

CHESHIRE EAST COUNCIL

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

PRESENT

Councillor G M Walton (Chairman Items 1-3)

Councillor D Flude (Chairman - Items 4 -22)

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

Apologies

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

1 PRAYERS

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

2 DECLARATIONS OF INTEREST

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

3 ELECTION OF MAYOR 2013/14

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

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

RESOLVED

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

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

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

4 APPOINTMENT OF DEPUTY MAYOR 2013/14

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

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

RESOLVED

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

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

5 APPOINTMENT OF MAYOR'S CHAPLAIN

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

6 VOTE OF THANKS TO THE RETIRING MAYOR

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

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

Councillor Walton gave a speech of thanks.

7 MAYOR'S ANNOUNCEMENTS

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

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

8 DECLARATIONS OF INTEREST

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

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

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

RESOLVED

That the minutes be approved as a correct record.

10 PUBLIC SPEAKING TIME/OPEN SESSION

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

11 APPOINTMENTS TO THE CABINET/LEADER'S ANNOUNCEMENTS

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

RESOLVED

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

12 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

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

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

RESOLVED

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

13 APPOINTMENT OF MEMBERS TO COMMITTEES

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

RESOLVED

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

14 APPOINTMENTS TO POLICY DEVELOPMENT GROUPS

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

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

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

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

RESOLVED

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

15 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMEN

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

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

RESOLVED

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

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

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

RESOLVED

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

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

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

RESOLVED

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

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

18 REAFFIRMATION OF THE COUNCIL'S CONSTITUTION

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

RESOLVED

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

19 RECOMMENDATION FROM CABINET - DEVELOPMENT COMPANY

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

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

RESOLVED

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

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

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

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

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

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

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

RESOLVED

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

21 HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

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

RESOLVED

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

22 QUESTIONS

The following Members asked questions at the meeting :-

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

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

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

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

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

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

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

The meeting commenced at 11.00 am and concluded at 4.30 pm

Councillor D Flude
CHAIRMAN