

Annual Council Meeting and Mayor Making Ceremony

Agenda

Date: Wednesday, 11th May, 2016
Time: 10.30 am
Venue: The Tenants' Hall, Tatton Park, Knutsford, WA16 6QN

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**

To receive apologies for absence.

3. **Declarations of Interest**

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

4. **Election of Mayor 2016/17**

To elect a Mayor for 2016/17, who will also act as Chairman of the Council.

5. **Appointment of Deputy Mayor 2016/17**

To appointment a Deputy Mayor for 2016/17, who will also act as Vice-chairman of the Council.

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

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

8. **Mayor's Announcements**

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

9. **Adjournment of meeting until approximately 2pm, in order for a Special Meeting of the Council to take place, to appoint Honorary Aldermen and Freeman, which will then be followed by lunch**

Reconvening of Meeting

10. **Apologies for absence**

To receive any further apologies for absence.

11. **Declarations of Interest**

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

12. **Minutes of Previous Meeting** (Pages 1 - 34)

To approve the minutes of the meeting held on 25 and 26 February 2016 as a correct record.

13. **Leader's Announcements**

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

14. **Political Representation on the Council's Committees** (Pages 35 - 40)

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

15. **Appointment of Members to Committees** (Pages 41 - 42)

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 43 - 44)

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

17. **Appointments to the Adoption and Fostering Panel** (Pages 45 - 48)

To approve the appointments to statutory panels.

18. **Appointments to the Cheshire Fire Authority and the Cheshire Police and Crime Panel** (Pages 49 - 50)

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

19. **Recommendation from Cabinet - ELENA Technical Assistance Funding** (Pages 51 - 64)

To consider the recommendation from Cabinet.

20. **Extension to the Appointment of Two Independent Persons** (Pages 65 - 68)

To extend the term of office of eligible Independent Persons currently appointed to work with the Monitoring Officer and the Audit and Governance Committee on standards matters, from 30 June 2016 until 31 August 2016, or until the earlier appointment of successor Independent Persons.

This page is intentionally left blank

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

held on Thursday, 25th February, 2016 at Crewe Alexandra Football Club, Gresty Road, Crewe, CW2 6EB

PRESENT

Councillor H Gaddum (Mayor/Chairman)

Councillor O Hunter (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, Baggott, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, S Carter, C Chapman, J Clowes, S Corcoran, H Davenport, W S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, I Faseyi, JP Findlow, R Fletcher, T Fox, D Flude, S Gardiner, S Gardner, M Grant, P Groves, J Hammond, M Hardy, A Harewood, G Hayes, S Hogben, D Hough, J Jackson, L Jeuda, M Jones, A Kolker, J Macrae, D Mahon, N Mannion, D Marren, A Martin, R Menlove, G Merry, A Moran, B Moran, H Murray, D Newton, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, A Stott, G Wait, B Walmsley, G M Walton, L Wardlaw, M Warren, M J Weatherill, H Wells-Bradshaw, G Williams and J Wray

64 PRAYERS

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

65 APOLOGIES FOR ABSENCE

Apologies were received from Councillors L Gilbert, G Hayes (morning only), S McGrory, L Smetham and J Weston.

66 DECLARATIONS OF INTEREST

The Mayor noted that Members have those property interests within the administrative area of the Council as recorded in the Register of Interests.

The Mayor also noted that Members may:

- be a Member of a Town or Parish Council
- be a School Governor
- be a member of an external organisation or amenity group
- be a Director of a Council owned company
- be appointed by the Council to a role in an external organisation
- have previously expressed a view on the preparation of the Local Plan
- been involved in decisions about land in their role as a Member of the Council, or in any of their "wider public life" roles;

but that none of these matters are disclosable pecuniary interests, or automatically preclude Members from participating in the business of the meeting.

The Mayor then invited Members to declare to the meeting if they had a disclosable pecuniary interest (or any other interest); and/or if they felt they were unable to approach the debate and vote on any item on the agenda with an open mind.

The following declaration were made:-

It was noted that the Deputy Mayor would declare a pecuniary interest in respect of item 7, Election of Mayor and Deputy Mayor for the 2016/17 Civic year and would leave the Chamber during its consideration.

Councillor C Browne declared an interest in item 13 of the agenda, as his wife was an employee of Cheshire East Council.

Councillor B Dooley declared that she had a disclosable pecuniary interest in Item 21 of the agenda, relating to the Local Plan and would be submitting her apologies for the reconvened meeting on the 26 February when this item would be considered.

Councillor Rachel Bailey referred to a public question which was to be raised under item 6 of the agenda relating to dairy farming and declared that she was a partner in a dairy farm and would, therefore, make no comment and would not be involved in any response to the question.

The Mayor informed the meeting that, as had been her practice in the past, she was not minded to vote on any matter unless a casting vote was required.

67 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 17 December 2015 be approved as a correct record.

68 **MAYOR'S ANNOUNCEMENTS**

The Mayor:-

- 1 Reported, with great sadness the recent untimely death of a well-known and highly respected officer of the Council, Jon Robinson. Jon had a key role in a most important function of the Council: Internal Audit, and had been involved in some very important Audit-related matters. Jon had recently been recognised for 25 years' service in his local government career and he would be greatly missed. She had attended Jon's funeral, which had been very touching. Council stood to observe a minute's silence in his memory.

- 2 Warmly welcomed Councillor Geoff Baggott, the recently elected Councillor for the Congleton East Ward.
- 3 Informed Members that a list of all the Mayoral engagements which she and the Deputy Mayor had attended since the last Council meeting had been circulated around the Chamber.
- 4 Informed Members that the Mayor's Charity Lunch would be held at the Swettenham Arms on Sunday 17th April, and invitations for this would be sent out very soon. She hoped that this event would be well supported by Council Members.
- 5 Noted that Caroline Simpson, Executive Director Economic Growth and Prosperity, would be leaving the Council before the next Council meeting. The Mayor thanked Caroline for all the work that she had done for Cheshire East over the past years and wished her well in her new position at Stockport Council.

69 PUBLIC SPEAKING TIME FOR THE ITEMS TO BE CONSIDERED ON 25 FEBRUARY 2016

Ms Jane Smith used public speaking time to address Council regarding badger culling and bovine TB and asked what Cheshire East Council's stance was on allowing the culling of badgers on its land.

Cllr Sam Gardner, Cabinet Member for Open Spaces, thanked Ms Smith for raising this issue and responded as follows that Cheshire East Council was aware that parts of Cheshire East were defined by Natural England/Defra as 'high risk' or 'edge of high risk' in terms of bovine TB. A range of measures were already in place for private landowners and, if appropriate, for Cheshire East Council, which was a landowner with tenant farmers. These measures included robust biosecurity and vaccination, measures which the Council had itself undertaken on its own land.

Cheshire East would keep this matter under review, taking full account of the relevant science and research. No cull had yet been authorised in Cheshire East and in the meantime the Council would continue to work with farmers, community groups and the TB eradication group to raise awareness and share best practice around bio-security and farm management.

Mr Bob Jackson used public speaking time to ask the following question:-

"I would like to highlight the current state of domestic rubbish tipping on the pavements in Crewe and the state of the alleys where people dump mattresses, fridges, furniture and bags of rubbish.

This is causing considerable distress to residents, especially the elderly, and is creating the impression of Crewe being a filthy, neglected and uncivilized town.

This has been going on for years and the Council has adopted a coping strategy where people know that if they dump any rubbish on the street it will be collected within a couple of days. There are a few who now treat this as the norm and socially acceptable.

It is not.

Crewe is in desperate need of a dedicated warden to investigate who is responsible and then to educate or actually prosecute when they are identified.

There is not a short term fix because education is not just for our generation but for the next.

I would like to ask why there is an apparent reluctance of Cheshire East Council to do anything to resolve this situation. "

Cllr Glen Williams, Deputy Cabinet Member for Communities, responded, as follows:-

"The issue of increased fly-tipping and side waste incidents in Crewe has been raised by local elected Members. The Council is committed to dealing with fly-tipping and side waste, and has a two pronged approach based around collection and enforcement.

Collection - Ansa clear away any side waste and fly-tipping that is reported to them through the call centre. The resource currently devoted to this operation, in the south of the borough, is a pick-up vehicle and two operatives full time to deal with the worst affected streets in Crewe. This team not only collect fly-tipped rubbish/side waste but also visit known hot spots on a regular basis.

Enforcement - The community wardens will attend incidents of fly-tipping, side waste and littering to determine if there is any evidence that might lead to enforcement action being taken. This could be via a Fixed Penalty Notice (FPN) or prosecution through the courts.

During 2015, we saw a monthly increase in the number of fly-tipping incidents. The average number of incidents per month during the 2nd half of 2015 was 220, compared to 146 for the same period in 2014. The highest number of reports was in January 2016, when we have over 300 incidents reported. 85% of all reported incidents are in the south of the borough and predominantly in Crewe. Based on this evidence and the concerns reported by local elected Members in Crewe, as part of the Council's budget making process for next year, we have committed an additional £75,000 to address this issue. The resources will be focused on three areas of work towards reducing fly tipping and side waste within Crewe. Ansa will continue to collect any waste but the community wardens will be involved with:

- a) Education – employ two full-time community wardens to educate residents on how to use the existing refuse services properly. This action to concentrate on those residents without proper refuse storage arrangements, those in houses of multiple occupancy, students and those for whom English is a second language.

- b) Engagement - These wardens will also engage with the local community to harness the groundswell of support for action to improve the local environment. To encourage civic pride.
- c) Enforcement – as Cheshire East is an enforcing council the two full-time community wardens would take a pro-active rather than a reactive approach to fly-tipping ‘hot spots’ and against ‘usual suspects’ to persuade them to desist and to warn away others. This to include action against irresponsible landlords. Cases prosecuted to be publicised.

This will be a 12 month trial that will be carefully monitored to determine the benefits”.

Mr Stuart Redgard used public speaking time to address Council regarding his concerns in respect of the inappropriate parking of Royal Mail vehicles and asked why the Council did not use its civil enforcement powers to prevent this.

Cllr David Brown, Cabinet Member for Highways, undertook to follow this up with Royal Mail.

Mr John Allen, representing Global Justice Macclesfield, used public speaking time to address Council concerning the Transatlantic Trade and Investment Partnership (TTIP). He considered that the TTIP was undemocratic and that the tribunals were unaccountable and that given the fees were paid by the taxpayer and would impact on the Government there should be corporate lobbying. He supported the Notice of Motion submitted by Cllr Janet Jackson relating to this matter.

Mr Sylvia Dyke used public speaking time to address Council in respect of her concerns regarding the selling off of grazing land and pasture for development and asked that the Council ensure that its policies provide for a balance between what developers got and what was saved for grazing.

Alsager Town Councillor, Sue Helliwell used public speaking time to ask the Council to write to the Prime Minister, David Cameron, in support of Children's Centres and requesting the retention of them.

Ms Maeve Kelly used public speaking time to address Council in respect of the public consultation regarding Children's Centre de-designations closure and reduced funding to Children's Centres, which had been considered at the recent Cabinet meeting. She was concerned that the feedback from the consultation in respect of this issue had not been taken into account in any of the recommendations in the report to Cabinet.

Cllr Rachel Bailey replied that this matter would be debated as part of the item relating to the budget, to be considered later in the meeting and it would not, therefore, be appropriate to respond at this stage.

Mrs Charlotte Peters Rock used public speaking time to address Council regarding the background of the removal of day care, overnight respite care, dementia care and assessment, and the proposed removal of what she

considered to be vital children's services. With the advent of Cheshire East Council's involvement within Caring Together, she had been hoped that services would improve. She referred to issues around accountability for social care services and considered that this lay with the Council.

She requested a written response from the new Leader of the Council.

70 ELECTION OF THE MAYOR AND DEPUTY MAYOR FOR THE 2016/17 CIVIC YEAR

The Deputy Mayor, Councillor O Hunter, had declared a pecuniary interest in respect of this item and left the Chamber during its consideration.

Consideration was given to a report relating the election of the Mayor and Deputy Mayor for the 2016/17 Civic Year. Council was requested to resolve that Councillor Olivia Hunter 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 2016-17, at the Mayor Making ceremony to be held on 11 May 2016.

It was proposed and seconded that Councillor Arthur Moran be designated as the Deputy Mayor Elect.

Following his nomination, Councillor Moran, declared a non-pecuniary interest and left the meeting during consideration of this matter.

RESOLVED

That Councillor Olivia Hunter be designated as the Mayor Elect and that Councillor Arthur Moran 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 2016-17, at the Mayor Making ceremony to be held on 11 May 2016.

71 ELECTION OF LEADER OF THE COUNCIL

Consideration was given to a report requesting Council to elect a Leader of the Council for a four year term of office.

The following nominations were proposed and seconded:

Councillor Rachel Bailey
Councillor Damien Bailey

(Councillors Rachel Bailey and Damien Bailey left the Chamber whilst the item was discussed and the vote was taken).

The nominations were put to the vote with the following results:-

Councillor Rachel Bailey – 53 votes
Councillor Damien Bailey – 17 votes
Abstentions - 5

RESOLVED

That Councillor Rachel Bailey is elected as Leader of the Council for a four year term of office.

(Councillor Rachel Bailey thanked the Council for her election to this office and stated that she looked forward to serving Cheshire East as Leader).

72 RECOMMENDATION FROM CABINET : 2015/16 THREE QUARTER YEAR REVIEW

Cabinet, at its meeting on 9 February 2016, had considered a report setting out the Council's financial and non-financial performance at the third quarter stage of 2015/16.

The report included a recommendation to Council to approve fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules, in respect of the Crewe Town centre regeneration and the Care Act Phase 2, system implementation, as set out at Appendix 7 of the Cabinet report.

RESOLVED

That the fully funded supplementary capital estimates and virements above £1,000,000, as set out in Appendix 7 of the report, be approved, in accordance with Finance Procedure Rules.

73 RECOMMENDATION FROM CABINET - THE COUNCIL'S CORPORATE PLAN 2016/20 AND MEDIUM TERM FINANCIAL STRATEGY 2016/19

Cabinet, at its meeting on 9 February 2016, had considered a report on the Council's Corporate Plan for the years 2016/17 to 2019/20 and the Medium Term Financial Strategy for the years 2016/17 to 2018/19. The report to Cabinet had summarised the resolutions that Cabinet were requested to recommend to Council, at Appendix A.

The Portfolio Holder for Finance and Assets reported that the Government had announced the day before the Cabinet's meeting that the Council would receive transitional grant of £2.97M in 2016/17 and again in 2017/18. He had also informed Cabinet that the Corporate Overview and Scrutiny Committee at its meeting on 4th February 2016 had made no specific comments in relation to the report.

The Portfolio Holder also reported that the Medium Term Financial Strategy reflected the confirmation of grant funding levels for Public Health Funding (reduced by £298,000 compared to provisional figures) and the Independent

Living Fund Grant (confirmed as £12,000 above the estimated position) and would both be matched by equal changes in service expenditure. He also reported the renaming of the current “Business Retention Scheme” earmarked reserve to “Collection Fund Management Reserve”, which better reflected the nature of this funding. The balance of this reserve would stand at £8.4m and would be used to manage cash flow implications arising from administration of the Collection Fund.

The recommendations from Cabinet, as set out on pages 89 and 90 of the agenda papers were proposed and seconded, together with additional recommendations from two reports, which had considered by Cabinet as urgent items on 23 February 2016. The first of these related to the findings of a statutory consultation exercise as part of plans to make significant changes to the Children’s Centre delivery in Cheshire East. There was a need to address a significant financial shortfall in the Council’s budget associated with reducing Central Government grant and increasing costs. The savings being consulted upon would achieve a £500k saving against the Council’s base budget.

The second additional recommendation related to the 2016/17 Final Local Government Finance Settlement, which had been received on Monday 8 February 2016. The settlement had contained some good news in the form of temporary Transitional Grant Support, although it also confirmed that by the start of the 2019/20 financial year the Council would have lost all of its Revenue Support Grant. Details were set out in the Cabinet report.

Cabinet had made recommendations to Council on, an appropriate financial strategy that would achieve the best overall impact from the additional temporary Transitional Grant that had now been confirmed.

It was moved and seconded that Council approve:

- 1 The new Corporate Plan 2016/20.
- 2 The Revenue estimates for the 2016/17 budget and the medium term Capital Programme estimates 2016/19, as detailed in the Medium Term Financial Strategy Report 2016/19.
- 3 Band D Council Tax of £1,261.95 representing an increase of 3.75%. This arises from the provisional finance settlement allowing up to a 2% additional charge to fund Adult Social Care pressures.
- 4 The 2016/17 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.
- 5 The 2016/17 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.

- 6 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 2016/17 funding position are received.
- 7 The recommended Prudential Indicators for Capital Financing.
- 8 The Children and Families Portfolio Holder to agree any necessary amendment to the 2016/17 Dedicated Schools Grant (DSG) of £147m 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 2015/16.
- 9 The recommended Reserves Strategy, and the proposal to contribute £1m from General Reserves to an Earmarked Reserve for the on-going costs of Planning Appeals.
- 10 The Medium Term Financial Strategy 2016/17 reflects the new Transition Grant funding as follows:
 - (a) Income from Government Grant is increased by £2.973m in 2016/17 and by £2.974m in 2017/18.
 - (b) Expenditure in Outcome 5 in 2016/17 is increased by £473,000 to reflect feedback received to proposals within the Pre-Budget Report and to support the transitioning and targeting of services.
 - (c) A 'Transformation' earmarked reserve is established for £2.5m from 1st April 2016. The Portfolio Holder for Finance & Assets (in consultation with the Chief Operating Officer) is given responsibility for managing allocations of funding from the reserve on an 'Invest to Save' basis.
 - (d) Transition Grant of £2.974, receivable in 2017/18 is allocated to the new Transformation Reserve.

And that Council recognises that Cabinet has noted:-

- 11 The Budget Engagement exercise undertaken by the Council, as set out in the attached.
- 12 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
- 13 The risk assessment detailed in the MTFS Report
- 14 That the estimates and profiling contained within the proposed Capital Programme 2016/17 to 2018/19 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.

- 15 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.
- 16 That having considered the contents of the Children's Centre Consultation report, at its meeting on 23 February 2016, along with the attached Equality Impact Assessment, confirms its previous recommendation to Council regarding the rationalisation of Children's Centre Provision to save £0.5million.

AMENDMENT

The following amendment was proposed and seconded:-

"That £500,000 of the £2.97m interim funding be used to reverse the proposed rationalisation of Children's Centre provision".

Legislation 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 the amendment, with the following results:-

For

Cllr D Bailey, Cllr S Brookfield, Cllr C Browne, Cllr B Burkill, Cllr P Butterill, Cllr S Carter, Cllr C Chapman, Cllr S Corcoran, Cllr I Faseyi, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr M Grant, Cllr A Harewood, Cllr S Hogben, Cllr D Hough, Cllr J Jackson, Cllr L Jeuda, Cllr D Mahon, Cllr N Mannion, Cllr D Marren, Cllr A Martin, Cllr A Moran, Cllr D Newton, Cllr M Parsons, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott, Cllr B Walmsley, Cllr M Warren.

Against

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr G Barton, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr E Brooks, Cllr D Brown, Cllr J Clowes, Cllr H Davenport, Cllr S Davies, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr S Gardiner, Cllr S Gardner, Cllr P Groves, Cllr M Hardy, Cllr O Hunter, Cllr M Jones, Cllr A Kolker, Cllr J Macrae, Cllr R Menlove, Cllr G Merry, Cllr B Moran, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr D Stockton, Cllr G Wait, Cllr G Walton, Cllr L Wardlaw, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray.

Not Voting

Cllr D Bebbington, Cllr M Deakin, Cllr T Dean, Cllr H Gaddum, Cllr J Hammond, Cllr G Hayes, Cllr H Murray, Cllr S Pochin,

The Motion was declared lost by 30 votes for, 40 against with 8 not voting.

The vote on the substantive budget proposals was taken.

Legislation 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

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr G Barton, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D Bebbington, Cllr E Brooks, Cllr D Brown, Cllr J Clowes, Cllr H Davenport, Cllr S Davies, Cllr M Deakin, Cllr T Dean, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr S Gardiner, Cllr S Gardner, Cllr P Groves, Cllr J Hammond, Cllr M Hardy, Cllr O Hunter, Cllr M Jones, Cllr A Kolker, Cllr J Macrae, Cllr D Marren, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr B Moran, Cllr H Murray, Cllr S Pochin, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr D Stockton, Cllr G Wait, Cllr G Walton, Cllr L Wardlaw, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray

Against

Cllr D Bailey, Cllr S Brookfield, Cllr C Browne, Cllr B Burkhill, Cllr P Butterill, Cllr S Carter, Cllr C Chapman, Cllr S Corcoran, Cllr I Faseyi, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr M Grant, Cllr A Harewood, Cllr S Hogben, Cllr D Hough, Cllr J Jackson, Cllr L Jeuda, Cllr D Mahon, Cllr N Mannion, Cllr A Moran, Cllr D Newton, Cllr M Parsons, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott, Cllr B Walmsley, Cllr M Warren.

Not Voting

Cllr H Gaddum, Cllr G Hayes

The motion was carried by 48 votes for, 28 against with 2 not voting.

RESOLVED

That the following be approved:-

- 1 The new Corporate Plan 2016/20, as provided at Appendix B to the report
- 2 The Revenue estimates for the 2016/17 budget and the medium term Capital Programme estimates 2016/19, as detailed in the Medium Term Financial Strategy Report 2016/19 (Appendix C).
- 3 Band D Council Tax of £1,261.95 representing an increase of 3.75%. This arises from the provisional finance settlement allowing up to a 2% additional charge to fund Adult Social Care pressures (Appendix C, Section 2).

- 4 The 2016/17 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 C, Annex 8).
- 5 The 2016/17 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 C, Annex 9).
- 6 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 2016/17 funding position are received.
- 7 The recommended Prudential Indicators for Capital Financing (Appendix C, Annex 11).
- 8 The Children and Families Portfolio Holder to agree any necessary amendment to the 2016/17 Dedicated Schools Grant (DSG) of £147m 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 2015/16 (Appendix C, Annex 8).
- 9 The recommended Reserves Strategy, and the proposal to contribute £1m from General Reserves to an Earmarked Reserve for the on-going costs of Planning Appeals (Appendix C, Annex 13).
- 10 The Medium Term Financial Strategy 2016/17 reflect the new Transition Grant funding as follows:
 - (a) Income from Government Grant is increased by £2.973m in 2016/17 and by £2.974m in 2017/18.
 - (b) Expenditure in Outcome 5 in 2016/17 is increased by £473,000 to reflect feedback received to proposals within the Pre-Budget Report and to support the transitioning and targeting of services.
 - (c) A 'Transformation' earmarked reserve is established for £2.5m from 1st April 2016. The Portfolio Holder for Finance & Assets (in consultation with the Chief Operating Officer) is given responsibility for managing allocations of funding from the reserve on an 'Invest to Save' basis.
 - (d) Transition Grant of £2.974, receivable in 2017/18 is allocated to the new Transformation Reserve.

Council recognises that Cabinet has noted: -

- 11 The Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix C, Annex 2).
- 12 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 C, Comment from the Chief Operating Officer).
- 13 The risk assessment detailed in the MTFs Report (Appendix C, Annex 5).
- 14 That the estimates and profiling contained within the proposed Capital Programme 2016/17 to 2018/19 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 C, Annex 12).
- 15 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 C, Annex 12).
- 16 That Cabinet, at its meeting on 23 February 2016, having considered the contents of the report along with the attached Equality Impact Assessment, confirms its previous recommendation to Budget Council regarding the rationalisation of Children's Centre Provision to save £0.5million and that this recommendation be confirmed as agreed.

*The meeting adjourned for lunch at 1.15 pm and reconvened at 2.15 pm.
Councillors G Barton and M Jones left the meeting and did not return.*

74 RECOMMENDATION FROM CABINET: TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION POLICY STATEMENT 2016/17

Cabinet, at its meeting on 9 February 2016, had considered the Treasury Management Strategy and Minimum Revenue Provision Statement 2016/17.

The key elements of the strategy for 2016/17 were for the Council to:

- Retain capital financing costs within an affordable limit of c.£14m.
- Not enter into any overall additional external borrowing in 2016/17.
- Take an appropriate approach to risk if short term loans were required, by only borrowing from lenders identified in the strategy.

- Maintain security of investments by only using counterparties detailed in the strategy.
- Support a flexible approach to treasury management that could react to opportunities and market conditions to maximise effectiveness, whilst protecting the public funds managed within the strategy.

The Treasury Management Strategy was set out in Appendix A to the Cabinet report and had been reported to the Audit and Governance Committee on 10th December 2015 for scrutiny purposes.

The recommendation from Cabinet was proposed and seconded.

RESOLVED

That the Treasury Management Strategy and the Minimum Revenue Provision Statement for 2016/17, as set out in Appendix A to the report, be approved.

75 COUNCIL TAX STATUTORY RESOLUTION 2016/17

Consideration was given to a report relating to the setting of the Council tax for 2016/17.

Cheshire East Council, as a billing authority, was responsible for the billing and collection of Council Tax due from local taxpayers and must, therefore, make a resolution to 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

Legislation 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

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr D Bailey, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D Bebbington, Cllr S Brookfield, Cllr E Brooks, Cllr D Brown, Cllr C Browne, Cllr B Burkhill, Cllr P Butterill, Cllr S Carter, Cllr C Chapman, Cllr J Clowes, Cllr S Corcoran, Cllr H Davenport, Cllr S Davies, Cllr M Deakin, Cllr Tony Dean, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr I Faseyi, Cllr JP Findlow, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr S Gardiner, Cllr S Gardner, Cllr M Grant, Cllr P Groves, Cllr J Hammond, Cllr M Hardy, Cllr A Harewood, Cllr G Hayes,

Cllr S Hogben, Cllr D Hough, Cllr O Hunter, Cllr J Jackson, Cllr L Jeuda, Cllr A Kolker, Cllr J Macrae, Cllr D Mahon, Cllr N Mannion, Cllr D Marren, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr A Moran, Cllr B Moran, Cllr H Murray, Cllr D Newton, Cllr M Parsons, Cllr S Pochin, Cllr J Rhodes, Cllr B Roberts, Cllr J Saunders, Cllr Sewart, Cllr M Simon, Cllr D Stockton, Cllr A Stott, Cllr G Wait, Cllr B Walmsley, Cllr G Walton, Cllr L Wardlaw, Cllr M Warren, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray.

Not Voting

Cllr H Gaddum

The motion was declared carried with 76 votes for and 1 not voting.

RESOLVED

That the Council Tax for Cheshire East Council for the financial year 2016/17, be set at £1,261.95, in accordance with the formal resolutions as follows:-

Formal Resolution

- 1 That it be noted that on 17th December 2015 the Council calculated the Council Tax base 2016/17:-
 - (a) for the whole Council area as 142,186.60 (item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")).
 - (b) for individual parishes, as in Appendix A to the report.
2. Calculated that the Council Tax requirement for the Council's own purposes for 2016/17 (excluding Parish precepts) is £179,432,775.
- 3 That the following amounts be calculated for the year 2016/17 in accordance with Sections 31 to 36 of the Act:-
 - a. £647,789,528 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. £461,966,056 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c. £185,823,472 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
 - d. £1,306.90 being the amount at 3(c) above divided by the amount at 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. £6,390,697 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act

f. £1,261.95 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 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).

- 4 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 10 and 11 of the report..
- 5 It was accepted that Cheshire East Council's basic amount of Council tax for 2016/17 was not excessive in accordance with principles

approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.

76 RECOMMENDATION FROM STAFFING COMMITTEE: PAY POLICY STATEMENT 2016/17

Consideration was given to a recommendation from Staffing Committee relating to the Pay Policy Statement 2016/17.

Section 38 of the Localism Act 2011 required local authorities to produce a Pay Policy Statement by 31 March on an annual basis. Regard had to be given to any guidance from the Secretary of State in producing this statement and the Local Government Transparency Code 2015.

The Pay Policy Statement for 2016/17, which reflected the expected position as at 1st April 2016, was attached as Appendix 1 to the report. Significant changes since last year's Statement were outlined in Section 12 of the report.

The recommendation from Staffing Committee was moved and seconded.

RESOLVED

1. That the significant changes since the 2015/16 Pay Policy Statement be noted, as outlined in Section 12.2 of the report.
2. That the Pay Policy Statement for 2016/17, as recommended by the Staffing Committee, be approved and published accordingly.

77 RECOMMENDATIONS FROM CONSTITUTION COMMITTEE : PROPOSALS TO FURTHER THE COUNCIL'S EFFORTS TO BE MORE OPEN

The Constitution Committee, at its meeting on 18 February 2016, had considered a report outlining a number of proposals by the Constitution Member Working Group.

Council was required to approve one of the proposals, namely a job description for Committee Chairmen, attached at Appendix 1 to the report.

The recommendation from the Constitution Committee was moved and seconded.

RESOLVED

That the job description for Committee Chairmen, as attached at Appendix 1 of the report to the Constitution Committee, be approved and adopted.

78 **NOTICES OF MOTION**

Two Notices of Motion had been submitted to Council in accordance with Procedure Rule 12. The Motions were proposed and seconded and referred to the relevant decision-making body for determination as follows:

1 Potential Effects of Transatlantic Trade and Investment Partnership on Local Authorities

Proposed by Councillor J Jackson and Seconded by Councillor A Harewood.

This Council notes:

1. That the EU and USA launched negotiations in July 2013 on a Transatlantic Trade and Investment Partnership (TTIP).
2. That negotiations are underway to determine which goods and services TTIP will apply to and if new rules can be agreed to protect investors, harmonise standards, reduce tariffs and open new markets throughout the EU and USA.
3. That there has been no impact assessment about the potential impact on local authorities.
4. That there has been no scrutiny of the negotiating texts by local government and no consultation with local government representatives
5. That MPs are also unable to scrutinise the negotiating documents.

This Council wishes to express a concern that:

1. TTIP could have a detrimental impact on local services, employment, suppliers and decision-making.
2. A thorough impact assessment of TTIP on local authorities has not been undertaken and this needs to happen before the negotiations can be concluded.
3. The proposed Investor State Dispute Settlement (ISDS) mechanism has been used by corporations to overturn democratic decisions by all levels of governments at significant public cost. Local decision-making must be protected from ISDS.
4. Sourcing supplies and employment locally is important to strengthening local economies and meeting local needs and TTIP must not impact on local authorities' ability to act in the best interests of its communities.

This Council resolves:

1. To write to the Secretary of State for Communities and Local Government, our local MPs and the North-West region MEPs raising our serious concerns about the potential impact of TTIP (and especially the proposed ISDS mechanism) on local authorities.
2. To call for an impact assessment on the potential impact of TTIP on local authorities.

The Motion was referred to Cabinet.

2 Ethical Investment Guidelines

Proposed by Councillor S Corcoran and Seconded by Councillor L Jeuda.

Council notes with alarm the recent statement from the Department for Communities and Local Government (DCLG) confirming that new guidelines will be introduced in 2016 which will curb councils' powers to divest from or stop trading with organisations or countries they regard as unethical.

Council recognises that the focus of these new measures may be on procurement and investment policies and that they may have profound implications for councils' ethical investment policies more generally.

Council believes that the proposed measures now being outlined by the DCLG will seriously undermine the Council's ability to commit to ethical procurement and investments.

Council also notes that the new guidelines represent an attack on local democracy and decision-making through a restriction on councils' powers. This is directly contrary to the government's own stated commitment to the principle of localism, given a statutory basis by the Localism Act of 2011, which holds that local authorities are best able to do their job when they have genuine freedom to respond to what local people want, not what they are told to do by government.

Council therefore requests Cabinet takes action to oppose these new measures, including writing to the Secretary of State for Communities and Local Government to express Council's opposition to the proposed changes.

The Motion was referred to Cabinet.

79 **QUESTIONS**

Members asked the following questions:-

Councillor S Carter in respect of meetings between representatives from the Council and the King School, Macclesfield. The Leader of the Council responded.

Councillor J Jackson in respect of the developers selected for the development of Macclesfield Town Centre. The Leader of the Council responded.

Councillor M Hardy in respect of local feedback to the state of the highways. Councillor D Brown responded.

Councillor N Mannion in respect of fracking. The Leader of the Council responded.

Councillor D Bailey in respect of the closing down of respite care in Shavington and Children's Centres. The Leader of the Council responded.

Councillor L Jeuda in respect of Paradise Mill, Macclesfield. The Leader of the Council undertook to provide a written response.

Councillor B Roberts in respect of the Clean for the Queen weekend. Councillor G Williams responded.

80 **ADJOURNMENT OF MEETING**

Council agreed that the meeting would stand adjourned until 10.00 am on Friday 26 February 2016.

Minutes of a re-convened meeting of the **Council**
held on Friday, 26th February, 2016 at Crewe Alexandra Football Club, Gresty
Road, Crewe, CW2 6EB

PRESENT

Councillor H Gaddum (Mayor/Chairman)

Councillor O Hunter (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, Baggott, G Barton, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, C Chapman, J Clowes, S Corcoran, H Davenport, W S Davies, M Deakin, T Dean, L Durham, S Edgar, I Faseyi, JP Findlow, R Fletcher, T Fox, D Flude, S Gardiner, S Gardner, M Grant, P Groves, J Hammond, M Hardy, A Harewood, G Hayes, S Hogben, D Hough, J Jackson, L Jeuda, A Kolker, D Mahon, N Mannion, A Martin, S McGrory, R Menlove, G Merry, A Moran, B Moran, H Murray, D Newton, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, A Stott, G Wait, B Walmsley, G M Walton, M Warren, M J Weatherill, H Wells-Bradshaw, J Weston, G Williams and J Wray

81 APOLOGIES FOR ABSENCE

Apologies were received from Councillors S Carter, B Dooley, L Gilbert, M Jones, J Macrae, D Marren, L Wardlaw and J Weston.

82 DECLARATIONS OF INTEREST

The Mayor noted again those matters previously noted under item 3 of these Minutes (Declarations of Interest) and then invited Members to declare to the meeting if they had a disclosable pecuniary interest (or any other interest); and/or if they felt they were unable to approach the debate and vote on any item on the agenda with an open mind.

No declarations were made.

The Mayor informed the meeting that, as has been her practice in the past, she was not minded to vote on any matter unless a casting vote was required.

83 PUBLIC SPEAKING TIME FOR THE ITEMS TO BE CONSIDERED ON 26 FEBRUARY 2016

The Mayor stated that she would incorporate public speaking into Item 21 (Cheshire East Local Plan), as appropriate, to allow speakers to speak at the beginning of the morning and afternoon session in which it was intended that the item in question would be dealt with. It was proposed that the morning session dealt with the introduction, Strategic Policies and issues relating to Crewe, Macclesfield, Alsager, Congleton, Handforth (including new

settlement), Knutsford, Middlewich and Nantwich. Issues relating to Poynton, Sandbach, Wilmslow and other sites and settlements would be dealt with during the afternoon.

84 CHESHIRE EAST LOCAL PLAN

Consideration was given to a report regarding proposed changes to the Cheshire East Local Plan Strategy, alongside the Habitats Regulations Assessment (HRA) and Sustainability (Integrated) Appraisal (SA) Addendums for public consultation, together with the recommendations of the Strategic Planning Board meeting on 18 February and the Cabinet meeting on 23 February.

The recommendations as set out on page 372 of the report, together with the recommendations of the Strategic Planning Board and of Cabinet, were proposed by Councillor Rachel Bailey and seconded by Councillor David Brown.

Although it was not common practice for officers to speak at full Council meetings, in this instance and in view of the importance of the Local Plan to the Council, a series of presentations was given by Mr A Fisher, the Council's Head of Planning Strategy.

Following a presentation on strategic policies by the Head of Planning Strategy, the following members of the public spoke in respect of the Cheshire East Local Plan:

Mrs Sue Helliwell
Mr Keith Williams
Mr David Lewis
Ms Eileen Furr
Mr Brian Chaplin
Mr Andrew Haldane
Ms Heather Jones
Mr Pat Cullen

The Member debate on strategic policies was followed by closing comments by Councillor Rachel Bailey, the proposer of the motion.

Presentations by the Head of Planning Strategy on Crewe & Nantwich, Macclesfield, Handforth & Knutsford, and Alsager, Congleton & Middlewich were followed by Member debate and closing comments by Councillor Rachel Bailey.

The meeting adjourned for lunch at 1 pm and reconvened at 1.45 pm

The following members of the public spoke in respect of the Cheshire East Local Plan:

Mr Ashley Weinberg
Mr Roger Bagguley
Mr Manuel Golding

Presentations by the Head of Planning Strategy on Poynton & Sandbach, and Wilmslow and “other sites” were followed by Member debate and closing comments by Councillor Rachel Bailey.

The following amendments were proposed and seconded and declared lost:

- On page 89 of the Local Plan Strategy in the section Vision for Key Service Centres – to not delete the words “to meet local needs” Proposed: Councillor D Hough Seconded: Councillor R Fletcher
- To remove CS41 Chelford Road / Whirley Road. This site should be removed the site allocations and therefore the Local Plan Strategy as it fails the site selection methodology namely impact on infrastructure, including transports networks, and schools. Proposed: Councillor M Hardy Seconded: Councillor L Durham
- To omit the Site CS43 ‘Radway Green North’ in Alsager. Proposed: Councillor D Hough Seconded: Councillor R Fletcher
- Policy CS24 (Capricorn): The area in the south of the site currently designated as housing should be designated as mixed use (where planning permission has not already been granted) and add new paragraph to say “the land designated as mixed use will only be used for housing if it can be demonstrated that there is no demand for employment use and/or employment use is not viable.” Proposed: Councillor S Corcoran Seconded: Councillor S Hogben
- To remove Policies CS62 and CS63 from the Local Plan Strategy Proposed: Councillor T Fox Seconded: Councillor A Moran
- That the safeguarded land (Wm 33) at Cumber Lane / Upcast Lane, be reduced to the previously suggested allocation (CS36) as detailed on page LPS 547. This was a late inclusion that fails to take account of widespread local opposition and acknowledged access problems. The impact on Lindow School and local sporting groups such as Lindow Cricket Club would be unacceptable. Proposed: Councillor G Barton Seconded: Councillor E Brooks
- That the land west of Alderley Road (part of CS26) that is a vital green corridor in Wilmslow and was an unwelcome late addition to the Plan, and was previously designated as ‘protected open space’ be removed from the Local Plan Strategy. Proposed: Councillor G Barton Seconded: Councillor R Menlove
- To delete paragraph 2.4 of the Council Report such that after the consultation period is over any further proposed changes to the Local Plan

Strategy should be referred to Full Council. Proposed: Councillor A Moran
Seconded: Councillor M Parsons

The following amendments were proposed and seconded and declared carried:

- The Director of Planning and Sustainable Development, in consultation with the Portfolio Holder, amend the supporting text to policy CS9 to make it clear the site encompasses open farm land as well as the school and its curtilage. Especially at point 15.155 which should include reference to the farmland. Proposed: Councillor M Warren Seconded: Councillor J Jackson
- To add the words “Detailed design considerations would be decided at that future point” at the end of paragraph 15.179k under Policy CS32 of the Local Plan Strategy. Proposed: Councillor L Durham Seconded: Councillor M Hardy
- An amendment to the descriptive wording for the proposed Knutsford employment site, land west of Manchester Road (Policy CS 18(B)) such that the development of this site is restricted to a quality development for B1 use only, with the wording to be delegated to the Director of Planning and Sustainable Development, in consultation with the Portfolio Holder. Proposed: Councillor T Dean Seconded: Councillor S Gardiner
- Strategic sites related to the Congleton Link Road state that funding is for the link road and the A34 Corridor. The reference to the A34 Corridor should be removed from the following policies: CS44, CS45, CS16, CS46, CS17, CS47. Proposed: Councillor D Brown Seconded: Councillor G Baxendale
- The Director of Planning and Sustainable Development, in consultation with the Portfolio Holder, be authorised to amend the introduction to Middlewich to emphasise the role of the By-Pass both strategically and locally, and to modify the wording of paragraphs 2.288 and 15.303 to be consistent in reference to the station and to alter the map figure 15.34 to show better location options for a railway station between CS54 and CS56. Proposed: Councillor S McGrory Seconded: Councillor D Brown
- Policy CS24 (Capricorn): The wording in the Local Plan Strategy relating to 20 hectares of employment land should be strengthened with a view to protecting and safeguarding its retention and delivery. Thus paragraphs 15.344, 15.345 and 15.346 should be enhanced accordingly, with the precise additional wording to be delegated to the Director of Planning and Sustainable Development, in consultation with the Portfolio Holder. Proposed: Councillor B Moran Seconded: Councillor G Wait
- To add wording to Policy CS61 to protect residents overlooking Little Stanneylands, Wilmslow with such wording delegated to the Director of Planning and Sustainable Development, in consultation with the Portfolio Holder. Proposed: Councillor D Stockton Seconded: Councillor R Menlove

- The Director of Planning and Sustainable Development, in consultation with the Portfolio Holder, adds clarity to Policy CS26 so it is clear that additional educational buildings related to the existing and future use of the protected open space as playing fields or school curtilage will be permitted in principle. Proposed: Councillor G Hayes Seconded: Councillor P Bates

A requisition for a recorded vote on the substantive motion was submitted and duly supported in accordance with Council Procedure Rule 15.2, with the following result:

For

Councillors C Andrew, A Arnold, G Baggott, D Bailey, Rachel Bailey, Rhoda Bailey, P Bates, G Baxendale, D Bebbington, S Brookfield, D Brown, C Browne, P Butterill, C Chapman, J Clowes, H Davenport, S Davies, M Deakin, T Dean, L Durham, S Edgar, I Faseyi, J P Findlow, S Gardiner, S Gardner, M Grant, P Groves, J Hammond, A Harewood, G Hayes, O Hunter, A Kolker, A Martin, S McGrory, R Menlove, G Merry, A Moran, B Moran, D Newton, M Parsons, S Pochin, J Rhodes, B Roberts, M Simon, L Smetham, D Stockton, G Wait, B Walmsley, G Walton, J Weatherill, H Wells-Bradshaw, G Williams, J Wray

Against

Councillors B Burkhill, T Fox

Not Voting

Councillors G Barton, M Beanland, E Brooks, R Fletcher, D Flude, H Gaddum, M Hardy, S Hogben, D Hough, J Jackson, L Jeuda, D Mahon, H Murray, J Saunders, M Sewart, A Stott, M Warren

The motion was carried by 53 votes for, 2 against and 17 not voting.

RESOLVED

1. That the Sustainability (Integrated) Appraisal and Habitats Regulation Assessment Addendums (Appendix 5 to the report) be approved for public consultation and submission to the Inspector.
2. That the proposed changes to the Local Plan Strategy (Appendix 1 to the report) be approved for public consultation and submission to the Inspector, subject to the following amendments:
 - An amendment to be made by the Head of Planning Strategy to the plan at figure 15.50 on page LPS525 to remove from that plan a small area of land hatched red to the north of the site (Mereside Car Park) which had been included in the red hatching in error.

- Replace the wording in paragraph 15.96F as follows:

EXISTING PARAGRAPH 15.96F (REPLACE)

A new pedestrian and cycle link will be created south of the railway line to Basford East. This must provide a safe and secure environment for children to travel to school. For example it could take the form of an attractive country lane with low density housing, which will afford a lit and overlooked route.

PARAGRAPH 15.96F NEW WORDING:

A new pedestrian and cycle link will be created to Basford East. This must provide a safe and secure environment for children to travel to school . Priority should be given to a route on the north of the Railway line, combined with a cycle / footbridge. Only if after thorough exploration a northern route proves unfeasible, will an access south of the railway be permitted. This could take the form of an all-weather lit route. No vehicular link to Basford East will be permitted.

- The Director of Planning and Sustainable Development, in consultation with the Portfolio Holder, amend the supporting text to policy CS9 to make it clear the site encompasses open farm land as well as the school and its curtilage. Especially at point 15.155 which should include reference to the farmland.
- To add the words “Detailed design considerations would be decided at that future point” at the end of paragraph 15.179k under Policy CS32 of the Local Plan Strategy.
- An amendment to the descriptive wording for the proposed Knutsford employment site, land west of Manchester Road (Policy CS 18(B)) such that the development of this site is restricted to a quality development for B1 use only, with the wording to be delegated to the Director of Planning and Sustainable Development, in consultation with the Portfolio Holder.
- Strategic sites related to the Congleton Link Road state that funding is for the link road and the A34 Corridor. The reference to the A34 Corridor should be removed from the following policies: CS44, CS45, CS16, CS46, CS17, CS47.
- The Director of Planning and Sustainable Development, in consultation with the Portfolio Holder, be authorised to amend the introduction to Middlewich to emphasise the role of the By-Pass both strategically and locally, and to modify the wording of paragraphs 2.288 and 15.303 to be consistent in reference to the station and to alter the map figure 15.34 to show better location options for a railway station between CS54 and CS56.
- Policy CS24 (Capricorn): The wording in the Local Plan Strategy relating to 20 hectares of employment land should be strengthened with a view to protecting and safeguarding its retention and delivery. Thus paragraphs 15.344, 15.345 and 15.346 should be enhanced

accordingly, with the precise additional wording to be delegated to the Director of Planning and Sustainable Development, in consultation with the Portfolio Holder.

- To add wording to Policy CS61 to protect residents overlooking Little Stanneylands, Wilmslow with such wording delegated to the Director of Planning and Sustainable Development, in consultation with the Portfolio Holder.
 - The Director of Planning and Sustainable Development, in consultation with the Portfolio Holder, adds clarity to Policy CS26 so it is clear that additional educational buildings related to the existing and future use of the protected open space as playing fields or school curtilage will be permitted in principle.
3. That the Director of Planning and Sustainable Development be authorised (in consultation with the Portfolio Holder) to make any typographical, formatting and/or inconsequential changes to the Local Plan Strategy documents to correct any drafting errors or anomalies identified prior to the lodging of the same for consultation.
 4. That authority be delegated to the Executive Director of Growth & Prosperity in consultation with the Cabinet Portfolio Holder, Party Group Leaders and the Chairman & Vice-Chairman of Strategic Planning Board to approve any further proposed changes to the Local Plan Strategy that may be necessary or appropriate following consultation.

85 LEADER'S ANNOUNCEMENTS

The Leader made announcements in relation to the following:

- Performance monitoring
- Member Development
- A review of Overview and Scrutiny
- Changes to Cabinet. Appointments to the Cabinet, and the responsibilities allocated to each Cabinet Member, were announced, as appended to these minutes
- Strategic Infrastructure, including HS2 and the local highway network
- Countryside, Culture & Visitor Economy
- Investment, including the launch of the Council's latest ASDV, *The Skills and Growth Company*
- Planning and Development Management
- Regeneration, including development projects in Crewe and Macclesfield
- The appointment of a Corporate Parenting Committee
- Endorsement of the work of the Council's ASDVs

The appointment of Councillor Ellie Brooks as Heritage Champion was announced by the Leader and noted by Council.

A copy of the Leader's announcements would be circulated to all Members of the Council.

On Thursday 25 February 2016 the meeting commenced at 10.00 am and concluded at 2.45 pm and on Friday 26 February 2016 the meeting commenced at 10.00 am and concluded at 5.35 pm

Councillor H Gaddum (Mayor/Chairman)
CHAIRMAN

Portfolio Holder responsibilities

Leader:

- Northern Rail/TfN and HS2
- AGMA/Northern Gateway
- CCN
- LGA
- Rural Affairs
- Internal Audit
- Corporate Risk Management
- Civil Protection and Emergency Planning
- Oversight of Communities and Health
- Strategic Partnerships
- Sub-regional activity
- Government liaison

Highways and Infrastructure:

- Deputy Leader:
 - Northern Rail/TfN and HS2
 - Northern Gateway
- Highways and Transport strategy and operations, including public rights of way
- Local Transport Plan
- CCN/LGA
- Oversight of Adults Portfolio
- Shared Service : Archives
- Chairmanship of Cheshire East Residents First Board:
 - Digital (Customer Service Access)(jointly with Leisure and Open Spaces)
- Improvement and Efficiency Social Enterprise (IEASE)
- Enforcement Matters within the Portfolio

Housing and Planning:

- Planning Policy
- S106 & Community Infrastructure Levy
- Street naming & numbering
- Land charges
- Housing, Housing Associations, and Homelessness
- Development Management and Building Control
- Neighbourhood Planning
- Enforcement Matters within the Portfolio

Children and Families:

- Lead under Children's Act 2004
- All aspects of Education and Schools
- Youth Support and Offending
- Lifelong learning/Skills
- Prevention and Early Intervention Strategies
- Corporate Parenting Lead
- All aspects of Children's work, including:
 - Cared for children and care leavers
 - Fostering, Adoption and Residential Services
 - Children's Trust and Children's Board
 - Children's Safeguarding (including Children's Safeguarding Board)
 - Children and Young People up to 25 years old
- Health and Wellbeing Board (with Adult Care and Integration, and Communities and Health)
- Lead for 0-19 Health and Health Promotion (in consultation with Communities and Health)
- Lead for 0-19 Mental Health (in consultation with Communities and Health)
- Enforcement Matters within the Portfolio

Adult Care and Integration:

- Lead under Care Act 2014 (in consultation with Deputy Leader, in relation to all Key Decisions)
- Adult Safeguarding: Board/CQC/CEC Quality Assurance Team
- Care and Carer Assessment (i) personalisation.
- Carer Services including: (ii) Respite Care and Short Breaks.
- Care Service Commissioning, including: (iii) Residential & Domicillary Care (iv) Disability & Sensory Impairment services (v) Mental Health & Substance (vi) Re-ablement Services (vii) Occupational Therapy and Community Equipment (viii) Assistive Technology.
- Equality in Service Access & Delivery
- Extra Care Housing (jointly with Housing and Planning)
- Lead for Adult (19 plus) Mental Health Services and Health Promotion (in consultation with Health and Communities)
- Health and Wellbeing Board (with Children and Families and Communities and Health)
- Domestic Violence
- Enforcement Matters within the Portfolio
- Future area of work:
 - EMB/Performance matters

Communities and Health

- Community and Health Strategy
- Voluntary, Community and Faith Sector, including Citizens' Advice Bureaux
- All aspects of safer communities: Wardens, ASB and CCTV.
- Regulatory Services: Trading Standards, Licensing, Environment Health including Air Quality matters, contaminated land and pest and vermin control.
- Gypsies and Travellers
- Libraries
- Car Parking
- Lead for Health (i) Health and Wellbeing Board (ii) Health & Social Care Integration (Better Care Fund/Sustainability & Transformation, Caring together/Connecting Care
- Joint Strategic Needs Assessment.
- NHS England/Acute Trusts
- Domestic Violence Services
- Equality and Diversity (Service Users)
- 0-19 Health and Health Promotion (with Children and Families)
- 0-19 Mental Health (with Children and Families)
- Enforcement Matters within the Portfolio

Corporate Policy and Legal Services

- Human Resources, Workforce and Organisational Development
- Corporate Health and Safety and Occupational Health
- Shared Services
- Business Improvement Programme
- Customer Complaints and Resources
- All matters relating to procurement, corporate contracts, contract monitoring
- Lead for governance of Alternative Service Delivery Vehicles (in consultation with Leisure and Open Spaces)
- Legal Services
- Monitoring compliance with the Council's decision-making processes
- Information governance and assurance (eg Senior Information Risk Owner and Caldicott Guardian)
- Equality and diversity
- Enforcement Matters within the Portfolio

Finance and Assets

- The Financing of the Council and its Budget, and Corporate Business Planning
- Capital Programme and Strategy
- Reserves, Income and Funding Strategy
- Treasury and Business Management
- Insurance
- External Audit
- Pensions
- Revenues and Exchequer Functions, Including Benefits
- Democratic Services:
 - Electoral Functions
 - Civic Functions
 - Member Training and Development
- Births, Marriages and Deaths
- Lead for Assets: maintenance, purchase and sale of (in consultation with Regeneration)
- Enforcement Matters within the Portfolio

Regeneration

- Economic Development
- Regeneration
- Employment and Skills
- Engine of the North
- Economic Twinning
- Assets: maintenance, purchase and sale of (with Finance and Assets)
- Farms
- Energy Issues
- Enforcement Matters within the Portfolio

Leisure and Open Spaces

- Leisure Strategy and Services
- Everybody Sports and Recreation
- Operational delivery of all cultural services, including: tourism and visitor economy, Tatton Park, Parks and Park Rangers, Arts, Culture, Heritage and Events
- Governance of Alternative Service Delivery Vehicles (with Corporate Policy and Legal Services Portfolio)
- Waste and Recycling (ANSA)
- Environmental and Cleansing Services (ANSA)
- Street Scene (ANSA)
- Transport Specialist Solutions Company (TSS)
- Planning Support Company (Civicanace)
- Crematoriums and Burial Services (Orbitas)
- Media and Communications
- ICT (Cosocius) and Digital issues (Customer Services Access)(jointly with Highways and Infrastructure)
- Digital (Customer Service Access)(jointly with Highways and Infrastructure)
- Customer Access/Service
- Enforcement Matters within the Portfolio

Note: where functions appear in more than one Portfolio, the decision maker will be the Portfolio Holder identified as “Lead”, in consultation with the other Portfolio Holder(s)

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Council

Date of Meeting:	11 May 2016
Report of:	Head of Governance and Democratic Services
Title:	Political Representation on the Council's Committees

1.0 Purpose of Report

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

2.0 Decision Required

- 2.1 That the political group representation, as set out in Appendix 1 to this Report and the methods, calculations and conventions used in determining this, as outlined in the report be adopted, 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. At the time of publication of this report, confirmation was awaited upon the redistribution of the additional committee place currently resting with the Conservative group. Confirmation of this will be given at the meeting.

5.4 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.

Name: Brian Reed
Designation: Head of Governance and Democratic Services
Tel No: 01270 686670
E-mail: brian.reed@cheshireeast.gov.uk.

This page is intentionally left blank

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

Committee	Con	Lab	Ind	Lib Dem	Total
Corporate Overview and Scrutiny	10	3	2	0	15
Communities Overview and Scrutiny	5	2	1	0	8
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	1	1	1	10
Constitution	9	3	2	0	14
Strategic Planning Board	8	2	2	0	12

Committee	Con	Lab	Ind	Lib Dem	Total
Northern Planning Committee	8	2	2	0	12
Southern Planning Committee	8	2	2	0	12
Public Rights of Way	5	1	1	0	7
Licensing Committee	10	3	2	0	15
Staffing	5	2	1	1	8
Lay Members Appointments	3	1	0	1	5
Local Authority School Governor Appointments Panel	3	1	1	0	5
Civic Sub Committee	5	1	1	1	8
Community Governance Review Sub Committee	4	1	1	0	6
Outside Organisations Sub Committee	4	1	1	0	6
Committee	Con	Lab	Ind	Lib Dem	Total
Total Places allocated	114	34	24	3	175
Total places available					175
Proportional Entitlement	113 (113.10) (64.63%)	34 (34.14) (19.51%)	24 (23.47) (13.41%)	4 (4.25) (2.43%)	175 (100%)
Difference*	(+1)	(0)	(0)	(-1)	(0)

CHESHIRE EAST COUNCIL

COUNCIL

Date of Meeting:	11 May 2016
Report of:	Head of Governance and Democratic Services
Subject/Title:	Appointments of Members to Committees

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 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, 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 2016/17

- 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. This is the appendix referred to in recommendation 2.2.

7.0 Access to Information

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

Name: Brian Reed
Designation: Head of Governance and Democratic Services
Tel No: 01270 686670
E-mail: brian.reed@cheshireeast.gov.uk.

CHESHIRE EAST COUNCIL

COUNCIL

Date of Meeting:	11 May 2016
Report of:	Head of Governance and Democratic Services
Subject/Title:	Appointment of Chairmen and Vice Chairmen

1.0 Report Summary

- 1.1 To appoint Chairmen and Vice Chairmen of the Council's decision-making and other 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 2016/17

- 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, or alternatively 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.

Name: Brian Reed
Designation: Head of Governance and Democratic Services
Tel No: 01270 686670
E-mail: brian.reed@cheshireeast.gov.uk.

CHESHIRE EAST COUNCIL

COUNCIL

Date of Meeting:	11 May 2016
Report of:	Head of Governance and Democratic Services
Subject/Title:	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 L Jeuda served on the Adoption Panel during the 2015/16 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 2015/16 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.

Name: Brian Reed

Designation: Head of Governance and Democratic Services

Tel No: 01270 686670

E-mail: brian.reed@cheshireeast.gov.uk.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

COUNCIL

Date of Meeting:	11 May 2016
Report of:	Head of Governance and Democratic Services
Subject/Title:	Appointments to Cheshire Fire Authority and the Cheshire Police and Crime Panel

1.0 Report Summary

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

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;

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 Section 28 of with the Police Reform and Social Responsibility Act 2011 each Police area must establish a Police and Crime Panel.
- 4.2 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.
- 4.3 The members for the 2015/16 municipal year were Councillors P Findlow, D Marren and H Murray, 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 2015/16 municipal year were Councillors S Edgar, D Marren, G Merry, M Simon, J Weatherill, D Bailey, D Flude and D Mahon.

5.0 Access to Information

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

Name: Brian Reed

Designation: Head of Governance and Democratic Services

Tel No: 01270 686670

E-mail: brian.reed@cheshireeast.gov.uk.

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	3 rd May 2016
Report of:	Andrew Round, Interim Executive Director for Economic Growth and Prosperity
Subject/Title:	ELENA Technical Assistance Funding
Portfolio Holder:	Cllr Don Stockton, Regeneration

1. Report Summary

- 1.1 The Council's Energy Framework sets out a clear commitment to explore opportunities for renewable and energy efficiency projects in the Borough in order to improve energy security, reduce fuel poverty, and grow the low carbon economy.
- 1.2 Despite this commitment and ambition, obtaining the technical expertise and creating the organisational capacity to implement large energy efficiency and renewable projects has often been cited as a barrier by local government organisations and is an EU wide problem. In order to address the issue a funding stream known as "European Local Energy Assistance" or ELENA was launched by the European Commission at the end of 2009 with a stated purpose to "maximise investment in sustainable energy". The Fund was established with a target to realise €1 billion of energy efficiency and renewable energy projects.
- 1.3 ELENA covers up to 90% of the technical support costs needed to prepare, implement and finance an investment programme of energy efficiency and renewable energy projects over a three year period. This typically includes feasibility and market studies, programme structuring, energy audits and tendering procedure preparation. The stated assistance areas are as follows:
- 1.4 The eligible programme areas cover a wide variety of initiatives, including:
 - Local energy facilities that support energy efficiency and renewable energy
 - Energy efficiency and renewable energy in public and private buildings
 - Efficient urban transport
- 1.5 Following endorsement by the Cheshire East Energy Limited Shadow Board (CEEL Board) in May 2015, an outline application was developed to obtain technical assistance funding to the value of 1,739,585 EUR to deliver against the following key programme areas:
 - Priority A: Energy Efficiency
 - Roll-out of 26,000 LED street lighting units across the highway network
 - Priority B: Renewable Energy

- Delivery of district heating
- Delivery of dry Anaerobic Digestion project to generate renewable electricity and biogas for use in a local heat network, private wire, CHP or conversion to biofuel for vehicle use.
- Priority C: Energy Management
 - Development of a full ESCO to oversee the long term delivery of energy projects in Cheshire East

1.6 It is estimated that the technical assistance will unlock investments in these programme areas that will total over 66M EUR, and will result in a significant CO2 reduction for the Borough of c.9979t per annum, in addition to an increase in annual renewable energy production of c.50,000 MWh. The level of investment anticipated will result in a leverage factor of 38, which is well above the required minimum to receive ELENA funding.

2. Recommendation

Cabinet is recommended to:

- 2.1 Recommend that Council approve the submission of the bid to the European Investment Bank, who administer the ELENA funding on behalf of the European Commission, and delegate authority to the S151 Officer to sign the necessary declaration form on behalf of the Council
- 2.2 Recommend that Council approve a Supplementary Revenue Estimate of 1,739,585 EUR (£1.4m at current exchange rates), fully funded by, and subject to receipt of ELENA funding by the Council.
- 2.3 Delegate authority to the S151 Officer, in consultation for the Portfolio Holder for Finance, to take the necessary steps for the Council to enter into a grant agreement with the European Investment Bank in order to receive the ELENA funding
- 2.4 Approve that the Council contributes the 10% match funding required through the use of existing staff resourcing

3. Other Options Considered

- 3.1 The following options have been considered as alternatives to that recommendation:

Option	Reason for Discounting
1. The Council does not accept the ELENA technical assistance funding and seeks to use its own funding to deliver the	The level of funding required to deliver the required technical work is not available within the Council's existing budget and would have to be identified from existing commitments. This is likely to impact on the Council's ability to deliver its existing budget commitments.

technical work required to deliver the energy programme	
2. The Council does not accept the ELENA technical assistance funding and chooses not to use its own funding as an alternative	The identified technical work is essential to deliver the projects within the energy programme. Without undertaking the technical work, the projects are highly unlikely to be delivered, and the Council would be unable to meet its ambitions as set out in the Energy Framework.
3. The Council does not accept the ELENA technical assistance funding and seeks to secure funding from other sources to deliver the technical work required to deliver the energy programme.	Alternative funding sources have been appraised and the Council has already benefitted from three rounds of Heat Network Delivery Unit (HNDU) funding to progress its district heating priorities (ELENA Priority B – Renewable Energy) as far as possible under the remit of this funding stream. Alternative funding sources to undertake the necessary technical work are not currently available.

4. Reasons for Recommendation

- 4.1 As set out in the Council's Energy Framework, the Council is fully committed to pursuing opportunities for renewable and low carbon energy in the Borough for the benefit of residents and businesses. ELENA funding provides a targeted resource for the Council to access essential external funding to undertake technical development work on complex renewable and low carbon schemes. This reduces the reliance on the Council's own resources whilst enabling projects to progress in order to meet the ambitions set out in the Energy Framework.

5. Background/Chronology

Context

- 5.1 Obtaining the technical expertise and creating the organisational capacity to implement large energy efficiency and renewable projects has often been cited as a barrier by local government organisations and is an EU wide problem. In order to address the issue a funding stream known as "European Local Energy Assistance" or ELENA was made available at the end of 2009 with a stated purpose to "maximise investment in sustainable energy". The Fund was established with a target to realise €1 billion of energy efficiency and renewable energy projects.
- 5.2 ELENA covers up to 90% of the technical support costs needed to prepare, implement and finance an investment programme of energy efficiency and renewable energy projects over a three year period. This could include feasibility and market studies, programme structuring, energy audits and tendering procedure preparation. The stated assistance areas are as follows:
- Additional personnel
 - Technical studies
 - Preparation of calls for tender
 - Financial structuring

- 5.3 The eligible programme areas cover a wide variety of initiatives, including:
- Local energy facilities that support energy efficiency and renewable energy
 - Energy efficiency and renewable energy in public and private buildings
 - Efficient urban transport
- 5.4 A pre-requisite of obtaining funding is that the programme must secure a 'leverage factor' of 25:1. The leverage factor is crucial as it requires that the programme should result in spend or investment of 25 times the value of the grant. For example a 500k grant would be expected to generate investment to a value of 12.5m EUR attributable to the project. The source of this investment may be provided by parties other than the applicant and would include for instance the cost of new plant, facilities or equipment – regardless of ownership.
- 5.5 To date there have been 36 schemes approved across the EU that cover a wide variety of projects, often delivering several 'streams' within each. These schemes range from energy efficiency measures, renewable energy installation (small and larger scale), district heating projects, low carbon transport, efficient street lighting and contracts for energy services and other energy related areas. The investment grants applied for range from €650,000 to over €3,200,000 and the average value is around €1,870,000. There have been 5 applications from UK local government, 3 from London (€2.9M, €2.9M, €3M) and the others from Bristol (€2.6M) and Birmingham (€1.5M).
- 5.6 The grant itself is provided in stages with 40% released at the start, then 30% after validation of interim report, and the remaining 30% after validation of final report.
- 5.7 Applications for ELENA funding are processed in two stages by the ELENA Team based at the European Investment Bank. Following the submission of an informal "preliminary" application, feedback from the ELENA team is received and used to develop a more detailed final bid. Following submission of a final bid, the bid is reviewed by the European Investment Bank and a recommendation is then submitted to the European Commission for final approval. This process typically takes between 9 and 14 months depending on the level of work required to satisfy the feedback received between the preliminary and final stages.

The Council's Bid Submission

- 5.8 Following endorsement by the Cheshire East Energy Limited Shadow Board (CEEL Board) in May 2015, an outline application was developed to obtain technical assistance funding to the value of 1,739,585 EUR to deliver against the following key programme areas:
- Priority A: Energy Efficiency
 - Roll-out of 26,000 LED street lighting units across the highway network
 - Priority B: Renewable Energy
 - Delivery of district heating

- Delivery of dry Anaerobic Digestion project to generate renewable electricity and biogas for use in a local heat network, private wire, CHP or conversion to biofuel for vehicle use.
- Priority C: Energy Management
 - Development of a full ESCO (Energy Supply Company) to oversee the long term delivery of energy projects in Cheshire East

- 5.9 It is estimated that the technical assistance will unlock investments in these programme areas that will total over 66M EUR, and will result in a significant CO₂ reduction for the Borough of c.9979t per annum, in addition to an increase in annual renewable energy production of c.60,000 MWh. The level of investment anticipated will result in a leverage factor of 38, which is well above the required minimum to receive ELENA funding.
- 5.10 Given that ELENA is only able to meet 90% of project costs, the Council will be required to provide 10% match funding as a condition of the funding award. The Council will use the cost of existing internal staff resources which will be required to manage the day to day implementation of the programme, provide secretariat support the steering and working groups, and manage the procurement of external consultants. This is quantified as being equivalent to 191,681 EUR over 3 years.

Priority	Project Area	Description	Est leveraged invest.	Output from the Technical Assistance
Priority A: Energy Efficiency	Roll-out of 26,000 LED street lighting units across the highway network	The Council is responsible for almost 38,000 street lights across its highway network, with street lighting accounting for 14% of the Council's total CO ₂ emissions. In 2015/16 the Council invested in the conversion of approximately 12,200 units on its key traffic routes to LED units. Once completed, this investment will deliver a 30% saving in energy/carbon usage across the street lighting asset in Cheshire East. The remaining 26,000 units are mainly sited in residential areas of the network and generally consume much less energy than those on the main traffic routes. Therefore, the potential energy, carbon and financial savings are much lower. Technical advice is required to establish accurate details and mapping of the outstanding units, exploration of potential conversion technologies, and compilation of a full business case which sets out financial, carbon and energy savings which could be achieved, in order for the Council to identify funding for the programme. The technical advice will culminate in the production of a detailed project specification which will be delivered through the Council's Highway Services Contract with our integrated service provider, Ringway Jacobs. The Highway Services Contract is an OJEU compliant contract which allows for the delivery of street lighting schemes.	9.45M EUR	<ul style="list-style-type: none"> - Mapping study of outstanding units requiring conversion - Full business case setting out technology options, and the financial and carbon savings which could be achieved - Detailed project specification for delivery of conversions via the Council's Highway Services Contract
Priority B: Renewable	Delivery of District Heating Systems	<p>The Council has made a strong commitment to explore opportunities for deep geothermal energy, and the Council's Energy Framework set out a commitment to increase opportunities for decentralised energy networks in the Borough. In order to deliver on these commitments, the Council will shortly be announcing a long term joint venture partner who will work with the Council to deliver district heating networks in Cheshire East. The Council has already undertaken some primary investigations into the potential for incorporating deep geothermal technologies as part of plans to deliver a number of district heating networks in major towns across the Borough. Work has been undertaken to:</p> <ul style="list-style-type: none"> • Review the DECC National Heat Map and future development proposals to identify clusters of existing and future heat demand • Identify and characterise opportunities for heat supply 	33.3M EUR	<ul style="list-style-type: none"> - Full 5 case business case for each scheme - Detailed project specification for delivery of the projects via the Council's district heating joint venture partnership.

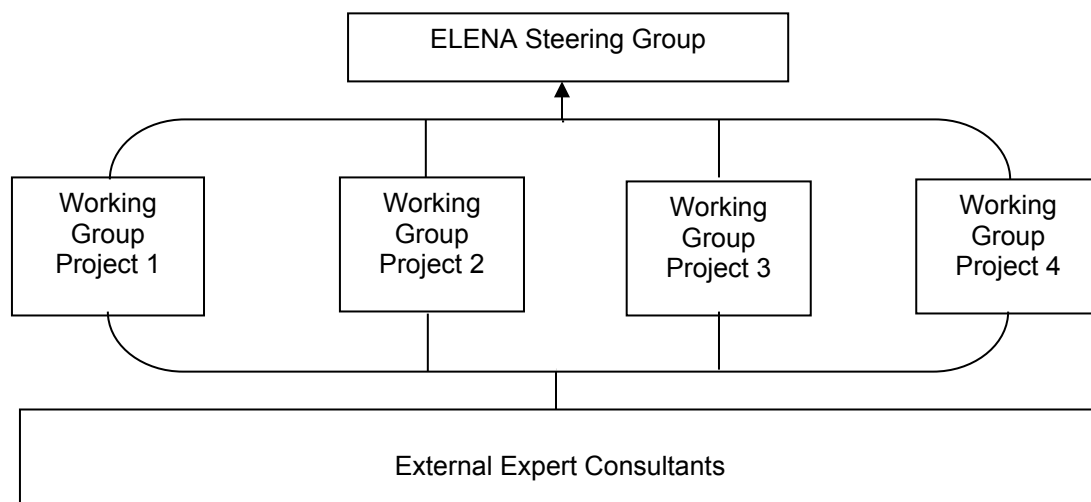
		<ul style="list-style-type: none"> Identify high level network routings, including identification of potential constraints and barriers Carry out economic assessments and modelling to identify project costs and returns <p>Work to date suggests that there is a good opportunity for deep geothermal energy to be incorporated as part of a wider renewable energy mix for new district heating systems. Initial feasibility work undertaken on behalf of the Council by AECOM and BRE has identified up to 3 potential networks in the towns of Crewe and Macclesfield. Whilst the Council has undertaken initial masterplanning and mapping of the heat network opportunities, technical advice is required for detailed network design and to develop the full business cases for the networks, including work to:</p> <ul style="list-style-type: none"> Provide a full financial and economic appraisal of the identified networks, including a review of the capital costs of installation, and ongoing costs of operation and maintenance Provide a full benefits map, including both social and environmental benefits as well as income generation Develop a detailed technical specification for each scheme including the creation of detailed engineering drawings on pipe routing and pipe sizes. Develop a detailed technical specification for the energy centre for each scheme 		
Priority B: Renewable	Delivery of dry Anaerobic Digestion project to generate renewable electricity and biogas for use in a local heat network,	The creation of a dry anaerobic digestion operation in Cheshire East is a major opportunity for the Council to deal more sustainably and innovatively with green and household waste. This is of particular importance in the context of rising landfill gate fees and increasing EU landfill reduction targets and requirements. This fully aligns with the Council's Waste Strategy which seeks to reduce waste sent to landfill to zero and create value from its waste stream through energy generation. The opportunity to initiate food waste collection from households using a co-mingled collection of food and garden waste has led the Council to investigate the use of dry Anaerobic Digestion following a detailed review and analysis of available technologies. To date the Council has commissioned two studies to determine methods to treat organic waste streams and the potential outputs	22.4M EUR	<ul style="list-style-type: none"> Full engineering solution and business case for AD to deliver the Council's objectives Technical specification to integrate the scheme with the proposed Crewe Town Centre district heating scheme

	private wire, CHP or conversion to biofuel for vehicle use	<p>from the use of Dry AD based on a range of tonnage and compositional scenarios. It is now in a position to develop a tender to seek market solutions to treat co-mingled waste.</p> <p>Technical expert advice and support is required to identify a suitable, feasible and efficient engineering solution which will maximise the carbon savings and efficacy specifically for the Cheshire East feedstock mix. Technical expert advice is also required to develop the full business case for exporting resulting electricity and/or biogas via private wire to nearby users, and integrating the scheme into the district heating proposals for Crewe Town Centre. The opportunity to develop biofuels and convert some of its vehicle fleet from the AD process is also an opportunity the Council wishes to investigate.</p> <p>Technical advice will be used to:</p> <ul style="list-style-type: none"> • Develop a full engineering solution in line with the Council's objectives, supported by a full business case demonstrating financial and technical feasibility of the proposed solution. • Develop the technical specification for integrating the scheme into the district heating proposals for Crewe Town Centre, supported by a full business case. • Review opportunities to develop biofuels and provide a report on the technical and economic feasibility of doing so. 		- Technical and economic feasibility report into opportunities for biofuels
Pri ty C: Ener	Developme nt of a full ESCO to oversee the long term delivery of energy project in Cheshire East	Given the large number of activities and opportunities identified by the Cheshire East Energy Framework, a mechanism is required to deliver this programme holistically and raise finance for delivery. The Council is committed to creating a full ESCO, owned by the Council, to assist in making more cost-efficient use of its assets, enable greater security of supply to local businesses and communities, and help promote inward investment into Cheshire East. The purpose of the ESCO would be to fill the gaps in current provision, drive the implementation of the Council's Energy Framework, and act as a strategic investment vehicle to develop a range of varied renewable energy projects and energy services. This would include the design and technical development of the Council's District Heating projects and subsequent legal structures ensuring they are developed in a coherent way to maximise their future success. Specialist planning	1.4M EUR	-

		<p>consultants will also be appointed into the project team to produce Local Development Orders that shall fast track the planning requirements for the delivery of the district heating schemes.</p> <p>The ESCO would also enable a 'joined up' approach that could enable projects to be 'bundled' so that all projects can benefit from an overarching package of services, particularly important to some projects with clear social benefits that are only financially marginal.</p> <p>Specialist advice is required to undertake feasibility and market studies, review procurement and legal procedures, review and determine proposed company activities, provide specialist financial advice, develop a detailed business case for the ESCO, and compile a full risk register. Particular advice is required on how best to integrate the proposed ESCO with existing commercial structures created through the FairerPower partnership.</p>		
--	--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Governance

- 5.11 The ELENA programme will be overseen by an ELENA Steering Group comprised of senior officers and the lead member for energy. The Skills and Growth Company will be the delivery agent for the ELENA grant award and will project manage the grant on behalf of the Council. The Steering Group will delegate oversight of each individual project to a supporting work group comprised of relevant officers. Each working group will appoint external technical experts to carry out the technical assistance, with such experts appointed in line with the Council's Contract and Procurement Regulations and with input from the ELENA Steering Group as appropriate.



- 5.12 The decision to progress with projects will be made in line with the Council's Constitution, with projects progressing through TEG and EMB as required. Should a project require a key decision (defined as one which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the local authority) then Cabinet approval will be sought.

6. Wards Affected and Local Ward Members

- 6.1 As the ELENA funding will benefit a wide range of energy projects across the Borough, all wards are affected.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. The receipt of ELENA funding is fully aligned to the following corporate priorities and policies:

- The Council's Three Year Plan
 - Outcome 2: *Cheshire East has a strong and resilient economy*
 - Priority 1: *Local Economic Development*
 - Change Project 1.3 (*Investment to support business growth*).
- Ambition for All: Sustainable Communities Strategy 2010-2025: Priority 2 Create conditions for business growth
 - Harness emerging growth opportunities;
 - Create a climate attractive to business investment.

7.2. Legal Implications

7.2.1 The terms and conditions of the funding are not yet available. Once received, they need to be carefully scrutinised and legal advice sought, to ensure that the proposed arrangements for managements, administration and use of the funds accord with EU requirements.

7.2.2 It is noted that the technical advice is to be procured in accordance with the Council's Contract Procedure Rules. The technical advice obtained from this funding will form the basis of further work which it is proposed will be procured via existing contracts/ASDVs/joint ventures. This raises potential procurement and State Aid issues. Legal advice needs to be sought upon any firm proposals to extend the scope of existing contracts, directly award contracts to ASDVs and/or to directly transfer technical advice to a joint venture partnerships so that contracts are procured compliantly and within the grant terms and conditions and any state aid issues are properly managed.

7.2.3 Amongst the identified risks (8.1) it is noted that the Council would need to repay funding should external factors impact on delivery of projects. Any external factors should as far as possible be identified and carefully monitored.

7.3. Financial Implications

7.3.1 As noted in 7.2.1 the terms and conditions of the grant funding are not yet available and it is therefore not possible to comment on how onerous the reporting, record keeping, audit provisions and grant repayment terms are likely to be. Once the grant conditions are known, there are two particular areas that the Council will want to examine to ensure it is not exposed to an unacceptable level of financial risk:

- The extent of any liability the Council might have to carry in respect of currency conversion changes. Both the grant and the assessment of leveraged investment are made in Euros and the value in pounds sterling could change significantly over the lifetime of the project. The Council would need to understand the extent of the risk it would carry with regard to currency conversion changes and whether gains and losses would be retained or repaid by the Council.

- The full extent of the requirements of the Council to verify the delivery of the 25:1 leveraged funding. There is a risk that the Council would have to repay a proportion of the grant to the extent that the leverage target of 43M Euro is not met and we would therefore need a high level of surety that the reporting requirements attached to the grant were reasonable and achievable.

7.3.2 Recommendation 2.2 asks for a Supplementary Revenue Estimate of £1,739,585 Euro (approx. £1.4m) fully funded by the ELENA grant. However, it is possible that a small element of the expenditure on the three key programme areas identified could qualify as capital expenditure. This will be assessed as the project develops with expenditure and associated funding be reclassified as appropriate.

7.4. Equality Implications

7.4.1. The recommendations do not have any direct equality implications.

7.5. Rural Community Implications

7.5.1 The recommendations do not have any unique implications for rural communities.

7.6. Human Resources Implications

7.6.1. The recommendations do not have any direct human resources implications.

7.7. Public Health Implications

7.7.1. The recommendations do not have any direct public health implications.

8. Risk Management

8.1. The following risks have been identified:

Risk	Mitigation
The key risk lies in meeting the 25:1 leverage factor as it is possible (although the Council is not aware of any cases where this has occurred) that if the required leverage factor is not met, a proportion of the funding would need to be returned (proportionally to meet the 25:1).	In order to mitigate this, the bid includes a suite of projects so that there is sufficient surplus to enable the factor to be reached even if one project element was unable to proceed. In addition, previous project proposals

	approved by the EIB demonstrate that it is not necessary to achieve the 25:1 leverage factor in every line of activity, only that the funding overall meets the minimum leverage requirements.
There is no flexibility in the re-allocation of ELENA funds once granted resulting in a risk that the Council would have to re-pay funding if external factors impacted on the delivery of certain projects and activities.	Given that the funds largely cover the aggregate cost of staff teams that will cover multiple areas, should there be a change of CEC priorities or external factors impacting the delivery of certain functions or activities, then the focus and time of staff could switch to match new proportions of delivery.
ELENA funding is awarded in Euros so there is a risk that fluctuation in exchange rate could reduce the level of funding the Council receives.	The Council will regularly review exchange rates and amend the project programme should funding levels change significantly.
Should the EU referendum in June result in the UK's exit from the European Union, there is a risk that ELENA funding could be withdrawn.	The ELENA Steering Group will regularly review any guidance relating to the impact of a potential EU exit and will discuss with the European Investment Bank/ European Commission at the earliest opportunity should the risk arise.

9. Access to Information/Bibliography

9.1. Further information can be found at the following sources:

- <http://www.eib.org/products/advising/elena/index.htm>

10. Contact Information

Contact details for this report are as follows:-

Name: Andrew Round

Designation: Interim Executive Director for Economic Growth and Prosperity

Tel. No.: 01270 686443

Email: Andrew.round@cheshireeast.gov.uk

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Council

Date of Meeting:	11 May 2016
Report:	Director of Legal Services
Subject/Title:	Extension to the appointment of two Independent Persons

1.0 Report Summary

- 1.1 Council is invited to extend the term of office for those eligible Independent Persons currently appointed to work with the Monitoring Officer and the Audit and Governance Committee on standards matters in accordance with the Council's code of conduct procedure.

2.0 Recommendation

- 2.1 That the term of office for Mr Peter Bryant and Mr Robert Fousert be extended from 30 June 2016 until 31 August 2016 or until the earlier appointment of successor Independent Persons.

3.0 Reason for Recommendation

- 3.1 To comply with the requirements of the Localism Act, the Council must have appointed at least one Independent Person to deal with standards matters. Extending the tenure of the eligible Independent Persons will ensure compliance with the Act during a period of recruitment to the post.

4.0 Implications for Rural Communities

- 4.1 Cheshire East Council is responsible for 107 Town and Parish Councils within its borough. Any delay in dealing with complaints due to the absence of an Independent Person could have a detrimental impact on the complaints process.

5.0 Legal Implications

- 5.1 To comply with the requirements of the Localism Act, the Council must appoint at least one Independent Person.

6.0 Risk Management

- 6.1 The absence of an Independent Person would prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

7.0 Background

- 7.1 The Localism Act 2011 requires the Council to appoint one or more Independent Persons whose:

Views must be sought and taken into account by the Council before it makes a finding that any Member has failed to comply with its code of conduct or impose any sanction;

Views may be sought on whether to investigate a complaint and how to deal with a particular allegation;

In addition any Member against whom an allegation has been made (including a town and/or parish councillor) may consult him or her regarding the allegation

- 7.3 Individuals appointed as Independent Persons must be recruited via a formal procedure in line with the Localism Act i.e.

- (i) the vacancy must be advertised in such manner as the authority considers is likely to bring it to the attention of the public;
- (ii) an applicant has to submit an application to fill the vacancy to the authority, and
- (iii) the person's appointment has to be approved by a majority of the members of the authority (i.e. full council).

8.0 Present position

- 8.1 On 19 July 2012, in accordance with Section 28 of the Localism Act 2011, Council appointed four individuals to the post of Independent Person for a period of three years until 31 December 2015. That period was extended by resolution of Council on 17 December 2015 in respect of the two above-named persons to enable a process to be undertaken to recruit successors to that role.

- 8.5 Work has commenced on recruiting to the above posts, however a further extension is required to accommodate the completion of that process so that the appointment of successors can be confirmed at Council on 28 July.

9.0 Access to Information

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

Name: Bill Norman
Designation: Director of Legal Services
Tel No: 685850
Email: MonitoringOfficerCEC@cheshireeast.gov.uk

This page is intentionally left blank