

# **CHESHIRE EAST COUNCIL**

## **Minutes of a meeting of the Council**

held on Thursday, 17th October, 2019 at The Ballroom, Sandbach Town Hall,  
High Street, Sandbach, CW11 1AX

### **PRESENT**

Councillor B Burkhill (Mayor/Chairman)

Councillor S Edgar (Deputy Mayor/Vice-Chairman)

Councillors Q Abel, M Addison, S Akers Smith, M Asquith, R Bailey, J Barber, M Beanland, M Benson, L Braithwaite, J Bratherton, S Brookfield, D Brown, C Browne, J Buckley, C Bulman, P Butterill, S Carter, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, D Edwardes, B Evans, H Faddes, A Farrall, JP Findlow, K Flavell, R Fletcher, T Fox, A Gage, S Gardiner, L Gilbert, M Goldsmith, P Groves, S Handley, G Hayes, S Hogben, S Holland, M Houston, D Jefferay, L Jeuda, A Kolker, C Leach, I Macfarlane, N Mannion, D Marren, A Martin, A Moran, B Murphy, D Murphy, J Nicholas, K Parkinson, J Parry, S Pochin, B Puddicombe, P Redstone, J Rhodes, B Roberts, L Roberts, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, A Stott, R Vernon, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

### **34 PRAYERS**

The Reverend Ralph Kemp said prayers, at the request of the Mayor.

### **35 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors T Dean, D Flude, A Gregory, A Harewood, M Hunter, A Martin, R Moreton and J Smith.

### **36 DECLARATIONS OF INTEREST**

In relation to Item 12 – Appointment of Independent Person for Standard Matters, Councillors A Critchley, JP Findlow and M Warren declared that they were members of the Cheshire Police and Crime Panel.

In relation to Item 8 – Recommendation from Cabinet: Revised Statement of Licensing Policy, Councillor D Murphy declared that he was a Premises Supervisor for two Licenced Premises.

### **37 MINUTES OF PREVIOUS MEETING**

#### **RESOLVED:**

That the minutes of the meeting held on 18 July 2019 be confirmed as a correct record, subject to the following amendment:

### Minute 32 – Notices of Motion

3. Cheshire East Independent Person/Independent Member of the Cheshire Police and Crime Panel.

Recorded Vote:

Inclusion of Cllr A Moran in the list of names who voted FOR.

## **38 MAYOR'S ANNOUNCEMENTS**

The Mayor:

1. Announced, with sadness, that former Councillor Honorary Alderman and Freeman Roland Domleo had passed away and also former Councillor Ray Wolstencroft. Council stood in remembrance as a mark of respect to these former Councillors.
2. Drew Members attention to three very important workshops that would focus on how a Committee System would operate and encouraged all Members to attend one of the sessions.
3. Reported that, since the last Council meeting, he and the Deputy Mayor had represented the Council at 60 events, details of which had been circulated around the Chamber.
4. Paid tribute to Council staff, Cheshire Police and Cheshire Fire and Rescue Service for their response to the serious flooding in Poynton and the fire at the Beechmere Extra Care Village in Crewe. He informed Members that Superintendent Peter Crowcroft from Cheshire Police and Neil Griffiths from Cheshire Fire and Rescue were in attendance, along with some of the Council staff involved.

The Mayor invited the Leader and Deputy Leader to speak and they paid tribute to Council staff and the emergency services involved in the aftermath of the two events. The Mayor then invited Superintendent Peter Crowcroft and Neil Griffiths to address Council before inviting Group Leaders – Cllr Janet Clowes, Cllr Rod Fletcher and Cllr Brendan Murphy, to speak.

5. Reported that he had, in July, attended a climate change workshop which he had found a very interesting but sobering experience and felt that Council must do something to combat the environmental and climate change emergency.

## **39 PUBLIC SPEAKING TIME/OPEN SESSION**

Mr John Martin stated that Sandiford Road was the only road in Holmes Chapel which directly connected two A class roads and for this reason was controlled by a Traffic Regulation Order which designated Sandiford as Access Only. Residents of Sandiford Road over the last 3 years had been

campaigning to have the Access Only Order enforced and asked why the Council was refusing to address the issue. Cllr Brian Roberts, Portfolio Holder for Highways and Waste responded that an origin and destination survey had been undertaken, which showed that 66% of vehicles during the period of the survey used the road as a cut through. The report would now be passed to the Police for them to determine the appropriate enforcement solution. The Council did not have the powers to enforce traffic orders and were not able to install ANPR camera. The Council would look at the other potential solutions including closure of the road or one way working.

Mr Andrew Wood spoke on a number of issues. He wished to nominate Sarah Porter for a 'Secretary of the Year' award as she has been helping him out. He asked if the Council would support his aim to rebuild the Market at Chelford for local farmers. He also asked the Council look at putting back the teaching of agriculture, engineering and crafting in schools. Following the floods it had left a hole in the banking by his house and he asked that this flood defence be repaired.

Carol Jones spoke on the importance of communication and asked that Cheshire East get communicating and get talking and all work together to get a better system of communication.

Mrs Sue Helliwell stated that she was fully supportive of the proposal to be considered at Item 11 recommendation 2.4, that a maximum period of two minutes would be allowed for members of the public wish to speak or ask a question during public speaking time. She also asked if the Council would ensure that none of the committees had only one permanent female representative as was the case with the Strategic Planning Board. Cllr J Nicholas, Chairman of Constitution Committee responded that he was unable to give absolute assurance on this and stated the membership of the Strategic Planning Committee was not the norm. The previous and current Cabinets had an equal mix of gender, as it other committees. Committee members were selected for their skills and experience that they bring to committees.

Jane Smith spoke on behalf of Wounded Badger Control Cheshire and stated that they had been out every night for the past six. She wanted to see real action from farmer and Cheshire East on badgers. This was the third year of the cull and bovine TB was not being eradicated in any of the cull zones. Vaccination was now available free of charge to farmers and asked the Council to promote this fact and promote badger vaccinations instead of culling on Council owned farm land. The Leader of the Council responded by stating that culling was banned on Cheshire East land under their control and the Council was unable to change a tenancy agreement on county farms part way through without the agreement of the tenant but could change the tenancy when it came to the end of its term. He also stated that a Cheshire East programme had started training volunteers on how to vaccinate badgers.

Liz Durham, speaking on behalf of Gareth Jones, stated that at the Council meeting on 18 July, Cllr Rob Vernon had made a false unsubstantiated allegation against the previous leader of the Council, Cllr Rachel Bailey, that she was involved in the processes of the investigation and disciplinary committee. He has been told quite firmly by the Monitoring Officer that this assertion was incorrect and Liz Durham asked Cllr Vernon to withdraw the comment. She asked Cllr Corcoran if he had admonished his councillor for casting such a slur and asked if Cllr Bailey had received an apology. Cllr R Vernon responded by apologising for his comment and stated that he had been given incorrect information. He apologized to Cllr Bailey and Council for not withdrawing the comment.

#### **40 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS**

The Leader of the Council, in summary:-

- 1 noted that under the new administration no matters had been referred to the police, Cheshire East Council had not been mentioned in Private Eye and no senior officers had been suspended on full pay.
- 2 noted the achievements of the new administration since the election which included
  - the setting up of an administration and Cabinet,
  - making appointments to Outside Bodies,
  - making oppositions councillors chairs of scrutiny committees,
  - instigating a move to the committee system,
  - approving new terms of reference for the Investigation and Disciplinary Committee,
  - arranging a peer review challenge for January 2020,
  - appointing a new Monitoring Officer, a new Director of Financial and Customer Service, a new Executive Director Corporate Services, a Head of Internal Audit and eleven other senior posts and was in the process of appointing a new Chief Executive,
  - launching a Leadership and Management development programme,
  - publishing a draft Environmental Strategy for consultation,
  - a significant improvement in timeliness of SEND assessment
  - closure of the 2018/19 financial statement on time
- 3 Announced that Cllr Ashely Farrell would be the Champion for Armed Forces.

Cllr Farrell spoke in respect of his new role.

The Deputy Leader of the Council, in summary:-

- 1 provided an update on his meeting with Douglas Oakervee at Crewe Station about HS2.
- 2 reported that the 2020/21 budget proposals were being developed and would soon be inviting stakeholders to comment on the approach being taken.
- 3 stated that consultation on the SAPD had concluded and responses would be reviewed before deciding how to go forward.
- 4 commented on the infrastructure investment in Cheshire East and the schemes in progress.
- 5 referred to the work of the Governance Working Group on the emerging committee system proposals and encouraged members to attend the briefing session.
- 4 reported that there were now up to 40 connected community centres and that these paid a vital part in engagement with local communities.

**41 RECOMMENDATION FROM CABINET: REVISED STATEMENT OF LICENSING POLICY**

Consideration was given to the resolution from Cabinet recommending that Council adopt the Revised Statement of Licensing Policy.

**RESOLVED:**

That the Revised Statement of Licensing Policy be approved and adopted.

**42 RECOMMENDATION FROM CABINET: LOCAL TRANSPORT PLAN**

Consideration was given to a recommendation from Cabinet that the Local Transport Plan be adopted.

**RESOLVED:**

That the Local Transport Plan be adopted.

**43 RECOMMENDATION FROM CABINET: MID-YEAR REVIEW (FINANCE) 2019/20 - REQUEST FOR SUPPLEMENTARY CAPITAL ESTIMATES AND VIREMENTS**

Consideration was given to a recommendation from Cabinet requesting Council to approve a fully funded supplementary capital estimate above £1,000,000, in accordance with Financial Procedure Rules, as detailed in

Appendix 4, Annex D, of the Cabinet report relating to the Mid-Year Review (Finance) 2019/20.

## **RESOLVED**

That the fully funded supplementary capital estimates above £1,000,00 be approved, in accordance with Financial Procedure Rules, as detailed in Appendix 4 Annex D as:

*£5,130,000 increase in the Best4Business budget to recognise the further contribution from Cheshire West and Chester towards this shared project.*

## **44 REVIEW OF COUNCIL AND MEETING ARRANGEMENTS**

Consideration was given to a report on changes to the arrangements for Council and on the provision of a specific period of time for public speaking at Council and public and member speaking at Cabinet. These matters had been considered by the Constitution Committee on 19 September 2019

The Mayor indicated that he would take each of the recommendations in the report in turn. The Chairman and Vice Chairman of the Constitution Committee moved and seconded the recommendations.

During the debate on Recommendation 2.1 comments were made that all members of the Council had not been consulted on the proposals to change the arrangements for the Council meetings and all Members should be surveyed to obtain their views on these matters. It was also stated that recommendations 2.1 and 2.3 were connected and should be included in any consultation with Members.

The Mover and Seconded agreed to withdraw the motion relating to Recommendation 2.1 and 2.3.

Consideration was then given to the remaining recommendations and during the debate it was commented that all the recommendations were connected and that the motion before Council should be withdrawn until the December meetings.

The Mover and Seconded agreed to withdraw the motion and take the matter back to the Constitution Committee for further consideration.

## **RESOLVED:**

That consideration of the proposed changes to Council and Meeting Arrangements be withdrawn to allow the Constitution Committee to further consider the issues and report back to the December Council meeting.

45 **APPOINTMENT OF INDEPENDENT PERSON FOR STANDARDS MATTERS**

*(Councillor A Martin arrived at the meeting during consideration of this item)*

Consideration was given to a report which had been prepared by the Monitoring Officer in response to a Notice of Motion agreed at the last Council meeting.

It was moved and seconded 'That in light of recent events, Council agrees that Mr Fousert continues in his role as Independent Person for Cheshire East Council'. Following debate, a requisition for a named vote was proposed and seconded and duly supported, with the following result:

FOR

Cllrs S Akers Smith, M Asquith, R Bailey, M Beanland, M Benson, D Brown, S Davies, S Edgar, JP Findlow, T Fox, A Gage, L Gilbert, M Goldsmith, G Hayes, S Holland, D Jefferay, A Kolker, J Nicholas, K Parkinson, P Redstone, L Roberts, L Smetham, D Stockton, L Wardlaw, J Weatherill, J Wray and N Wylie.

AGAINST

Cllr Q Abel, J Barber, L Braithwaite, S Brookfield, C Browne, J Buckley, C Bulman, P Butterill, S Carter, S Corcoran, L Crane, B Evans, H Faddes, A Farrall, K Flavell, R Fletcher, S Gardiner, S Hogben, M Houston, L Jeuda, C Leach, N Mannion, D Marren, A Moran, J Parry, S Pochin, B Puddicombe, J Rhodes, B Roberts, M Sewart, A Stott and R Vernon.

NOT VOTING

Cllrs B Burkhill, J Clowes, D Edwardes, P Groves, I Macfarlane, A Martin, D Murphy, J Saunders, M Simon, M Warren and P Williams.

The above motion was declared lost, with 27 for, 32 against and 11 not voting.

It was proposed and seconded "That in the light of recent events Council removes Mr Fousert from his role as Independent Person with immediate effect and asks the Monitoring Officer to undertake a recruitment exercise to replace him."

Upon being put the vote, the motion was declared carried.

**RESOLVED:**

That Mr Fousert be removed him from his role as Independent Person with immediate effect and the Monitoring Officer undertake a recruitment exercise to replace him.

#### 46 **AUDIT AND GOVERNANCE ANNUAL REPORT 2018-19**

Cllr Rod Fletcher, Chairman of the Audit and Governance Committee, presented the Audit and Governance Committee Annual Report 2018/19 to Council.

The report provided details of the work undertaken by the Committee and the assurances received during the year.

The Annual Report was received and noted.

#### 47 **OVERVIEW AND SCRUTINY ANNUAL REPORT 2018-19**

Cllr Margaret Simon, Chairman of Corporate Overview and Scrutiny Committee in 2018/19, presented the Overview and Scrutiny Annual report for the municipal year 2018/19.

The report detailed the work of the Council's four Overview and Scrutiny Committees and development of the overview and scrutiny function.

The Annual Report was received and noted.

#### 48 **NOTICES OF MOTION**

Consideration was given to the following Notices of Motion, which had been submitted in accordance with paragraph 1.34 of the Council Procedure Rule:-

##### **1 Holmes Chapel Health Centre**

**Proposed by Councillor L Gilbert and Seconded by Councillor A Kolker**

That Council rescinds its requirement for Holmes Chapel Health Centre to pay a fee of £4,320 for access through the Holmes Chapel Library car park for the following reasons:-

1. Access is required to enable the Health Centre to construct an extension in order to meet the needs of a growing local population.
2. The car park produces no income for the Council and there will therefore be no loss of income as a result of the loss of four parking spaces for two months.
3. The charge amounts to profiteering at the expense of the NHS.
4. The charge adds unnecessary cost to a project to improve public services in Cheshire East.



## **RESOLVED:**

That the Motion be referred to the Portfolio Holder for Environment and Regeneration.

## **2 Fighting fire in our Borough**

### **Proposed by Councillor J Parry and Seconded by Councillor N Mannion**

This Council pays tribute to the essential work undertaken by every member of staff at Cheshire Fire and Rescue. We recognise that it is their hard work, every day, that keeps people safe in their homes, in the place that they work, or whilst they are here visiting our County.

This Council believes that government cuts to fire services in the UK have gone too far. We recognise the pressures faced by Cheshire Fire and Rescue and the Fire Authority, which has had to deal with cuts of £12 million over the past nine years.

This Council understands the high levels of public concern about fire cuts and the impact that this could have on the community where they live. We acknowledge the role that the campaign in Crewe played in raising awareness amongst members of the public about fire cover in the area. The level of public interest in both this campaign and campaigns in Chester and Ellesmere Port serves as a reminder to councils and other public services in the sub-region about the need to be innovative in finding ways to involve and communicate with residents in the decisions we take.

This Council believes that all residents in every village and town in Cheshire East and across the County need to feel confident about response times and fire cover where they live. Therefore this Council resolves to ask the Leader of the Council to write to the Policing and Fire Minister to lobby for:

- An urgent government review of the impact of austerity on fire services and response times
- Restoration of the cuts to fire service finances over the last nine years.
- A decent pay rise for Cheshire Firefighters and staff.

And to write to the Chief Fire Officer at Cheshire Fire and Rescue to ask that the Fire Authority considers the following recommendations:

- That as part of ongoing fire service reviews, the current 10 minute target time for fire engines to respond to dwelling fires is expanded to include historic buildings, office buildings, industrial sites, schools, hospitals and other public buildings.

- Other Incident types such as Flooding, water rescue, rescue from Height and Incidents involving Hazardous materials are all included within the Cheshire 10 minute standard.
- That the Cheshire Fire and Rescue 10 minute standard is inclusive of the call handling time – as advised by the home office, formerly department for communities and local government.
- That the design and build of future fire stations adopt the aspirations of our towns Climate Change Emergency motion and that the Fire Authority considers passing their own Climate Change Emergency motion.

## **AMENDMENT**

Following the proposing and seconding of the Motion, an amendment was proposed and seconded that the third bullet point ‘A decent pay rise for Cheshire Firefighters and staff’ be removed and the following wording be added “write in support of progression of mandatory installation of sprinklers as per Fire Authority wishes’

These amendments were accepted by the mover and seconder.

## **RESOLVED:**

That the Motion as amended be approved.

### **3. Pavement Parking and Pavement Obstruction**

**Proposed by Cllr S Akers-Smith and Seconded by Cllr S Brookfield**

This Council requests that Cabinet give consideration to developing a borough wide policy on pavement parking and a separate borough wide policy on pavement obstruction, which should be sufficiently flexible to recognise the varied needs and demands within different areas of the Borough. Council further calls on the Cabinet to bring a draft policy on pavement parking to a future meeting of Full Council for debate.

Background:

In September the Department for Transport recommended to Parliament that a ban on pavement parking should be legislated for and enforced across England. The legal process for a country wide ban is currently happening in Scotland and Wales and there has been a ban in London since 1974, 45 years ago.

In 2016 Cheshire East inspirationally were the first borough council to sign up to Cycling UK's Space for Cycling, which is about prioritising and protecting cyclists. A similar move to be the first borough in the UK to ban pavement parking not only sends out the message that we prioritise

pedestrians over vehicles, it will improve the lives of all residents who want to be more active and walk more, pavement parking prevents this from happening and also has a significant effect on the mobility impaired and the partially sighted which causes them to feel even more vulnerable than they already are.

This one single borough wide act will enhance the lives of over 380,000 people especially vulnerable road users including wheelchair users, mobility scooter users, visually impaired, carers, children and families; everybody. If Cheshire East Council are serious about reducing carbon emissions and having a positive impact on climate change, passing this motion would make a significant contribution to making life safer for residents, protecting those that need our protection and encouraging people to use their cars less, which would have an impact on climate change.

Not everybody has a car, can't afford one and doesn't want one, but everybody has to get around, and protecting those who want to actively travel needs to be a priority. Everybody has to walk or be mobile, now more than ever, a ban on pavement parking will give people real choice to be more active.

Pavement obstruction in addition to pavement parking has an impact on the ability of vulnerable pedestrians in particular to navigate and travel safely. Therefore a separate policy to look at pavement obstruction is to be considered

#### **RESOLVED:**

That the Motion be referred to Cabinet.

The following two Motions were considered together.

#### **4. Unregulated Supported Accommodation for 16/17 year olds**

**Proposed by Councillor S Brookfield and seconded by Councillor J Barber**

The issues surrounding unregulated children's homes have been in the news headlines recently. These homes have always existed but there is mounting concern over their accelerating growth especially because they often care for the most vulnerable young people.

Children's homes are currently registered with Ofsted and inspected regularly. Unregulated homes are allowed in law and support young people over the age of 16 to live independently. If the child is receiving some form of care rather than support they are required to live in a children's home registered by Ofsted.

Whilst it is recognised there will almost certainly be some excellent unregulated provision equally there may be homes in which vulnerable young people are unsafe and this clearly is not acceptable.

It is not known how many of these homes exist as there is no requirement to register their existence.

This Council calls on all Members of Parliament within Cheshire East to ask that legislation is put forward to ensure that all children's homes in all sectors be registered with Ofsted or other regulatory body.

## **5. Children's Homes**

**Proposed by Councillor S Brookfield and Seconded by Councillor J Barber**

### Background:-

An MP has warned that the children's home market in England is "run in the interests of the providers" rather than for the benefit of children and young people. The chair of the All-Party Parliamentary Group on missing children, told MPs during a debate about that a third of children were placed 20 miles or more from their home areas, and suggested the problem was because homes are being set up in low-cost areas to suit business purposes, rather than what's best for children.

It is concerning that 79% of children's homes are in the private or voluntary sector and large private equity firms are entering the market. Clearly they do not invest in children's homes for altruistic purposes. It is therefore important that their profits should not be at the expense of the needs of the children.

In 2012, children's homes were concentrated in the north-west, the west midlands and the south-east. For example, the north-west has 15% of the children's homes population, but 25% of the children's homes. This means that increasing numbers of cared for children are living at a distance from their family and local community.

One reason for this could be that property prices were so much lower in some areas than others, leading companies to set up in low-cost areas to suit business plans rather than what is best for the children. In Crewe we have seen an increase in private children's homes with no regard for the areas they are located and call-in requests by local ward members have been declined.

It should be noted and commended that this Council, Cheshire East Council commission local children's home provision for our children.

Motion:-

Cheshire East Council asks the Government that the planning regulations nationally be revised so that all applications for Children's homes for change of use are statutorily considered at planning committees rather than under delegated powers or permitted development rights and that the representation of Children's services bodies as to the suitability of the location as a children's home is given significant weight in determining the application.

Furthermore that this Council contacts all Members of Parliaments in Cheshire East that they provide support for this Motion and they also lobby the Government for changes in planning legislation for Children's Homes.

The Mayor proposed that a letter be sent to the Minister reflecting the matters raised in the Notices of Motion.

**RESOLVED:**

That the Portfolio Holder write to the Minister on the matters raised in the two Notices of Motion.

**6. Cheshire East Mayoralty**

**Proposed by Councillor J Barber**

This Council will look to abolish the Cheshire East Mayoralty and asks the Constitution Committee to investigate and report back to full Council on a solution with implementation from 2020/21.

**AMENDMENT**

Following the proposing and seconding of the above motion, an amendment was proposed and seconded, to the effect that the Motion would read:-

"This Council asks the Constitution Committee to carry out a review of the Cheshire East Mayoralty and report back to full Council with recommendations before the start of the municipal year 2020/21."

The amendment was declared carried.

## **RESOLVED:**

That the Motion, as amended, be referred to the Constitution Committee.

## **49 QUESTIONS**

Cllr S Gardiner asked what was happening with the next round of the new homes bonus scheme and when would the town and parish councils be informed how they can bid. Cllr A Stott, Portfolio Holder for Finance, ICT and Communications undertook to provide a written response.

Cllr L Wardlaw referred to the award of the contract for the One You Cheshire East lifestyle service to a new provider and asked for confirmation that they will be ready to deliver on its commitments by 1 November. Cllr J Rhodes, Portfolio Holder for Public Health and Corporate Services undertook to provide a written response.

Cllr M Simon asked if Wistaston Green Road and Colleys Lane could continue to be on the winter gritting routes. Cllr B Roberts, Portfolio Holder for Highways and Waste undertook to provide a written response.

Cllr S Akers Smith referred to three developments where the developers had not provided the agreed infrastructure and asked what was being done to ensure the infrastructure was provided. Cllr Toni Fox, Portfolio Holder for Planning responded that she was aware of these particular issues and would discuss the matter with officers.

Cllr L Gilbert asked in the interest of climate change would the Leader commit to asking officers to refrain from arranging 9 am meetings that have us sitting in traffic queues belting out emissions. The Leader of the Council responded that given what had happened earlier in the meeting he would refer this to Constitution Committee to consult with all members.

The meeting commenced at 2.00 pm and concluded at 7.46 pm

Councillor B Burkhill  
MAYOR/CHAIRMAN