

# Public Document Pack

## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**  
held on Thursday, 13th October, 2011 at The Council Chamber, Municipal  
Buildings, Earle Street, Crewe, CW1 9TL

### PRESENT

Councillor R West (Chairman)  
Councillor G M Walton (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartlidge, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, D Flude, H Gaddum, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, S Hogben, D Hough, P Hoyland, O Hunter, J Jackson, L Jeuda, M Jones, S Jones, F Keegan, A Kolker, D Mahon, D Marren, A Martin, M A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, G Morris, B Murphy, H Murray, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, L Roberts, M Sherratt, B Silvester, M J Simon, L Smetham, D Stockton, A Thwaite, D Topping, M J Weatherill, P Whiteley, S Wilkinson and J Wray

### Apologies

Councillors D Bebbington, G Boston, D Druce, A Harewood, W Livesley, J Macrae, S McGrory, J Saunders and C G Thorley

### 43 MINUTES OF THE MEETING HELD ON 21 JULY 2011

#### RESOLVED

That the minutes of the meeting held on 21<sup>st</sup> July 2011 be approved as a correct record subject to an amendment to Minute 39, Supplementary Question to Question 11, to correct the phrase 'reducing child poverty' so that it reads 'eliminating child poverty'.

### 44 MAYOR'S ANNOUNCEMENTS

#### The Mayor

1. Announced that on 1 September, he had been honoured to host the 'A team Awards' and Celebration Event at Middlewich Community Church, where the A-Team Apprentice of the year winners had been presented with their awards. The Council had welcomed over 80 apprentices in the past year working in all areas of the authority.

Three Apprentices of the Year, Nicola Hull, Kai Breton and Daniel Band, had been invited to the Council meeting where the Mayor

presented them with their certificates in formal recognition by the Council of their hard work.

2. Announced that last week he had the pleasure of launching the search for Local Heroes on Silk 106.9's Breakfast Show in Macclesfield. Now in their 13<sup>th</sup> Year, the Local Hero Awards recognised the unsung heroes of Cheshire East. He was delighted that Cheshire East Council was supporting the awards again, as thousands of people across the Borough, both young and old, selflessly gave up their time to help others and it was right that their efforts are recognised. Nominations were now open and needed to be submitted by 4<sup>th</sup> November. Anyone wishing to nominate and to find out more about the 12 award categories should go to the Silk 106.9 website.
3. Announced that last Sunday he had the privilege to attend the Care Awards at Tatton Park. The event celebrated the achievements of young people in the Council's care who had worked hard in their daily life to establish friendships, develop talents and succeed in their learning. It was also a celebration of those people who supported them on a daily basis, notably their carers, social workers and teachers. The Mayor had been honoured to be invited and be a small part of these truly inspirational awards. It had been a wonderful opportunity to pay tribute to the many and varied talents, and indeed strengths, of the children and young people in the care of Cheshire East Council.
4. Announced that his first Civic Service as Cheshire East Mayor would take place this coming Sunday at St George's Parish Church, Poynton at 11.00am with refreshments served at the British Legion Club from 10am. All Members of the Council should have received an invitation and he look forward to seeing them.

#### 45 **DECLARATIONS OF INTEREST**

Councillors C Andrew, L Brown, K Edwards, M Hardy and L Roberts declared personal interests in relation to Item 7, Notice of Motion 8, as members of the Local Service Delivery Committee for Macclesfield.

Councillor D Flude declared a personal interest in relation to Item 7, Notice of Motion 9, as a Governor at Leighton Hospital, Crewe.

Councillor S Gardiner declared a personal and prejudicial interest in relation to Item 19 – Draft National Planning Policy Framework, as a practising planning consultant for a firm which submitted planning applications to Cheshire East Council.

Councillors W Fitzgerald and F Keegan declared personal and prejudicial interests in relation to Item 20 - Supplementary Capital Estimate for Alderley Edge Bypass.

## 46 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs E Bostock, Mr P McHugh, Mr J Tittensor, Mr J Latham, Mrs G McIntyre, Mrs L Hassall, Mr Jones and Mr Williams spoke in opposition to a proposed housing development on a Greenfield site off Gresty Lane, Shavington on the grounds that the development would blur the distinction between Shavington and Crewe, threatening the separate identities of both communities, that the local highways infrastructure could not support the development, that it would lead to increased traffic congestion and that the increased population would place additional pressures on the local doctors' surgery. It was also claimed that existing Section 106 Agreements protected wildlife in the area and provided that a spine road should be constructed before any further development could take place.

Mrs Charlotte Peters Rock, representing Knutsford Area for Knutsford Action, referred to the deep concern of the people of Knutsford that vulnerable, disabled adults, and those suffering from dementia, were being removed from the Knutsford area. She went on to say that claims that the Stanley Centre was 'well past its sell-by date' and that 'the top two floors were empty and decaying rapidly' were untrue, that a suggestion that the number of people using the Centre had fallen over the last year was misleading, and that this brought Cheshire East Council into disrepute.

Mr John Jones had given notice of a question regarding a proposed travellers site in Coppenhall, Crewe. Mr Jones questioned the suitability of the site, claiming that the 'positive' criteria used were misleading and that the differences between the site and other potential sites had been exaggerated. He then asked which planning committee would be considering the planning application, and when, and sought details of the public consultation that would take place. Finally, in the event that planning permission were granted, he asked when construction would begin, when the first residents would be expected to move in, what procedure if any would be used for selecting residents and what sanctions would be taken against those who behaved 'in a manner inappropriate in a respectable residential neighbourhood'.

Councillor R Bailey, as the relevant Portfolio Holder, replied as follows:

"The Council has considered a range of sites within the Middlewich, Sandbach, Crewe and Nantwich Areas for the provision of a residential gypsy site. The area of search corresponded both with the area in which gypsies and travellers traditionally reside and the localities which have seen unauthorised residential sites granted via planning appeals.

The sites were assessed against physical, ecological and sustainability criteria.

The land at Parkers Road is considered to have a number of advantages:

- It is close to the urban area – but not adjoining it;

- Schools, shops and other facilities are within safe and easy walking distance (there is a footpath on Parkers Road itself);
- The site is flat and relatively free from constraints;
- Good road access;
- It is an area which Gypsies and Travellers are known to use; and
- Preliminary work (including a new survey) has already been carried out.

Alternative sites were not considered to have the same advantages

The application will be determined by the Council's Strategic Planning Board or a body determined by the Board, and the meeting would hopefully be held in Crewe. It is anticipated that the application will be submitted during November and determined in January or February. The planning application process will allow for full public consultation in the normal way.

It is too early to say when or if construction will start, as any decision must await the outcome of the planning process. Equally it would be premature to consider the precise arrangements made with future tenants. However, one of the advantages of a Council operated site as opposed to a private one is that we can ensure it is properly managed and that all necessary steps are taken to ensure the site is properly maintained and that occupiers abide by the regulations governing the site.

Subject to the outcome of the planning application, the Council would seek funding from the Government to develop the site.

Once it is known that there is a dedicated gypsy and traveller site in Cheshire East, this will make it less likely that gypsies and travellers will settle on other land within the Borough."

#### 47 **NOTICES OF MOTION**

1. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

"That the Council's decision at its meeting on 24<sup>th</sup> February 2011 to approve an Interim Planning Policy on the Release of Housing Land (Minute 95 refers) should be rescinded."

The Motion was seconded by Councillor B Murphy.

#### **RESOLVED**

That the Motion stand referred to the Strategic Planning Board.

2. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“In view of the Scrutiny Committee recommendation not to set up a new 125 year lease for the Crewe Heritage site being ignored, the Council has extremely grave concerns about the process which was adopted.”

The Motion was seconded by Councillor P Edwards.

**RESOLVED**

That the Motion stand referred to Cabinet.

3. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That since the relocation of the Crewe Market to the Lyceum Square, market trade has dramatically declined and accordingly the outdoor market should be relocated to the position required by the residents when consulted, which was in and adjacent to the Town Square near to Marks and Spencer’s.”

The Motion was seconded by Councillor B Burkhill.

**RESOLVED**

That the Motion stand referred to Cabinet.

4. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That since the introduction of the higher than RPI increase in charges for the Crewe Market, the number of traders has dropped considerably and the new charges should be reviewed and be returned to the 2009 level to encourage the regeneration of the market.”

The Motion was seconded by Councillor A Moran.

**RESOLVED**

That the Motion stand referred to Cabinet.

5. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That the delegated powers to officers to alter car parking charges be rescinded and the powers returned to the Cabinet Member.”

The Motion was seconded by Councillor A Moran.

## **RESOLVED**

That the Motion stand referred to the Constitution Committee.

6. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That the annual target for housing in Cheshire East, set in the regional spatial strategy, already rescinded by the Government, be reduced from 1000+ to 710 per annum to give a five year requirement of 3550 which is already available.”

The Motion was seconded by Councillor P Edwards.

## **RESOLVED**

That the Motion stand referred to the Strategic Planning Board.

7. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill.

“That since the government is running the Photovoltaic roof panel scheme for householders to generate green electricity and have exempted this from all planning permission requirements, that this Council notify any enquirers that planning permission is not required and cease to require details, drawings or charges except for listed buildings or conservation areas for which permission is still required.”

The Motion was seconded by Councillor B Burkhill.

## **RESOLVED**

That the Motion stand referred to the Strategic Planning Board.

8. Consideration was given to the following Notice of Motion submitted by Councillors D Neilson and B Murphy:

“In view of the consultative role of the Local Service Delivery Committee for Macclesfield, plus the request from the Cabinet in relation to precepting powers for the Committee and in order to enhance its mandate to reflect opinion across the town, the Council requests the Constitution Committee to re-consider the Committee's composition, with a view to incorporating into its membership all elected Councillors for the unparished area.”

## **RESOLVED**

That the Motion stand referred to the Constitution Committee.

9. Consideration was given to the following Notice of Motion submitted by Councillors M Simon and J Saunders:

“This Council is concerned about the smooth transition of the Cheshire East Local Involvement Network (LINK) into Healthwatch, due to uncertainty around funding arrangements for the Support Team.

The Support Team has funding to March 2012 which makes forward planning difficult. It is very important that the LINK is able to maintain its current training programme, which is necessary to enable members to be authorised to carry out Enter and View inspections (for which the LINK has been commended by the Care Quality Commission) and to enable the LINK to fulfil its intentions as set out in the Pathfinder application to the Department of Health.

Funding is also needed to pump prime Healthwatch activity to enable a seamless transition from LINK to Healthwatch (in October 2012), including an engagement strategy, rebranding and maintaining and developing current and future relationships.

This Council urges Cheshire East MPs to confirm and clarify that funding for LINKs will be available at the earliest opportunity to enable transition arrangements to be planned and a smooth handover to be achieved.”

It was agreed and seconded that the wording of the Motion be amended to include the words “and the Secretary of State for Health” after “Cheshire East MPs” in the final paragraph.

#### **RESOLVED**

That the Motion as amended stand referred to Cabinet.

48 **RECOMMENDATION FROM THE LICENSING COMMITTEE -RE-ADOPTION OF SECTIONS 14 - 17 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED)**

The Licensing Committee at its meeting on 12<sup>th</sup> September 2011 had considered a proposal to re-adopt the provisions of sections 14 - 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), which related to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis within the Borough of Cheshire East.

The Committee had recommended that Council approve the proposal.

#### **RESOLVED**

That

- (1) Sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act') be adopted and shall apply to the Borough of Cheshire East with effect from 1 December 2011; and that section 15 of the 1982 Act shall apply within the Borough of Cheshire East to all of the descriptions of persons within sub-section 15(1), i.e. persons carrying on the business of tattooing, of semi-permanent skin-colouring, of cosmetic piercing, or of electrolysis; and
- (2) the Borough Solicitor, or officer acting on her behalf, be authorised to publish notice of the above resolution in accordance with statutory requirements.

49 **RECOMMENDATION FROM THE LICENSING COMMITTEE -RE-ADOPTION OF SCHEDULE 4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING**

The Licensing Committee at its meeting on 12<sup>th</sup> September 2011 had considered a proposal to re-adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (in relation to street trading) within the Borough of Cheshire East.

The Committee had recommended that Council approve the proposal.

**RESOLVED**

That Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be adopted and apply to the Borough of Cheshire East with effect from 1 December 2011.

50 **RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - HONORARY ALDERMEN**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered the recommendations of the Civic Sub-Committee in relation to conferring on former Members of the Council the title of Honorary Alderman. The Sub-Committee had recommended that the title of Honorary Alderman be conferred on the following former Members of the Council:

Mr Ainsley Arnold  
Mr David Cannon  
Mr Ray Westwood  
Mr Andrew Knowles  
Mr Tony Ranfield  
Mr John Goddard

The Sub-Committee had also made recommendations regarding the ceremony.

The Committee had approved the Sub-Committee's recommendations for recommendation to Council.

In moving the Committee's recommendations, the Chairman, Councillor A Martin, informed Council that since the agenda papers for the Committee had been published, it had come to light that former Councillor Brian Dykes also fulfilled the criteria of 'eminent service' for the purpose of becoming an Honorary Alderman.

Councillor Martin also informed Council that the formal ceremony would take place at 4.15 pm on Monday, 14<sup>th</sup> November 2011 at the Lyceum Theatre, Crewe. Arrangements for the ceremony were well in hand.

## **RESOLVED**

That

(1) the title of Honorary Alderman be conferred on the following former Members of the Council:

Mr Ainsley Arnold  
Mr David Cannon  
Mr Brian Dykes  
Mr John Goddard  
Mr Andrew Knowles  
Mr Tony Ranfield  
Mr Ray Westwood

(2) it be noted that the formal ceremony will take place at a special meeting of the Council to be held at 4.15 pm on Monday, 14<sup>th</sup> November 2011 at the Lyceum Theatre, Crewe; and

(3) the ceremonial procedure set out in paragraph 6.6 of the report to the Civic Sub-Committee be approved for the special Council meeting.

## **51 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PLANNING PROTOCOL OF CONDUCT**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered an amended version of the Planning Protocol of Conduct which had been developed by the Planning Protocol Sub-Committee. The aim had been to review the existing Planning Protocol with a view to redrafting it as short, sensible guide.

The revised version of the Protocol had been approved by the Strategic Planning Board and the Standards Committee with one slight amendment which had been included in the version submitted to Council. The Constitution Committee had recommended that the Protocol as amended be approved by Council.

## **RESOLVED**

That the revised Planning Protocol of Conduct be approved for adoption and inclusion in the Constitution.

### **52 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered a proposal to recommend to Council that the final decision concerning the outcome of the Polling Districts and Polling Places Review be delegated to the Constitution Committee at its meeting on 17<sup>th</sup> November 2011.

The final decision needed to be made before the 1<sup>st</sup> December 2011 in order to meet the statutory timescale for the review. This would necessitate a special Council meeting. The most likely date for such a meeting would be 18<sup>th</sup> November 2011. However, it was apparent that there would be no other items of business requiring decision at such a meeting.

## **RESOLVED**

That the final decision concerning the outcome of the Polling Districts and Polling Places Review be delegated to the Constitution Committee at its meeting on 17<sup>th</sup> November 2011.

### **53 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - URGENT DECISION-MAKING**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered proposed changes to the Council's arrangements for making urgent decisions.

The Council's existing arrangements empowered the Chief Executive or her nominee to make urgent executive and non-executive decisions in circumstances where such decisions were required before the next meeting of the relevant decision-making body. It was suggested that consideration should be given to securing Member involvement in making urgent decisions, with appropriate officer advice and involvement. Appendix B of the report to the Constitution Committee contained proposed urgency provisions which, if agreed, would need to be incorporated into the Constitution.

The Constitution Committee had approved the proposals for recommendation to Council subject to the following amendments:

“with regard to urgent executive decisions:

- the relevant scrutiny chairmen be notified of the matter *and invited to make representations*;
- *all* Opposition Group leaders be notified of the matter and invited to make representations.”

A revised version of Appendix B incorporating the amendments agreed by the Constitution Committee had been submitted to Council.

In moving the Committee’s recommendations, the Chairman, Councillor A Martin, proposed two further amendments as follows:

- the urgency sub-committee to be appointed to consider urgent Council decisions comprise 5 Members of the Council (ratio 3:1:1) and the Mayor *as a non-voting member*.
- the following provision be added to the proposed urgency provisions:

*Scrutiny committees can review the reasons for the urgency of a decision and the process adopted.*

## **RESOLVED**

That

- (1) subject to the further amendments now proposed, the revised arrangements for making urgent decisions as set out in the revised version of Appendix B to the report to the Constitution Committee be approved and adopted; and
- (2) the Borough Solicitor and Monitoring Officer be authorised to make such additions and amendments to the Constitution as she considers are necessary to give effect to the wishes of Council.

## **54 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - QUESTIONS AT COUNCIL MEETINGS**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered proposed changes to the arrangements for questions at Council meetings.

The Officers had received a number of comments from Members about the current arrangements for questions at Council meetings: that question time took too long; there were too many questions being asked; that some questions could be asked of Officers or Portfolio Holders; and that primary questions sometimes contained a number of subsidiary questions.

A number of potential amendments to the question time provisions had been circulated to the Committee for consideration as set out in Appendix

B to the Committee's report. The Committee had approved the proposals for recommendation to Council subject to the following amendments:

- a maximum period of 30 minutes be allocated for Members' questions at Council;
- questions be selected by the Mayor in accordance with the criteria as amended;
- those Members submitting more than one question may indicate the priority of importance of each question;
- criterion 2(a) be deleted;
- criterion 2(e) be amended to include reference to executive business;
- paragraphs 3, 5 and 10 be deleted;
- written answers to accepted questions which cannot be dealt with at the meeting be copied to all Members of the Council and not just the questioner;
- the current deadline of 3 clear working days for the submission of questions be retained.

The Committee had also agreed to review the arrangements after 12 months.

A revised version of Appendix B incorporating the amendments agreed by the Constitution Committee had been submitted to Council.

In moving the Committee's recommendations, the Chairman, Councillor A Martin, proposed that the revised arrangements be reviewed after 6 months instead of 12.

The motion as set out in the resolution below was moved and seconded.

A requisition for a named vote was submitted and duly supported, in accordance with the provisions of Council Procedure Rule 15.2.

The motion was put to the meeting with the following results:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
C Andrew	D Brickhill	-
Rachel Bailey	B Burkhill	
Rhoda Bailey	R Cartlidge	
Andrew Barratt	S Corcoran	
G Baxendale	K Edwards	
D Brown	P Edwards	
L Brown	I Faseyi	
J Clowes	R Fletcher	
H Davenport	D Flude	
S Davies	M Grant	
R Domleo	S Hogben	
J P Findlow	D Hough	
W Fitzgerald	J Jackson	

H Gaddum	L Jeuda
L Gilbert	S Jones
P Groves	D Mahon
J Hammond	P Martin
M Hardy	B Murphy
O Hunter	D Newton
M Jones	P Nurse
A Kolker	M Parsons
D Marren	L Roberts
A Martin	M Sherratt
P Mason	
R Menlove	
G Merry	
B Moran	
G Morris	
P Raynes	
B Silvester	
M Simon	
A Thwaite	
D Topping	
G Walton	
J Weatherill	
R West	
P Whiteley	
S Wilkinson	
J Wray	

The motion was declared carried, with 39 votes for, 23 against and no abstentions.

## **RESOLVED**

That

- (1) the revised arrangements for questions at Council meetings as set out in the revised version of Appendix B to the report to the Constitution Committee be approved and adopted;
- (2) the Borough Solicitor and Monitoring Officer be authorised to make such additions and amendments to the Constitution as she considers are necessary to give effect to the wishes of Council; and
- (3) the arrangements be reviewed after 6 months.

## **55 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - MEMBER ACCESS TO PART 2 AND CONFIDENTIAL REPORTS**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered proposed changes to the Council's policy on providing access

for Members to Part 2 and confidential reports in order to address perceived problems with the current arrangements. It was proposed that all Part 2 and confidential reports could be released to Members upon request, except for reports containing the following sensitive categories, which would be excluded from automatic release:

- Staffing information, where the identity of Officers would be revealed; and
- Information relating to vulnerable children or adults

Members could access documents within these categories if they were able to demonstrate a need to know. To facilitate this, a revised 'need to know' procedure was proposed as set out at Appendix B to the Committee's report.

The Committee resolved to recommend to Council that the revised arrangements be approved subject to the category relating to staffing information being amended to refer to the identity of *individual* Officers. It was recommended that the arrangements be introduced initially for a six month trial period, after which they would be reviewed.

A revised version of Appendix B incorporating the amendment agreed by the Constitution Committee had been submitted to Council.

## **RESOLVED**

That

- (1) the proposed approach to access to Part 2 and confidential papers, including the revised 'need to know' procedure set out in the revised version of Appendix B of the report to the Constitution Committee, be approved;
- (2) the Borough Solicitor be authorised to make such changes and additions to the Constitution as she considers are necessary in order to give effect to the wishes of Council; and
- (3) the arrangements be put in place for a trial period of 6 months, after which they be reviewed.

## **56 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PROPOSED AMENDMENTS TO CONTRACT PROCEDURE RULES**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered proposed amendments to the Council's Contract Procedure Rules.

At its meeting on 14<sup>th</sup> July 2011, the Committee had deferred consideration of a report on revised Contract Procedure Rules to enable further work to be carried out. Council at its meeting on 21<sup>st</sup> July had noted the Committee's decision and resolved that in the interim, the financial

threshold at which the Rules require a formal tendering procedure be increased from £50,000 to £75,000. The Committee had resolved to recommend the revised Rules to Council.

The proposed amendments to the Contract Procedure Rules were outlined in the Committee's report and highlighted in the Appendix to the report. These included making permanent the change to the financial threshold for tendering.

## **RESOLVED**

That the amendments to the Contract Procedure Rules (as set out in the Appendix of the report to the Constitution Committee) be approved and the Constitution be amended accordingly.

### **57 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PROPOSED INTERIM AMENDMENTS TO THE OFFICER DELEGATION SCHEME**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered proposed interim amendments to the Council's Officer Delegation Scheme.

The Officer Delegation Scheme had been revised to reflect the most recent changes to the senior management structure. The Scheme had also been revised at paragraph 5.2 to empower officers to deal with statutory procedures or undertake consultation exercises on the basis that in doing so they must consult appropriate members. In addition, a separate exercise had been undertaken by the Assets Team in consultation with relevant Portfolio holders to clarify responsibility for the control and management of the Council's Assets so that day-to-day operational decisions were delegated in future to the Strategic Director (Places and Organisational Capacity).

Only interim changes shown underlined were being proposed to reflect the fact that the Officer Delegation Scheme would need to be consistent with the provisions in the Finance and Contract Procedure Rules and any changes arising from the management review of the third, fourth and fifth tiers being undertaken by the Chief Executive.

The Officer Scheme of Delegation, showing proposed amendments highlighted, was set out in the Appendix to the Committee's report. The Committee had approved the interim arrangements for recommendation to Council, subject to the amendment of paragraph 5.2 to refer to 'non-statutory *statistically valid* consultations'. In approving the arrangements, the Committee had resolved that a presentation on the Corporate Landlord Function should be made to the Corporate Scrutiny Committee.

A revised version of the Appendix incorporating the amendment agreed by the Constitution Committee had been submitted to Council.

## **RESOLVED**

That

- (1) the interim amendments to the Officer Delegation Scheme, as set out in the Appendix to the Committee's report (as amended), be approved and the Constitution be amended accordingly; and
- (2) in order to ensure that the Council's documented decision-making arrangements properly reflect the emerging structure, and that existing officer delegations remain unaffected pending the completion of the senior management review, all existing delegations shall remain effective and shall accrue to the relevant post holders as appropriate.

### **58 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - BOUNDARY COMMISSION FOR ENGLAND: REVIEW OF PARLIAMENTARY CONSTITUENCY BOUNDARIES**

The Constitution Committee at its meeting on 22<sup>nd</sup> September 2011 had considered a proposal that Council be asked at its meeting on 13<sup>th</sup> October 2011 to delegate to the Constitution Committee the power to respond to the Boundary Commission review of Parliamentary Constituency boundaries.

The Boundary Commission had published its initial proposals on 13<sup>th</sup> September 2011. This would be followed by a 12 week consultation period, ending on 5<sup>th</sup> December 2011.

The Council's response to the review would normally be agreed by Council. However, the tight timescale within which the Council's response had to be submitted would not make this possible unless a special meeting of Council were convened.

The Committee had appointed a sub-committee to manage the process. A briefing would be arranged for all Members of the Council, at which they would have an opportunity to comment on the review. Any comments could then be reported to the review sub-committee.

## **RESOLVED**

That the Constitution Committee be granted delegated powers to determine the Council's final response to the Boundary Commission review of Parliamentary Constituency boundaries, and the Council's formal response to the review be submitted in writing.

59 **RECOMMENDATION FROM CABINET - DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

The Cabinet at its meeting on 3<sup>rd</sup> October 2011 had considered a report on the draft National Planning Policy Framework which would replace all current Planning Policy Statements; the report outlined some of the issues it raised for planning in Cheshire East and suggested a response to be made by the Council to the current consultation.

The proposed response, detailed in Appendix 1 of the report, had been considered by the Strategic Planning Board at its meeting on 28<sup>th</sup> September 2011; the Board had supported the draft response but had made the following additional comments:

- That the response should say more about the importance of agriculture – as a producer of food and as an important business – and that the role of agricultural land should be given greater prominence in the debate over the development of land.
- That wherever possible officers will suggest new wording to accompany our comments of concern. It is considered that comments will carry more weight if positive wording is put forward in some cases.

Cabinet had agreed that these comments should be incorporated into the response and, in addition, that the section in the covering response entitled 'The Favourable Presumption and Plans under preparation' should be expanded to include:

- That local plans remain protected until such time as the new National Planning Policy Framework is in place, and
- That information be included on the number of plans currently approved and in the pipeline awaiting implementation.

The following additional amendments to Appendix 1 were now proposed:

- The deletion of paragraph 2; and
- 'Natural Environment' paragraph 3, line 2 be amended to replace the word 'will' with the phrase 'may as a last resort'.

**RESOLVED**

That the consultation response detailed in Appendix 1 of the report be approved, subject to the amendments proposed by the Strategic Planning Board and Cabinet, and to the additional amendments now proposed.

**60 SUPPLEMENTARY CAPITAL ESTIMATE - ALDERLEY EDGE BY-PASS SCHEME**

Council considered a request for approval of a supplementary capital estimate for the Alderley Edge Bypass Scheme.

The Capital Programme included a major scheme for the A34 Alderley Edge and Nether Alderley Bypass. The estimated costs of the scheme now exceeded approvals by over £3m, largely as a result of forecast increased land and compensation claims. Council approval was therefore sought to meet these additional costs. It was proposed that potential income arising from the sale of land and property holdings acquired for the scheme could be used to finance the costs. Further details were set out in the Appendix to the report.

**RESOLVED**

That a supplementary capital estimate of £3,062,498 be approved for Alderley Edge By Pass as detailed in the Appendix to the report.

[Note: having earlier declared personal and prejudicial interests in relation to this matter, Councillors W Fitzgerald and F Keegan were not present during its consideration.]

**61 LEADER'S REPORT TO FULL COUNCIL**

The Leader of the Council announced the following changes to the Cabinet since the previous meeting:

Councillor Michael Jones had been appointed as Resources Portfolio Holder with effect from 1 September 2011.

Councillor Peter Groves had been appointed as Resources Cabinet Support Member with effect from 1 September 2011.

Councillor Peter Raynes had been appointed as Environment Cabinet Support Member with effect from 22 September 2011.

**RESOLVED**

That the appointments be noted.

**62 QUESTIONS**

The Mayor ruled that in view of the lateness of the hour, Members' questions would not be dealt with at the meeting and that the answers to questions would be sent to all Members of the Council.

The meeting commenced at 2.00 pm and concluded at 7.50 pm

Councillor R West (Chairman)  
CHAIRMAN

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**Q1****COUNCIL - 13 OCTOBER 2011****From Councillor Steven Hogben  
To Portfolio Holder for Environmental Services****Question:**Railway Bridges in Crewe

Recently what has been described as a freak electrical fault caused an explosion and fireball on the Nantwich Road railway bridge next to Crewe station, and two people were injured. Repairs on site took several days, and for that period road traffic was severely disrupted in the area. Even a week afterwards traffic lights nearby had not been restored to use, and this put both pedestrians and motorists at risk. The cause of the incident has not yet been established.

As a ward councillor for Crewe South, where this happened, I can report that there is public concern about the stability of the Nantwich Road railway bridge, and signs of stress on the roadway itself. Similar signs of structural stress have been reported on other railway bridges in Crewe, at Earle Street (over the Liverpool line), and at Hungerford Road (over the Manchester line). If the Nantwich Road bridge were closed at the same time as either of those bridges, there would be a significant effect on the people, the traffic and the economy of Crewe and surrounding areas.

Is Cheshire East Council in contact with Network Rail about the condition of the railway bridges around Crewe, and are there contingency plans to deal with incidents like the recent explosion and the resultant disruption?

**Response:**

Cheshire East Highways are in regular contact with Network Rail with regards to their bridges and structures that form part of the Highway Network. Records are maintained for all activities undertaken.

There are in fact two bridges on Nantwich Road adjacent to the station (Crewe Station Bridge and Salop Goods Bridge). Crewe Station Bridge was reconstructed in 1995 and Salop Goods Bridge was strengthened in the same year.

Earle Street Bridge and Hungerford Road Bridge have both been assessed as satisfactory for full highway loading and at this stage do not require any further strengthening works to either of the carriageway running lanes.

Network Rail is also responsible for carrying out regular detailed inspections of all of their bridges. Cheshire East Highways are informed of these inspections along with any recorded defects that could disrupt traffic movements. Any defects observed by Cheshire East Highways are also reported back to Network Rail for action.

**Q2**

**COUNCIL - 13 OCTOBER 2011**

**From Councillor Sam Corcoran  
To Portfolio Holder for Resources**

**Question:**

Earmarked Reserve for Markets

There was an Earmarked Reserve of £154,000 for Markets. This should have been used for 'Displacement of market during Lyceum Square development, and maintenance/improvement initiatives'. Why was it returned to General Reserves in 2010/11 unspent, when market traders around the borough have been calling out for improvement initiatives to justify the recent 12.5% hike in rents?

**Response:**

- Cheshire East Council inherited the £154k Earmarked Reserve from the former Crewe & Nantwich Borough Council.
- The reserve was not ringfenced but was earmarked for potential Market Disturbance costs for the then wider Modus redevelopment of the town centre.
- Obviously those original plans have now been deferred hence during a review of reserves in 2010-11 financial year, Cheshire East Council estimated the level of likely reserves that may be required for the Markets relocation to market square and also as part of the corporate reserves review, what proportion could be considered as an element that could be offered up to central reserves.
- The final accounts for 2010-11 reflect £74k being applied to the Markets Service accounts to offset in part the income loss associated with offering lower rents to Market Traders through the relocation period and only £50k was returned to General reserves.

**Q3**

**COUNCIL - 13 OCTOBER 2011**

**From Councillor Ken Edwards  
To Portfolio Holder for Environmental Services**

**Question:**

Household Waste in Black Bin Bags

What measures are being proposed to ameliorate the situation in which many households in Cheshire East will be subjected to the requirement to retain their household waste in black bin bags for two weeks?

**Response:**

The introduction of fortnightly collections in the north of the Borough brings it in line with the same practice that has been in place in the south for quite some time.

This has been done to ensure the harmonisation of waste services across the whole of Cheshire East. Residents who do experience particular difficulties should contact the Council and we will arrange for an officer to visit as soon as possible to discuss their specific needs.

One of the things that the officer can do is to arrange for a bin to be delivered to the property to assist with storage during the 2 week period.

**Q4**

**COUNCIL - 13 OCTOBER 2011**

**From Councillor Martin Hardy**

**To Portfolio Holder for Procurement and Shared Services**

**Question:**

Changes in Staffing Structures

There has been a lot of change in the structures within Cheshire East and change brings along uncertainty at times. How has this been managed in Cheshire East to ensure that the change has brought about colleague engagement and delivers quality services residents expect and require?

**Response:**

Maintaining the focus and engagement of staff during restructuring has been high on our agenda in Cheshire East. To support managers in doing this a short but effective "managing change" development programme is available to explore the rational and emotional aspects of change and how different techniques will help to fast track staff through the change and maintain performance.

We continue to embed and improve our performance development and supervision processes to focus staff on achieving key priorities, recognise contributions and provide one to one support.

Our bi-annual leading improvement conferences have proved to be very effective in engaging the Councils' managers on key issues which will help the Council to continuously improve the services we deliver to residents - these conferences have also recently been extended to a cross section of frontline staff. The conferences are very participative and we empower our managers to make a real difference in their roles and the services they provide.

Cheshire East has also recently been awarded the North West Skills Award. This award demonstrates the success we have achieved through investing in valuable training and development and other programmes and supporting and encouraging our employees to develop the skills, competencies and qualifications necessary to improve the performance and effectiveness of the Council.

**Q5**

**COUNCIL - 13 OCTOBER 2011**

**From Councillor Martin Hardy  
To Portfolio Holder for Resources**

**Question:**

Help with Continuing Difficult Financial Situation

In what ways is Cheshire East helping its residents and businesses in the continuing difficult financial situation?

**Response:**

This Council has already developed a strong track record in securing new jobs and supporting our existing businesses even in the current economic conditions.

We have worked with over 800 businesses over the past two years providing the popular 'shop doctor' advice to independent retailers and holding procurement and tendering workshops that have been very strongly supported by business.

We continue to work very proactively with prospective investors that could lead to up to 2000 new jobs. We already have a couple of big successes in Waters Corporation coming to Wilmslow and Expert Logistics in Crewe. Both deals were influenced by the work of this Council and the support we gave.

We are supporting business to business networking and focusing on developing a strong future for all our town centres.

Since April 2009 the Benefits Section has worked hard to promote Housing and Council Tax Benefit and maximising the take up of other state benefits and financial assistance. This has been achieved through take up events, redundancy support workshops and surgeries across the borough, targeted mail shots, promotional materials, advertising and a dedicated home visiting service.

In 2009/10 an additional £1.1m in unclaimed benefits was identified, topped up by a further £0.6m in 2010/11 and is continuing in 2011/12. This has given the residents of Cheshire East a further £1.7m since April 2009, bringing in additional income to support the local economy. Currently resources are being targeted to support those affected by the Welfare Reform changes and promoting Housing Benefit and Council Tax Benefit as 'in-work' benefits, assisting those finding or retaining employment.

We are continuing to deliver new affordable homes and we are using our own property assets to develop brownfield sites for new affordable housing.

Overall we have a comprehensive programme of development and regeneration which has a proven track record of delivering new jobs, supporting our existing business base and supporting our most vulnerable residents. We are not complacent however and I recognise that we need to remain very focused and committed over the coming months and years.

**Q6**

**COUNCIL - 13 OCTOBER 2011**

**From Councillor Barry Burkhill  
To Portfolio Holder for Resources**

**Question:**

Edited Version of Electoral Register

Why is Cheshire East Council now insisting that all electors must state every year that they wish to exclude their details from the edited version of the Cheshire East Electoral Register, which is for sale to whoever wishes to buy it, when other Councils such as Stockport Borough wish to preserve residents' privacy by automatically registering their opt out every year when this has been requested?

**Response:**

Historically, many local authorities have "pre-ticked" the electoral registration forms so that electors do not have to do so, thereby excluding their names from the Edited Register.

However, very recently, the Electoral Commission, the Cabinet Office and the Association of Electoral Administrators have all strongly advised that the practice of pre-ticking is unlawful and should be discontinued.

Irrespective of a range of views on the subject, we have heeded this advice and have stopped pre-ticking.

Of the 170,000 forms which have been issued, we have received negative comments from less than 50 electors. That works out at around only 0.03% of electors!

Unfortunately, some other authorities seem not to have listened to the advice from the Electoral Commission, the Cabinet Office and the Association of Electoral Administrators. Of course, Cheshire East Council cannot answer for the practices of other local authorities. They will have to answer for themselves, but they could be subject to legal challenge!

I am completely confident that we have adopted the right approach in line with the advice of those listed and I trust that Councillor Burkhill will agree with that approach.

**Q7**

**COUNCIL - 13 OCTOBER 2011**

**From Councillor Laura Jeuda  
To Portfolio Holder for Safer and Stronger Communities**

**Question:**

Waiving or Varying of Planning Conditions

Does the Council have a policy or practice of waiving or varying planning conditions in respect of businesses that are carrying out activities or contracts on behalf of Cheshire East Council? If so, are residents in the area informed?

**Response:**

Planning Conditions attached to the grant of planning permission can only be varied by means of a formal application. There is facility to do this under section 73 of the Planning Act. Such applications are treated in the same way as any other planning application and are subject to the usual public consultation processes.

In terms of the enforcement of such conditions the Council must first of all have clear evidence that a condition is being broken. Once that is established the Council must also consider whether formal action is expedient or in the public interest. In the majority of cases the presumption is that the condition should be upheld and enforced and there are a variety of formal measures that can be taken to ensure compliance.

The Council makes no distinction between companies or individuals when considering the variation or enforcement of planning conditions.

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