

Extraordinary Meeting of the Council

Agenda

Date: Tuesday, 7th May, 2013
Time: 6.00 pm
Venue: Grand Hall Congleton Hall, Congleton Town Hall, High Street,
Congleton CW12 1BN

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 Meeting Held on 28 February 2013** (Pages 1 - 20)

To approve the minutes as a correct record.

4. **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.

5. **Mayor's Announcements**

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

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. **Appointment of Chief Executive and Designation of Section 151 Officer** (Pages 21 - 24)

To approve the recommendation of the Staffing Committee for the appointment of a Chief Executive, including the salary to be paid and to resolve that the new Chief Executive also be appointed as the Council's Head of Paid Service, as well as its Electoral Registration Officer and Returning Officer. In addition to seek approval that the Interim Chief Operating Officer be formally designated as the Council's statutory Section 151 Officer.

8. **Election of Mayor and Deputy Mayor for the 2013/14 Civic Year** (Pages 25 - 26)

To approve the designation of Councillor D Flude as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2013/2014, at the Mayor Making ceremony to be held on 15th May 2013.

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

held on Thursday, 28th February, 2013 at Grand Hall Congleton Hall -
Congleton Town Hall, High Street, Congleton CW12 1BN

PRESENT

Councillor G M Walton (Chairman)
Councillor D Flude (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Bebbington, G Boston, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, 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, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, O Hunter, M Jones, S Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, M A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, B Murphy, H Murray, D Neilson, D Newton, P Nurse, P Raynes, L Roberts, J Saunders, M Sherratt, B Silvester, M J Simon, L Smetham, A Thwaite, D Topping, G Wait, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors D Druce, J Jackson, L Jeuda, S McGrory, M Parsons, D Stockton and C G Thorley

82 PRAYERS

The Mayor's Chaplain said Prayers, at the request of the Mayor.

83 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 13 December 2012 be approved as a correct record.

84 MAYOR'S ANNOUNCEMENTS

The Mayor:-

1. Announced the recent sad death of Honorary Freeman, Mrs Margaret Duddy OBE. Margaret was a former Leader of Macclesfield Borough Council. Her funeral would be held at 12.00 noon, on Friday 8th March at St Mary's Parish Church, Disley and the Mayor would be representing the Council at the funeral.

The Mayor also announced that former Crewe and Nantwich Borough Councillor, John Beech had recently died and that his funeral would take place on Thursday 7th March at 11.30am at St Mary's Church, Acton.

Members stood in silent tribute, as a mark of respect.

2. Announced that, since the last Council meeting in December, he and the Deputy Mayor had attended over 40 events:-

Before Christmas he had visited the majority of the Council's major Office locations to wish staff a very happy Christmas. He and the Mayoress had been made very welcome and through the generosity of staff had collected nearly £500 for his charity fund. He had also attended quite a number of carol services and brass band concerts.

On 20th December he had the honour of opening the Council's new Registration Office in the Municipal Buildings in Crewe and was very impressed with the facilities that had been provided for registering births, deaths and marriages. He understood that the facility had been very well received by the public.

In late December he was one of a very few Mayors from across the North West to be invited to meet with Dr Dipu Moni, the Bangladeshi Foreign Minister when she visited Manchester. This was both a very interesting and informative meeting.

After Christmas it was the pantomime season with 'Cinderella' at the Lyceum, Crewe; a 'never to be forgotten' performance of 'Beauty & the Beast' at Woodford and last week, 'Sleeping Beauty' at Shavington.

In early January he had the pleasure of attending the North West Showmen's Guild annual luncheon which this year had been held at Cranage Hall, Holmes Chapel. There was quite a gathering of Mayors & Mayoresses from a wide area and he had been very surprised to receive a generous donation, from the Guild, as the hosting authority, towards his charity fund.

He had also been delighted to attend Civic Church Services at Crewe and Wistaston.

Cheshire East's rail stations had been very successful in various categories at this year's Awards evening held in Northwich with Chelford, his Ward, had been declared as Cheshire's Best Kept Station.

3. He and the Mayoress had attended a number of Mayor's Balls and Civic Ceremonies both inside and outside the Cheshire East boundary, putting Cheshire East well and truly on the map.

4. Reminded Members that he would be hosting a charity Sunday lunch at the Tytherington Club in Macclesfield on 12th May. Formal invitations would be sent out very shortly and he was most grateful to those Members who had already indicated that they would be attending. Other Members who wished to attend should contact The Mayor's Secretary.
5. Welcomed Mike Rowan, the Interim Borough Solicitor, to his first meeting of the Council and also welcomed Sir Nicholas Winterton, Honorary Freeman, to the meeting.

85 DECLARATIONS OF INTEREST

Cllr S Wilkinson declared a non-pecuniary interest in item 7 – HS2, as the planned route ran close to his house. However, it did not run through land holding held in his name, but he would keep this under review.

Michael Rowan, Interim Borough Solicitor, declared a non-pecuniary interest in item 10 – Designation of Monitoring Officer, by virtue of being the subject of the report and would leave the meeting during consideration this matter.

86 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Stuart Redgard used public speaking time to ask the following question relating to land to the north of Adlington Road, Wilmslow in respect of the recently updated Strategic Housing Land Availability Assessment - January 2013. (Formerly Site 3150 in the previous version of the SHLAA - March 2012):-

"Why is it now considered likely that due to size of site, and mix of uses, a sustainable development can be created?. The previous version of this document stated that this "Site is not considered sustainable". What has materially changed to this site to make it changed?

Cllr David Brown, in response stated:-

"The SHLAA is a technical document which provides evidence for use in planning applications and other planning processes. As such it does not make policy but rather reflects policy decisions elsewhere. The Site at Addlington Road has been identified as a housing site as part of the review of the development plan; the changed notation within the SHLAA reflects the status of the site in the draft Local Plan.

As part of the preparation of the Local Plan the merits of the site have been re-appraised - together with an assessment of the facilities that might be provided on the site as part of any development. Collectively this means that we are now satisfied that sustainable development can be achieved on the site. The area of land is one of only two areas of land in the north of the Borough that is not green belt but safeguarded for future development or uses. As these areas are finite and valuable we are duty bound to consider their development very carefully - but the right and

proper place to do this is part and parcel of the Local Plan review and that is exactly what we are doing."

Mr Steve Ranger used public speaking time to ask the following question:-

"Given the coalition Government's pressure on all Councils to reduce expenditure, the very least that the residents of Cheshire East have a right to expect is that their Council does not waste money through mismanagement and the pursuit of poorly thought-through policies.

The card being presented to the Council Leader today identifies some of the Council's costly blunders of the past few years. The Lyme Green debacle is only the most spectacular of these. The fact that the Council refuses to publish the Lyme Green report, and other indicators such as the comparison that has been made between Lyme Green and the Bewilderwood development, suggest that the Council leadership is not learning from the experience of previous problems caused by mismanagement and inadequate planning.

The Council is now embarking on a massive re-organisation of its management structure and proceeding with an extensive redundancy programme, consequently outsourcing most of the Council's services. In the light of the Council's recent history, what assurance can the residents of East Cheshire feel that these radical changes will not be marked by further poor planning and financial mismanagement?"

In summary, the Leader of the Council, Cllr Michael Jones stated that he looked forward to receiving the card and took the points very seriously, but felt that they were a political statement. He had listened to Members and residents. He felt that this should be end to comments about Lyme Green. The issue had been dealt with thoroughly and clearly for the betterment of the Council. The Council was in a new process of going forward to deliver to the public. The Council was an aspirational and healthy Council and delivered more services than in the previous year. He gave some examples of where he considered the Council had performed well and stated that Council tax had not been raised. He looked forward to meeting Mr Ranger.

Mrs Mabel Taylor used public speaking time to ask a question and indicated that she would like a written response to her question:-

She stated that despite the growth in population over that period that she had lived in Knutsford, from 1975, she had witnessed a diminution in health services provided locally, culminating in the current proposal to permanently close the intermediate bed services formerly provided at Tatton Ward.

She asked, as Cheshire East Council owned Tatton Ward, since its temporary closure the ECNHS Trust had continued to pay rent to the Council, how much had Cheshire East Council received by way of rental for Tatton Ward since its 'temporary' closure in 2011.

Mrs Charlotte Peters Rock used public question time to ask that the Council, via the newly constituting Health and Wellbeing Board, request that East Cheshire NHS Trust should present its conclusions and the reasons for those conclusions in respect of the permanent closure of the Tatton Ward, Knutsford, following what she considered to be the very poorly publicised 'public consultation' which had concluded on 24 February 2013. She also requested that, in view of the current needs of the elderly of the Knutsford area and the proposed expansion by 400 properties, that the conclusion should be carefully scrutinised, especially in view of the Trust's initial claim in September 2010 that the closure was of a temporary nature.

In respect of new plans, across this Council area, she suggested that more adequate, well researched initial planning by Council officers, might save many thousands of Cheshire East residents from fighting angrily for equitable treatment.

Mrs Judie Collins used public speaking time to ask the following question:

"In view of the cuts to the 27 bus service which is the main way Knutsford residents can get to Macclesfield Hospital and with further public transport cuts to essential services pending, what is the Council doing to ameliorate the situation? I understand they were offered £6,000 by the Hospital trust to look at solutions but this offer has not been taken up. Could this decision now be reviewed".

The Mayor undertook to provide a written response to Mrs Collins.

Mrs Thornber used public speaking time to express concern regarding the possible closure of Mountview Community Support Centre, Congleton. Family members had used the Centre's services in the past and she currently attended the centre and used respite services on one day per week with her husband, who suffered from dementia and the day care was very valuable to both of them. There was no other equivalent service available locally and if it was not available they would have to travel to Macclesfield or Crewe for respite services.

The Leader of the Council, in summary stated that a decision to close Mountview Community Support Centre had not been made. He would like to meet with Mrs Thornber to discuss general needs, as he considered it important to get greater needs right for the future. The Council realised how important respite was and that was why it was being reviewed.

Mrs Firkin also addressed Council regarding the proposed closure of Mountview Community Support Centre and expressed concern that there had not been a period of consultation before any decision was made and that staff had already been served with a 90 day notice period and that the budget figures were based on the assumption that it would closed. She called upon the Council to review the notice period issued to staff.

The Leader of the Council stated that it was a review not a decision and that the Council would work with Mrs Firkin, in order to understand her needs.

87 **HS2**

Members of the Council viewed a presentation relating to the proposed High Speed 2 rail link. Following the presentation, the Leader of the Council thanked officers for supporting the Council's position and thanked Group Leaders for the work they had carried out in respect of this matter. He undertook to keep them informed of developments. A number of Group Leaders and other Members also spoke in respect of this matter.

88 **RECOMMENDATIONS FROM CABINET**

(a) Treasury Management Strategy

Consideration was given to the recommendation from Cabinet concerning the Treasury Management Policy and Strategy. Revisions were proposed to the existing Strategy and Prudential Indicators for 2012/13. A new Treasury Management and a new Annual Investment Strategy for 2013/14 were proposed together with prudential indicators for 2013/14 to 2015/16. A revised Annual Policy Statement on Minimum Revenue Provision was also submitted for approval.

RESOLVED

That the Treasury Management Policy Statement, the Annual Investment Strategy and the Minimum Revenue Provision Statement, as set out in the report, be approved.

(b) Pay Policy Statement

Consideration was given to the recommendation from Cabinet concerning the Pay Policy Statement. Section 38 of the Localism Act 2011 required local authorities to produce a Pay Policy Statement by 31 March on an annual basis.

A revised draft Pay Policy Statement (PPS) for 2013/2014 had been prepared and had been considered by the Council's Staffing Committee at its meeting on 11 January 2013, where amendments were proposed. The draft PPS for 2013/2014 was appended to the agenda and this highlighted the main changes between the current PPS (2012/13) and the proposed PPS for the next financial year (2013/14), together with the additional amendments recommended by the Council's Staffing Committee.

RESOLVED

That the Pay Policy Statement for 2013/2014, including the recommendations from the Staffing Committee, be approved.

(c) Health and Wellbeing Board Terms of Reference

Consideration was given to the recommendation from Cabinet regarding Terms of Reference for the Health and Well Being Board.

Once established, in April 2013, the Board would be a Committee of the Local Authority but regulations under the Act would modify some of the normal requirements of the Local Government Act 1972, details of which were given in the Cabinet report, appended to the agenda. The Regulations had not been published at the time of the Cabinet meeting, but had since been made available to Local Authorities. The Cabinet report enclosed draft terms of reference and recommended that these be approved until such time as Cabinet and the Constitution Committee were asked to review the Health and Wellbeing Board's Terms of Reference and make recommendations on any modifications if required.

In considering the draft Terms of Reference, Council agreed that they should be referred back to the Health and Wellbeing Board for further consideration and suggested an addition to the wording of the last bullet point at paragraph 2 – The Boards Vision, to refer to “Achieving **improved** evidence-based **public** outcomes within a holistic vision of health and wellbeing”.

RESOLVED

That the current Health and Wellbeing Board's Terms of Reference be approved, until such a time as the draft Terms of Reference had been reviewed by the Health and Wellbeing Board, in light of the recently published guidance.

89 RECOMMENDATIONS FROM CONSTITUTION COMMITTEE

Consideration was given to a number of recommendations from the Constitution Committee, as follows:-

(a) Frequency of Meetings

The Constitution Committee had received a report which indicated that Council Members attended around 220 decision-making and other meetings per year. In view of the consequent burden on Member time and expenses, the associated officer costs, the cost of arranging meetings etc, the report sought an in-principle decision that there should be fewer Council meetings.

The Constitution Committee had declined to accept the recommendations of the report and resolved to recommend that Council should approve the draft calendar of meetings for 2013/14, which was appended to the agenda.

RESOLVED

That the Calendar of meetings for 2013/14 be approved.

(b) Questions at Cabinet

At the meeting of Council on 13th December 2012 it was proposed that a new provision be included in the Council Procedure Rules which would allow questions to be put by Members to Cabinet Members at Council meetings, without notice first having been given. Council had agreed this proposal.

The Leader subsequently called for a similar provision to be put in place which would allow for questions, without notice, to be put by Members to Cabinet Members at Cabinet meetings.

A report had, therefore, been submitted to the Constitution Committee, which proposed that the Constitution should be amended to include a provision, which would allow 20 minutes for questions to be put to Cabinet Members by Members of the Council at Cabinet meetings.

It was recommended that the Rules previously agreed by Council, which applied to questions at Council should be adapted appropriately for the purposes of questions to Cabinet Members at Cabinet meetings, details of which were contained in the report to Council.

RESOLVED

1. That the Constitution be amended to include a provision to allow 20 minutes for questions to be put to Cabinet Members by Members of the Council at Cabinet meetings.
2. That the Rules previously agreed by Council, which applied to questions at Council, be adapted appropriately for the purposes of questions to Cabinet Members at Cabinet meetings, as contained in the report.

(c) Scheme of Delegation for Director of Public Health

The Constitution Committee had received a report which explained that health responsibilities would transfer to local authorities in April 2013. Therefore, the Council needed to amend its scheme of delegation in order to ensure that the Director of Public Health would be empowered to undertake their role. A draft scheme of delegation for the Director of Public Health was appended to the agenda for consideration. The report noted that the Officer Delegation Working Group was continuing to consider the officer delegation scheme and that this Group might wish to review the delegation scheme in due course.

The Constitution Committee resolved to recommend to Council that the scheme of delegation for the Director of Public Health be adopted pending a further review by the Scheme of Delegation Member Working Group.

RESOLVED

That the scheme of delegation for the Director of Public Health be adopted, pending a further review by the Scheme of Delegation Member Working Group.

90 DESIGNATION OF MONITORING OFFICER

(Michael Rowan had declared a non-pecuniary interest in this item, by virtue of being the subject of the report and left the meeting during consideration this matter).

Consideration was given to the report which outlined the process used for the recruitment of the Interim Borough Solicitor and Monitoring Officer and requesting Council to agree that the appointee be designated as Monitoring Officer.

RESOLVED

That Mr Michael Rowan be designated as Monitoring Officer of Cheshire East Council.

91 APPOINTMENT OF COMMITTEE CHAIRMEN

The Leader of the Council proposed the following changes to chairmanships :-

Staffing Committee – That Cllr D Topping be elected as Chairman.
Corporate Scrutiny Committee – That Cllr S Wilkinson be elected as Chairman.

The Leader also outlined the proposed membership, Chairmanship and Vice-chairmanship for the East Cheshire Engine of the North, new development company model.

RESOLVED

That the above nominations be approved.

92 LEADER'S ANNOUNCEMENTS

The Leader of the Council reported details of some recent changes to Cabinet and the appointment of Cllr Topping as Portfolio Holder for Environment.

He also announced the addition of Leisure and Cultural Strategy to the Health and Adult Care Service Portfolio. An updated list of Cabinet appointments, incorporating these changes is appended to these minutes.

(Cllr D Newton stated that he was Chairman of Sport Cheshire, a company which had contracts for the delivery of some services for Cheshire East Council and which may at some time in the future bid for any contract relating to the delivery of leisure services, as part of the process for outsourcing sports development. He would declare an interest at any future meetings where this matter was considered, as appropriate).

93 THREE YEAR MEDIUM TERM FINANCIAL STRATEGY 2013 - 2016 BUDGET REPORT

(Items 13 &14 of the agenda were considered together, as one item).

The Cheshire East Council Budget Report for 2013/2016 had been produced following engagement on the Business Planning Process during January and February 2013. The Budget Report provides financial background to the Medium Term Financial Strategy Report as well as setting out further details of the approach to funding the Three Year Council Plan. The Budget Report set out, in detail, the spending plans and income targets for the financial year starting 1st April 2013, as well as financial estimates for the 2014/2015 and 2015/2016 financial years.

The 2013/2016 Budget Report had been reported to Cabinet on 4th February 2013 and Cabinet had recommended the report to Council for approval. The Budget Report to Council had been updated to reflect the final Local Government Finance Report for 2013/2014. This had been approved by Members of Parliament following a debate in the House of Commons on 13th February 2013. It was noted, that the impact of the final Settlement was minor and did not impact on any service proposals.

The Leader of the Council also presented his budget report under this item and proposed the recommendations set out in report under items 13 &14 of the agenda.

- The Leader indicated that he and his Cabinet had set out the framework of a new 3 Year Council Plan, which gave a clear strategic direction. This showed the purpose of the Council, the main outcomes they wanted (to ensure good quality of life for local people in Cheshire East) and the priorities for action to achieve these.
- It was recognised that, if ambitions to make Cheshire East a better place to live and work were to be realised, a new medium term financial strategy was needed, that would make the best use of the limited resources and would provide tangible value for money for local people in these difficult times.
- He and his Cabinet also set out the principles that would drive the thinking in preparing the Council's Budget and would guide the difficult decisions that need to be made over where to find savings

and to cut costs, whilst also investing in necessary improvements in vital services.

The following principles would underpin budget decisions:

- We will be policy-led and stick to our decisions
- We will make decisions based on evidence of need and of what works, with due regard to our equality duty
- We are planning for at least 3 years
- We must be a more productive and affordable organisation
- We will stop doing some things to focus on those that matter most to local people
- We will invest in innovative new ways of providing services
- We will ensure that those who provide services, whether in-house or externally, give real value for money
- We will promote self reliance and capacity in local communities to reduce demand on public services
- We will focus our limited resources on prevention and early intervention
- We will invest in infrastructure to promote local economic growth and access to job opportunities

- As well as ensuring that our main priorities for improvement are properly resourced, he wanted to create a Council that was financially stable. A prudent approach had been taken in a time of unprecedented change and uncertainty in local government, and of growing demand for some local services, such as care for those who are elderly and vulnerable.
- This sound financial management and wise stewardship of public money was what this Council is about under his leadership. Hard pressed, hard working local people and families could be confident that the Council were on their side and that they could rely on the Council in these uncertain times.
- Over the past few months, the intensive and wide-ranging work he and his Cabinet had done meant that the Council could confidently make decisions now on the best use of the Council's resources. The Leader's recommendations to Council for a balanced budget over the next 3 years would protect and enhance our essential frontline services, retain sufficient skilled staff to get the job done well and give local people even better value for money as costs were cut. This approach was also the best way to make the Council's contribution to reducing the burden of public debt and to create greater prosperity for hard working local people.

The recommendations were seconded by the Finance Portfolio Holder, Cllr P Raynes. Following this, nominated spokespersons for each political group were invited to speak for an extended speaking period.

Before this matter was opened to general debate the Mayor informed Members that the Corporate Scrutiny Committee had considered the budget, at its meeting on 21 February 2013 and the minutes of the meeting had been circulated around the Chamber for information.

RESOLVED

Leaders Report

Council: -

1. Noted the ongoing Budget Engagement exercise undertaken by the Council, as set out in the attached Appendix 4 of the report.
2. Noted the comments of the Council's Chief Finance Officer regarding the robustness of estimates and level of reserves held by the Council based on the budget proposals.
3. Approved the Leader's 2013/2016 Budget Report, which presented the financial implications of the Medium Term Financial Strategy, and the detailed changes needed to implement it, as set out in the report.
4. Approved the 3 Year Capital Programme for 2013/2014 to 2015/2016 as set out in the attached Appendix 3 of the report.
5. Approved a Band D Council tax of £1,216.34 (no change from 2012/2013).
6. Approved the recommended Reserves Strategy;
7. Noted the 2013/2014 non ring-fenced Specific Grants, and that any amendments to particular grants, in the light of further information received from government Departments or other funding bodies, will be reported to Council;
8. Agreed the 2013/2014 Dedicated Schools Grant (DSG) of £182.4 million and the associated policy proposals;
9. Authorised the Children's and Family Services Portfolio Holder to agree any necessary amendment to the DSG position in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2012/2013;
10. Noted the receipt by the Council of the transferred and ring-fenced grant for Public Health functions, and acknowledged the positive

benefits for local people from the Council acquiring these new functions and responsibilities from 1 April 2013;

11. Approved the recommended Prudential Indicators for Capital Financing; and
12. Noted the risk assessment detailed in the Chief Finance Officer's report.

Budget Report

1. Council noted the comments of the Deputy Section 151 Officer, regarding the robustness of estimates and level of reserves held by the Council based on this budget, at Appendix A of the report, comment from Finance Manager and Deputy Section 151 Officer).
2. That the 2013/2016 Budget Report, at Appendix A of the report, be approved, as part of the Medium Term Financial Strategy Report.

94 COUNCIL TAX STATUTORY RESOLUTION

Consideration was given to a report relating to the setting of the Council tax for 2013/14. The Council, as a billing authority, was responsible for the billing and collection of Council Tax due from local taxpayers and must set the overall Council Tax level. This meant that the Authority also collected Council Tax income to cover not only its own services but also precepts set by other authorities. The Council Tax levied was, therefore, made up of four elements -Cheshire East Borough Council element, Parish Councils & Charter Trustees precepts, Police & Crime Commissioner for Cheshire precept and Cheshire Fire Authority precept.

RESOLVED

That the Council Tax for Cheshire East Council for the financial year 2013/2014, be set at £1,216.34, in accordance with the formal resolutions as shown in section 18 of the report and the precept levy for Crewe Parish Council be set at £362,255 :-

1. That it be noted that on 13th December 2012 the Council calculated the Council Tax base 2013/2014
 - (a) for the whole Council area as 137,122.19.
 - (b) for dwellings in those parts of its area to which a Parish precept relates as attached to the report.
2. Calculated that the Council Tax requirement for the Council's own purposes for 2013/2014 (excluding Parish precepts) is £166,787,205.

3. That the following amounts be calculated for the year 2013/2014 in accordance with Sections 31 to 36 of the Act:
- a. £727,587,024 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b. £556,275,641 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c. £171,311,383 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
 - d. £1,249.33 being the amount at (c) above divided by the amount at 18.1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - e. £4,524,178 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act
 - f. £1,216.34, being the amount at (d) above less the result given by dividing the amount at 18.3(e) above by the amount at (a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
 - g. Appendix A, being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
 - h. Appendix B, being the amounts given by adding to the amount at (f) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish and Charter Trustees area).
 - i. Appendix C, being the amounts given by multiplying the amount at (h) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is

applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).

- j. Appendix D, being the aggregate of the local charges in (i) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish and Charter Trustees area).
- 4. That it be noted that the Police & Crime Commissioner and the Fire Authority have issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as shown in sections 15 and 16 above.
- 5. It was accepted that the Cheshire East Council's basic amount of Council tax for 2013/2014 was not excessive, in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

95 **RECOMMENDATION FROM CABINET - BECOMING A "STRATEGIC COUNCIL" - REVIEW OF MANAGEMENT ROLES AND RESPONSIBILITIES**

Consideration was given to the recommendation from Cabinet setting out proposals for significant changes in the current roles and responsibilities of managers at all levels within the organisation, as a key element of establishing a new operating model for the Council.

The Cabinet report provided details of how the Council would need to change the way in which it operated, and was structured, in order to become a strategic commissioning body; identifying and prioritising local needs, and meeting those needs in a cost-effective way by stimulating and managing a diverse local market of high quality local providers. Costs would be brought down by doing things differently and using innovative and new approaches to the way in which services were delivered that achieved the desired outcomes for local people.

The new "Strategic Council" would be one that was able to capture, leverage and disperse all available local funds and resources in line with its strategic ambitions and goals for its local communities, as part of its "place shaping" role.

There would be a strengthening of the role of elected Members, beginning and ending with councillors' democratic relationship with local residents,

who should have a stronger voice and input into commissioning decisions in the future.

Changes to existing management roles and responsibilities would need to be undertaken in three phases, entailing a process of top-down displacement of current postholders.

The Cabinet report detailed the proposed arrangements around selection to new roles, training and development, and support.

New programmes of training and development would be provided to assist those involved to take on new or expanded roles and responsibilities with confidence. Where individuals were displaced by the process, support would be provided to redeploy them into suitable alternative employment.

A dedicated HR team would be set up to oversee and coordinate the process, assisted by a limited, cost effective input from external experts to ensure objectivity and fairness in the assessment and selection process, to support the managers involved in the review, and to avoid the risk of challenge or appeals from the staff involved.

The Cabinet report set out the process and timetable for implementing the required management changes over the following six months and sought Council's approval for the authority to proceed immediately with the Management Review, on the basis set out in the Cabinet report, so that its benefits could start to be realised as quickly as possible.

RESOLVED

1. That the Interim Chief Executive, in consultation with the Leader of the Council and his Cabinet Portfolio Holders, be authorised to start, with immediate effect, the proposed Management Review and the phased process of selection for appointment to new management posts in the Council's revised organisational structure, on the basis and timetable set out in the report.
2. That the need for planned complementary action on the wider implications of the introduction of the new operating model for the Council, in terms of collaborative working with other local commissioners and providers of public services, as well as the development of the Council's Localism initiative be noted
3. That further reports on these initiatives be brought forward for Members' consideration in due course.

96 NOTICES OF MOTION

Consideration was given to the following Notices of Motion :-

THANK YOU TO COUNCIL STAFF

Submitted by Councillor David Topping and Seconded By Councillor Michael Jones

This Council thanks all those staff who worked long, unsocial hours during the recent spell of adverse weather to ensure that traffic kept flowing on the Council's road network. Their hard work and commitment clearing and gritting roads kept Cheshire East moving. Particular praise should be paid to the work undertaken to clear and grit pavements around a wide range of key locations across the Borough; these included hospitals, doctor's surgeries, old people's homes and shops. The same staff have also been responding to the very wet conditions that we have been experiencing; which have resulted in frequent flooding events across the Borough.

The Council's thanks also go to our local supply chain and to farming contractors who provided an invaluable service in working to keep our more rural communities open for business.

Tribute should also be paid to our refuse crews, who braved the adverse weather to provide as normal a service as they could, to all of the Council's travelling staff who ensured that, as far as possible, business continued as normal during the adverse weather and to our Customer Services team who over this difficult period have continued to advise and help our residents.

(In considering the Notice of Motion, Council agreed to make special reference to Care For staff and refuse staff in addition to those staff in the areas set out in the Notice of Motion).

That, subject to the above additional references, the motion be approved.

LOAN SHARKS AND CREDIT UNIONS

Submitted by Councillor Sam Corcoran and Seconded by Councillor Michelle Sherratt

Cheshire East Council:

Notes and welcomes the UK-wide campaign to end 'legal loan sharking'.

Believes that the lack of access to affordable credit is socially and economically damaging. Unaffordable credit is causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears, depression (which impacts on job seeking behaviour) and poor health.

Further notes that unaffordable credit is extracting wealth from the most deprived communities.

Believes it is the responsibility of all levels of government to try to ensure affordable credit for all, and therefore pledges to use best practice to promote financial literacy and affordable lending. This will help to ensure that wealth stays in the local economy.

Pledges to promote credit unions in Cheshire East, community-based co-operative organisations offering access to affordable credit and promoting saving, to all members of the community.

Will work to make credit union payroll deduction facilities available to council staff to facilitate easy access to local credit unions and support saving for people in the area.

Calls on the government to introduce caps on the total lending rates that can be charged for providing credit.

Calls on the government to give local authorities the power to veto licences for high street credit agencies where they could have negative economic or social impacts on communities.

RESOLVED

That the motion be accepted.

PLANNING COMMITTEE UPDATE REPORTS

Submitted by Councillor David Brickhill and Seconded by Councillor Michael Jones

In connection with the proceedings of the Strategic Planning Board on 30th January, when the following late update papers were produced after publication of the agenda for the meeting:

Update 1 containing 14 pages on 23rd at 11.42 including the Parish Council's response prompted by Councillor Hogben
Update 2 containing 18 pages on 25th at 17.22
Update 3 containing 12 pages, on 29th at 18.24

All of which led to delays in the business of the Board and a deferment. This Council calls upon officers and the Committee to ensure that:

- Update papers which are issued after publication of the agendas for planning meetings should be produced without delay prior to the meeting in question.
- Where it is necessary for update papers to be brought to the attention of Members within the five working days before planning meetings, the application in question should only be determined where:
 - The officers advise that it is necessary to do so in view of the urgency of the matter; and

- Members of the Committee/Board agree that they and the public have had sufficient time to absorb the information in question; but
- That in other cases, the Committee/Board should resolve to defer consideration of the application in question.

RESOLVED

That the motion stand referred to the Strategic Planning Board for consideration.

LYME GREEN

Submitted by Councillor Brendan Murphy and Seconded by Councillor Lloyd Roberts

Council resolves that the Designated Independent Person's report should be published unless there is well-founded legal advice to the contrary.

(In moving his motion Cllr Murphy made a correction to the wording to replace the word "advice" with the word "reason").

RESOLVED

That the motion be not accepted.

STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT

Submitted by Councillor David Brown and Seconded by Councillor Michael Jones

This Council welcomes the recent decision to approve the 2013 Strategic Housing Land Availability Assessment, and supports its use to evidence a 5 year housing supply wherever appropriate.

RESOLVED

That the motion be accepted.

97 **QUESTIONS**

Due to the lateness in the day, at the suggestion of the Mayor, Council agreed that written responses should be provided for all the Member questions submitted in writing. These would be circulated by e-mail to all Members of the Council. The questions and responses are also attached to these minutes.

The meeting commenced at 2.00 pm and concluded at 8.45 pm

Councillor G M Walton (Chairman)
CHAIRMAN

CHESHIRE EAST COUNCIL

Council

| | |
|-------------------------|---|
| Date of Meeting: | 7 May 2013 |
| Report of: | Interim Chief Executive |
| Subject/Title: | Appointment of Chief Executive and Designation of Section 151 Officer |

1.0 Purpose of Report

- 1.1 To seek Council's approval to the recommendation of the Staffing Committee for the appointment of a Chief Executive, including the salary to be paid, and to resolve that the new Chief Executive also be appointed as the Council's Head of Paid Service, as well as its Electoral Registration Officer and Returning Officer. In addition to seek approval that the Interim Chief Operating Officer be formally designated as the Council's statutory Section 151 Officer.

2.0 Recommendation

That Council:

- 2.1 confirms the recommendation of Staffing Committee that Mr Mike Suarez be appointed as Cheshire East Council's Chief Executive and Head of Paid Service, with effect from the earliest possible date to be arranged;
- 2.2 confirms that the salary of the Chief Executive be £150,000 a year, with a performance related payment of up to £10,000 in addition;
- 2.3 appoints Mr Suarez as Electoral Registration Officer pursuant to Section 8 of the Representation of the People Act and Returning Officer, pursuant to Section 35 of that Act, and in respect of referenda and all other electoral matters referred to in this report: and
- 2.4 resolves that Ms Rachel Musson, (Interim Chief Operating Officer), be designated formally as Cheshire East Council's statutory Section 151 Officer.

3.0 Reasons for Recommendations

- 3.1 The appointment of a Chief Executive / Head of Paid Service, of an Electoral Registration Officer and Returning Officer, and the formal designation of a Section 151 Officer must be a resolution of full Council. In addition, changes to posts with salaries above £100,000 a year must be agreed by Council, in accordance with its agreed Pay Policy Statement.

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 posts of Chief Executive and Section 151 Officer are established posts under the Council's staffing structure, and the associated costs of employment to these positions are provided for in the Council's agreed Budget. The level of remuneration recommended for the Chief Executive/Head of Paid Service is lower than that previously paid or this substantive position, and so represents an ongoing saving.

8.0 Legal Implications

8.1 The appointment of Chief Executive as Head of Paid Service is a statutory requirement pursuant to Section 4 of the Local Government & Housing Act 1989, and appointment of the Electoral Registration Officer and Returning Officer is required under the Representation of the People Act 1983. Under section 151 of the Local Government Act 1972 the Council must appoint an officer to have personal responsibility for the administration of the Council's financial affairs. That officer must have the appropriate professional qualification.

9.0 Risk Assessment

9.1 Failure to appoint to the statutory posts in question would contravene the requirements of legislation.

10.0 Background and Options

10.1 Appointment of Chief Executive

10.2 The recruitment process for the post of Chief Executive and Head of Paid Service has been managed by the Staffing Committee and three candidates were considered as part of the final selection process. This involved meetings with local partners and business representatives, meetings with Members of Council, (including Cabinet and a Cross Party Member Group), and a presentation and formal interview with the Staffing Committee. All Members of Council were invited to meet with the candidates on 18 April 2013.

- 10.3 The Staffing Committee has now completed its deliberations and recommends to the Council that Mr Mike Suarez be offered the post of Chief Executive and Head of Paid Service, with effect from the earliest possible date to be arranged.
- 10.4 Mr Suarez is currently employed as Executive Director of Finance & Resources with the London Borough of Lambeth and has responsibility for Revenues & Benefits, Customer Services, Financial Shared Services, Procurement, ICT, Legal & Democratic Services, Internal Audit, Anti-Fraud and Corporate Finance. He has been in this role for 7 years. Mr Suarez is a qualified accountant (CIPFA) and has also undertaken senior Finance roles with Slough Borough Council, Westminster City Council and the London Borough of Southwark. At Slough Borough Council, Mr Suarez was also Deputy Chief Executive.

10.5 Chief Executive Salary

- 10.6 It is recommended that the salary for the post of Chief Executive be £150,000 a year, with a performance related payment of up to £10,000 in addition. Members will recall that the salary for the previous permanent Chief Executive was £173,000, with no performance related element.

10.7 Electoral Matters

- 10.8 It is a statutory requirement that each local authority has an Electoral Registration Officer, pursuant to Section 8 of the Representation of the People Act 1983; and a Returning Officer, pursuant to Section 35 of the 1983 Act.
- 10.9 Council is recommended to formally designate Mr Suarez as the Council's Electoral Registration Officer and Returning Officer. Under this designation, the Returning Officer will be responsible for the proper conduct of all Borough and Parish elections for the wards and parishes of the Borough of Cheshire East, together with all parliamentary elections, European parliamentary elections and any central government and local referenda for the Borough of Cheshire East.
- 10.10 The designations are separate from and additional to the appointment as, and responsibilities of, Chief Executive, in respect of which the individual takes on personal liability for the proper conduct of each aspect of the elections in question.
- 10.11 The person designated as Electoral Registration Officer also has a duty to maintain a register of parliamentary and local government electors.
- 10.12 For each election the scale of fees is set by the Government and the Returning Officer is directly accountable in law to the Government in regards to their electoral duties. For Borough and Parish Council elections, the Returning Officer fee is calculated in accordance with an agreed Scale of Fees. The Scale of Fees is agreed between and used by the four Cheshire Authorities: Cheshire East Borough Council, Cheshire West and Chester Borough Council, Halton Borough Council and Warrington Borough Council.

10.13 Section 151 Officer Designation

10.14 The new post of Chief Operating Officer in the Council's revised management structure is currently subject to a national recruitment process. Ms Rachel Musson has recently been appointed as the Council's Interim Chief Operating Officer. It is requested that Council agree to designate Ms Musson as the Council's Section 151 Officer, a role for which she has the appropriate qualifications and experience.

10.15 Ms Musson is a qualified accountant (ACCA) and has a Masters Degree in Business and Administration. She was previously employed by Shropshire Council as the Corporate Head of Finance and Commerce (and Section 151 Officer), as well as the Chief Finance Officer for Shropshire Fire and Rescue Service, and for the company, West Mercia Energy. Prior to this, Ms Musson held senior finance roles with Birmingham City Council and the Metropolitan Police.

11.0 Access to Information

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

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CHESHIRE EAST COUNCIL

COUNCIL

| | |
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| Date of meeting: | 7th May 2013 |
| Report of: | Head of Governance and Democratic Services |
| Title: | Election of Mayor and Deputy Mayor for the 2013/14 Civic Year |

1.0 Purpose of Report

- 1.1 To consider nominations for the office of Mayor and Deputy Mayor for 2013/14.

2.0 Decision Required

- 2.1 Council is requested to:-

Resolve that Councillor D Flude be designated as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2013/2014, at the Mayor Making ceremony to be held on 15th May 2013.

3.0 Financial Implications

- 3.1 None.

4.0 Legal Implications

- 4.1 The meeting of Annual Council must formally elect the Mayor and appoint a Deputy Mayor.

5.0 Risk Assessment

- 5.1 There are no risks in respect of the recommendations. There is advantage in Council designating Members as Mayor and Deputy Mayor Elect in advance of the Annual Meeting, in order for there to be certainty prior to the beginning of the new civic year.

6.0 Background and Options

- 6.1 This report asks Council to agree which Members will be elected as Mayor and appointed as Deputy Mayor, at the Annual Council meeting. Such a decision will give certainty to the proposed civic office holders and to officers, in making arrangements for the new civic year.

7.0 Reasons for Recommendation

- 7.1 The reasons for the recommendations are to ensure that appropriate arrangements can be made for the Mayor Making ceremony on 15th May 2013 and to agree a process to ensure that matters affecting the Mayoralty can be agreed in a timely manner with appropriate Member input.

For further information:

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Background Documents:

None