

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Thursday, 23rd February, 2012 at Main Hall Congleton Hall -  
Congleton Town Hall, High Street, Congleton CW12 1BN

### **PRESENT**

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

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

### **Apologies**

Councillors C Andrew, G Boston, S Gardiner, L Gilbert, A Harewood, D Marren and S Wilkinson

Note: Councillor D Druce had offered apologies for the morning session and was also absent during consideration of Items 6, 7 and 8.

Note: Councillor P Edwards had offered apologies for the morning session.

## **82 MINUTES OF THE MEETING HELD ON 15 DECEMBER 2011**

### **RESOLVED**

That the minutes be approved as a correct record, subject to an amendment to minute 68(9), to state that Honorary Alderman Les Cooper had been Mayor of Crewe and Nantwich in 1996-1997.

## **83 MAYOR'S ANNOUNCEMENTS**

### The Mayor

1. Informed Members, with sadness, of the recent deaths of former Macclesfield Borough Councillors Barbara Fawkes, who had been Councillor for the Lacey Green Ward in Wilmslow and Brian Reeves,

who had been a Ward Member in Poynton and Cllr David Martin, Town Mayor of Congleton.

2. Informed Members that, after the previous meeting of Council he had received a complaint from a member of the public that some Members were using electronic devices such as Blackberries, Smart phones and iPads during the meeting. He had explained that increasingly Members were using such devices to help them follow the business of Council, however, he requested that Members only use such equipment to help them to follow the proceedings, make notes, or in other ways to assist with their contribution to the meeting.
3. Announced that all Members would shortly be receiving an invitation to a service to be held on the morning of Sunday 22<sup>nd</sup> April, at St Michael's Church Macclesfield, to celebrate the Diamond Jubilee of Her Majesty the Queen. After the service and with the support of his nominated charity, Age UK Cheshire East, he would be hosting a celebration charity lunch at the Tytherington Club, Macclesfield to which all those attending the service would be warmly invited. This lunch, for which there would be a modest charge, would, for his Mayoral year, replace the now traditional Mayor's Ball. He hoped this would provide an excellent opportunity for the Council to celebrate the almost unique occasion of the Queen's Jubilee and help raise funds for his nominated charity.
4. Announced that, at a previous meeting of the Council, Councillors Flude and Thorley had proposed a Notice of Motion asking the Council to consider erecting a small memorial, in the Crewe area, in recognition of the bravery of six Royal Engineers who were killed by one of four bombs, which fell in a field opposite Alvaston Hall, near Crewe, in August 1940. He was delighted to report that plans for such a memorial were now well advanced and that the management of Alvaston Hall Hotel have agreed for the memorial to be located in their grounds. A very appropriate site had been identified and Officers were working with the Hotel and representatives of the Royal Engineers Association to ensure that a memorial could be constructed later in the year.

(Cllr Flude thanked the officers concerned for their work in respect of the above matter.)

5. Announced that he and the Deputy Mayor had been on many engagements since the last meeting. However, due to the length of the agenda, he did not intend to provide details of them at today's meeting.

#### **84 DECLARATIONS OF INTEREST**

Councillor Hogben declared a personal interest in item 9 – Local Service Delivery Committees, by virtue of being a Cheshire East allotment holder and in item 13 – Petition for debate Gypsy and traveller site, Coppenhall, Crewe, as he was one of the signatories of the petition.

Councillor Flude declared a personal interest in item 15 (5) – Notice of motion relating to the centenary of the first world war and war memorials in Cheshire East, by virtue of being a member of the Royal British Legion.

Cllr Bebbington declared a personal interest in item 13 – Petition for debate Gypsy and traveller site, Coppenhall, Crewe, as he had been working with the local residents in respect of this issue.

**85 PUBLIC SPEAKING TIME/OPEN SESSION - BUDGET ITEMS ONLY**

Mrs Charlotte Peters Rock used public speaking time to request that, in view of the rapidly ageing population in Cheshire East and for the good health of the disabled, which put pressure on services, the Council put more funding into the Adult Social care budget when the budget was considered. She highlighted a number of examples where funding had been allocated for other projects in Cheshire East and stated that the Council should focus on vulnerable people and to ensure that the disabled were cared for.

**86 REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM CABINET - BUSINESS PLANNING PROCESS 2012-2015 BUSINESS PLAN**

The Cheshire East Council Business Plan for 2012/2015, had been produced following engagement on the Draft Business Plan that was issued in January 2012. The Business Plan had two main elements: the Council's priorities and the Budget. The document set out, in detail, the spending plans and income targets for the financial year starting 1<sup>st</sup> April 2012, as well as financial estimates for the 2013/2014 and 2014/2015 financial years.

The 2012/2015 Business Plan had been reported to Cabinet on 6<sup>th</sup> February 2012 and a report which set out the updated position with regard to Government funding levels was now submitted to Council.

When the report was submitted to Cabinet the Local Government Finance Report for 2012/2013 had not been published or confirmed following a debate in the House of Commons. Prior to the Council meeting both of those stages had been completed and confirmed that the formula and specific grant allocations, which had been included in the Business Plan, remained unchanged from the provisional settlement issued in December 2011.

It was noted that the Government consultation on the adjustment made to funding in relation to Academies and the impact on support functions provided by the local authority had not resulted in any changes to the Council's funding for 2012/2013.

It was moved and seconded that

- “1. the updated results of the Budget Engagement exercise undertaken by the Council be noted
2. the comments of the Director of Finance & Business Services (Chief Finance Officer), regarding the robustness of estimates and level of reserves held by the Council based on this budget be noted
3. the Business Plan 2012/2015 be approved
4. the three year Capital Programme for 2012/2013 to 2014/2015 be approved
5. the Band D Council Tax of £1,216.34 be approved
6. the Reserves Strategy be approved
7. the 2012/2013 non ringfenced Specific Grants (excluding DSG) be noted
8. the 2012/2013 Dedicated School Grant (DSG) of £193.8m and the associated policy proposals be agreed
9. the Children and Families Services Portfolio Holder be authorised to agree any necessary amendment to the DSG position in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2011/12
10. the Prudential Indicators for Capital Funding be approved
11. the risk assessment detailed in the report be noted.”

#### **AMENDMENT**

The following amendment was moved by Councillor D Flude and seconded by Councillor K Edwards:

#### Heading, Performance, Customer Services and Capacity, Revenue.

With regard to the review of the Library book fund, which totals £90,000;

The proposed reduction is broken down as follows:

Reference Books £30,000

Adult Lending Books £46,793

Children's Books £13,207

It is proposed that the intended saving of £13,207 in respect of Children's Books be removed from the Business Plan, and the funding be found from the Council's Reserves.

The amendment was carried.

**RESOLVED**

1. That the updated results of the Budget Engagement exercise undertaken by the Council, as set out in appendix A of the report, be noted.
2. That the comments of the Director of Finance & Business Services (Chief Finance Officer), regarding the robustness of estimates and level of reserves held by the Council based on this budget, as set out in Appendix B of the report, be noted.
3. That, subject to the removal of the intended saving of £13,207 in respect of Children's Books, which was to be found from the Council's reserves, the 2012/2015 Business Plan, as set out in Appendix B of the report, be approved.
4. That the three-year Capital Programme for 2012/2013 to 2014/2015, as set out in Appendix B, Annex 3, paragraphs 88 to 94 and Annex 7 pages 108-116 of the report be approved.
5. That the Band D Council Tax of £1,216.34, as set out in Appendix B, Annex 3, paragraphs 57 to 58 of the report (no change from 2011/2012), be approved.
6. That the Reserves Strategy, as set out in Appendix B, Annex 8 of report be approved.
7. That the 2012/2013 non-ring-fenced Specific Grants (excluding DSG), asset out in Appendix B, Annex 4 of the report be noted.
8. That the 2012/2013 Dedicated Schools Grant (DSG) of £193.8m and the associated policy proposals be agreed. (Appendix B, Annex 7, page 89 of the report).
9. That the Children and Family Services Portfolio Holder be authorised to agree any necessary amendment to the DSG position in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2011/2012.
10. That the Prudential Indicators for Capital Financing be approved. (Appendix B, Annex 6 of the report).
11. That the risk assessment detailed in Appendix B, Chapter 4 of the report be noted.

87 **PUBLIC SPEAKING TIME/OPEN SESSION - NON BUDGET RELATED ITEMS**

Mr John Jones used public speaking time to ask the following questions and indicated that he would be happy to receive a written response to them :-

1) Regarding the following list of sites:

- Pyms Lane Crewe
- Moss End Farm Alsager
- Leighton West Crewe
- Broad Lane Nantwich
- Walley's green Middlewich Road
- Booth Bed Lane Goostrey
- Holmshaw Lane Haslington
- Hack Green Nantwich

All the above sites are part of much larger Cheshire East Council owned parcels of land.

We would like to know what criteria was used to determine that the sizes as published are the correct sizes in the individual locations?

What person or persons was responsible for deciding these criteria?

Why when the council states that it needs a minimum of 15 pitches at this time are these sites not all of a size that would accommodate this requirement?

2) Where have you drawn your information from regarding your statement "The area is a traditional area for travellers to visit "?

3) Given 5,500 people have signed a petition objecting to this application, what strategy does CEC have in place now, and ongoing, to integrate the two communities? And what cost will this be and how is it to be funded ?

4) From research undertaken Gypsies have stated their order of preference for site provision is as follows : 1) Their personally owned site 2) Site owned by other Gypsy families 3) Council run site. Given this fact, why is Cheshire East forging ahead with this application and in tandem, turning down applications from Gypsies in this County for their own sites ?

5) Given the Council's own research that they require up to 42 pitches in this area in the next 5 years, why have they chosen to site this development on the next to smallest site of their supposed original 12 sites considered which started off as 15 pitches, reduced to 12 and finally to 10 due simply to the site being too small?

The Portfolio Holder, Councillor Rachel Bailey, in response stated:-

“Can I thank Mr Jones for his questions. I am happy to provide a written response to your questions, not only to yourself but also to all members of the Council.”

Ms Judy Collins used public speaking time to speak on behalf of KAFKA, a group which had been formed to fight for local services in Knutsford and which had submitted a petition to be debated later in the meeting. She wished to assure the Council that those who had signed the petition fully understood the position in Knutsford.

She commented that there had been consultation regarding the Stanley Centre, but that there had not been public consultation regarding the temporary closure of Bexton Court. Consultation with GPs was insufficient and more public consultation was needed.

She also took the opportunity to thank the Town Council for their support in this matter.

She stated that, when the petition had been presented the point had been made that Cheshire East Council must lead with its partners and expressed regret that the Council had not taken the opportunity to follow the example of colleagues at Cheshire West and Chester and engage more with interested parties.

#### **88 PETITION FOR DEBATE - GYPSY AND TRAVELLER SITE COPPENHALL CREWE**

A petition with 5,543 signatures had been submitted by the CATS Group (Crewe Against Travellers Sites) which read as follows:

“I wish to register my protest against the building of a permanent traveller site at the junction of Parkers Road and Kents Lane in Coppenhall.”

Councillor C Thorley referred to an earlier petition on the matter containing 1,500 signatures.

The petition followed widespread publicity that the Council intended to submit a planning application for a residential Gypsy & Traveller site on land in its ownership. The Petition requested that the matter be debated at a full meeting of the Council and highlighted several reasons against both the principle of providing a site and its provision at this particular location.

The Council’s planning application was due to be considered by the Strategic Planning Board.

At the invitation of the Mayor, the Head Petitioner, Mr Perris, addressed the Council meeting. Mr Perris, who was Chairman of the CATS Group, which opposed the current proposal on the grounds of improper use of

taxpayers' money, an improper site selection process, potential traffic hazards, threat to protected wildlife, lack of school facilities and lack of a plan to integrate the travellers into the local community.

Members were afforded the opportunity to ask questions of Mr Perris.

Mrs Roz Buchanan attended the meeting on behalf of Mr Edward Timpson MP and, at the invitation of the Mayor, read out a statement by Mr Timpson in support of the petition.

In considering the petition, Members also had regard to the report of the Strategic Director, Places and Organisational Capacity.

It was moved and seconded that

1. "the Council notes that the planning merits of the proposed site are a matter devolved for consideration by the Strategic Planning Board;
2. in the event that planning permission is granted, Cabinet will consider matters relating to the construction, funding and management of the site."

## **AMENDMENT**

The following amendment was moved and seconded:

"That Cheshire East Council withdraw the planning application and look for an alternative site."

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

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

<b>For</b>	<b>Against</b>	<b>Abstain</b>
D Bebbington	Rachel Bailey	A Barratt
D Brickhill	Rhoda Bailey	G Baxendale
B Burkhill	J Clowes	D Brown
P Butterill	S Davies	L Brown
R Cartlidge	R Domleo	H Davenport
S Corcoran	D Druce	P Edwards
K Edwards	W Fitzgerald	J P Findlow
I Faseyi	R Fletcher	L Gilbert
D Flude	H Gaddum	J Hammond
M Grant	P Groves	D Hough
M Hardy	P Hoyland	J Jackson
P Hayes	O Hunter	L Jeuda

S Hogben	M Jones	W Livesley
D Mahon	S Jones	B Murphy
P Martin	F Keegan	D Neilson
S McGrory	A Kolker	J Saunders
G Merry	J Macrae	M Sherratt
A Moran	A Martin	B Silvester
D Newton	P Mason	C Thorley
P Nurse	R Menlove	G Walton
M Parsons	B Moran	J Weatherill
L Roberts	H Murray	R West
	P Raynes	J Wray
	M Simon	
	L Smetham	
	D Stockton	
	A Thwaite	
	D Topping	
	G Wait	
	P Whiteley	

The amendment was declared lost, with 22 votes for, 30 against and 23 abstentions.

Members then voted on the substantive motion.

### **RESOLVED**

That

1. The Council notes that the planning merits of the proposed site are a matter devolved for consideration by the Strategic Planning Board; and
2. In the event that planning permission is granted, Cabinet will consider matters relating to the construction, funding and management of the site.

### **89 PETITION FOR DEBATE - HEALTH AND SOCIAL CARE, KNUTSFORD AND THE STANLEY CENTRE IN KNUTSFORD**

A petition with 6,290 signatures had been submitted by KAFKA (Knutsford Area for Knutsford Action) which read as follows:

“We the undersigned petition Cheshire East Council and East Cheshire Hospital Trust:

Save our social and health care – keep our services local  
 Keep our Stanley Centre for disabled adults  
 Return our dementia care services  
 Return our intermediate hospital ward”

The petition focused on the overlapping issues concerning the future of health and social care services in Knutsford.

A second petition, which contained 221 signatures, had been forwarded by the East Cheshire NHS Trust and related solely to the Stanley Centre.

At the invitation of the Mayor, the Head Petitioner, Mrs Peters Rock, addressed the Council meeting. She began by expressing concern about the way in which the documents had been dealt with prior to the meeting. She then urged the Council to consider carefully the needs and rights of service users and carers, and questioned whether adequate consultation had taken place with residents of the Knutsford area in respect of social care and health services.

Members were afforded the opportunity to ask questions of Mrs Peters Rock.

In considering the petition, Members also had regard to the report of the Director of Children, Families and Adults.

**RESOLVED**

That

1. Council accepts the petition presented by KAFKA and acknowledges its content;
2. Council notes the content of this report and the contents of the debate; and
3. The petition be considered by Cabinet at its meeting on 5<sup>th</sup> March 2012 when it will consider recommendations for the future delivery of adult social care services across the Borough, including Knutsford.

90 **REFERRAL TO COUNCIL OF RECOMMENDATION FROM CABINET - TREASURY MANAGEMENT STRATEGY 2012 TO 2015, ANNUAL INVESTMENT STRATEGY AND MINIMUM REVENUE PROVISION 2012-2013**

Consideration was given to the recommendation from Cabinet to approve the Treasury Management Policy Statement, the Treasury Management Strategy Statement and the Minimum Revenue Provision Statement for 2012/13. The Strategy included the Department for Communities and Local Government reporting requirements, in accordance with the Local Government Investments Guidance under Section 15(1)(a) of the Local Government Act 2003.

**RESOLVED**

That

1. The Treasury Management Policy Statement, as set out at Appendix A of the report be approved;
2. The Treasury Management Strategy and the Minimum Revenue Provision Statement for 2012/13, as set out in Appendix B of the report be approved; and
3. The Revisions to the Treasury Management Strategy for 2011/12 be approved.

#### **91 COUNCIL TAX 2012/2013 - STATUTORY RESOLUTION**

Consideration was given to a report requesting the Council to set the Council Tax for the financial year 2012/2013.

At the time of writing the report, Cheshire Police Authority had not set its budget and its Council Tax precept. A revised report, indicating the Police Authority precept, was tabled at the meeting.

#### **RESOLVED**

That Council sets the Council Tax for the financial year 2012/2013, in accordance with the formal resolutions as set out below:

1. That it be noted that on 15<sup>th</sup> December 2011 the Council calculated the Council Tax base 2012/2013
  - (a) for the whole Council area as 146,807.37.
  - (b) for dwellings in those parts of its area to which a Parish precept relates as in the Appendices attached to the report.
2. That Council calculates that the Council Tax requirement for the Council's own purposes for 2012/2013 (excluding Parish precepts) is £178,567,676.
3. That the following amounts be calculated for the year 2012/2013 in accordance with Sections 31 to 36 of the Act:
  - a. £715,217,994 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
  - b. £532,221, 974 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

- c. £182,996,020 being the amount by which the aggregate at 19.3(a) above exceeds the aggregate at 19.3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
- d. £1,246.50 being the amount at 19.3(c) above divided by the amount at 19.1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- e. £4,428,344 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act
- f. £1,216.34 being the amount at 19.3(d) above less the result given by dividing the amount at 19.3(e) above by the amount at 19.1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- g. Appendix A being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
- h. Appendix B being the amounts given by adding to the amount at (f) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish and Charter Trustees area).
- i. Appendix C being the amounts given by multiplying the amount at (h) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).

- j. Appendix D being the aggregate of the local charges in (i) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish and Charter Trustees area).

**92 REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM CONSTITUTION COMMITTEE NOTICE OF MOTION LOCAL SERVICE DELIVERY COMMITTEE**

At the meeting of Council on 15<sup>th</sup> December 2011, consideration was given to the Constitution Committee's recommendation to approve Terms of Reference for the Local Service Delivery Committees, including membership of the Committees.

Council resolved to refer the matter back to the Constitution Committee for further consideration and requested a report back to the next meeting of the Council.

The Constitution Committee gave further consideration to this matter, at its meeting on 26 January and made further recommendations to Council.

Council gave consideration to the recommendations of the Constitution Committee and:

**RESOLVED**

That

1. The memberships of the Local Service Delivery Committees for Macclesfield and Crewe be amended to comprise those members who represent the wards in the respective unparished areas; and
2. The revised terms of reference for the Local Service Delivery Committees as set out below be approved, and the Leighton ward be added to the list of wards covered by the Crewe Committee:

*"To consider and review the delivery of services and the transfer of assets within the relevant unparished area in accordance with the Council's Policy for Local Service Delivery Arrangements , namely the transfer of assets and the devolution of local services to Town and Parish Councils within the Cheshire East area.*

*To consider and review the cost implications of both the delivery of services and the transfer of assets within the relevant unparished area in accordance with the Council's Policy for Local Service Delivery arrangements.*

*To make recommendations to Cabinet on the level of service provision for those services and / or assets being considered as part of the Local Service Delivery arrangements within the relevant unparished area.*

*To consider and make recommendations to Cabinet on any necessity for, and the amount of, a special expense levy in the relevant unparished area to represent the cost of the Local Service Delivery arrangements and to ensure consistency with the arrangements in the Parished areas.”*

**93 REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM CONSTITUTION COMMITTEE - FINANCE PROCEDURE RULES**

The Constitution Committee, at its meeting on 26 January 2012, considered proposed amendments to the Finance and Contract Procedure Rules, which formed part of the Council's Constitution.

The proposed amendments had been endorsed by the Constitution Task Group at its meeting on 16<sup>th</sup> December 2011. In addition, the Task Group had agreed a number of further amendments, which had been incorporated into the amended Rules.

**RESOLVED**

That the amended Finance and Contract Procedure Rules, as appended to the report, be approved and the Constitution be amended accordingly.

**94 REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM CONSTITUTION COMMITTEE CHESHIRE EAST GOVERNANCE ARRANGEMENTS - LOCALISM ACT 2011**

Council at its meeting held on 15 December 2011, had referred the following Notice of Motion, submitted by Councillor D Brickhill, to the Constitution Committee for consideration:

'In view of the obvious and continued failure of the Cabinet system, as evidenced by their inability, for a second year running, to manage their budget, letting it overrun by a predicted £16,000,000, with the resultant reductions of reserves to a dangerously low level, this Council instructs its Constitution Committee to prepare the necessary amendments to bring about a proven successful system of governance, similar to the earlier committee systems of the successful predecessor Councils, to begin from the start of the 2012/13 financial year.'

In order to change governance arrangements, a local authority would be required to pass a resolution at Council. It was anticipated that arrangements could then only be changed with effect from an Annual Council meeting. The precise details of the process were not yet known

and would be contained in regulations to be issued by the Secretary of State.

The Corporate Scrutiny Committee had considered this matter at its meeting on 10<sup>th</sup> January 2012 and had recommended the appointment of a Joint Member Working Group on a 6:2:1:1 basis to investigate in detail all available options to review governance arrangements under the Localism Act 2011. It was proposed that the Group begin to meet on a provisional basis subject to ratification by Council.

The Constitution Committee had considered this matter at its meeting on 26 January and had resolved that subject to confirmation by Council, and in concurrence with the recommendations of the Corporate Scrutiny Committee,

- (1) *a Joint Member Working Group be appointed consisting of 10 Members on a 6:2:1:1 basis, to comprise Members of the Corporate Scrutiny Committee and the Constitution Committee, at least one Member representing the Council's Regulatory Committees and one Member of the Cabinet, with a view to investigating in detail all available options to review governance arrangements under the Localism Act 2011;*
- (2) *the Joint Member Working Group meet initially on a provisional basis;*
- (3) *appointments to the Joint Member Working Group be pursued through the group whips; and*
- (4) *the Chairman and Vice-Chairman of the Joint Member Working Group be appointed at its first meeting.*

Councillor A Martin reported that the Joint Member Working Group had held its first meeting on 22<sup>nd</sup> February 2012, and would meet again on 22<sup>nd</sup> March 2012.

## **RESOLVED**

That the decisions of the Constitution Committee as set out above be confirmed.

### **95 NOTICES OF MOTION**

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

“That meetings set out in the Council diary shall not be changed either by timing or location unless:-

All Members have been consulted and there is no relevant business in which case the meeting is cancelled.

All Members are consulted and more than 60 agree to the change.”

The Motion was seconded by Councillor P Edwards.

**RESOLVED**

That the Motion stand referred to the Constitution Committee.

2. Consideration was given to the following Notice of Motion submitted by Councillor D Brickhill:
  1. “At least 80% of all money raised by community levy payments by Developers must be spent in the same town or parish council area as the actual development.
  2. The remaining 20%, if any, must be spent in the same district as the actual development, where ‘district’ means the appropriate area of one of the three previous district councils that made up Cheshire East.
  3. The planning department shall consult the parish or town council on how the money should be spent and, if necessary, fully explain at a planning Committee meeting why the parish’s recommendations cannot be implemented.
  4. The planning department shall provide to the parish or town council full accounts on how the money was spent.”

The Motion was seconded by Councillor A Moran.

**RESOLVED**

That the Motion stand referred to the Strategic Planning Board.

3. Consideration was given to the following Notice of Motion submitted by Councillor S Corcoran:

“This Council thanks the Leader for sharing his thoughts at the last council meeting on whether Councillor allowances should be increased to replace mileage rates. However, this council does not support the idea because:

1. It would disadvantage councillors in outlying areas.
2. It would disadvantage active Councillors who travel frequently to attend meetings and reward councillors who do not attend many meetings.
3. At a time when public opinion of payments to MPs and councillors is highly sceptical, the public perception might be

that this is a ruse to bring in an increase in allowances through the back door."

The Motion was seconded by Councillor K Edwards.

**RESOLVED**

That the Motion stand referred to the Independent Remuneration Panel.

4. Consideration was given to the following Notice of Motion submitted by Councillor S Hogben:

"Coppenhall East Crewe

No large scale housing plans in Coppenhall East should be approved or signed off until essential improvements to the road bridge over the Crewe to Manchester railway line on Sydney Road, as well as the northern relief road from Crewe Green roundabout to the A530 Middlewich Road, have been approved."

The Motion was seconded by Councillor R Cartlidge.

**RESOLVED**

That the Motion stand referred to the Strategic Planning Board.

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

"Centenary of the First World War and War Memorials Cheshire East

In 2014 the nation will commemorate the centenary of the First World War can this council be assured that any war memorials that the borough has responsibility for are being conserved to the high standard that the public expect?

Is there a comprehensive list of all memorials in the borough's keeping?

Are all memorials in good repair?

Is the budget sufficient for the conservation of the memorials for generations to come?

A report to the relevant Scrutiny committee is prepared to inform members in relation to the points above.

Can this council consider how it will plan for the centenary events in 2014 to include the Cheshire Archives, the museum of Cheshire

Regiment, other military, Cheshire's many history societies our libraries, schools and residents?"

The Motion was seconded by R Cartlidge.

**RESOLVED**

That the Motion stand referred to the Cabinet.

6. Consideration was given to the following Notice of Motion submitted by Councillor H Gaddum:

"With regard to funding for education:

Cheshire East Council resolves that:

- MPs are thanked for bringing these issues to the Government's attention.
- The Department have undertaken several consultations with Local Authorities during the last 12 months. Cheshire East welcomes the Government's commitment to reviewing schools funding methodology.
- Cheshire East are supportive of an approach which provides a more equitable level of funding for all Local Authorities and all children nationally.
- The Dedicated Schools Grant (DSG) for Cheshire East is well below the national average and below the grant provided to many similar Local Authorities. In April 2009, Cheshire County Council was split into two separate Authorities, Cheshire East and West. If funded at the same rate as Cheshire West, Cheshire East would receive an additional £10m of funding. The reasons for this disparity are not clear.

Cheshire East also calls on the Government to:-

- Develop a properly designed funding methodology to address conversions to academies. It is essential that the share of retained budgets given to academies is realistic and calculated under a sound basis. The reduction in formula grant to reflect academy conversions is not appropriate, particularly as there is no clear basis on which such deductions have been made. The calculation of Local Authority Central Spend Equivalent Grant should be done in such a way as to not financially disadvantage those schools that choose to remain as part of the Local Authority.
- Recognise concerns in respect of FSM as a measure for deprivation. Areas of deprivation can be quite dramatic, whereas pockets of deprivation can be quite local and severe. Free School Meals is considered too blunt a measure.

- Use recent consultation responses to address national inconsistencies in funding. This is the main issue for Local Authorities and schools, rather than how funding is passed out.

Cheshire East Council resolves to support the appended draft letter to the Secretary of State for Education.”

The Motion was seconded by Councillor Rhoda Bailey.

The Motion was a matter for the Council.

**RESOLVED**

That it is agreed unanimously that the Motion be approved in full.

7. Consideration was given to the following Notice of Motion submitted by Councillor L Jeuda:

“Health and Social Care Bill”

This Council urges Cheshire East MPs to vote against the Health and Social Care Bill when it returns to the House of Commons.

There is no democratic mandate for this reorganization. It was ruled out in the Coalition Agreement and in every reference to the NHS by the leader of the Conservative Party, at the time of the General Election. He referred to no top down reorganization, we did not vote for this!

The NHS was set up in 1948 with a vision of what could be possible in relation to future health care, as well as what was achievable at the time.

The Coalition Government’s Health and Social Care Bill strikes at the heart of that vision.

Everyone acknowledges that the NHS must constantly evolve, which is what has been doing for the past 63 years.

It is scandalous that the Government is setting aside £3.5bn on an unnecessary reorganization when the NHS is facing the biggest challenge in its history. It has to save £20bn over the next four years, Central and Eastern Cheshire PCT has set aside £27,898,799.

The Bill has so far has over 100 amendments the Bill proposes major structural re-organisation, with 49% of NHS beds moving to the private sector. We acknowledge that there is an important role for the private sector.

Professional bodies that are not politically aligned and represent the full spectrum of health service workers have voted to advocate dropping

the Health and Social Care Bill - notably the British Medical Association, Royal Colleges of Nursing, Midwifery, General Practitioner's, Radiographers and Radiologists, the Chartered Society of Physiotherapists, the Patients' Association and the NHS Consultants' Association. Other professional bodies such as the Royal Colleges of Psychiatrists, Pathologists and Ophthalmologists and the Faculty for Public Health have pointed out serious flaws in the Bill. Furthermore, citizens have concerns and in some cases fear about the damage that the proposed changes may do to the NHS, with direct impact on services in the future for them and their families.

It is time to be looking at a 'Plan B' for the NHS."

The Motion was seconded by Councillor J Jackson.

**RESOLVED**

That the Motion stand referred to the Cabinet.

**96 SUPPLEMENTARY ESTIMATES - QUARTER THREE REVIEW**

Consideration was given to a report bringing forward Cabinet recommendations for Supplementary Estimates contained within the 2011/12 Quarter Three Review of Performance report for Council approval as follows:

- a Supplementary Revenue Estimate of £0.6m to be met from general reserves to meet one-off Voluntary Redundancy costs in 2011/12, as detailed in Appendix 1 of the report.
- a Supplementary Capital Estimate / Virement of over £1,000,000 for Crewe Rail Exchange, as detailed in Appendix 2 of the report.

**RESOLVED**

That the above supplementary estimates be approved.

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

The Leader announced the appointment of Councillor Janet Clowes as the Cabinet Member for Health and Wellbeing and Councillor Stewart Gardiner as Cabinet Support Member for Health and Wellbeing.

The Leader also made a statement in respect of his recent announcement regarding his resignation as Leader of the Council and thanked Members of all parties for their support during his time as Leader.

**98 APPOINTMENT OF A VICE CHAIRMAN TO THE AUDIT AND GOVERNANCE COMMITTEE**

Consideration was given to the appointment of a Vice-Chairman of the Audit and Governance Committee in place of Councillor M Hardy who had resigned from the position due to work commitments.

**RESOLVED**

That Councillor D Marren be appointed Vice-Chairman of the Audit and Governance Committee.

**99 CHESHIRE EAST PAY POLICY STATEMENT 2012/13**

Consideration was given to a report regarding the requirement for local authorities to produce a Pay Policy Statement for 2012/2013 by 31<sup>st</sup> March 2012 and for each financial year thereafter under Section 38/11 of the Localism Act 2011.

The report had been considered by the Staffing Committee at its meeting on 20<sup>th</sup> February 2012. The Committee had recommended that the Pay Policy Statement be approved.

The Pay Policy Statement being recommended for adoption was attached at Appendix A of the report.

**RESOLVED**

That the Pay Policy Statement 2012/13 be approved.

**100 QUESTIONS**

The following question had been submitted in accordance with Procedure Rule 11:

**Question from Councillor K Edwards to the Leader of the Council**

**Lyme Green Waste Transfer Station**

While welcoming the very full and frank apology made to residents and taxpayers in Cheshire East from the leader of the Council, Councillor Wesley Fitzgerald, with regard to the waste of up to £560,000 in relation to a possible waste disposal site at Lyme Green on the outskirts of Macclesfield, will the Leader please ensure that the appropriate Cabinet Member requests the Environment and Prosperity Scrutiny Committee to examine the reasons why the withdrawal of the planning application had to take place meaning that up to £560,000 worth of investment in site preparation at Lyme Green has been wasted?

Will he make as part of that request an insistence that the Scrutiny Committee should make recommendations as to how such a situation can be avoided in the future and will he ensure that the report comes back for consideration at a future Council Meeting of Cheshire East so Members can be assured there will be no repeat of such an appalling waste of public and taxpayers money in the future?

### **Response**

The Audit and Governance Committee is already supporting an internal investigation which has been instigated by the Chief Executive into the series of events that have led to the concerns expressed by Councillor Edwards.

The investigation is being carried out by the Council's internal audit section over a period of weeks. It will look at the process which led to the regrettable situation and will include a detailed investigation of the finances.

The results of the investigation will be thoroughly looked at to ensure that lessons can be learnt and that changes to mitigate such an occurrence in the future are put in place.

A summary of the investigation will be published at a date to be confirmed.

The meeting commenced at 10.00 am and concluded at 5.25 pm

Councillor R West (Chairman)  
CHAIRMAN