

# **Annual Council Meeting and Mayor Making Ceremony Agenda**

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**Date:** Wednesday, 27th May, 2015  
**Time:** 11.00 am  
**Venue:** The Tenants' Hall, Tatton Park, Knutsford WA16 6QN

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

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

1. **Prayers**
2. **Apologies for Absence**
3. **Declarations of Interest**

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

4. **Election of Mayor 2015/16**

To elect a Mayor for 2015/16, who will also act as Chairman of the Council.

5. **Appointment of Deputy Mayor 2015/16**

To appoint a Deputy Mayor for 2015/16, who will also act as Vice-chairman of the Council.

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

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

8. **Mayor's Announcements**

## **Adjournment for Lunch and Reconvening of Meeting at 1.45pm (Approximate timing)**

### **9. Apologies for absence**

To receive any further apologies for absence.

### **10. 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 for the afternoon session of the meeting.

### **11. Minutes of Previous meeting (Pages 1 - 18)**

To approve the minutes of the meeting held on 26 February 2015 as a correct record.

### **12. 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.

### **13. Appointments to the Cabinet/Leader's Announcements**

For the Leader to announce appointments to the Cabinet and to make other announcements.

### **14. Political Representation on the Council's Committees (Pages 19 - 24)**

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

### **15. Appointment of Members to Committees (Pages 25 - 26)**

To receive the political groups' nominations of Members to the Council's Committees, in accordance with item 14 above.

### **16. Appointment of Chairmen and Vice-Chairmen (Pages 27 - 28)**

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

### **17. Appointments to Adoption and Fostering Panel (Pages 29 - 32)**

To approve the appointments to Statutory panels which do not fall within the definition of "a Committee".

### **18. Appointments to the Cheshire Fire Authority, the Cheshire Police and Crime Panel and Burland Parish Council (Pages 33 - 36)**

To make appointments to the Cheshire Fire Authority, the Cheshire Police and Crime Panel and Burland Parish Council.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Thursday, 26th February, 2015 at The Ballroom, Sandbach Town  
Hall, High Street, Sandbach, CW11 1AX

**PRESENT**

Councillor W Fitzgerald (Chairman)  
Councillor H Gaddum (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, G Barton, D Bebbington, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartlidge, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, D Druce, K Edwards, P Edwards, I Faseyi, P Findlow, R Fletcher, D Flude, S Gardiner, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, K Hickson, D Hough, P Hoyland, O Hunter, J Jackson, L Jeuda, M Jones, S Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, B Murphy, D Neilson, D Newton, M Parsons, P Raynes, J Saunders, B Silvester, M Simon, L Smetham, D Stockton, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

**Apologies**

Councillors A Barratt, G Baxendale, S Carter, M A Martin, S McGrory, H Murray, L Roberts, M Sherratt and C G Thorley

**63 PRAYERS**

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

**64 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**65 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes be approved as a correct record.

**66 MAYOR'S ANNOUNCEMENTS**

The Mayor announced:-

1. That since the last meeting of Council, he and the Deputy Mayor had attended over thirty events and details of these events had been circulated around the Chamber.

2. That it had been his honour to represent the Council at the consecration of the Rev Libby Lane as Bishop of Stockport, at York Minster, the first woman to serve as a Bishop in the Church of England.
3. That this was his last meeting of Council as a serving Councillor. He would have the privilege of chairing the start of the Annual Meeting of Council, which would take place after the elections and this would give him the opportunity of formally handing the Mayoral chain of office onto his successor. However, he was very aware that some Members would be standing down and he took the opportunity to formally thank Members for putting their faith in him as Mayor and for the friendship that had been shown to him in his time as a Councillor. It had also been a real privilege to serve the people of Wilmslow and he thanked them for putting their trust in him.

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

Sue Helliwell used public speaking time to express concern regarding the decision to withdraw two reasons for refusal and not to contest the issues at the forthcoming Appeal for a planning decision on a site in Alsager and the potential consequences of this decision with regard to building in the open countryside.

Sylvia Dyke using public speaking time to express concern in respect of the lack of response from officers of the Council to e-mails that she had submitted regarding White Moss Quarry in Alsager. She also raised concerns regarding applications by the site owner to work on Sundays. She also considered that there were other areas of neglect in Alsager and had concerns in respect of any future extension to settlement zones, without an increase in jobs. She considered that investment in jobs appeared to be taking place in the North of the Borough, rather than the South.

The Mayor stated that he had not in any way influenced this matter, but that Mrs Dyke had raised her concerns regarding the White Moss Quarry site, at the last meeting of Cabinet and that officers of the Council were working to provide a response to her concerns.

Mr John Gilbert stated that he wished to address Council regarding an application which was due to be considered by one of the Council's Licensing Committees. The Head of Legal Services and Monitoring Officer advised that it would not be appropriate to raise this matter in advance of its consideration by the Licensing Committee as this may pre determine the members of that Committee and therefore prejudice the decision making process. At the request of the Mayor, the Head of Legal Services and Monitoring Officer left the meeting to explain this advice to Mr John Gilbert.

68 **THE COUNCIL'S MEDIUM TERM FINANCIAL STRATEGY 2015/18**

Consideration was given to the recommendation from Cabinet in respect of the Council's Medium Term Financial Strategy for 2015/16 to 2017/18.

The following key proposals had been included:

- § An additional £6.5m would be spent on improving our highways.
- § Annual spending on Adult Social Care would be increased by over £1m.
- § Council tax was proposed to be frozen for a fifth consecutive year, saving local taxpayers £210 on average per year if inflationary increases had been applied.
- § Net Revenue spending was being reduced by £7.7m to deliver a balanced position in 2015/16.
- § External loans would be reduced by £8.5m.

Appendix A to the Cabinet report summarised the resolutions that Cabinet were requested to recommend to Council.

The Medium Term Financial Strategy Report for the period 2015/16 to 2017/18 was set out at Appendix B.

The Finance Portfolio Holder, Councillor Raynes had indicated at the Cabinet meeting that since the MTFs report and budget had been produced, the Council had received confirmation that it would receive an additional £241,000 as part of the final settlement. It was proposed that the whole amount would be transferred to the Council's emergency assistance earmarked reserve to allow this additional funding to be called on when needed.

Councillor Raynes had also referred to a proposed saving of £100,000 for Home to School Transport which was referred to in the report. This saving had in fact already been achieved by other methods.

The final version of the budget report had been updated to reflect these changes and to correct any minor typographical errors.

Government regulations required the recording in the minutes of how each Member voted on any decision relating to the Budget or Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

**For**

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, G Barton, D Brown, L Brown, J Clowes, H Davenport, S Davies, R Domleo, J P Findlow, W Fitzgerald, H Gaddum, S Gardiner, P Groves, J Hammond, M Hardy, P Hayes, P Hoyland, O Hunter, M Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Marren, P Mason, R Menlove, G Merry, B Moran, P Raynes,

J Saunders, M Simon, L Smetham, D Stockton, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, R West, P Whiteley, S Wilkinson, J Wray

**Against**

D Brickhill, B Burkhill, R Fletcher, D Hough, S Jones, D Neilson, M Parsons, B Silvester.

**Not voting**

D Bebbington, P Butterill, R Cartlidge, S Corcoran, K Edwards, P Edwards, I Faseyi, D Flude, M Grant, A Harewood, K Hickson, S Hogben, J Jackson, L Jeuda, D Mahon, A Moran, B Murphy, D Newton.

The motion was declared carried by 44 votes for, 8 against, with 18 not voting.

**RESOLVED**

That the following be approved:-

1. The Revenue estimates for the 2015/16 budget and the medium term Capital Programme estimates 2015/18, as detailed in the Medium Term Financial Strategy Report 2015/18 (Appendix B), as adjusted for the home to school transport narrative change and minor typographical errors.

B and D Council Tax of £1,216.34 (no change since 2010/11) (Appendix B, Section 2 of the report).

2. The 2015/16 non ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (Appendix B, Annex 7 of the report).
3. The 2015/16 Capital Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (Appendix B, Annex 8 of the report).
4. The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2015/16 funding position are received.
5. The recommended Prudential Indicators for Capital Financing (Appendix B, Annex 10 of the report).
6. The Safeguarding Children and Adults Portfolio Holder to agree any necessary amendment to the 2015/16 Dedicated Schools Grant

(DSG) of £160.6m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2014/15 (Appendix B, Annex 7 of the report).

7. The recommended Reserves Strategy, and the proposals to create an earmarked reserve of £1.0m for planning appeals and staffing restructure, and to make further contributions from general reserves of £0.45m to the Sustainable Investment reserve, and £0.25m to the Insurance and Risk reserve (Appendix B, Annex 12 of the report).
8. That the additional £241,000 received as part of the final settlement be transferred to the Council's emergency assistance earmarked reserve to allow this additional funding to be called on when needed.

Council also recognised that Cabinet had noted: -

1. The Budget Engagement exercise undertaken by the Council, as set out in Appendix B, Annex 2 of the report.
2. The comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix B of the report, Comment from the Chief Operating Officer).
3. The risk assessment detailed in the MTFS Report (Appendix B of the report, Annex 5).
4. That the estimates and profiling contained within the proposed Capital Programme 2015/16 to 2017/18 reflect the scale of ambition and future investment plans of the Council. The programme may vary to take advantage of external funding opportunities, maximise private sector investment, prudential borrowing considerations, operational capacity and to ensure optimal delivery of the overall programme (Appendix B of the report, Annex 11).
5. That projects will be robustly governed through the Executive Monitoring Board. The Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (Appendix B of the report, Annex 11).

**69 RECOMMENDATION FROM CABINET - TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION POLICY STATEMENT 2015-16**

Consideration was given to the recommendation from Cabinet relating to the Treasury Management Strategy and the MRP Statement for 2015/16.

Strong financial management had strengthened the Council's balance sheet, enabling the Council to continue its policy of utilising investment balances instead of taking out new external borrowing in order to finance capital expenditure. The Council remained committed to delivering appropriate levels of capital investment to support service improvement and local economic growth.

The key elements of the strategy were set out in paragraph 1.6 of the Cabinet report. The strategy itself was set out at Appendix A of the report and had also received consideration by the Audit and Governance Committee.

The Finance Portfolio Holder, Councillor Raynes, had advised that the Council had been able to pay back debt and had made an adjustment to its investment strategy in order to reduce exposure to risk.

### **RESOLVED**

That the Treasury Management Strategy and MRP Statement for 2015/16 as set out in Appendix A to the Cabinet report be approved.

## **70 COUNCIL TAX 2015/16 STATUTORY RESOLUTION**

Consideration was given to a report relating to the setting of the Council Tax for 2015/16. 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
- Town & Parish Council precepts
- Police & Crime Commissioner for Cheshire precept
- Cheshire Fire Authority precept

As referred to in minute 68 Government regulations required the recording in the minutes of how each Member voted on any decision relating to the Budget or Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

### **For**

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, G Barton, D Bebbington, D Brown, J Clowes, S Corcoran, H Davenport, S Davies, R Domleo, K Edwards, I Faseyi, J P Findlow, W Fitzgerald, D Flude, H Gaddum, S Gardiner, M Grant, P Groves, J Hammond, A Harewood, P Hayes, K Hickson, S Hogben, P Hoyland, O Hunter, J Jackson, L Jeuda, M Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren,



A Martin, P Mason, R Menlove, G Merry, B Moran, D Newton, P Raynes, J Saunders, M Simon, L Smetham, D Stockton, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, R West, P Whiteley, J Wray

**Against**

D Brickhill, B Burkhill, B Murphy, B Silvester

**Not voting**

L Brown, P Butterill, R Cartlidge, P Edwards, R Fletcher, M Hardy, D Hough, S Jones, A Moran, D Neilson, M Parsons

The motion was declared carried by 55 votes for, 4 against, with 11 not voting.

**RESOLVED**

That the Council Tax for Cheshire East Council for the financial year 2015/16 be set at £1,216.34, in accordance with the formal resolutions as shown in section 18 of the report, as follows:-

**Formal Resolution**

That it be noted that on 11<sup>th</sup> December 2014 the Council calculated the Council Tax base 2015/16

(a) for the whole Council area as 138,764.49.

(b) for individual parishes, as in Appendix A.

Calculated that the Council Tax requirement for the Council's own purposes for 2015/16 (excluding Parish precepts) is £168,784,797.

That the following amounts be calculated for the year 2015/16 in accordance with Sections 31 to 36 of the Act:

- |                 |   |
|-----------------|---|
| a. £662,844,028 | 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. £488,551,528 | being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.  |
| c. £174,292,500 | being the amount by which the aggregate at 18.3(a) above exceeds the aggregate at 18.3(b) above, calculated by the Council, in accordance with Section 31A(4) of the                |

Act as its Council Tax requirement for the year.

d. £1,256.03

being the amount at 18.3(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. £5,507,703

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 18.3(d) above less the result given by dividing the amount at 18.3(e) above by the amount at 18.1(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.

Annex 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.

Annex 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 Annex 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 area).

i.

Annex 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. Annex 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 area).

To note 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.

It was accepted that the Cheshire East Council's basic amount of Council tax for 2015/16 was not excessive, in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

2. That a precept levy of £575,640 be set for Macclesfield Parish Council.

## 71 LEADER'S ANNOUNCEMENTS

The Leader announced :-

1. That, following on from approval of the budget, the Council would be bringing forward a number of strategic documents, including "Giving the Best Start in Life-Every Child Matters", which would be sent to all school heads, the "Adult Social Care: Our Plan for all our futures" and "Helping Everyone Achieve the Best Health-Today" a strategic document, which had been produced in line with the Care Act.
2. That the Council was making a £2m commitment to improving mental health and wellbeing across Cheshire East.

3. That the Council had introduced a direct fuel offer for its residents with its partner OVO based in Crewe, which would seek to provide cheaper energy for local people.
4. That the Council would be putting out a strategic document entitled "Where Rural Communities Matters" within the next few weeks
5. That the Council would be issuing a document, for submission to the Secretary of State, that would support neighbourhood Plans.
6. That he would be recommending to Civic Sub Committee that some of the Council's most experienced and respected Councillors, who would be standing down from the Council in May, be made Freeman of the Borough.
7. That he would be writing to the secretary of State with a view to restricting unsustainable development in Alsager.
8. That the Council was working with Key multi national companies in the Borough to facilitate major growth plans including Assurant Solutions in Crewe aiming to increase head count by 600 new jobs; HPLP in Nantwich; a company from Australia, who would be working with Silk Heritage, creating new jobs in Macclesfield; Astra Zeneca, Macclesfield and companies who would be located at Alderley Park.
9. That he would be withdrawing his name from the nominations for the LGiU Leader of the Year award.

**At this point the meeting was adjourned for 35 minutes and reconvened at 1.55pm.**

**72 RECOMMENDATION FROM CABINET - PAY POLICY STATEMENT 2015/16**

(The Mayor reported to Council that officers present at the meeting had an interest in matters in respect of the Pay Policy Statement. It was agreed that they should be allowed to remain in the meeting during consideration of this item).

Consideration was given to the recommendation from Cabinet relating to the Pay Policy Statement for 2015/16.

The Statement, which reflected the position as at 1<sup>st</sup> April 2015, was attached at Appendix 1 to the Cabinet report. Key changes since the previous year's Statement were outlined in Section 11 of the summary report.

**AMENDMENT**

An amendment to refer paragraphs 3.2, 3.3 and 9 of the Pay Policy Statement back to Cabinet and the Staffing Committee was declared lost.

**RESOLVED**

That the Pay Policy Statement for 2015/16 be approved for adoption on 1<sup>st</sup> April 2015.

**73 NOTICES OF MOTION**

The Head of Legal and Monitoring Officer made a statement regarding decision making in respect of the decision concerning the Waste Transformation Project, at Lyme Green, Macclesfield as follows:-

“Cabinet on 14 March 2011 approved the Waste Transformation Project. On 14 September 2011 a delegated decision was taken by an officer to waive the requirement for an additional tendering exercise before awarding the interim recycling contract at a value of £240,000. On 4 October 2011 a further delegated decision was taken by an officer to approve the main contract for works. Cllr Michael Jones assumed responsibility as Finance Portfolio Holder on 01 September 2011 and did not take any of the decisions I have set out”.

**Consideration was given to the following Notices of Motion:-**

**Motion of No Confidence**

**Proposed by Councillor D Newton and Seconded by Councillor S Corcoran**

This Council has no confidence in its Leader.

**AMENDMENT**

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

“We are greatly disappointed that the Labour group resort to dubious and personal attacks as opposed to serious debate on issues that affect our residents and retain full confidence in the Leader”.

**RESOLVED**

That the motion, as amended, be accepted.

**2 Farewell**

**Proposed by Councillor S Corcoran**

This Council bids you farewell.

**RESOLVED**

That the motion be accepted.

**3     Party Political Communications**

**Proposed by Councillor R Cartlidge and seconded by Cllr B Murphy.**

Following the recent controversial incident of party-political twittering, this Council

1. deplores the involvement of council officials in party political communications *of any kind*,
2. welcomes the Chief Executive's commitment to appropriate disciplinary measures to ensure a "zero tolerance" policy for the future
3. looks forward to the early publication of a protocol in this respect,
4. requests that a thorough and comprehensive review of the communications function in all respects be undertaken at the earliest opportunity.

**RESOLVED**

That the motion stand referred to Cabinet.

**4     Confidentiality Agreements**

**Proposed by Councillor A Moran and Seconded by Councillor B Murphy**

Subject to statutory and common law requirements and what can be deemed "good and fair practice in relation to innocent third parties", this Council calls for an outright ban on Confidentiality Agreements (aka compromise/non-disclosure/gagging agreements), particularly in relation to financial payments by the Council. In the interests of transparency, honesty and public accountability, the Council requests the Cabinet to produce a protocol or policy document for this Council's approval.

**RESOLVED**

That the motion stand referred to Cabinet.

**5     Incentive Payments**

**Proposed by Councillor B Murphy and Seconded by Councillor A Moran**

This Council recognises that the successful delivery of its services depends on the team effort of every single employee and therefore calls

for the immediate suspension of any performance related pay or bonus scheme that is not available to every single employee.

**RESOLVED**

That the motion stand referred to Cabinet.

**6      Planning Policy on Method Statements**

**Proposed by Councillor B Murphy and Seconded by Councillor M Parsons**

The Council requests the production of a planning protocol to ensure Method Statements entailed in Planning Applications contain a “neighbourhood impact appraisal” and that the Statement should be submitted to affected ward members at pre-application discussion stage when applicable.

**RESOLVED**

That the motion stand referred to Cabinet.

**NOTED** - The following motion was withdrawn by the proposer.

**7      Provision of I-Pads and/or Similar Equipment for Councillors**

**Proposed by Councillor B Murphy and Seconded by Councillor L Roberts**

In view of the arbitrary distribution of I-Pads and similar equipment, such equipment as from the date of the motion being approved shall no longer be made available to Members except for those Members who agree to pay for the cost of the equipment. This policy shall apply to current holders of such equipment if they are re-elected to the Council on 7 May 2015.

**8      Planning**

**Proposed by Councillor J Jackson and Seconded by Councillor S Hogben**

This Council fully supports the practical introduction of Neighbourhood Plans for identifiable communities in Cheshire East. Given the perceived weakness of current, extant Borough Plans and the lack of an established new Cheshire East Local Plan, Council recognises that fully endorsed and adopted Neighbourhood Plans offer some appropriate guidance and protection in relation to the development of local communities.

The Council will therefore:

- a. continue to support the current programme of supported Neighbourhood Planning;

- b. invite further interest from local communities in pursuing Neighbourhood Plans on an annual basis;
- c. set up, in accordance with available resources, a rolling programme of supported Neighbourhood Planning;
- d. continue with this rolling programme after the Cheshire East Local Plan is adopted and in place.

**RESOLVED**

That the motion stand referred to Cabinet.

**9      Local Democracy**

**Proposed by Councillor K Edwards and Seconded by Councillor D Newton**

This Council recognises the value of local councils throughout Cheshire East. It wishes to work in partnership with them on a continuous basis to improve the well-being of local residents, the prosperity of local businesses, and to enhance the quality of the visitor welcome throughout the borough.

In particular, this Council recognises the strong programme of support for local democracy through:

- a. welcoming the establishment of new local councils for Crewe, Handforth, Styal, and Wilmslow;
- b. welcoming the forthcoming establishment of a local council for Macclesfield;
- c. supporting the work of the National association of Local Councils, through partnership with Cheshire Association of Local Councils;
- d. looking every opportunity to work positively with local councils to attract external resources, including grants, to improve the quality of life for local residents.

**RESOLVED**

That the motion stand referred to Cabinet.

**10     Transition to Work**

**Proposed by Councillor K Edwards and seconded by Cllr L Jeuda**

Cheshire East Council is committed to encouraging economic growth for the area in general, and to offer opportunities to residents for gainful employment.

The Council will therefore:



- a. ensure that the local living wage is paid as a minimum throughout all the companies where it has overall control;
- b. encourage, through contractual arrangements, the local living wage as a minimum by those companies from which it procures services and materials;
- c. encourage the location of highly skilled and well paid jobs in Cheshire East;
- d. provide and encourage a full range of apprenticeship schemes throughout the Borough, and throughout those companies with which it has contractual arrangements;
- e. provide and encourage high level training courses to ensure that school and college leavers have the best opportunities available;
- f. target young people who are not likely to be in education, training or employment when they leave school.

**RESOLVED**

That the motion stand referred to Cabinet.

**11     OFSTED**

**Submitted by Councillor D Flude and seconded by Cllr I Faseyi**

This Council calls on the Secretary State for Education to mandate Ofsted that it will inform this and other Boroughs Nationally when private, not for profit or charitable residential homes for children and young people are opened in a Borough, thus informing that Borough that there are Children or Young people residing in that Borough who were not residents of that Borough before their placement.

**RESOLVED**

That the motion stand referred to Cabinet.

**12     Affordable Housing in Cheshire East**

**Proposed by Councillor L Jeuda and Seconded by Councillor M Grant**

Cheshire East will resist the Government's recent policy of allowing property developers to 'opt out' of providing affordable homes when submitting planning applications.

**RESOLVED**

That the motion stand referred to Cabinet.

Consideration was given to the recommendation from the Constitution Committee regarding approval of the draft calendar of meetings for 2015/16.

During consideration of the draft Calendar by the Constitution Committee, Members had expressed concern that meetings of the Northern and Southern Planning Committees often went on into the evening and the Committee, therefore, recommended that meetings of the Northern and Southern Planning Committees commence at 10.00 am, with a break for lunch at 1.00 pm as required.

#### **RESOLVED**

That the draft Calendar of Public Meetings for Cheshire East Council 2015 - 2016 be approved, subject to an amendment in respect of the start time of meetings of the Northern and Southern Planning Committees, so that they commence at 10.00 am, with a break for lunch at 1.00 pm as required.

#### **75 RECOMMENDATION FROM CONSTITUTION COMMITTEE - ANTISOCIAL BEHAVIOUR, POLICE AND CRIME ACT 2014**

Consideration was given to the recommendation from the Constitution Committee regarding the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014.

The report to the Constitution Committee, which was also submitted to Council, proposed amendments to the officer scheme of delegation to enable enforcement powers under the Act to be exercised. The amendments were set out in Appendix 2 of the report.

The Committee had also recommended that Council be provided with a list of the specific actions that officers would be able to take under the delegation and these were set out in Appendix 3 of the report.

#### **RESOLVED**

That the proposed changes to the Council's Scheme of Officer Delegation as set out in Appendix 2 of the report be approved.

#### **76 QUESTIONS**

Members asked the following questions:-

Cllr Gardiner, in respect of contributions to secondary education from developers submitting planning applications – The Safeguarding Children and Adults Portfolio Holder, Cllr Rachel Bailey responded.

Cllr Hammond, in respect of neighbourhood planning in Cheshire East – The Housing and Jobs Portfolio Holder, Cllr D Stockton, responded.

Cllr Mason, in respect of devolvment of the health budget from Manchester to Cheshire East - The Care and Health in the Community Portfolio Holder, Cllr J Clowes, responded.

Cllr Hunter, in respect of the Older People action Group, in Crewe – The Care and Health in the Community Portfolio Holder, Cllr J Clowes, responded.

Cllr Merry, in respect of the recent Portfolio Holder decision concerning car parking charges in Crewe, under the Car Parking Consolidation Order 2015 – Cllr D Topping, the Service Commissioning Portfolio Holder, responded to say that this matter had been called in for consideration by the relevant Scrutiny Committee and it would not, therefore, be appropriate for him to comment at this stage .

Cllr Neilson, in respect of what the Leader of the Council was doing to protect Cheshire East services, in view of the closer working with the Manchester Authorities and devolvment of the NHS budget to Manchester – The Deputy Leader and Strategic Outcomes Portfolio Holder, Cllr D Brown responded.

Cllr A Moran, in respect of disruption caused by the amount of highway works in Nantwich- The Service Commissioning Portfolio Holder, Cllr D Topping responded.

Cllr K Edwards, in respect of the budget for neighbourhood planning – The Housing and Jobs Portfolio Holder, Cllr D Stockton and the Finance Portfolio Holder P Raynes responded.

The meeting commenced at 10.00 am and concluded at 4.25 pm

Councillor W Fitzgerald (Chairman)

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# CHESHIRE EAST COUNCIL

## Council

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**Date of Meeting:** 27 May 2015

**Report of:** Head of Governance and Democratic Services

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

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### 1.0 Purpose of Report

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

### 2.0 Decision Required

- 2.1 That the political group representation, as set out in Appendix 1 to this Report and the methods, calculations and conventions used in determining this, as outlined in the report be adopted, and allocations of places to Committees be approved.

### 3.0 Legal Implications

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

3.2.4 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.

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

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

#### 4.0 Risk Assessment

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

#### 5.0 Local Government (Committee and Political Groups) Regulations 1990.

5.1 Appendix 1 to this report sets out the proposed political representation on ordinary committees and sub committees, based on the political structure of the Council as a whole. The following is the basis of the approach adopted:

Conservatives	53	64.63%
Labour	16	19.51%
Independent Group	11	13.41%
Liberal Democrat	2	2.43%
TOTAL	82	100%

5.2 The proportionalities in Appendix 1 have been arrived at by the following methods and conventions:

- § applying the relevant percentage to each body;
- § rounding up from 0.5 and above and rounding down below 0.5

5.3 The Act provides that where this results in a Group having a total of more or fewer actual seats than its proportional entitlement, any surplus seats are re-allocated to ensure that the final actual allocation to each Group equals the proportional entitlement. Appendix 1 shows the proposed allocation of seats taking into account the actual allocation following consultation with the Group Whips.

5.4 Whilst the total number of seats overall must be politically proportionate to comply with the above legislation, at the time of writing this report the allocations require the following adjustments. One seat is required to be transferred from the Conservative Group; and four seats from the Labour Group, all to the Liberal Democrat Group. It is upon this figure that agreement is sought.

- 5.5 The proportionality rules only apply to those bodies listed in appendix 1. The bodies not subject to proportionality rules are, therefore, excluded from the proportionality calculation, but are included in the Committee membership appendix at item 15, for information purposes only.

**6. Reasons for Recommendations**

- 6.1 To determine political representation on the Council's committees and to receive the Groups nominations to the different bodies referred to in the report.

## **7.0 Access to Information**

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

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**APPENDIX 1****(Updated 18.5.2015)****CHESHIRE EAST COUNCIL - POLITICAL PROPORTIONALITIES ON ALL BODIES  
(other than those to be appointed on an ad-hoc basis) C=Chair VC=Vice-Chair****Based upon the following:****Con:53; Lab:16; Ind:11; Lib Dem:2**

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>Ind</b>	<b>Lib Dem</b>	<b>Total</b>
Corporate Overview and Scrutiny	12	4	2	0	18
Communities Overview and Scrutiny	5	2	1	0	8
New Delivery vehicles and Environment Overview and Scrutiny	5	2	1	0	8
Children and Families Overview and Scrutiny	5	2	1	0	8
Health and Adult Social Care Overview and Scrutiny	5	2	1	0	8
Jobs Regeneration and Assets Overview and Scrutiny	5	2	1	0	8
Audit and Governance Committee	7	2	1	0	10
Constitution	9	3	2	0	14
Strategic Planning Board	10	3	2	0	15

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>Ind</b>	<b>Lib Dem</b>	<b>Total</b>
Northern Planning Committee	10	3	2	0	15
Southern Planning Committee	10	3	2	0	15
Public Rights of Way	5	1	1	0	7
Licensing Committee	10	3	2	0	15
Staffing	5	2	1	0	8
Lay Members Appointments	3	1	1	0	5
Local Authority School Governor Appointments Panel	3	1	1	0	5
Civic Sub Committee	5	2	1	0	8
Community Governance Review Sub Committee	4	1	1	0	6
Outside Organisations Sub Committee	4	1	1	0	6
<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>Ind</b>	<b>Lib Dem</b>	<b>Total</b>
Total Places allocated	122	40	25	0	187
Total places available					<b>187</b>
Proportional Entitlement	<b>121</b> <b>(120.86)</b> <b>(64.63%)</b>	<b>36</b> <b>(36.48)</b> <b>(19.51%)</b>	<b>25</b> <b>(25.08)</b> <b>(13.41%)</b>	<b>5</b> <b>(4.54)</b> <b>(2.43%)</b>	<b>187</b> <b>(100%)</b>
Difference*	<b>(+1)</b>	<b>(+4)</b>	<b>(0)</b>	<b>(-5)</b>	<b>(0)</b>

**\*Note : In order to achieve political proportionality, the above allocations require the transfer of one seat from the Conservative Group; and four seats from the Labour Group, all to the Liberal Democrat Group.**

## CHESHIRE EAST COUNCIL

### COUNCIL

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<b>Date of Meeting:</b>	27 May 2015
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Subject/Title:</b>	Appointments of Members to Committees

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#### **1.0 Report Summary**

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

#### **2.0 Recommendations**

- 2.1 That the nominations made by the Group Leaders, to be circulated at the meeting, to the bodies listed in Appendix 1 of the previous agenda item be noted and agreed.
- 2.2 That the Committees set out in Appendix 1 to this report, to be tabled at the meeting, be approved.

#### **3.0 Reason for Recommendations**

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

#### **4.0 Legal Implications**

- 4.1 The previous report on the agenda dealt with the requirements of the Local Government (Committees and Political Groups) Regulations 1990, in respect of the political group representation on the Authority's committees.
- 4.2 The Annual Meeting of Council is responsible for approving the Council's decision-making structures and the number of seats to be allocated on each body.
- 4.3 The 1990 Regulations require political Group Leaders to notify the Proper Officer of the Group's nominations to the bodies in question.

#### **5.0 Risk Assessment**

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

**6.0 Appointments to Committees under the Council's Political Structure for the Municipal Year 2015/16**

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

**7.0 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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<b>Date of Meeting:</b>	27 May 2014
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Subject/Title:</b>	Appointment of Chairmen and Vice Chairmen

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#### **1.0 Report Summary**

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

#### **2.0 Recommendation**

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

#### **3.0 Reason for Recommendation**

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

#### **4.0 Legal Implications**

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

#### **5.0 Risk Assessment**

- 5.1 Failure to comply with the requirements of the Constitution would leave the Council open to legal challenge,

#### **6.0 Appointment of Chairman and Vice Chairmen under the Council's Political Structure for the Municipal Year 2015/16**

- 6.1 Council, at its Annual Meeting, is required to appoint its decision-making and other bodies. Council will receive notice of the Political Groups nominations in respect of the memberships of each of the bodies in question. Council is required to appoint the Chairman and Vice Chairman for each of these bodies.
- 6.2 Nominations have been invited and a schedule of proposed Chairmen and Vice Chairmen will be published before the meeting. Alternatively the proposals will be circulated at the meeting. This schedule will indicate "C" for Chairman and "VC" for Vice Chairman.

## **7.0 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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<b>Date of Meeting:</b>	27 May 2015
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Subject/Title:</b>	Appointments to Adoption Panel and Fostering Panel

---

#### 1.0 Report Summary

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

#### 2.0 Recommendations

- 2.1 Council is asked to appoint –
- (a) one Councillor to the Adoption Panel; and
  - (b) one Councillor to the Fostering Panel.

#### 3.0 Reasons for Recommendations

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

#### 4.0 Background and Options

- 4.1 As there are some organisations which do not fall within the category of being “outside organisations”, the members of which being appointed by other means, the Council needs to make such appointments as part of the annual Committee appointment process. The organisations are Statutory Panels which do not fall within the definition of “Committee”. These are:-

- Adoption Panel
- Fostering Panel

#### 4.2 Adoption Panel

The Panel considers the suitability of anyone who applies to become an adopter, and whether or not to recommend that they are suitable to adopt; and also considers the placement of any child with a particular adopter. The elected Member is a full member of the Panel. Under the performance objectives of the Panel, each member is asked to attend 75% of the meetings, which are held monthly, and in addition is asked to attend any training events and induction events that are held at least annually, and undergo an annual appraisal.

The role of the Adoption Panel and the appointment of elected Members are governed by the Adoption Agency Regulations 2005 and the Adoption Agencies and Independent Review of Determinations (amendments) 2011, Adoption and Children Act 2002.

The Adoption Panel is made up of a central list and comprises of the following:-

- Chair
- Medical Advisor
- Agency Members
- Social Workers (2)
- Elected Members (1)
- Independent Members (3)
- Additional Members (2)

Councillor A Harewood served on the Adoption Panel during the 2014/15 municipal year.

#### 4.3 Fostering Panel

The establishment of fostering panels is laid down by the Fostering service (England) Regulations 2011. Regulation 23(1) requires the fostering service to provide a central list of persons considered to be suitable members of the panel, similar to that of the Adoption Panel.

The fostering panel makes timely and appropriate recommendations in line with the overriding objective to promote the welfare of children in foster care. The Panel considers and advises on the suitability of persons who apply to be foster carers for children who are “cared for” by the local authority. It states what its recommendations are in respect of a particular child or children and clarifies whether the prospective carers matching considerations are to be for certain ages or categories of children.

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

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

Councillor G Merry served on the Fostering Panel during the 2014/15 year municipal year.

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



## **5.0 Access to Information**

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

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## CHESHIRE EAST COUNCIL

### COUNCIL

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<b>Date of Meeting:</b>	27 May 2015
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Subject/Title:</b>	Appointments to Cheshire Fire Authority, the Cheshire Police and Crime Panel and Burland Parish Council.

---

#### **1.0 Report Summary**

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

#### **2.0 Recommendations**

- 2.1 Council is asked to appoint: –
- (a) Three Councillors and a nominated substitute to the Cheshire Police and Crime Panel;
  - (b) Eight Councillors to Cheshire Fire Authority;
  - (c) Councillor S Davies to Burland Parish Council, until such time as the Parish Council has successfully co-opted one or more additional members.

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

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

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

##### **Cheshire Police and Crime Panel**

- 4.1 In accordance with the Police Reform and Social Responsibility Act 2011 arrangements were made for the election of a Police Commissioner to replace the Cheshire Police Authority in November 2012.
- 4.2 Section 28 of the Act required each Police area to establish a Police and Crime Panel.
- 4.3 The Cheshire Police and Crime Panel comprises 10 Councillors appointed by the constituent Councils and the allocation of seats to Cheshire East Council is 3. The Council is also requested to nominate a substitute Member.

- 4.4 The members for the 2014/15 municipal year were Councillors H Murray and P Findlow and former Councillor L Brown, with Councillor G Walton as nominated substitute.

#### **Cheshire Fire Authority**

- 4.5 The Fire Authority is the Combined Fire Authority of Cheshire West and Chester, Cheshire East, Halton and Warrington Councils and it has a membership of 23:-

Halton - 3 Members

Warrington - 5 Members

Cheshire West and Chester - 7 Members

Cheshire East - 8 Members

- 4.6 The members for the 2014/15 municipal year were Councillors M Simon, J Weatherill, G Merry, D Flude and former Councillors D Brickhill, W Livesley, C Thorley and D Topping.

#### **Vacancy in the Office of Parish Councillor – Burland Parish Council**

- 4.7 Burland Parish Council has nine seats, but has received only two nominations. The quorum for the Council is three. Therefore, the Parish Council cannot make decisions at this time.
- 4.8 It is understood that a third individual has expressed the wish to be co-opted onto the Parish Council but in order for the Parish Council to approve the co-option it would have to be quorate. The annual parish council meeting at which the co-option would be approved is scheduled to be held on 1<sup>st</sup> June 2015.
- 4.9 Section 91 of the Local Government Act 1972 provides that where there are so many vacancies on a parish council that it is unable to act, the Borough Council may by order appoint persons to fill all or any of the vacancies until other councillors can be elected or co-opted to the parish council. It is the normal practice for such appointments to be made from among the local Borough ward councillors for the area covered by the parish. Burland parish is situated wholly within the Borough ward of Wrenbury. The Borough Councillor for that ward is Councillor S Davies.
- 4.10 It is, therefore, recommended that Councillor S Davies be appointed to Burland Parish Council, until such time as the Parish Council has successfully co-opted one or more additional members, thereby making it quorate.

#### **5.0 Access to Information**

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

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