J Clowes, Care and Health in the Community Portfolio Holder, responded.

Cllr Hoyland in respect of whether the Council intended to formalise a policy to promote cycling in the Borough - Cllr Topping, Service Commissioning Portfolio Holder responded.

Cllr Brickhill in respect of the Council's 5 year housing supply figures - Cllr Michael Jones, the Leader of the Council responded.

Cllr Fletcher, in respect of grass verge cutting in Alsager - Cllr Topping, Service Commissioning Portfolio Holder responded.

Cllr Sherratt in respect of the two week delay in the opening of Crewe Railway Station - Cllr Michael Jones, the Leader of the Council responded.

Cllr S Jones in respect of the Task and Finish group findings relating to dementia services - Cllr Michael Jones, the Leader of the Council responded.

Cllr Corcoran in respect of the Ombudsman finding regarding the changing of dates shown on the planning website relating to the planning application for White Moss Quarry- Cllr Michael Jones, the Leader of the Council responded.

Cllr A Moran, regarding the charges for CCTV in Nantwich, compared with Crewe Town – Cllr Gilbert, Localism and Enforcement Portfolio Holder, undertook to provide a written response.

The meeting commenced at 11.00 am and concluded at 4.00 pm

Councillor D Flude (Chairman)  
CHAIRMAN

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**Appointments to the Cabinet****Cabinet Membership and Responsibilities**

Details of the Leader's appointments to the Cabinet and the functions delegated to Cabinet Members

<b>CABINET MEMBER</b>	<b>ADDRESS</b>	<b>WARD</b>	<b>PORTFOLIO</b>
<b>Michael Jones</b>	Westfields Middlewich Road Sandbach CW11 1HZ	Bunbury	<b>Leader of the Council</b>
<b>David Brown (Deputy Leader)</b>	Westfields Middlewich Road Sandbach CW11 1HZ	Congleton East	<b>Strategic Outcomes Portfolio</b> <ul style="list-style-type: none"> <li>• Customer Access/ Services;</li> <li>• Libraries and Archives;</li> <li>• Community Strategy;</li> <li>• Voluntary, Community and Faith Sector Relationships/Development;</li> <li>• Partnerships for Cheshire East (PACE);</li> <li>• Customer Complaints and Responses;</li> <li>• Information and Communications Technology;</li> <li>• Information, Intelligence and Consultation;</li> <li>• Corporate Risk Management;</li> <li>• Local Plan;</li> <li>• Strategic Highways and Transport;</li> <li>• HS2;</li> <li>• Energy Poverty;</li> <li>• Local Transport Plan;</li> <li>• Shared Services/ CoSocius lead.</li> </ul>

14/05/2014

<b>Rachel Bailey</b>	Westfields, Middlewich Road, Sandbach, CW11 1HZ	Audlem	<b>Safeguarding Children and Adults Portfolio</b> <ul style="list-style-type: none"> <li>• Lead under Children's Act 2004;</li> <li>• Early Years &amp; Child Care;</li> <li>• Children's Centres;</li> <li>• Education &amp; Schools;           <ul style="list-style-type: none"> <li>○ School organisation and capital planning;</li> <li>○ Special educational needs (SEN);</li> <li>○ School development and improvement;</li> <li>○ School funding/ School Forum;</li> <li>○ School Catering;</li> </ul> </li> <li>• Children's Social Care and Wellbeing;</li> <li>• Youth Support &amp; Offending Services;</li> <li>• Children and Young People to 25 years old;</li> <li>• Lifelong Learning;</li> <li>• Family Support;</li> <li>• Health Inequalities;</li> <li>• Cared for Children and Care Leavers;           <ul style="list-style-type: none"> <li>○ Fostering &amp; Adoption</li> <li>○ Residential Services</li> </ul> </li> <li>• Children's Trust;</li> <li>• Children's Safeguarding;           <ul style="list-style-type: none"> <li>○ Children's Board;</li> <li>○ Children's Safeguarding unit;</li> </ul> </li> <li>• Adult Safeguarding;           <ul style="list-style-type: none"> <li>○ Adult Safeguarding Board;</li> </ul> </li> <li>• Child Poverty Needs Assessment Unit;</li> <li>• Rural Affairs.</li> </ul>
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14/05/2014

Janet Clowes	Westfields Middlewich Road Sandbach CW11 1HZ	Wybunbury	<p><b>Care and Health in the Community Portfolio</b></p> <p><b>Health</b></p> <ul style="list-style-type: none"> <li>• Public Health; <ul style="list-style-type: none"> <li>○ Health Promotion;</li> <li>○ Health Improvement;</li> </ul> </li> <li>• Prevention and early intervention strategies;</li> <li>• Liaison with NHS Trusts and Clinical Commissioning Groups (CCG)- Integrated Service provision;</li> <li>○ Joint working with CCGs, NHS England, NHS Trusts, NHS providers and Health Watch;</li> <li>○ Strategic commissioning of integrated health and social care;</li> <li>○ Development of integrated services with health partners;</li> <li>○ Promoting the work of all agencies to support improved health and well being within the Borough;</li> <li>• Health and Well Being Board; <ul style="list-style-type: none"> <li>○ Joint Strategic Needs Assessment (JSNA);</li> <li>○ Joint Health &amp; Wellbeing Strategy (JHWS);</li> </ul> </li> <li>• Leisure Strategy;</li> <li>• Leisure Services.</li> </ul> <p><b>Care Services</b></p> <ul style="list-style-type: none"> <li>• Mental Health Services;</li> <li>• Disability Services;</li> <li>• Sensory Impairment Services;</li> <li>• Domestic Violence Services;</li> <li>• Re-ablement;</li> <li>• Informal Carers;</li> <li>• Community Equipment;</li> <li>• Occupational Therapy;</li> <li>• Assistive Technology;</li> <li>• Mobile Meals;</li> <li>• Respite and Short Breaks;</li> <li>• Family Based Care;</li> <li>• Domiciliary Care;</li> <li>• Home Care;</li> </ul>
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14/05/2014

			<ul style="list-style-type: none"> <li>• Residential Care;</li> <li>• Extra care Housing;</li> <li>• Supported Employment;</li> <li>• Substance misuse services;</li> <li>• Equality in service access and delivery;</li> <li>• Welfare Rights;</li> <li>• Home Care;</li> <li>• Equality and Diversity (Service Users- Health &amp; Social Care Act 2012);</li> <li>• Cheshire East Council – Care Quality Accreditation.</li> </ul>
<b>Paul Findlow</b>	Westfields Middlewich Road Sandbach CW11 1HZ	Prestbury	<b>Governance Portfolio</b> <ul style="list-style-type: none"> <li>• General responsibility for governance-related issues on a council-wide basis, subject to the other provisions of the constitution;</li> <li>• Legal Services;</li> <li>• Democratic Services;</li> <li>• Civic matters;</li> <li>• Electoral Services;</li> <li>• Member training and development;</li> <li>• Monitoring compliance with, and the effectiveness of, the council's decision-making processes, including; <ul style="list-style-type: none"> <li>○ executive and non-executive decision making/taking,</li> <li>○ officer decision making/taking,</li> <li>○ other delegated decision-making arrangements.</li> </ul> </li> <li>• Procurement strategy and compliance, including: <ul style="list-style-type: none"> <li>○ participation in Regional Hubs and the Procurement Forward Plan.</li> </ul> </li> <li>• Corporate contracts policy and compliance;</li> <li>• Contract monitoring of external providers, to include the Contracts Register;</li> <li>• Governance of Alternative Service Delivery Vehicles in accordance with Council policy, including via the role of Council Commissions.</li> </ul>

14/05/2014

<b>Les Gilbert</b>	Westfields Middlewich Road Sandbach CW11 1HZ	Dane Valley	<p><b>Localism and Enforcement Portfolio</b></p> <ul style="list-style-type: none"> <li>• Civil Protection/Emergency Planning;</li> <li>• Third Sector and community delivery;</li> <li>• Crime reduction including Community Safety Partnership and Police/ emergency services liaison;</li> <li>• Anti-social behaviour reduction including drug abuse and domestic violence;</li> <li>• Community Wardens including dog wardens;</li> <li>• CCTV;</li> <li>• Trading Standards;</li> <li>• Licensing-including fares and fees</li> <li>• Environmental Health;</li> <li>• Food Safety;</li> <li>• Air Pollution control and monitoring;</li> <li>• Gypsies and travellers;</li> <li>• Contaminated Land;</li> <li>• Pest and Vermin Control;</li> <li>• Overall responsibility for monitoring all enforcement activity.</li> </ul> <p><b>Localism</b></p> <ul style="list-style-type: none"> <li>• Local Area Partnership (LAP) and Neighbourhood working;</li> <li>• Neighbourhood and Community Cohesion;</li> <li>• Cultural Strategy;</li> <li>• Markets;</li> <li>• Public conveniences;</li> <li>• Operational delivery of Cultural services including:               <ul style="list-style-type: none"> <li>○ Tourism and Visitor Economy;</li> <li>○ Tatton Park;</li> <li>○ Arts promotion;</li> <li>○ Events programme co-ordination;</li> </ul> </li> <li>• Registration Services; (births, marriages and deaths);</li> <li>• Community Assets.</li> </ul>
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<b>Barry Moran</b>	Westfields Middlewich Road Sandbach CW11 1HZ	Sandbach Town	<b>Performance Portfolio</b> <ul style="list-style-type: none"><li>• Performance Management Framework;</li><li>• Project and Programme Management Framework;</li><li>• Human Resources;</li><li>• Organisational Development;</li><li>• Workforce Development</li><li>• Occupational Health;</li><li>• Corporate Health and Safety;</li><li>• Shared Services/ CoSocius;</li><li>• Business Improvement Programme lead.</li></ul>
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<b>Peter Raynes</b>	Westfields Middlewich Road Sandbach CW11 1HZ	Knutsford	<b>Finance Portfolio</b>  <b>Finance</b> <ul style="list-style-type: none"> <li>• Finance Service;</li> <li>• The budget and business planning;</li> <li>• Capital Programme;</li> <li>• Capital Strategy;</li> <li>• Reserves Strategy;</li> <li>• Income and Funding Strategy;</li> <li>• Treasury Management;</li> <li>• Business Management;</li> <li>• Insurance;</li> <li>• Internal Audit Responsibilities;</li> <li>• External Audit Responsibilities;</li> <li>• Pensions;</li> <li>• Corporate and Business Planning;</li> <li>• Revenues and Exchequer Functions, including Benefits;</li> <li>• Shared Services/ CoSocius.</li> </ul> <b>Assets</b> <ul style="list-style-type: none"> <li>• Asset Management Plan;</li> <li>• Property services including farms estate;</li> <li>• Corporate Landlord function in respect of all Council property;</li> <li>• Council Property functions including;               <ul style="list-style-type: none"> <li>○ Council land policy, usage, sales, valuations;</li> <li>○ Facilities management and the allocation of office space, including; cleaning and postal services;</li> <li>○ The Council's conference facilities and allied establishments;</li> <li>○ Security of Council buildings;</li> </ul> </li> <li>• Accessibility within Council buildings.</li> </ul>
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14/05/2014

<b>Don Stockton</b>	Westfields Middlewich Road Sandbach CW11 1HZ	Wilmslow Lacey Green	<b>Housing and Jobs Portfolio</b> <ul style="list-style-type: none"> <li>• Economic Development;</li> <li>• Employment Initiatives;</li> <li>• Credit Union and Co-op Development;</li> <li>• Regeneration;</li> <li>• Cheshire East Engine of the North;</li> <li>• Public and Private Sector Housing;</li> <li>• Homelessness Strategy;</li> <li>• Building Control;</li> <li>• Development Management;</li> <li>• Energy;</li> <li>• Town Centre Management;</li> <li>• Economic Twinning.</li> </ul>
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14/05/2014

<b>David Topping</b>	Westfields Middlewich Road Sandbach CW11 1HZ	Congleton West	<b>Service Commissioning Portfolio</b>  Responsibilities <ul style="list-style-type: none"> <li>• Highways Operations- including Public Rights of Way &amp; Countryside (PROW);</li> <li>• Car Parking;</li> <li>• Carbon Reduction;</li> <li>• Waste and Recycling (ANSA);</li> <li>• Environmental and Cleansing services (ANSA);</li> <li>• Street Scene (ANSA);</li> <li>• Crematoriums and Burial Services (Orbitas);</li> <li>• Planning Support Company (TBC);</li> <li>• Transport Specialist Solutions Company (TBC);</li> <li>• Energy Company (TBC).</li> </ul> <b>ASDVs</b> <ul style="list-style-type: none"> <li>• Budget and service delivery of ASDVs (<i>Note that the Portfolio does not include Engine of the North, CoSocius and Everybody Sport and Recreation Trust</i>);</li> <li>• To report to Cabinet on all ASDV matters (<i>Note that the Portfolio does not include Engine of the North, CoSocius, and the Everybody Sport and Recreation Trust</i>).</li> <li>• To review functions and departments of the Council which are seen as potential areas for ASDV operation;</li> <li>• ASDV Policy;</li> <li>• ASDV Communication and Marketing;</li> <li>• ASDV Performance.</li> </ul>
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Updated 14 May 2014

## APPENDIX ONE – 14 May 2014

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

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>Independent</b>	<b>Lib Dem</b>	<b>UKIP/</b>	<b>Total</b>
Cheshire East Overview and Scrutiny	8 (7.93) C	2 (2.38)	2 (1.90) VC	1 (0.63)	0 (0.16)	13
Communities Overview and Scrutiny	5 (4.88) C	2 (1.46) VC	1 (1.17)	0 (0.39)	0 (0.10)	8
Environment Overview and Scrutiny	5 (4.88) C	1 (1.46) VC	1 (1.17)	1 (0.39)	0 (0.10)	8
Life Skills Overview and Scrutiny	5 (4.88) C	2 (1.46)	1 (1.17) VC	0 (0.39)	0 (0.10)	8
Health and Adult Social Care Overview and Scrutiny	5 (4.88) C and VC	1 (1.46)	1 (1.17)	1 (0.39)	0 (0.10)	8
Economy Overview and Scrutiny	5 (4.88) C and VC	2 (1.46)	1 (1.17)	0 (0.39)	0 (0.10)	8
Audit and Governance Committee	6 (6.10)	2 (1.83)	1 (1.46)	1 (0.49)	0 (0.12)	10
Constitution	9 (8.53)	2 (2.56)	2 (2.05)	1 (0.68)	0 (0.17)	14
Strategic Planning Board	9 (9.15)	2 (2.74)	2 (2.19)	1 (0.73)	0 (0.17)	15
Northern Planning Committee	9 (9.15)	3 (2.74)	2 (2.19)	1 (0.73)	0 (0.17)	15
Southern Planning Committee	9 (9.15)	3 (2.74)	2 (2.19)	1 (0.73)	0 (0.14)	15
Public Rights	4	1	2	0	0	7

Updated 14 May 2014

of Way	(4.27)	(1.28)	(1.02)	(0.34)	(0.08)	
Licensing Committee	9 (9.15)	3 (2.74)	2 (2.19)	1 (0.73)	0 (0.17)	15
Staffing	5 (4.88)	2 (1.46)	1 (1.17)	0 (0.39)	0 (0.10)	8
Lay Members Appointments	3 (3.05)	1 (0.91)	1 (0.73)	0 (0.24)	0 (0.06)	5
Local Authority School Governor Appointments Panel	3 (3.05)	1 (0.91)	1 (0.73)	0 (0.24)	0 (0.06)	5
Civic Sub Committee	4 (4.88)	1 (1.46)	2 (1.17)	0 (0.39)	1 (0.10)	8
Community Governance Review Sub Committee	4 (3.66)	1 (1.10)	1 (0.88)	0 (0.29)	0 (0.07)	6
Polling Arrangements Review Sub Committee	4 (3.66)	1 (1.10)	0 (0.88)	0 (0.29)	1 (0.07)	6
Outside Organisations Sub Committee	4 (3.66)	1 (1.10)	1 (0.88)	0 (0.29)	0 (0.07)	6
Total Places allocated	115	34	28	9	2	188
Total places available						<b>188</b>
Proportional Entitlement	<b>114.63</b> <b>(115)</b> <b>(60.98%)</b>	<b>34.39</b> <b>(34)</b> <b>(18.29%)</b>	<b>27.51</b> <b>(28)</b> <b>(14.63%)</b>	<b>9.17</b> <b>(9)</b> <b>(4.88%)</b>	<b>2.29</b> <b>(2)</b> <b>(1.21%)</b>	<b>188</b> <b>(100%)</b>
Difference	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	