

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 20th February, 2020 at The Ballroom, Sandbach Town
Hall, High Street, Sandbach, CW11 1AX

PRESENT

Councillor B Burkhill (Chairman/Mayor)
Councillor S Edgar (Vice-Chairman/Deputy Mayor)

Councillors Q Abel, M Addison, R Bailey, J Barber, M Beanland, M Benson, L Braithwaite, S Brookfield, D Brown, C Browne, J Buckley, C Bulman, P Butterill, S Carter, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, T Dean, D Edwardes, B Evans, H Faddes, A Farrall, JP Findlow, K Flavell, R Fletcher, T Fox, A Gage, S Gardiner, M Goldsmith, P Groves, S Handley, G Hayes, S Hogben, S Holland, M Houston, M Hunter, 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, L Roberts, J Saunders, M Simon, L Smetham, J Smith, D Stockton, A Stott, R Vernon, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

64 PRAYERS

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

65 APOLOGIES FOR ABSENCE

Apologies were received from Councillors S Akers Smith, M Asquith, J Bratherton, A Gregory, L Gilbert, A Harewood, R Moreton and M Sewart.

66 DECLARATIONS OF INTEREST

Urgent Business – Appointment of Acting Chief Executive:
Frank Jordan, Deputy Chief Executive, declared an interest and stated that he would leave the meeting for this item.

67 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 19 December 2019 be confirmed as a correct record.

68 **MAYOR'S ANNOUNCEMENTS**

The Mayor:

- 1 referred to the recent death of Councillor Brian Roberts, who had been a member of the Council since 2015.

Members stood for a minutes silence in tribute and in recognition of Cllr Robert's service to the Borough.

Councillors S Corcoran, C Browne, J Clowes, R Fletcher, B Murphy and P Williams spoke in tribute to Councillor Roberts.

- 2 announced that he had been informed of the death of Honorary Alderman Leslie Wood.
- 3 reminded Members of his Civic Service on 1 March 2020 at 11 am at St Mary's Church, Astbury.
- 4 reported he had attended the celebration of life for Honorary Alderman Barrie Hardern.
- 5 reported that he had attended on 27 January 2020 the Holocaust Memorial Day Service at Sandbach Town Hall.
- 6 announced that he had agreed to an item of urgent business for consideration at today's meeting in relation to the Appointment of an Acting Chief Executive (Head of Paid Service), Returning Officer and Electoral Registration Officer, as it could not wait until the next Council meeting and there was a need to have an Acting Chief Executive in place for the period between the present Chief Executive leaving and the new Chief Executive starting.

69 **PUBLIC SPEAKING TIME/OPEN SESSION**

Mrs Sue Helliwell referred to the Radway Green North appeal hearing on 18 February 2020 and commented that the appellant brought along all their paperwork and all their legal representatives whilst the Council provided a planning person and someone from Landscape Team. No highways or legal representatives attended. Mrs Halliwell stated that it would have been nice to have had them there. She stated that in the Local Plan under Radway Green North, reference was made to contributions to M6 junction improvements, and the railway level crossing on Radway Green Road, but at the appeal hearing the S106 stated there was to be no contributions. If the appeal was allowed the developer would only contribute £120,000 and that Alsager deserved better than this from this development.

Martin Smith, on behalf of Ryan Moore, Wistaston Parish Councillor, stated that Crewe Town Centre regeneration was neglected by Cheshire

East Council and said that the Council needed to develop a proper plan for Crewe.

70 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader of the Council, in summary:

- 1 reported that under urgency procedures Councillor Marilyn Houston had been appointed to the Cheshire Fire Authority and Councillor Laura Jeuda appointed to the Cheshire Police and Crime Panel.
- 2 formally announced the appointment of Councillor Kathryn Flavell as the Portfolio Holder for Children and Families.
- 3 formally announced the appointment of Councillor Laura Crane as the Portfolio Holder for Highways and Waste.
- 4 reminded that Cheshire East Council was responsible for Public Health and the standard flu advice, which also applies to the Coronavirus, was wash hand regularly and not to touch the face, to stop the spread of diseases.
- 5 stated that the current Cheshire East Council Corporate Plan expired in March 2020 and that work was underway on a new Corporate Plan and that there would be opportunities for interested parties to input and feedback on the priorities.

The Deputy Leader of the Council, in summary:

- 1 referred to the letter sent to all Members about the change in timetable for change to the committee system. It was important to get this right. Group leaders would be meeting later today to consider the proposals, but there would be further opportunities for Members to engage with the process in the coming weeks. It was expected that a formal resolution would be made at the July Council meeting.
- 2 referred to the Corporate Peer Challenge which had taken place last month and he thanked everybody who had engaged in the process. Whilst still awaiting the formal response, the feedback received was extremely positive.
- 3 welcomed the Government's commitment to proceed with HS2, which contributes to the Council's growth and regeneration programme. The Council could now develop the plans for the Crewe Hub Station. The Council would seek to ensure that HS2 did not result in unacceptable environmental impacts in the Borough.
- 4 welcomed the Government's commitment to cycling and buses and confirmed the award of additional revenue funding for local bus

services to help ensure connectivity and that they services were frequent, reliable and affordable.

71 RECOMMENDATION FROM CABINET: MEDIUM TERM FINANCIAL STRATEGY 2020-24

Cabinet, at its meeting on 4 February 2020, had considered a report presenting the Medium-Term Financial Strategy for Cheshire East Council for the years 2020/21 to 2023/24. The report set out how the Council would approach the financial challenges over the medium term and forecast a balanced budget for 2020/21.

Cabinet had recommended to Council the items in Appendix A to the report, along with the two amendment proposed at the Cabinet meeting by the Leader of the Conservative Group, as amendments to the Medium Term Financial Strategy 2020-2024 for inclusion in the Capital Addendum.

The recommendation from Cabinet was proposed and seconded. Following debate, and in accordance with legislation, a recorded vote was carried out in respect of this item, with the following results:

FOR

Councillors Q Abel, J Barber, L Braithwaite, S Brookfield, C Browne, C Bulman, P Butterill, S Carter, S Corcoran, L Crane, A Critchley, D Edwardes, B Evans, H Faddes, A Farrall, K Flavell, T Fox, M Goodwin, S Handley, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, I Macfarlane, N Mannion, D Marren, A Moran, B Murphy, J Nicholas, J Parry, S Pochin, B Puddicombe, J Rhodes, L Roberts, J Smith, A Stott, R Vernon and M Warren.

AGAINST

None

ABSTAIN

Councillors M Addison, R Bailey, M Beanland, M Benson, D Brown, J Buckley, B Burkhill, J Clowes, S Davies, T Dean, S Edgar, JP Findlow, R Fletcher, A Gage, S Gardiner, P Groves, G Hayes, S Holland, A Kolker, C Leach, A Martin, D Murphy, K Parkinson, P Redstone, J Saunders, M Simon, L Smetham, D Stockton, L Wardlaw, J Weatherill, P Williams, J Wray and N Wylie.

The motion was declared carried with 39 votes for, 0 against and 33 not voting.

RESOLVED:

That Council approves: -

- 1 The Revenue estimates for the 2020/21 budget and the medium term Capital Programme estimates 2020-24, as detailed in the

Medium Term Financial Strategy Report (MTFS) 2020-24
(Appendix C to the report).

- 2 Band D Council Tax of £1,503.98 representing an increase of 3.99%. This being below the referendum limit (including 2% ringfenced for Adult Social Care) and arises from the provisional finance settlement (Appendix C, Section 2 to the report).
- 3 The 2020/21 non-ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (Appendix C, Annex 8 to the report).
- 4 The 2020/21 Capital Grants, and that any amendments to particular grants be reported to Council if further information is received from Government Departments or other funding bodies (Appendix C, Annex 9 to the report).
- 5 The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2020/21 funding position are received.
- 6 The recommended Prudential Indicators for Capital Financing (Appendix C, Annex 11 to the report).
- 7 The Portfolio Holder for Children and Families to agree any necessary amendment to the 2020/21 Dedicated Schools Grant (DSG) of £139m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2019/20 (Appendix C, Annex 8 to the report).
- 8 The recommended Capital Strategy (Appendix C, Annex 11 to the report).
- 9 The recommended Treasury Management Strategy (Appendix C, Annex 12 to the report).
- 10 The recommended Investment Strategy; including the financial limits for various classifications of investment, and the investment decision making process set out in the Strategy (Appendix C, Annex 13 to the report)
- 11 The recommended Reserves Strategy (Appendix C, Annex 14 to the report).
- 12 The recommended financial limits to be included within the Council's Finance Procedure Rules (Appendix C, Annex 15 to the report).

- 13 The two amendments proposed at Cabinet by the Conservative Group Leader in relation to utilising Council-owned land for the creation of new car parking facilities on Macon Way, near Crewe Station; and the second relating to the creation of new assisted living accommodation and support for adults with additional needs on existing sites in the Borough; these to be included in the Capital Addendum.

That Council recognises that Cabinet has noted:

- 14 The Budget Engagement exercise undertaken by the Council, as set out in Appendix C, Annex 2 to the report.
- 15 The results of the Budget Consultation (Appendix B to the report).
- 16 The comments of the Council's Section 151 Officer, contained within the MTFs Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix C to the report, Comment from the Section 151 Officer).

72 COUNCIL TAX STATUTORY RESOLUTION

Consideration was given to a report relating to the setting of the Council Tax for 2020/21.

It was reported that Cheshire East Council, as a billing authority, was responsible for the billing and collection of Council Tax from local taxpayers and must, therefore, make a resolution to set the overall Council Tax level. This meant the Authority also collected Council Tax income to cover not only its own services but also precepts set by other authorities.

The Council Tax levied was, therefore made up of four elements: -

- Cheshire East Borough Council
- Town & Parish Council precepts
- Police and Crime Commissioner for Cheshire precept
- Cheshire Fire Authority precept.

Council was recommended to set the Council Tax for Cheshire East Council for the financial year 2020/21 at £1,503.98, in accordance with the formal resolutions as shown in section 13 of the report.

The motion in respect of the setting of the Council Tax was proposed and seconded. Following debate, in accordance with legislation a recorded vote was carried out in respect to this item, with the following results: -

FOR

Councillors A Abel, J Barber, L Brathwaite, S Brookfield, C Browne, J Buckley, C Bulman, B Butterill, S Carter, S Corcoran, L Crane, A Critchley, T Dean, D Edwardes, B Evans, H Faddes, A Farrall, K Flavell, R Fletcher,

T Fox, M Goldsmith, S Handley, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, I Macfarlane, N Mannion, D Marren, A Moran, B Murphy, D Murphy, J Nicholas, J Parry, S Pochin, B Puddicombe, J Rhodes, L Roberts, J Smith, A Stott, R Vernon, M Warren and P Williams.

AGAINST

None

NOT VOTING

Councillors M Addison, R Bailey, M Beanland, M Benson, D Brown, B Burkhill, J Clowes, S Davies, S Edgar, JP Findlow, A Gage, S Gardiner, P Groves, G Hayes, S Holland, A Kolker, C Leach, A Martin, K Parkinson, P Redstone, J Saunders, M Simon, L Smetham, D Stockton, L Wardlaw, J Weatherill, J Wray and N Wylie.

The motion was declared carried with 44 votes for, 0 against and 28 not voting.

RESOLVED:

That the Council Tax for Cheshire East Council for the financial year 2020/21 be set at £1,503.98, in accordance with the formal resolutions as shown in section 13 of the report, as follows: -

Formal Resolution

- 1 That it be noted that on 19th December 2019 the Council calculated the Council Tax base 2020/21.
 - (a) for the whole Council area as 152,597.84 (item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")).
 - (b) for individual parishes, as in Appendix A to the report.
- 2 That the Council Tax requirement for the Council's own purposes for 2020/21 (excluding Parish precepts) is £229,504,099.
- 3 That the following amounts be calculated for the year 2020/21 in accordance with Sections 31 to 36 of the Act:
 - a. £706,638,277 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. £468,384,142 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- c. £238,254,135 being the amount by which the aggregate at resolution 3(a) above exceeds the aggregate at resolution 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).
- d. £1,561.32 being the amount at resolution 3(c) above divided by the amount at 13.1(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. £8,750,036 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act
- f. £1,503.98 being the amount at resolution 3(d) above less the result given by dividing the amount at resolution 3(e) above by the amount at resolution 3(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 to the report 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 to the report being the amounts given by adding to the amount at resolution 3(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 area).

i. Appendix C to the report being the amounts given by multiplying the amount at resolution 3 (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 to the report being the aggregate of the local charges in resolution 3(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 area).

4. That it be noted that the Police & Crime Commissioner and the Fire Authority have issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as shown in sections 10 and 11 of the report.

5. It was accepted that Cheshire East Council's basic amount of Council tax for 2020/21 was not excessive in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.

73 **RECOMMENDATION FROM STAFFING COMMITTEE: PAY POLICY STATEMENT 2020/21**

Consideration was given to the recommendation of Staffing Committee in respect of the Pay Policy Statement for 2020/21.

Staffing Committee, at its meeting on 23 January 2020, had considered the draft Pay Policy Statement and resolved that Council be recommended to the approve and publish the Pay Policy Statement 2020/21 and delegate authority to the Monitoring Officer to make any necessary in-year amendments to the Statement.

RESOLVED: That

- 1 the Pay Policy Statement for 2020/21 be approved and published accordingly; and
- 2 the Monitoring Officer be authorised to make any necessary in year amendments to the Statement.

74 RECOMMENDATION FROM STAFFING COMMITTEE: APPOINTMENT OF CHIEF EXECUTIVE

Consideration was given to the recommendation of Staffing Committee in respect of the appointment of a Chief Executive, including salary to be paid.

RESOLVED: That

- 1 Lorraine O'Donnell be appointed as Cheshire East Council's Chief Executive (Head of Paid Service), with effect from the earliest possible date to be arranged;
- 2 The salary of the Chief Executive (Head of Paid Service) be £151,000 a year in accordance with the Council's agreed Pay Policy Statement; and
- 3 Lorraine O'Donnell be appointed as the Council's Electoral Registration Officer and Returning Officer pursuant to the Representation of the People Act 1983.

The Mayor welcomed Lorraine O'Donnell to Cheshire East Council.

The Mayor and Councillors S Corcoran, C Browne, R Bailey, R Fletcher and B Murphy paid tribute to Kath O'Dwyer in recognition of her contribution to the Council since joining in 2015.

75 APPOINTMENT OF ACTING CHIEF EXECUTIVE (HEAD OF PAID SERVICE), RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

(Having previously declared an interest, Frank Jordan left the Chamber for this item.)

In accordance with Section 100B(4)(b) of the Local Government Act 1972 the Mayor had agreed that the report should be considered as a matter of urgent business on the grounds that the matter could not wait until the next meeting as there was a need to have an Acting Chief Executive in place between the present Chief Executive leaving and the new Chief Executive commencing her appointment.

Consideration was given to a report relating to the appointment of an Acting Chief Executive (Head of Paid Service), Returning Officer and

Electoral Registration Officer for an interim period until the arrival of the new Chief Executive.

An amendment to the Recommendation was moved and seconded so that the final line read “..for an interim period from 9 March 2020 until the start date of the new Chief Executive.”

RESOLVED:

That Frank Jordan, Executive Director of Place and Deputy Chief Executive be appointed as

- i. the Council’s Acting Chief Executive (Head of Paid Service);
- ii. the Council’s Returning Officer and Electoral Registration Officer pursuant to the Representation of the People Act 1983;

for an interim period from 9 March 2020 until the start date of the new Chief Executive.

76 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report relating to the political representation on the Council's Committees. Appendix A to the report, which had been circulated around the Chamber, set out the political representation on ordinary committees and sub committees, this being based on the political structure of the Council as a whole.

RESOLVED:

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

77 CALENDAR OF MEETINGS 2020/21

Consideration was given to a report setting out the Calendar of Meetings for Cheshire East Council for 2020/21.

It was reported the date of Nantwich Show in paragraph 5.5 of the report was incorrect and that the Show was taking place on 29 July 2020.

RESOLVED:

That the Calendar of Meetings for 2020/21, as appended to the report, be approved.

78 ELECTION OF MAYOR AND DEPUTY MAYOR 2020/21 CIVIC YEAR

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2020/21.

Mayor for 2020/21

It was proposed and seconded that Councillor Steven Edgar should become Mayor Elect for 2020/21.

Councillor Edgar declared a non-pecuniary interest and left the meeting.

Following debate, a vote was taken in respect of this nomination. The nomination was declared lost with 31 votes for, 35 against and 2 not voting.

Councillor Edgar returned to the meeting.

It was proposed and seconded that Councillor Sarah Pochin should become Mayor Elect for 2020/21.

Councillor Pochin declared a non-pecuniary interest and left the meeting.

Following debate, a requisition for a named vote was proposed and seconded and duly supported, with the following result: -

FOR

Councillors Q Abel, J Barber, L Braithwaite, S Brookfield, C Browne, C Bulman, P Butterill, S Carter, S Corcoran, L Crane, D Edwardes, B Evans, H Faddes, A Farrall, K Flavell, T Fox, M Goldsmith, S Handley, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, N Mannion, D Marren, A Moran, J Nicholas, J Parry, B Puddicombe, J Rhodes, A Stott, R Vernon and M Warren.

AGAINST

Councillors R Bailey, M Beanland, M Benson, D Brown, J Clowes, A Critchley, S Davies, T Dean, S Edgar, JP Findlow, R Fletcher, A Gage, S Gardiner, P Groves, G Hayes, S Holland, A Kolker, C Leach, A Martin, K Parkinson, P Redstone, L Roberts, J Saunders, M Simon, S Stockton, L Wardlaw, J Weatherill, P Williams, J Wray and N Wylie.

NOT VOTING

Councillors J Buckley, B Burkhill, I Macfarlane, B Murphy, D Murphy, L Smetham and J Smith.

The nomination was declared carried with 33 votes for, 30 against and 7 not voting.

Councillor Pochin returned to the meeting.

Deputy Mayor for 2020/21

It was proposed and seconded that Councillor David Marren and Councillor David Brown be designated as Deputy Mayor Elect.

Both Councillors declared a non-pecuniary interest and left the meeting whilst the matter considered.

Following debate, a vote was taken with 34 votes for Councillor Marren, 28 votes for Councillor Brown and 3 abstentions.

RESOLVED:

That Councillor Sarah Pochin be designated as the Mayor Elect and that Councillor David Marren be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2022/23 at the Mayor Making ceremony to be held on 13 May 2020.

79 **QUESTIONS**

Cllr D Stockton asked when the Parking Review would be published, and the solutions proposed be implemented. Cllr C Browne, Deputy Leader, responded that the latest information he had was that the final amendments were completed on 19 February which were ready to be published on the Council's website. A press release would be issued when this happened.

Cllr S Gardiner sought assurance that when a cared for child's advocate raised concerns about the services provided for that child, the interests of that child would be put before that of the Councils. Cllr K Flavell, Portfolio Holder for Children and Families responded that the child would be put first and, if he had a specific query, to contact her directly.

Cllr M Simon asked what where the expected savings to made by deletion roads from the winter gritting routes. Cllr L Crane, Portfolio Holder for Highways and Waste undertook to provide a written response.

Cllr JP Findlow asked about the Council's policy for the installation of electric vehicle charging points. Cllr N Mannion, Portfolio Holder for Environment and Regeneration responded that the Environment Strategy coming forward to Cabinet in April will cover this. Cllr C Browne, Deputy Leader, stated that electric charging points were referenced in the Local Transport Plan brought to Council in October 2019.

Cllr J Clowes referred to the Government's announcements of funding for supported bus services. She asked if the Council had claimed the available money and that details of the bus services to be included be put in the public domain in due course. Cllr C Browne, Deputy Leader,

responded and stated that the Government had already announced that Cheshire East would receive the additional revenue.

Cllr A Kolker asked if the Leader was aware of the devastating impact the Council's commissioning decisions were having on voluntary, charity and community sector organisations and how the policy was damaging people's jobs and the capacity of long standing delivery partners and the care of residents they supported, and asked for assurance that there was no procurement bias against this sector. Cllr S Corcoran confirmed that there was no procurement bias in the Council and stated that there were currently compulsory tendering rules set by Government which he would like to see changed to allow the Council to use the voluntary sector.

Cllr R Bailey was permitted by the Mayor to refer to the Leader's apology, at the last meeting, in respect of 'wrongdoing allegations', for which she was grateful, but expressed concern about any inference made that procurement matters had not been properly dealt-with under the previous leadership. This was noted.

The meeting commenced at 11.00 am and concluded at 3.05 pm

Councillor B Burkhill
CHAIRMAN/MAYOR