

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Wednesday, 14th December, 2022 in the Council Chamber,
SKA Observatory, Jodrell Bank ,Lower Withington, SK11 9FT

PRESENT

Councillor D Marren (Mayor/Chair)

Councillor R Fletcher (Deputy Mayor/Vice Chair)

Councillors Q Abel, S Akers Smith, L Anderson, M Asquith, R Bailey, J Barber, M Beanland, M Benson, L Braithwaite, J Bratherton, S Brookfield, D Brown, C Browne, J Buckley, C Bulman, S Carter, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, T Dean, S Edgar, H Faddes, A Farrall, JP Findlow, A Gage, M Goldsmith, A Gregory, P Groves, S Handley, A Harewood, G Hayes, S Hogben, S Holland, M Houston, M Hunter, D Jefferay, A Kolker, C Leach, I Macfarlane, N Mannion, A Martin, R Moreton, B Murphy, D Murphy, C Naismith, J Nicholas, J Parry, S Pochin, B Puddicombe, P Redstone, J Rhodes, J Saunders, M Sewart, M Simon, L Smetham, A Stott, R Vernon, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

47 APOLOGIES FOR ABSENCE

Apologies were received from Councillors M Addison, P Butterill, D Edwardes, B Evans, K Flavell, L Gilbert, L Jeuda, A Moran, K Parkinson, J Smith, L Smith and D Stockton.

48 DECLARATIONS OF INTEREST

In relation to Item 7 – Site Allocations and Development Policies Document, Councillor P Redstone declared that he was a landowner in the area covered by the document.

49 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 19 October 2022 be approved as a correct record, subject to the inclusion of the following:

Minute 38 Leader's and Deputy Leader's Announcements

Deputy Leader – announcement 3 to include of the towns of 'Alsager, Sandbach and Wilmslow' in the list of locations mentioned at the meeting.

50 **MAYOR'S ANNOUNCEMENTS**

The Mayor, in summary

- 1 thanked the staff at the SKA Observatory for hosting the meeting and for the presentation on the work that they do.
- 2 reported that he had attended the funeral of Councillor Barry Burkhill and at the request of the family had given one of the readings in the service.
- 3 reported the death of Honorary Alderman David Newton, who had been a former Cheshire East councillor and of Cheshire County Council, and a former Deputy Lieutenant of Cheshire.
- 4 asked all to stand for a minute of silent reflections in memory of Councillor Barry Burkhill and Honorary Alderman David Newton.
- 5 invited each Group Leader to speak in tribute to Councillor Burkhill and former Councillor Newton.

51 **PUBLIC SPEAKING TIME/OPEN SESSION**

Sandbach Town Councillor Nicola Cook stated that in August she had reported via the Fix My Street app that a busy junction near Sandbach railway station had a worn stop line markings at the traffic lights. She had received confirmation that work would be undertaken urgently but this work had not been completed. Councillor C Browne, Chair of Highways and Transport Committee, responded that he had been informed that temporary warning signs were now in place and that work to the refurbishment of the stop line and lining works at the junction were planned to take place between 19 and 21 December. The exact date would be subject to permits and temporary traffic management lights approval. A temporary white line would be put in place this week at the stop line whilst the permanent works were being programmed.

Congleton Town Councillor Robert Douglas stated that since he spoke on the use of glyphosate weedkiller at the February 2022 Council meeting, three reports had been published which highlighted the damage caused by the weedkiller and asked that the Council accept it was now time to ban the weedkiller. Councillor M Warren, Chair of Environment and Communities Committee, responded that the Council had minimised its use of glyphosate, but it still offered benefits in cost and man hours that made it difficult to fully replace with alternative methods. ANSA and Cheshire East Highways had reverted to strimming as the preferred option in hard to mow locations. The 2022/23 highways weed treatment programme included the use of glyphosate and would see only one treatment across the whole network. Other options for weed treatment continued to be explored and would be reviewed ahead of the 2023/24 programme. ANSA had taken steps to reduce the use of glyphosate,

recently trialling alternative herbicides, mulches, and mechanical alternatives as they came to market. The Council would continue to seek to minimise glyphosate usage wherever possible and would welcome feedback from Congleton Town Council on their experience and lessons learned with alternative methods.

With the Mayor's agreement due to exceptional circumstances, the Head of Democratic Services and Governance read out a question on behalf of Sue Helliwell and stated that Site LPS 21 Twyfords was in the local plan and planning permission had been granted for houses; also that a section 106 agreement there was provision for the public right of way to be upgraded to the train station. Ms Helliwell asked for confirmation as to when work would commence on the public right of way. In response Councillor M Warren, Chair of Environment and Communities Committee, stated that the section 106 agreement for the redevelopment of the former Twyfords site in Alsager included a financial contribution of £93,050 towards the cost of improving the public right of way and informal path linking the site to Alsager train station. The monies had not yet been received by the Council, so the works were not currently scheduled. The developer had been contacted to check whether the payment trigger for the footpath contribution had been reached and, if so, to request payment.

Mr S Redgard stated that he would be making a formal complaint to the Local Government Ombudsman about the performance of the Council on three specific failures - two relating to the failures of the highways department in relation to the implementation of the winter service risk assessment process and the updating/management of the street lighting assessment register, and thirdly on the failure of the Council to respond to questions he asked at the last Council meeting.

52 **LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS**

The Leader, in summary:

- 1 stated that the Council's Risk Register showed eight risks at the maximum risk category and that these had nearly all been caused by issues outside of the Council's control. One of the red rated risks was the Council's funding. The predicated final outturn after the first quarter was an £11.6m deficit due to inflationary pressures and increase demand on services, mainly social care. The forecast outturn after quarter 2, thanks to efforts of officers, had come down by £3m but a lot of this was due to one-off actions.
- 2 stated that the Autumn Statement allowed councils to put up council tax by 3% plus 2% for social care but with inflation running at 11%, even an increase of 5% was in real terms a cut of 6%. For the budget next year the Council would have to find at least £20m of savings or cuts to services. The service committees had been asked to find savings to address the in year inflationary pressures

and all service areas would have to find savings in order to balance the budget for 2023/24.

- 3 reported that in a recent report, eighteen areas of deprivation had been identified in Cheshire East, with thirteen of the areas being in Crewe. To tackle deprivation in Crewe there was a need to tackle health inequalities through improved housing, better jobs, access to green spaces and exercise and smoking cessation projects. The Council was consulting on measures to encourage more cycling and walking in Crewe.

The Deputy Leader, in summary

- 1 stated that he had at the last meeting reported that the Council had submitted expressions of interest in respect of six potential investment zones and reported that regrettably the Government's focus on investment zones had now shifted and therefore the expression of interest would not be taken forward. The government would be refocusing the Investment Zones Programme to develop a limited number of the highest potential knowledge-intensive growth clusters and would be working with local authorities to consider how best to identify and support these clusters.
- 2 reported that on 17 November, the Chancellor of the Exchequer had reaffirmed the Government's commitment to building HS2 to Manchester. The Council, along with other petitioners, awaited further details on the next stage of the Hybrid Bill and the dates of the Select Committee hearings. Officers were currently preparing the evidence base and draft committee exhibits in support of the petitioning arguments put forward in the Council's submission against the original Hybrid Bill.
- 3 in relation to the UK Shared Prosperity Fund, the Council had received confirmation of the allocated funding - £1.5m in the current financial year and indicative allocations of £2.8m next year and £7.4m in the following year. Given the delay in receiving confirmation of the funding there was now an unrealistic timescale to deliver against the expected spend in year one and there was a risk of underspends being reclaimed by the Government. Officers and MPs were lobby to ensure that this did not happen.
- 4 reported that it was over 12 months since the Council had launched 'go-too' the demand responsive bus service in the southwest of the Borough. The service had performed well during the first year and from early next year the operating area would extend to include the Wybunbury triangle, enabling connections to both Dagfields and Bridgemere Garden Centre.

53 **ADOPTION OF THE SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT**

Consideration was given a report which outlined the findings and recommendations of the Inspector in respect of the examination of the Site Allocations and Development Policies Document.

The recommendations were proposed and seconded and following debate a recorded vote was requested with the following results:

FOR

Councillors Q Abel, S Akers Smith, L Anderson, J Barber, M Benson, L Braithwaite, J Bratherton, S Brookfield, C Browne, J Buckley, C Bulman, S Carter, J Clowes, S Corcoran, L Crane, A Critchley, T Dean, S Edgar, H Faddes, A Farrall, A Gage, M Goldsmith, P Groves, S Handley, A Harewood, S Hogben, M Houston, D Jefferay, A Kolker, C Leach, I Macfarlane, N Mannion, A Martin, R Moreton, D Murphy, C Naismith, J Nicholas, S Pochin, B Puddicombe, J Rhodes, J Saunders, M Simon, A Stott, R Vernon, M Warren, J Weatherill, P Williams, J Wray and N Wylie.

AGAINST

Councillors R Bailey, M Beanland, D Brown, S Davies, JP Findlow, G Hayes, S Holland, M Hunter, J Parry, M Sewart, L Smetham and L Wardlaw.

NOT VOTING

Councillor R Fletcher, D Marren, B Murphy and P Redstone.

The motion was declared carried with 49 votes for, 12 against and 4 not voting.

RESOLVED: That Council

- 1 adopts the Site Allocations and Development Policies Document (Appendix 1 to the report) and Policies Map – (<https://maps.cheshireeast.gov.uk/ce/localplan/adoptedpoliciesmap2022>), which incorporate the Inspector's Main Modifications (Appendix 2 to the report) and the Council's Additional Modifications (Appendix 3 to the report);
- 2 notes that the Site Allocations and Development Policies Document, upon adoption, would replace all the remaining saved policies in the Congleton Borough Local Plan First Review (adopted 2005), the Borough of Crewe and Nantwich Replacement Local Plan (adopted 2005) and the Macclesfield Borough Local Plan (adopted 2004); and
- 3 authorises the Head of Planning to make any final, editorial amendments to the Site Allocations and Development Policies

Document prior to final publication, such amendments being restricted to correcting minor typographical errors and formatting.

54 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE: DOMESTIC TAXBASE 2023-24

Consideration was given to the recommendations of Corporate Policy Committee on 1 December 2022 in relation to the domestic tax base 2023/24.

RESOLVED:

That, in accordance with the Local Authorities (Calculation of Taxbase) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council taxbase for the year 2023/24 be 158,778.54 for the whole area.

55 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE: HIGH SPEED RAIL 2 PHASE 2B - QUALIFYING AUTHORITY AND SCHEDULE 17 DECISION-MAKING

Consideration was given to the recommendations of the Corporate Policy Committee in relation to the proposed decision-making arrangements for High Speed Rail 2 Phase 2b.

RESOLVED:

That Council become a Qualifying Authority for the construction of Phase 2b of the High Speed Rail 2 (HS2) as set out in the report and that the Constitution be amended accordingly as set out in Annex 1 to the report.

(during consideration of this item Councillors M Asquith and A Gregory arrived at the meeting)

56 FINANCIAL REVIEW 2022/23 - SUPPLEMENTARY ESTIMATES

Consideration was given to the report seeking approval of supplementary revenue estimates and supplementary capital estimates.

RESOLVED: That Council approve

- 1 a supplementary revenue estimates for a specific grant coded directly to services over £1,000,000 in accordance with Financial Procedure Rules, as detailed in Appendix 1 Table 1 to the report - Local Enterprise Partnership (LEP): Skills Bootcamp - £1.037m.
- 2 supplementary capital estimates over £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 2 to the report:
Table 1 - A500 Dualling - £20.755m
Table 2 - Maintenance Block – LTP - £6.235m

Table 3 - Managing and Maintaining Highways £2.300m

Table 4 - Northwest Crewe Package - £2.042m

Table 5 - North Cheshire Garden Village - £15.817m

Table 6 - Strategic Capital Projects - £11.087m

57 RECOMMENDATION FROM ENVIRONMENT AND COMMUNITIES COMMITTEE: REVISED STATEMENT OF GAMBLING PRINCIPLES

Consideration was given to the recommendations of the Environment and Communities Committee in relation to the revised Statement of Gambling Principles.

RESOLVED:

That the revised Statement of Gambling Principles be approved.

58 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to the report relating to the political representation on the Council's committees, which addressed the recent change in political group membership following an Independent Group member having sadly passed away and a Real Independent Group member's membership of the Council having ceased.

RESOLVED:

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

59 NOTICES OF MOTION

Consideration was given to the Notices of Motion which had been submitted in accordance with the Council's Procedural Rules.

1 Sustainable and Inclusive Growth Commission Report

Proposed by Councillor Q Abel and seconded by Councillor M Houston.

1. *Cheshire East Council notes and acknowledges the report and recommendations of the Cheshire and Warrington Sustainable and Inclusive Growth Commission.*

2. *That the Council's Economy and Growth Committee be asked to consider the report and to determine the Council's response to the recommendations.*

RESOLVED:

That the motion be referred to the Economy and Growth Committee or such other appropriate committee, based upon the constitutional terms of reference.

2 LGA Campaign “Save Local Services”

Proposed by Councillor M Goldsmith and seconded by Councillor Q Abel.

That Cheshire East Supports the LGA Campaign to “Save Local Services” and asks the Government to Provide Emergency Funding for All Local Councils

RESOLVED:

That the motion be referred to the Corporate Policy Committee or such other appropriate committee, based upon the constitutional terms of reference.

3 Quality Council Homes for Cheshire East

Proposed by Councillor C Naismith and Seconded by Councillor A Critchley

This Council commits to:

- 1) *Creating a Cheshire East Council housing revenue account.*
- 2) *The development of a long-term strategy for the construction of high-quality, genuinely affordable council housing across the borough, underpinned by long-term secure tenancy agreements, with rents relative to the average wage of the geographical area. Thus Providing residents the security, health, education & social mobility opportunity that they deserve.*

RESOLVED:

That the motion be referred to the Economy and Growth Committee or such other appropriate committee, based upon the constitutional terms of reference.

60 QUESTIONS

Councillor R Moreton stated that he had been working alongside residents of his ward trying to resolve issues with damp in social housing properties. He felt it was only going to get worse with the cost-of-living crisis as residents would not be able to heat their homes. He stated that he was now working alongside social housing providers in Congleton to try and get the long-standing issues resolved but felt that this was a massive problem across the Borough. He asked if the Council could write to all

social housing providers across the Borough to make sure they are dealing with resident's complaints regarding damp in their properties as a matter of urgency. In response Councillor N Mannion, Chair of Economy and Growth Committee state that the Council had written to all the registered providers that had housing stock in Cheshire East asking them for an appropriate contact with regard to the related issues of damp, mould and heating and these details would be circulated to Members in due course.

Councillor J Clowes referred to the monies announced by Michael Gove, Secretary of State for Levelling Up, Housing and Communities. In particular to social care and asked that a clear and concise breakdown of those monies be prepared for Councillors; and in particular for the Adults Social Care and Health Committee. She referred to the £500 million which had been announced by the then NHS Secretary of State, Therese Coffey, and stated that she understood that the Council would have received £1.2 million of the £200 million which was allocated to Local Authorities but now had been told that the £300 million allocated to the NHS would be distributed through the Better Care Fund. This had to come to Local Authorities and Councillor Clowes asked for an understanding as to how that was going to be spent. She asked for details of how next year's funding would support the Council and for details of any known additional funds available such as the New Homes Bonus. In response Councillor J Rhodes, Chair of the Adults and Health Committee responded that the Council welcomed all financial support from the Government, but funding was not meeting the inflationary costs in the adult care budget. She undertook to provide a written response in relation to the money announced by Michael Gove.

Councillor L Anderson stated that she was looking at downsizing her house and had looked at a house built three years ago. She had been somewhat shocked to find that the house had an EPC rating of 'E', which was one of the lowest ratings. She asked what the Council could do to encourage developers to have better standards for energy ratings, and whether any new builds by the Council e.g., new schools, be the highest EPC rating as possible if not more. Councillor M Warren, Chair of Environment and Communities Committee, responded by stating he was surprised that situation existed given the drive on EPC rating and undertook to provide a written response to that.

Councillor S Corcoran also responded by stating that he thought it was disgraceful that houses were being built now that would have to be retrofitted within a few years. He stated that Oxfordshire County Council had sought through their Local Plan to insist that developments were built to high energy efficiency standards and that this had been ruled out by the Government Inspector. He was pleased that building regulations were being improved but thought they needed to be improved by a lot more so that all new build houses were built to high environmental standards and hoped that this would be incorporated into the Council's new Local Plan as it was developed over the next few years.

Councillor S Carter asked if the Leader of the Council agreed that the Council's financial problems this year were caused by overspending in Crewe, and if he did not, were there any other factors that made the Council's financial situation very difficult. In response Councillor S Corcoran stated he was delighted to see that investment was going into Crewe and that it was long overdue. This was not the cause of the financial difficulties the Council was now facing. The problems were due to the very high inflation and continual cutting of government funding to Councils. There were also the pressures that the Government was putting on local authorities to deliver more services, particularly noticeable in Adult Social Care - the Council had an aging population and was obliged to provide these services. Also, in Children Social Care the Council was legally obliged to provide these services, and the Government reforms that were introduced are leading to significant increases in those demands.

Councillor R Bailey referred to the Airband contract that was due to end in March. A statement had been published that 3,000 new full fibre connections had been made across the County of Cheshire and asked how many of these connections had been made in Cheshire East. Councillor N Mannion, Chair of Economy and Growth Committee, undertook to provide a written response.

Councillor C Naismith referred to the local elections in May 2023 and the expectation that voters would be required to produce photo ID at polling stations. He asked what plans the Council had to mitigate the impact on voters potentially being disenfranchised by this. In response Councillor S Corcoran stated that it was the responsibility of the Returning Officer of this Council to get that message out to voters in Cheshire East that they will have to provide photo ID to be able to vote in the May 2023 elections and understood that the Government would also be promoting this. He felt it would disproportionately affect younger people who might not have photo driving licences or passports and therefore the Council needed to be mindful of the demographics in getting the messaging out there. He was also aware that the LGA had asked for the implementation to be postponed because it would be a very difficult and expensive administrative task to implement by May 2023.

Councillor A Gregory stated he was the Cheshire East representative on the Peak District National Park Authority and reported that on 2 December 2022 the Peak District National Park Authority had approved their new Park Management Plan and their Landscape Plan and asked if members know about these documents. Councillor N Mannion, Chair of Economy and Growth Committee, responded that the Council was a consultee with regards to those two key strategies and undertook to circulate a link to these documents to all Members.

Councillor Redstone asked what provision would be made for free parking at Christmas, over and above the free days that would normally be offered to Local Town Councils and what was the Council doing to support

shopping on the high streets this Christmas. In response, Councillor C Browne, Chair of Highways and Transport Committee, stated that currently each town had four days free parking per year to use at their discretion. In addition, several car parks had free parking after 3pm to encourage shopping. No charges applied on Christmas Day which was a nationwide policy. He understood the request was to look at the Christmas holiday period, from 19 to 31 December, which equated effectively to a 12-day period of free parking. The difficulty was it was impractical to think that this could be applied to one single town. If that principle was to apply across the Borough, officers had calculated that the cost of doing so would be approximately £180,000 to the Council. At the current time the Council could not afford to add £180,000 to the £8.7 million pressure that already existed. If, however a Town or Parish Council wished to come and discuss with Cheshire East Council the question of suspending parking charges, and said Town or Parish Council was willing to discuss reimbursing Cheshire East with that loss of income then that might be something the Council could consider going forward.

The meeting commenced at 11.00 am and concluded at 2.05 pm

Councillor D Marren
Mayor/Chair

COUNCIL 14 December 2022

Item 14 – Questions: Written Responses

2 Cllr Clowes

Written Response

The Council have already received the first instalment of the CEC funding allocation (£1.2m in total out of the £200m for local authorities, with the first instalment received being £483,566).

It has been agreed with finance colleagues locally in Health that all of their share of the allocation will be physically paid across to the Council once received and will be accounted for within the ring-fenced Better Care Fund (BCF) arrangements. We will then arrange reimbursement of all the listed schemes once expenditure has been physically defrayed. (both internal CEC schemes and those where the Lead Commissioner is in Health).

In terms of the further £600m for next year we understand this will be allocated through the Better Care Fund to get people out of hospital on time into care settings. Local government's 50% share is £300m in 2023-24 and £500m in 2024-25). Labelled as "Discharge Funding" on the provisional local government finance settlement doc. This funding is allocated using the Relative Needs Formula (we receive approximately 0.6% of the national allocation normally in Cheshire East) adjusted for our expected Precept Yield – resulting in an allocation of £1.2m for 2023/24 for the Council, before the appropriate share for the Cheshire East Place is added by the ICB.

The New Homes Bonus (NHB) funding is used to support the wider revenue budget as a whole and forms part of the overall funding envelope, for 2023/24 we had assumed no NHB income when the MTFS 22-26 was approved in Feb 2022. The provisional settlement announced a further one year of the NHB for 2023/24 which equates to £3.794m for CEC.

3 Councillor L Anderson

Written Response

The Planning and Energy Act 2008 allows local planning authorities to set and apply policies in their local plans which require compliance with energy efficiency standards for new homes that exceed the requirements of the Building Regulations. In a Written Ministerial Statement in 2015 it was stated that local planning authorities should not set energy efficiency standards for new homes higher than the energy requirements of Level 4 of the Code for Sustainable Homes (equivalent to a 19% improvement on the Part L 2013 standard). This requirement was incorporated into Policy ENV7 (Climate change) within the Site Allocations and Development Policies Document (SADPD). To avoid an overlap and potential conflict between planning policy and building regulations requirements, the Policy ENV 7 also says that the '19% improvement' standard should be applied

unless it is superseded by an updated building regulations requirement requiring a higher standard.

The building regulations to improve the energy efficiency of new homes. The Standard is being brought forward in two stages. The first stage was implemented this year (2022) requiring all new homes to produce 31% less carbon emissions. The second stage proposes that all new homes built from 2025 will produce 75-80% less carbon emissions. The Government has said that the 2025 standard will mean:

- new homes will not be built with fossil fuel heating, such as a natural gas boiler;
- homes will be future-proofed with low carbon heating and high levels of energy efficiency; and
- no further energy efficiency retrofit work will be necessary to enable them to become zero-carbon.

The Government intends to consult on the full technical specification for the Future Homes Standard in 2023 and then introduce the necessary legislation in 2024, ahead of implementation in 2025.

In terms of the '19% improvement' sought in SADPD Policy ENV 7, this has now been superseded by the requirement for a '31% improvement' within the building regulations.

It is also noteworthy that SADPD Policy ENV 7 looks for all 'major' residential development schemes to provide for at least 10% of their energy needs from renewable or low carbon energy generation on site.

Policy SE 9 (Energy Efficient Development) encourages high energy efficiency standards in non-residential development. The policy also expects non-residential development over 1,000 square metres to provide at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources.

Looking ahead, the urgent need to reduce and ultimately eliminate the borough's impact on climate change will be a central theme in the Council's new local plan. This will run through its policies including those addressing how and where new development takes place, transportation and movement, and energy generation.

5 Councillor R Bailey

Written Response

The Digital Cheshire team have confirmed that one-third or 997 of all connections in this phase relate to premises in Cheshire East. The remaining two thirds were connections in Cheshire West and Chester premises in line with the contracted programme.

The deployment work for the next phase is underway and this is exclusively in Cheshire East. Currently the work is focussed on building

the network backbone and the installation and connecting new cabinets. Actual new premises connections are expected to commence sometime in the new year, (late January /early February).

7 Councillor A Gregory

Written Response

The National Park Management Plan is published on the Peak District National Park's website and can be viewed from this link - [National Park Management Plan: Peak District National Park](#)