

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 19th October, 2017 at The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor A Moran (Mayor/Chairman)

Councillor L Smetham (Deputy Mayor/Vice-Chairman)

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

Apologies

Councillors C Andrew, D Bebbington, W S Davies, M Deakin, I Faseyi, S Gardner, D Hough, M Jones and G Wait

28 PRAYERS

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

29 DECLARATIONS OF INTEREST

There were no declarations of interest.

30 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting of the Council held on 27 July 2017 be approved as a correct record.

31 MAYOR'S ANNOUNCEMENTS

The Mayor:-

1. Welcomed Cllr Joy Bratherton, who had been elected at the recent Crewe East by-election, to her first Cheshire East Council meeting.

2. Welcomed Councillor Beverley Dooley to the meeting, following her recent fall.
3. Congratulated Macclesfield Town and Crewe Alexandra Football Clubs for reaching the first round of the FA Cup and wished them well.
4. Reported that since the last Council meeting that he and the Deputy Mayor had attended almost 60 events; details of which had been circulated around the Chamber.
5. Thanked all Members who attended his Civic Service on Sunday 1 October. He also extended thanks to his Chaplain for the wonderful service that he led and to the Church Wardens at St Mary's, Nantwich, for their help in organising the service.
6. Announced that, on 31 July, it had been his privilege to lead the Council's remembrance at a major event organised by the Council in conjunction with the Royal British Legion, as part of the Cheshire East Reflects programme to mark the centenary of Passchendaele. He had been delighted to welcome both the Lord Lieutenant and the Bishop of Stockport to Wilmslow, to what had proved to be a very poignant and well attended event. He particularly praised ANSA, who had worked very hard in advance to get the memorial gardens looking their very best.
7. Announced that his 60's charity night, which had been held at Nantwich Civic Hall in the previous month, had raised over £2,000 for his two charities. He thanked everyone who had attended. He also reported that he would be organising other charity events over the coming months and encouraged as many Members as possible to come along, to help support two very good causes. He would write to all Members when further details were available.
8. Announced that, for practical reasons, he had decided to move the 2018 Annual Meeting of Council from 16th to 23rd May. This would be included in the annual consultation which led to the formal agreement of the Calendar of Meetings for the following year, so that people could make their views known, as part of that exercise if they wished.

32 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Christopher Kerrison Evans used public speaking time to ask a question in respect of the number of new dwellings in Wilmslow that had been authorised to Wilmslow since the start of the Local Plan process in 2010 up until 27th July 2017. - Cllr Ainsley Arnold, Housing and Planning Portfolio Holder, gave a brief response and undertook to provide a written response to the question.

Ms Sinead Wheeler used public speaking time to ask a question regarding the proposed changes to supported bus services in the borough. – Cllr Paul Bates, Finance and Communities Portfolio Holder responded.

Mr Andrew Wood used public speaking time to address Council regarding a business plan for a project for a replacement market at Chelford.

Middlewich Town Cllr Jonathan Parry used public speaking time to address Council regarding the use of Section 106 monies and public trust issues. – The Leader of the Council responded.

Mrs Sue Helliwell used public speaking time to address Council regarding changes to the number 78 bus service from Alsager to Leighton Hospital. – Cllr Paul Bates, Finance and Communities Portfolio Holder, responded.

Mrs Carol Jones used public speaking time to address Council regarding the supported bus service review and presented a petition to the Leader of the Council. – Cllr Paul Bates, Finance and Communities Portfolio Holder responded.

Mr Unett used public speaking time to address Council regarding the supported bus service review and the cost of producing Cheshire East Council's "The Voice" magazine. - Cllr Paul Bates, Finance and Communities Portfolio Holder and Cllr Peter Groves, former Democratic and Public Engagement, Assurance and ICT Portfolio Holder responded.

Mr Rob Vernon used public speaking time to address Council regarding the reputation of the Council.

Ms Sharon Whalley used public speaking time to address Council regarding the licensing of taxis and drivers from outside the Cheshire East area and ensuring that they were safe for use by the public. - Cllr Ainsley Arnold, Housing and Planning Portfolio Holder, gave a brief response and undertook to provide a written response. Cllr George Hayes, former Children and Families Portfolio Holder, added that the Council had already made representations to central Government in respect of this matter, as part of scrutiny work that had taken place.

Mr Alan Proudlove used public speaking time to address Council regarding what he considered to be a reduction in service in respect of the sweeping of footpaths and grass cutting. – The Leader of the Council, Cllr Rachel Bailey, undertook to look into this matter and asked Mr Proudlove to provide details of the areas concerned.

Ms Joan Gibson used public speaking time to address Council regarding the supported bus service review and in particular requested that reconsideration be given to any proposal to cut the number 78 bus service. - Cllr Paul Bates, Finance and Communities Portfolio Holder responded.

Ms Hazel Faddis used public speaking time to address Council regarding the bus service review with regard to rural areas. – Cllr Janet Clowes, Adult Social Care and Integration Portfolio Holder responded.

Ms Jo Day used public speaking time to address Council regarding the bus service review and air pollution. - Cllr Paul Bates, Finance and Communities Portfolio Holder responded.

33 LEADER'S ANNOUNCEMENTS

The Leader of the Council, in summary:-

1. Welcomed Cllr Joy Bratherton to her first meeting of the Council, noting that she had taken over from the much respected and hard working Cllr David Newton.
2. Reported that she had been in London on the previous day and had contacted DCLG, whilst there, to offer to meet with them to answer any questions regarding concerns in respect of special measures. She reported that the Council had engaged with DCLG since the day that the Investigation and Disciplinary Committee had decided to suspend the Chief Executive and that this engagement with DCLG had shown that the Council's service delivery continued to be high. She referred to recent awards received by the Council. Since April 2017, Cheshire East Council staff and projects had won awards for social care practice, information governance, service delivery model, community benefit, best public building and housing adaptations. The Council's services had been shortlisted for fifteen regional and national awards in total, in a wide range of council services from right across the organisation. She considered that this showed that the Council's services continued to be recognised by its peers and by independent organisations, as being of the highest quality. She asked that thought be given to the impact on the morale of the staff delivering these high standards and that she considered that the Council was being responsible and dealing with these matters. She wished to put on record thanks to the staff within the structure. She referred to the acting up arrangements in respect of officers and stated that, beyond the Section 151 Officer, all the officers concerned were already Cheshire East Council officers and that all these officers were familiar to the staff and familiar with Cheshire East. She felt that this evidenced why there was continuity of service. In addition, all officers who were acting up had mentoring arrangements, working with colleagues in neighbouring and other authorities. She referred to the announcements regarding funding for the Middlewich Eastern by-pass and further funding for Crewe, under the North West Crewe package, from the Productivity Investment Fund, which had brought £5M of funding to Crewe. She also referred to an award of £3.5M for the Macclesfield Movement Strategy. She questioned whether this showed a failing Council that was in special measures and suggested that it did not. She asked that comments made that hurt the Council's staff be retracted.
3. Reported that work was continuing with the LGA and Cabinet and executive officers to draw together the framework for what a "Member-led" model meant in Cheshire East, including training and picking up issues of culture. She wished to put this on record and

looked forward to disseminating the proposals and sharing them with all Members.

4. With regard to culture, announced that work was continuing and that following on from the staff survey, the Council had commissioned an independent review by the LGA into the culture of the Council and particularly regarding allegations in respect of bullying and harassment. Terms of Reference had been developed and were currently with the LGA for comment and would be shared with leaders of the opposition groups and the Trade Unions. It was anticipated that the review would commence at the end of the month and would be completed in December 2017.

5. Announced some changes to her Cabinet as follows:-

Cllr George Hayes and Peter Groves would be standing down as Cabinet Members to concentrate on other issues. The Leader thanked both Members for their hard work.

Cllr Liz Wardlaw would be Deputy Leader of Council and Cllr Jos Saunders would now be a Member of Cabinet.

She had wanted to report these changes to Council as soon as possible, however, the finer details needed to be refined, not least the impact of these changes to overview and scrutiny functions. She undertook to forward a list of Cabinet Member responsibilities to all Members in the near future and further information, following engagement with overview and scrutiny.

6. Announced that Royal London had announced that they would be staying in Cheshire East and would be relocating to Alderley Park. Nevertheless, the focus on their master plan and vision for the Wilmslow site would continue.

34 STRATEGIC PARTNERSHIP FOR THE CHESHIRE EAST COMMUNITY EQUIPMENT SERVICE

A report was submitted, seeking Council's endorsement for the renewal of the Memorandum of Understanding for the delivery of the Community Equipment Service (CES), through to 31 March 2021, under Section 75 of the National Health Service Act 2006, between four partners; Cheshire East Borough Council, Eastern Cheshire Clinical Commissioning Group (CCG), South Cheshire CCG and Vale Royal CCG. This was the commissioning partnership for the CES, which was hosted by Cheshire East Borough Council.

Council had approved the Community Equipment Service (CES) Framework for adult equipment and the Council's budget for up to four years, on 3 March 2015, subject to annual confirmation of budget. Since

that approval advice had been received from the Council's Legal section that the current Constitution now required additional Council approvals.

RESOLVED

1. That the renewal of the Memorandum of Understanding (MOU) through to 31 March 2021 under Section 75 of the National Health Service Act 2006 between Cheshire East Council, Eastern Cheshire CCG, South Cheshire CCG and Vale Royal CCG, for the delivery of the Community Equipment Service be endorsed.
2. That delegated authority be granted to the Strategic Director of Adult Social Care and Health (in consultation with the Portfolio Holder for Adult Social Care and Integration and the Director of Legal Services), to approve the final form of the MOU (and any subsequent amendments thereto); and to the Director of Legal Services to execute on behalf of the Council the approved final form of the MOU.
3. That delegated authority be granted to the Strategic Director of Adult Social Care and Health (in consultation with the Portfolio Holder for Adult Social Care and Integration and the Director of Legal Services), to renew the MOU arrangements beyond 2021 in accordance with any provision made for that purpose by Council through setting the budget and policy framework.

35 CHESHIRE EAST COUNCIL - REVIEW OF CONSTITUTION

On 4 August 2017, the Constitution Committee had received a report regarding a proposed, comprehensive, review of the Council's Constitution; which was needed to ensure compliance with all relevant statutory requirements, to improve organisational efficiency, and to further improve the governance arrangements for the Council.

Consideration was given to a report providing an update to Council upon the review of the Constitution.

A motion "to note the progress made in respect of the review of the Constitution and the timescale for the completion of the review" was proposed and seconded.

AMENDMENT

An amendment to add the following wording after the word "review" was proposed and seconded:-

“and that the deadline for the completion of the review of the Constitution be extended to May 2018, so that it can be considered at the Annual Council meeting in May 2018”.

A vote was taken on the amendment and it was declared “Lost”.

Following further debate, a vote was then taken in respect of the substantive motion and it was declared “Carried”.

RESOLVED

That the progress made in respect of the review of the Constitution and the timescale for the completion of the review be noted.

36 OVERVIEW AND SCRUTINY ANNUAL REPORT 2016/17

The 2016/2017 Overview and Scrutiny Annual report, which summarised the activities of the Council’s four Overview and Scrutiny Committees during the period of the 2016/17 Municipal Year, was submitted.

Representatives from each of the political groups spoke in respect of this issue.

RESOLVED

That the annual report be received and posted on the Council’s website.

37 ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE 2016/17

The Audit and Governance Committee, at its meeting on 19 October 2017 had considered the draft report of the Chairman of the Committee on its performance and effectiveness in 2016/17 with regard to its terms of reference and purpose. The report provided details of work undertaken by the Committee and the assurances received during the year. The draft Annual Report for 2016/17 had been approved, for consideration by Council, subject to a number of corrections, details of which were reported. These had been incorporated into the Annual Report as submitted to Council.

Representatives from each of the political groups spoke in respect of this issue.

RESOLVED

That the report be received and noted.

38 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report in respect of the political representation on the Council's Committees.

It was reported that notice has been given to the Proper Officer that Councillor Michael Jones has become a non-grouped independent member of the Council. Therefore, a report was required to ensure that political proportionality was achieved. It was noted that there had been no change in the Council's political proportionalities resulting from the Crewe East Borough Ward election on 5 October 2017.

The law required that each relevant Council decision making body must be politically balanced, as far as was reasonably practicable, and that the total of Committee seats allocated to the Council's political groups balanced perfectly.

The Appendix to the report set out the political representation on ordinary committees and sub committees, this being based on the political structure of the Council as a whole.

RESOLVED

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

2. That the adjustments to Committee places indicated as being required in such Appendix, to achieve the correct political proportionality across all Committees, be agreed.

3. That the unchanged Committee Chairman and Vice Chairmen allocations be noted as set out in the Appendix; "(C)" denoting the allocation of the office of Chairman to political groups and "(VC)" denoting the allocation of the office of Vice Chairman to political groups.

39 NOTICES OF MOTION

The following Notice of Motion was withdrawn by the proposer:-

1. Deputy Leader

Proposed by Cllr Sam Corcoran

This Council notes that Cllr David Brown has stepped down from his Cabinet responsibilities.

This Council also notes that Cllr David Brown currently remains as Deputy Leader of the Council and will therefore be leading the Council and representing the Council at times when the Leader is unavailable.

This Council calls on Cllr David Brown, in order to protect the reputation of the Council, to step away completely from all of his current posts, as Deputy Leader of Cheshire East Council and on outside bodies, while the awarding of £70,000 to the Berkeley Academy for a new car park is investigated by Cheshire Constabulary.

Consideration was given to the following Notices of Motion, which had been submitted to Council in accordance with Procedure Rule 12:-

2. A Cabinet of Unity to rescue the reputation of Cheshire East Council

Proposed by Cllr Nick Mannion and seconded by Cllr Craig Browne

There are currently no less than FOUR police investigations into conduct and activities by officers and/or elected members at Cheshire East Council.

There are also several senior officers either suspended or away from their jobs on extended leave of absence.

Finally, there are persistent concerns over the culture at Cheshire East Council, and that the Council has been aware that it was in breach of the regulations governing the payment of the National Minimum Wage to staff for several years.

As a consequence, the reputation of the Council is under almost daily attack, and is a cause of great concern to many residents and businesses in the Borough.

Therefore, it is proposed that:

1. For a period not exceeding one year, a new cabinet, whose membership is drawn from across the political complexion of the Council be appointed. Membership being closed to anyone touched by any of the current police or internal investigations.
2. Appointment to the new Cabinet should be on the basis of relevant skills and a willingness to work across the political divide in the spirit of rebuilding the image, repute and performance of Cheshire East Council.
3. As soon as possible, and within three months, an interim report on the investigation of the culture at Cheshire East Council be published, with a final report along with any recommendations for changes to the Council's organisation, governance and culture be published for consideration at Annual Council in May 2018.

RESOLVED

That the motion be not accepted.

3. The Sun Newspaper

Proposed by Councillor J Bratherton and seconded by Cllr D Bailey

On 15th April 1989, a disaster at Hillsborough Stadium in Sheffield led, ultimately, to the death of 96 innocent fans who had left home that morning to watch a football match.

Due to crowd control mis-management those fans, whose ages ranged from 10 to 67 years of age, had the life crushed out of them. Contrary to the facts, The Sun published a front page story with the banner headline "The Truth" which contained less than the truth.

It is sobering to compare the behaviour of those who were in positions of responsibility and public trust, who have continued to falsify records and statements, with the dignity and courage displayed by the families of the 96, who have continued since 1989 to fight for justice whilst coping with the loss of their loved ones.

Motion

"This Council recognises and does not forget the hurt and distress caused to the people of Merseyside by what was printed in The Sun, and, in particular, the distress caused to the families of the 96. Neither will the Council forget The Sun's refusal to apologise properly for the hurt it caused".

For these reasons, I will be separately seeking reassurance that this newspaper will not be held or displayed by Cheshire East Council.

RESOLVED

That the motion be referred to Cabinet for consideration.

4. Independent Cultural Review

Proposed by Councillor D Bailey and Seconded by Councillor D Flude

Cheshire East Council has been beset by numerous allegations of bullying and harassment from its staff.

This Council claims to be an organisation that puts 'Residents First'. In order to carry out such an objective in an effective and efficient manner, we rely on our staff to deliver the services our residents rely on. Therefore, the welfare of the people we employ must be front and centre of everything we do as an organisation. Currently, there are concerns that we

may be failing them and it is incumbent on us as elected representatives to tackle the issue head on.

We reference the recent independent cultural review that took place in Essex Fire & Rescue Service as a good model for this Council to adopt. Through a robust process of investigative work into the practices of the Service, Irene Lucas CBE of DCLG was able to explore the historical causes that fostered such a toxic culture of harassment and intimidation that besieged the organisation for many years. Such a root and branch review of our organisation would be an agent of positive and transformative change for this Council, if we are brave enough to embark on such a path.

It is recommended that:

- Cheshire East acknowledges we have deep-rooted cultural issues in respect to the treatment of our employees in certain quarters.
- Cheshire East Council writes to the Department of Communities & Local Government acknowledging our problem with the bullying and harassment of our staff requesting that they appoint an individual or group of local Government experts, as in the example cited above, to conduct an independent cultural review.
- Cheshire East Council actively cooperate with the actors asked to undertake such a task providing resources where appropriate, working on a cross-party basis to support the review in a collaborative, meaningful and positive manner.
- Cheshire East Council begins to extensively work with its recognised trade unions, taking advice and recommendations from them where appropriate to enhance the welfare of our employees in and out of the work place.
- Cheshire East Council reaffirms and strengthens its commitment to those staff who decide to 'whistle-blow' on malpractices within the organisation.

RESOLVED

That the motion be referred to Staffing Committee for consideration.

40 QUESTIONS

The following questions were asked by Members:-

1. Cllr D Marren referred to a recent employment tribunal case. He said that, at the preliminary hearing, the judge had struck out the Council's costs application and the Council's application to dismiss the case. A ten day hearing had now been scheduled for June of the following year and he sought assurance that the claim would be robustly defended and that there would be no settlement agreement. – The Leader of the Council, Cllr Rachel Bailey responded.

2. Cllr L Jeuda asked the Leader to justify the money spent on the employment of a barrister to defend the Council against a whistle blower who was claiming unfair dismissal and whether the residents of Cheshire East would be paying the bill for this. - The Leader of the Council, Cllr Rachel Bailey responded.
3. Cllr B Burkhill referred to the supplementary capital estimate for the Crewe Green roundabout, approved at the previous meeting of Council, and asked when this would be brought back to Council, as Members had voted on what they thought to be a loan, which now appeared to be a gift. – Cllr Paul Bates, Finance and Communities Portfolio Holder responded.
4. Cllr D Flude referred to correspondence received from a resident asking what the justification was for “The Voice” magazine produced by the Council and asked how residents could opt out of the 19 pence that they were paying for this, as part of their Council tax. – Cllr Peter Groves, former Democratic and Public Engagement, Assurance and ICT Portfolio Holder, responded and undertook to inform Cllr Flude what the resident concerned needed to do, so that she could pass the information on to them.
5. Cllr Kolker asked whether the Council could do anything to help with the provision of good and appropriate careers advice in schools. – Cllr George Hayes, former Children and Families Portfolio Holder, responded.
6. Cllr S Pochin asked, in light of the threat to the Consultation Partnership, with some partners refusing to commit to taking their share of the housing, what reassurance the Leader could give that the 100,000 houses required if the HS2 Hub station went to Crewe, that all the housing would not be built in Crewe and Nantwich. - The Leader of the Council, Cllr Rachel Bailey responded.
7. Cllr S Corcoran asked, in view of the concerns expressed regarding “The Voice” magazine, what the cost to the Council would be for the contract advertised on the Chest, dated 16 October 17, including public relations and image to support the work of the Communications Team. - Cllr Peter Groves, former Democratic and Public Engagement, Assurance and ICT Portfolio Holder, stated that this was a procurement issue and undertook to arrange for a written response to be provided.
8. Cllr N Mannion asked, in view of the new housing development allocated in the Local Plan on former Green Belt land on either side of Chelford Road, Macclesfield and the associated additional traffic movements at Broken Cross roundabout, would the draft Air Quality Management Plan for Broken Cross take this into account, when would the Air Quality Management plan be published for consultation and would there be enough money, so that the

measures proposed in the action plan could be delivered. He asked for a written response to be provided and that this also be sent to the two ward members for Broken Cross and Upton, Cllrs Hardy and Durham.

9. Cllr D Bailey welcomed the Leaders announcement regarding an independent cultural review, agreed by the Staffing Committee and sought assurance that the review would be dealt with in a proper and open manner - The Leader of the Council, Cllr Rachel Bailey responded.
10. Cllr J Bratherton asked who was empowered to make the decision as to what was debated at Council meetings and which motions were debated at the meeting, when others were referred to Cabinet and Committees. – The Mayor responded.
11. Cllr E Brookfield referred to sleep-in rates for care workers and sought assurance and confirmation that any settlement to care works would ensure that pay was brought in line with the Cheshire East living wage and not just the national minimum wage. - The Leader of the Council, Cllr Rachel Bailey responded briefly and undertook to provide a written response. (Following the Leader’s response, Cllr S Corcoran asked the Monitoring Officer to clarify whether a breach of the national minimum wage legislation was a criminal matter, or not. This would be factored into the written response).
12. Cllr B Roberts referred to security issues at the former Crewe baths and asked for reassurance that the Council would make greater efforts to secure the property as soon as possible - Cllr Paul Bates, Finance and Communities Portfolio Holder responded. –
13. Cllr J Nicholas questioned whether the Council was open and transparent with its residents, when it did not to refer to areas where the Council was failing in “The Voice” magazine produced by the Council. - The Leader of the Council, Cllr Rachel Bailey responded.
14. Cllr T Fox noted that the Leader had alluded to the LGA providing professional advice and support, including mentors for Councillors and senior officers and a dedicated resource to improve communication with residents and also workshops with Cabinet and senior officers, to ensure that they worked together. She asked that all Members be kept fully informed, with regular updates in respect of any dealings with the Police and DCLG concerning senior officers and Cabinet Members, both past and present. - The Leader of the Council, Cllr Rachel Bailey responded.

The meeting commenced at 2.00 pm and concluded at 6.35 pm

Councillor A Moran (Chairman)
CHAIRMAN