

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Wednesday, 22nd February, 2023 in the Assembly Room,
Town Hall, Macclesfield SK10 1EA

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, P Butterill, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, T Dean, D Edwardes, S Edgar, H Faddes, A Farrall, JP Findlow, K Flavell, A Gage, S Gardiner, M Goldsmith, A Gregory, P Groves, S Handley, A Harewood, G Hayes, S Hogben, S Holland, M Houston, M Hunter, D Jefferay, L Jeuda, A Kolker, C Leach, I Macfarlane, N Mannion, A Moran, 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, J Smith, L Smith, D Stockton, A Stott, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

65 APOLOGIES FOR ABSENCE

Apologies were received from Councillors M Addison, B Evans, L Gilbert, A Martin, K Parkinson and R Vernon.

66 DECLARATIONS OF INTEREST

The Mayor advised Members that they did not have to declare an interest as a Council Tax payer, or as a member of a parish council, on the item of business relating to the Council Tax, as there was a dispensation in place which removed this requirement. The Mayor further advised that there was a dispensation in place for members, if they had requested one, in respect of any disclosable pecuniary interest which would arise as a result of a receipt of an allowance or other remuneration in respect of Council duties or directorship of Council owned ASDV. Such Members were therefore permitted to participate and vote on the Medium-Term Financial Strategy 2023-27 item.

Councillor S Gardiner referred to Item 12 - Notices of Motion, and in particular the Notice of Motion on Leasehold Reform and stated that this was a matter he was involved with in his paid employment and, if the Motion was debated, he would leave the Chamber in order not to be prejudiced.

67 MINUTES OF PREVIOUS MEETINGS

RESOLVED: That

- 1 the minutes of the meeting held on 14 December 2022 be approved as a correct record, subject to the inclusion of Councillor S Gardiner in the list of those giving apologies for the meeting.
- 2 the minutes of the meeting held on 1 February 2023 be approved as correct record.

68 MAYOR'S ANNOUNCEMENTS

The Mayor, in summary

- 1 stated that this was the last full Council meeting before the elections in May and wished those standing for re-election and those standing down all the best for the future.
- 2 reported that on Friday it would be the first anniversary of the Russian invasion of Ukraine and that a national moment of silence would be held and encourage all to support this.
- 3 reported that during his year as Mayor he had attended several events organised to support Ukraine refugees and thanked all those involved in these events.
- 4 reported that he had been raising money for Ukraine refugees as one of the Mayor's Charities and, to mark the anniversary, encouraged Members to make a small donation and that the Civic Office would be contacting all Members outlining how donations could be made if wished to do so.

69 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Colin Townend spoke in relation to the provision of residential charging points for electric vehicles, which allowed owners to charge their vehicle from their solar panels, or charge overnight on half-price off-peak electricity. However, if the owner did not have off-street parking and had to park on the street outside, the charge cable would be a trip hazard. He referred to a Macclesfield company which sold a product for £35 that would solve this problem and stated that councils in Bath and Somerset were arranging a trial of this and similar products and asked if this could be done in Cheshire East.

In response Cllr C Browne, Chair of Highways and Transport Committee, stated that the Council had published a draft EV Charging Strategy and was close to finalising this following recent public consultation and market engagement. The Council had secured £150k from the Government's On-Street residential EV Charge point Scheme to install a number of charges

in places where residents have no option for off-street charging on driveways. The Council intended to use the national Low Emission Vehicle Infrastructure fund to create a boroughwide network of EV charges, by working with the commercial sector. Guidelines were expected to be published on the standards for “cable channels” such as that proposed by Mr Townend. The Council’s Highways Service was aware of the product referred to and they were looking to identify trial sites for this and alternative solutions. The Council would be interested in the outcomes of trials elsewhere, including Bath and Northeast Somerset Council.

Mr Robert Douglas spoke in support of Councillor Williams’ proposed Notice of Motion to implement a buffer zone of 1,000 metres between new and extensions to existing silica sand quarries and residential areas.

Mr Paul Buttrick, President of Knutsford & District Lions Club, spoke in objection to the proposal to close the Stanley Centre in Knutsford. He referred to the closing of Bexton Court, which he said was becoming a derelict building, and stated he did not wish to see the Stanley Centre in the same situation. He stated it was time to have a joined-up vision for the health and wellbeing of the area with the medical practice, a dementia unit, convalescence unit and social care facility built on the current site before the facility was decommissioned.

Ms Charlotte Peters Rock spoke in relation to the Stanley Centre, Knutsford, and the potential impact that the closure of the Centre would have on the community, and particularly disabled residents.

Cllr J Rhodes, Chair of Adults and Health Committee, responded and stated that the Stanley Centre provided day services for people with learning disabilities, with 20 people currently using the service routinely, and that all of those people would continue to receive services to meet their needs if Council agreed the proposal. In November 2021, the Adults and Health Committee had agreed a new Day Opportunities Strategy, which had been developed with people who use services. Based on what people had experienced during the pandemic the Council had been told there was a need to redesign the Council’s Day Services to move away from a predominantly traditional, building based service, to a more community-based approach, to future proof services. This approach would also allow the development of more cost-effective models of provision for the future, that better match the needs of a wide range of individuals, promote independence, quality of life, wellbeing, community engagement and inclusion. If a decision was made to proceed with the proposal a further consultation on the Stanley Centre would take place with all key stakeholders to gather people’s views and determine what people would like to see in terms for future day opportunities in the local area for individuals who attend now and those people that may need support in the future.

Ms Sue Helliwell referred to a recent newspaper article quoting that more than £20 million of Council Tax had not been collected by the Council in

the past few years, and asked if this money had been collected, would there have been no cuts to services. She also asked if the Council could guarantee that NHS workers, patients and visitors would still be able to get to Leighton Hospital on the 317 bus and that there would be no amalgamated bus services. Ms Helliwell then asked if it was correct that the Environment Act 2021 states that recyclable household waste, which was food waste, must be collected at least once a week and asked how did this affect the proposals to charge for garden waste.

In response Cllr A Stott, Chair of the Finance Sub Committee, stated that the total quoted arrears of £20.8m had to be set against the total amount billed over the same period which was £854m. The Council budgeted for a level of none or late payments for council tax each year and these figures were within the expected levels that are included within the budget. The collection of arrears continued over several years so that, over time, any impact is reduced. Last year's figures showed that the Council's collection rate was at 97.4 per cent, which was higher than the average for councils in England at 95.7 per cent; and for all unitary councils 95.8 per cent. The Council followed best practice in terms of collection of local taxes by applying a firm but fair process to those who avoid payment, whilst supporting those residents who find themselves in genuine difficulty.

Cllr C Browne, Chair of Highways and Transport Committee responded that the Council recognised the importance of access to Leighton and other hospitals by local buses. The bus network faced unprecedented pressures due to a fall in the passenger numbers and cost inflation and all bus operators were reviewing their networks. The Council aimed to retain key services for passengers, as far as local funding allowed, but it was impossible to guarantee that there would be no changes to bus services at this time.

Cllr M Warren, Chair of Environment and Communities Committee, responded that as part of the Environment Act, the Government had consulted on mandating a weekly food waste collection to all properties along with other changes to recycling collections. The final form of the legislation and outcome of the consultation had yet to be published by DEFRA. However, there was no certainty at this point if this aspect would be required. Should a weekly separate food waste collection be mandated, and sufficient funding made available for central government to initiate and operate it as the consultation proposed, it was believed that it would work well alongside the proposed chargeable garden waste service.

Congleton Town Councillor Kay Wesley spoke on the potential loss of another recycling facility in Congleton with the proposal to charge for the collection of garden and food waste, which for many Congleton families would mean their garden and food waste would no longer be collected because they could not afford to pay.

In response Cllr M Warren, Chair of Environment and Communities Committee, stated that the proposal to introduce an annual subscription

charge for the service was necessary to assist the authority in the cost of operating the waste recycling service. The authority was experiencing a significant increase in its contract costs associated with recycling and waste and in addition to making efficiencies needed to look for additional income streams to continue to cover its costs. Similar authorities and surrounding authorities already charged for garden recycling and nationally, according to 2019 figures, 65% of Local Authorities charged for garden waste collections.

Mr Ken Edwards referred to the number of responses received to the budget consultation, which was less than 1000, and compared it to the number of electors in the Borough - around 310,000 and asked that this fact be taken into consideration when deciding on the Budget. He also wished to bring to the Council's attention the process of devolution, which when the Council came into being in 2009 had seen a rush to get a policy and devolve services to town and parish councils but in his view not a lot had happened and asked if the Council would take forward this devolution policy.

Alsager Town Councillor Michael Unett asked if the Council would work with Alsager Town Council and local residents to find solutions to multiple issues on the Crewe Road and Station Road junction in Alsager. He also asked if the Council would revisit a previous decision and give permission to Alsager Town Council to deploy a portable Speed Indicator Device in Alsager.

70 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader, in summary:

- 1 reported that the Council had re-signed the Cheshire Armed Forces Covenant and was working towards the gold employer recognition award, having been awarded the bronze award in 2020 and silver award in 2022. He thanked Councillor A Farrall for his work as the Council's Armed Forces Champion.
- 2 reported that he would be attending and speaking at the Cheshire East 'Achieving Net Zero' conference at Reaseheath College. The event provided an opportunity to promote the commitment to make the entire Borough carbon neutral by 2045. The Council had set an ambitious target of being carbon neutral by 2025 with the Carbon Neutral Action Plan setting out the details on how this target would be achieved. He thanked Councillor Q Abel for his work as the Council's Environment and Climate Change Champion.
- 4 reported that this month was LGTB History Month and that the rainbow flag would be flying at Council offices.
- 5 stated that at the coming weekend the Ukrainian Flag would be flying at Council offices to mark the first anniversary of the Russian

invasion of Ukraine. He thanked all those who had opened their homes to Ukrainians seeking refuge from the war.

- 6 referred to the earthquake in Turkey and Syria and reported that the Government had match funded £5m of donations to the Disaster Emergency Committee appeal. In response to a question at the Corporate Policy Committee, he reported that any donations made now would not be match funded by the Government.
- 7 reported that due to the significant budgetary challenges facing the Council, it would not be able to allocate the same level of funding to support community events to mark the King's Coronation as it had for previous celebrations. However, officers were exploring the option of waiving the costs associated with road closures for events during the Coronation Bank Holiday weekend and details would be announced in due course.
- 8 reported on the Town Centre Vitality Plans, which had been developed by Council officers, Town Councils, local stakeholders, and external expert advisors. The Plans set out an agreed set of priority actions for each town centre and asked that the Plans were used to enhance and protect the town centres.
- 9 reported that a grant scheme was being introduced in Crewe to enable businesses to take on vacant commercial premises in the town centre. It was hoped the scheme would reduce the number of vacant premises and also create new jobs, strengthen the mix of businesses and increase the footfall into the town centre.
- 10 made reference to the fact that this was the last Council meeting before the elections and thanked all those councillors who were not seeking re-election for their service to their communities.

The Deputy Leader, in summary:

- 1 provided an update on HS2 Hybrid Bill and that the Select Committee had been formed and heard opening statements from HS2 Ltd in January and the initial forward plan of petition hearings had been announced. The Select Committee would be hearing petitioners on a geographical basis, from the southern end of the proposed scheme to the north. This meant the Council would be the first petitioner heard and had been allocated the 13 and 14 March for its hearing. Select Committee was always considered the last resort for a petition and Council officers were currently negotiating with HS2 Ltd to seek a package of assurances that would address the key concerns raised in the Council's petition. If the package offered by HS2 Ltd was not considered adequate, the Council would look to present the issues to the Select Committee in March to seek appropriate assurances directly from the Committee.

- 2 reported on the progress with Northwest Crewe Highway Package. The two new junctions on the A530 Middlewich Road were now substantially complete and the road had reopened. Work would now move to the northern end of the A530, with further phases of traffic management to allow construction of the junctions and the scheme remains on programme to fully open in early 2024.
- 3 reported that on Friday 3 March he would be attending a ceremony to open the Poynton Relief Road for pedestrians and cyclists to explore in a traffic free environment until it opened to all traffic on the following Monday. He thanked the Highways Team and the contractor, Graham, for delivering the project and the people of Poynton, Woodford and Bramhall for their patience and tolerance during the construction work.
- 4 reported on the Mill Street Corridor project in Crewe, which was a £2.8m Towns Fund project that aimed to deliver a new sustainable and public realm corridor from the town centre to Crewe Station and future HS2 hub. Funding for the scheme would all come from the Crewe Towns Fund and there was no requirement for match funding from the Council. The Mill Street Corridor would connect to other Towns Fund projects including Crewe Pocket Parks & Public Open Spaces Improvement Programme and the Valley Brook Green Corridor Project.
- 5 reported that the Council had been developing plans for a scheme to improve cycle links between Wilmslow and Handforth by delivering improvements to pedestrian crossing points and the provision of a two-kilometre segregated cycle lane to support active travel. The Council would be bidding to Active Travel England for £2m of capital investment supported by local developer funding to enable the new project to be constructed, which had been identified in the Walking and Cycling Improvement Plan. The outcome of the bid was expected by the middle of March.

**71 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE:
MEDIUM TERM FINANCIAL STRATEGY 2023 TO 2027**

The Corporate Policy Committee, at its meeting on 9 February 2023, had considered a report on the Medium-Term Financial Strategy for Cheshire East Council for 2023-27.

The Corporate Policy Committee had recommended to Council the recommendations set out in Appendix A to the report.

The recommendations were proposed and seconded, and during the debate an amendment was proposed.

Amendment

1. *That Cheshire East Council, as the local highway authority, develops a Lane Rental Scheme and to prioritise its implementation, following approval by the Secretary of State*
2. *That this item is added to the Highways and Transport Committee work programme (2023/24) and the Highways Team are asked to identify associated, process, costs and benefits of a scheme for Cheshire East Council with the intent to introduce potential benefits in the MTFs from 1st April 2024.*
3. *That the benefits of the scheme, (financial and operational) are evaluated annually, as required under the legislation.*

The amendment was moved and seconded. The mover and seconder of the recommendations from the Corporate Policy Committee to Council agreed to accept the amendment and therefore the amendment became part of the substantive proposition.

Following debate on the substantive recommendations, these were put to the vote, and in accordance with legislation, a recorded vote was carried out with the following results:

FOR

Councillors Q Abel, S Akers Smith, L Anderson, J Barber, L Braithwaite, J Bratherton, S Brookfield, C Browne, J Buckley, C Bulman, P Butterill, S Corcoran, L Crane, A Critchley, D Edwardes, H Faddes, A Farrall, K Flavell, M Goldsmith, A Gregory, S Handley, A Harewood, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, I Macfarlane, N Mannion, A Moran, R Moreton, D Murphy, C Naismith, J Nicholas, J Parry, B Puddicombe, J Rhodes, L Smith, A Stott, M Warren and P Williams.

AGAINST

Councillors R Bailey, M Beanland, M Benson, D Brown, J Clowes, S Davies, T Dean, S Edgar, JP Findlow, A Gage, S Gardiner, P Groves, G Hayes, S Holland, A Kolker, C Leach, S Pochin, P Redstone, J Saunders, M Sewart, M Simon, L Smetham, J Smith, D Stockton, L Wardlaw, J Weatherill, J Wray and N Wylie.

NOT VOTING

Councillors R Fletcher, D Marren and B Murphy.

The motion was declared carried with 41 votes for, 28 against and 3 not voting.

RESOLVED:

That Council notes

- 1 the report of the Council's Chief Finance Officer (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, Report from the Section 151 Officer).

That Council, having given due regard to the report of the Chief Finance Officer, approves:

- 2 The Revenue estimates for the 2023/24 budget and the medium-term Capital Programme estimates 2023-2027, as detailed in the Medium-Term Financial Strategy Report (MTFS) 2023-2027 (Appendix C to the report).
- 3 Band D Council Tax of £1,707.39 representing an increase of 4.99%. This is below the referendum limit (including 2% ringfenced for Adult Social Care) and arises from the provisional finance settlement (Appendix C to the report, Section 2).
- 4 The 2022/23 planned use of Flexible Capital Receipts of £1.8m to fund transformational projects within the Council (Appendix C to the report, Section 2).
- 5 The allocation of Revenue Grant Funding for 2023/24 of £301.158m (Appendix C to the report, Annex 7), and delegates authority to the Chief Finance Officer, to approve supplementary estimates if the value of any named grant changes from the figures contained within Appendix C to the report, Annex 7 (noting that all such variations will subsequently be reported to the appropriate Committee, and that any new, previously unnamed, grants are subject to approval in-line with the Constitution)
- 6 The allocation of Capital Grant Funding for 2023/24 of £89.754m (Appendix C to the report, Annex 8), and delegates authority to the Chief Finance Officer, to approve supplementary estimates if the value of any named grant changes from the figures contained within Appendix C to the report, Annex 8 (noting that all such variations will subsequently be reported to the appropriate Committee, and that any new, previously unnamed, grants are subject to approval in-line with the Constitution)
- 7 The Capital Strategy (Appendix C to the report, Annex 10).
- 8 The Prudential Indicators for Capital Financing (Appendix C to the report, Annex 10).
- 9 The Treasury Management Strategy (Appendix C to the report, Annex 11).

- 10 The Investment Strategy; including the financial limits for various classifications of investment, and the investment decision making process set out in the Strategy (Appendix C to the report, Annex 12)
- 11 The Reserves Strategy (Appendix C to the report, Annex 13), which includes proposed movements to and from reserves.
- 12 The amendment to Key Decisions as defined in the Constitution and the financial limits to be included within the Council's Finance Procedure Rules (Appendix C to the report, Annex 14).
- 13 The proposal, subject to Regulations being passed following the Levelling-Up and Regeneration Bill, to implement a premium second homes of up to 100% and to amend the timing of the premium on empty and unoccupied property with effect from 1 April 2024;
- 14 That Cheshire East Council, as the local highway authority, develops a Lane Rental Scheme and to prioritise its implementation, following approval by the Secretary of State.

That this item is added to the Highways and Transport Committee work programme (2023/24) and the Highways Team are asked to identify associated, process, costs and benefits of a scheme for Cheshire East Council with the intent to introduce potential benefits in the MTFS from 1st April 2024.

That the benefits of the scheme, (financial and operational) are evaluated annually, as required under the legislation.

That Council recognises that Corporate Policy Committee noted:

- 15 The year-end outturn forecast position for 2022/23 (Appendix C to the report, Section 2).
- 16 The Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix C to the report, Annex 2a).
- 17 The results of the Budget Consultation (Appendix C to the report, Annex 2b).

72 **COUNCIL TAX STATUTORY RESOLUTION**

Consideration was given to a report relating to the setting of the Council Tax for 2023/24.

It was reported that there was an error in the report in paragraph 3.1.1 - second line, as the Council Tax amount had a full stop rather than a comma after the number 6. The figure should read £271,096,891 and it was this figure that the Council was being asked to approve.

As a billing authority Cheshire East Council 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.

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 Q Abel, S Akers Smith, L Anderson, J Barber, L Braithwaite, J Bratherton, S Brookfield, C Browne, J Buckley, C Bulman, P Butterill, S Corcoran, L Crane, A Critchley, D Edwardes, H Faddes, A Farrall, K Flavell, M Goldsmith, A Gregory, S Handley, A Harewood, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, I Macfarlane, N Mannion, A Moran, R Moreton, D Murphy, C Naismith, J Nicholas, J Parry, B Puddicombe, J Rhodes, L Smith, A Stott, M Warren and P Williams.

AGAINST

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

NOT VOTING

Councillors R Fletcher and D Marren

The motion was declared carried with 41 votes for, 29 against and 2 not voting.

RESOLVED: That

- 1 the Council Tax for Cheshire East Council for the financial year 2023/24, at £271,096,891 in accordance with the formal resolutions as shown in Section 14 of the report, as follows:

Formal Resolution

1. That it is noted that on 14 December 2022 the Council calculated the Council Tax base 2023/24.

(a) for the whole Council area as 158,778.54 (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 2023/24 (excluding Parish precepts) is £271,096,891.

3. That the following amounts be calculated for the year 2023/24 in accordance with Sections 31 to 36 of the Act:

a. £740,744,041 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. £459,530,957 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

c. £281,213,084 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 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. £1,771.10 being the amount at 3(c) above divided by the amount at 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. £10,116,193 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act

f. £1,707.39 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 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 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 (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 (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 (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 Note 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 11 and 12 of the report.
- 5 accepts that Cheshire East Council's basic amount of Council Tax for 2023/24 was not excessive in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.

- 2 notes that the Council Tax precept of Cheshire Fire Authority, Police Crime and Commissioner for Cheshire, and each Town and Parish Council have been approved and notified to the Council in accordance with the Local Government Finance Act 1992, as amended by sections 72 to 79 of the Localism Act 2011.
- 3 notes the average Council Tax for the Cheshire East Borough is £2,109.02 in accordance with the Local Government Finance Act 1992, as amended by sections 72 to 79 of the Localism Act 2011.

73 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE: PAY POLICY STATEMENT 2023/24

Consideration was given to the recommendations of the Corporate Policy Committee in respect of the Pay Policy Statement for 2023/24.

The Corporate Policy Committee, at its meeting on 9 February 2023, had considered the draft Pay Policy Statement and resolved that Council be recommended to approve and publish the Pay Policy Statement 2023/24 and agree the Pay Policy Statement for 2023/24 be reviewed in-year and any further changes be approved by the Monitoring Officer and published accordingly.

RESOLVED: That

- 1 the Pay Policy Statement for 2023/24 be approved and published accordingly; and
- 2 the agreed Pay Policy Statement for 2023/24 be reviewed in-year and any further changes be approved by the Monitoring Officer and published accordingly.

74 APPOINTMENT OF VICE CHAIR OF FINANCE SUB COMMITTEE

Consideration was given to the appointment of the Vice Chair of the Finance Sub Committee.

RESOLVED:

That Councillor B Puddicombe be appointed as the Vice Chair of the Finance Sub Committee.

75 NOMINATION OF THE MAYOR AND DEPUTY MAYOR 2023/24 MUNICIPAL YEAR

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2023/24.

Mayor for 2023/24

It was proposed and seconded that Councillor Rod Fletcher should become Mayor Elect for 2023/24.

Councillor Fletcher declared an interest in respect of this item and left the Chamber during its consideration.

RESOLVED:

That Councillor Rod Fletcher be designated as the Mayor Elect with a view to their formal election and appointment as Mayor for Cheshire East for 2023/24, at the Mayor Making ceremony to be held on 24 May 2023.

Councillor Fletcher returned to the meeting.

Deputy Mayor for 2023/24

It was separately proposed and seconded that Councillor David Brown, Councillor David Edwardes and Councillor Marilyn Houston be designated as Deputy Mayor Elect.

Councillors Brown, Edwardes and Houston declared an interest in respect of this item and left the Chamber during its consideration.

A vote was taken in respect of the three nominations with Councillor Edwardes receiving the fewest vote. He was therefore removed from the contest.

Councillor Edwardes returned to the meeting.

A vote was taken in respect of the two remaining nominations with Councillor Houston receiving the most votes.

RESOLVED:

That Councillor Marilyn Houston be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Deputy Mayor for Cheshire East for 2023/24, at the Mayor Making ceremony to be held on 24 May 2023.

Councillors D Brown and M Houston returned to the meeting.

76 **NOTICES OF MOTION**

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

1 Establishment of a 1,000-metre buffer around silica extraction sites

Proposed by Councillor P Williams and Seconded by Councillor J Buckley

Quarrying and extraction is important to the economy of our Borough with its rich deposits of salt, silica and sand. The industry is, quite rightly, well-regulated but there remain concerns about the health and environmental impacts. These concerns are particularly acute where quarrying silica extraction takes place close to residential areas. Airborne dust and noxious fumes can have serious health implications for people, particularly children, older adults and others with existing disease, exposed to them for prolonged periods.

Matt Western MP issued a Private Members' Bill in the UK Parliament in December 2021 calling for a buffer zone of at least 1,000 metres between new or proposed quarries of silicates and residential areas. The Bill is supported by a number of Labour, Conservative and Liberal Democrat MPs.

We ask that Cheshire East Council should implement a distance restriction of at least 1,000 metres when considering applications for quarrying or silica extraction. We propose that the relevant environmental and planning committees and the Council's emerging minerals strategy take account of this issue for the well-being of residents.

RESOLVED:

That the Motion be referred to the Environment and Communities Committee or such other appropriate committee, based upon the constitutional terms of reference.

2 Leasehold Reform

Proposed by Councillor L Crane and Seconded by Councillor M Goldsmith

This Council notes:

Government promised to tackle the leasehold reforms through two pieces of legislation. The first to help new 'leases' and the second to help 'Existing' leaseholders. The first part was delivered earlier this year via The Leasehold Reform (Ground Rent) Act 2022. This was to be followed swiftly by the second part of the promised reforms, but this has been further delayed and leaves over 6 million existing leaseholders struggling to navigate a system that is currently stacked against them.

As a result of this delay, sales are falling through on many leasehold properties due to the ground rents. Many remain in leasehold limbo, with no affordable way out in the middle of a Cost-of-Living Crisis.

This Council further notes that:

Developers may have moved away from building leasehold homes but they have replaced this with another model by creating the Private Residential Estate model (PRE's) for new build developments.

Historically, estate infrastructure would be adopted by the local authority.

It is now increasingly common that at least some of the estate's infrastructure is not adopted and for homeowners to pay maintenance. These charges can cover a large range of items: public open spaces, play areas, landscaped or ecological buffer areas, roads, highways, ground maintenance, street lighting, games areas, administration & management fees & public liability insurance.

Unlike leasehold properties homeowners of freehold properties with these private estate charges have no mechanism to challenge these charges/services. They are unregulated. There is no transparency and little accountability.

This Council further notes:

Local authorities have policies on the requirements for adoption which include meeting minimal standards and developers must meet these standards prior to adoption. If they do not meet these standards, then the council will not adopt. Infrastructure can often be built, without ever meeting the required standards. In the past it was common practice for developers to pay a commuted sum to cover the adoption and maintenance of items such as amenity land, playgrounds and path ways so that these could be adopted by the Council. Now processes lean towards adoption of highways alone.

Unadopted infrastructure is often built to lower standards. Private roads may be narrower with less room for parking and no pavements, have lower specification street lighting. There may also be problems when the estate is not maintained to an appropriate standard and disgruntled residents may then look to the local authority to help them out.

Therefore this Council resolves to:

- 1. Write to the Secretary of State for Levelling Up, Housing and Communities to request that the Government:*

- a. *Delivers the leasehold reforms that were promised and that they include the online calculator for lease extensions and enfranchisement as soon as possible;*
 - b. *Prevents the sector from fixing capitalisation rates at a low rate in the calculation to avoid pushing up the cost for the leaseholder;*
 - c. *speeds up progress on other reforms from the Law Commission - such as Right to Manage and commonhold to address the issues that we see today with service charges and insurance commissions; and*
2. *Asks the Council to consider through the refresh of the Local Plan:*
- a. *implementing planning policy changes to ensure developers are unable to create so called 'fleecehold' where fees are typically secured by a rent charge (which means if residents fall into default on those fees the property can be converted from freehold to leasehold again and so the cycle begins again); and*
 - b. *if and when Cheshire East Council sells any reversionary freehold or leasehold interests then it will offer first refusal to the existing leaseholder at fair value.*

RESOLVED:

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

77 QUESTIONS

Cllr Q Abel referred to climate change and asked if Cheshire East had a water management plan for drought, possibility of wildfires and the potential for huge quantities of water falling in a short period of time causing extensive damage. He asked if, as the lead flood authority, the Council had applied for and received grants, how any grants had been spent and which committee did this responsibility sit under.

Cllr C Browne, Chair of Highways and Transport Committee, responded that the Council did have a water management plan. As a lead local flood authority, the Council had a statutory duty to participate in a six-year cycle identifying flood risk areas, and there was also a flood risk management plan, which was a national strategic plan, that had measures or actions that were identified in flood risk areas. The flood risk management plans were published by the Environment Agency, who obviously work closely with the Council, but also with other risk management authorities as well to produce them. In addition, the Council itself had a local flood risk management strategy that considered measures to help reduce flood risk including everything from better planning of new developments to ensuring emergency responders had a better understand where the greatest risks

are. In relation to the question about where the responsibility sat, Cllr Browne reported that this was recently the subject of a report which went to the Highways and Transport Committee for consideration entitled 'It's Not Just Water' and the Committee unanimously agreed that at this particular time oversight of that statutory function was retained under the remit of the Highways and Transport Committee. Cllr Browne undertook to provide a written response in relation to the grants received and how the money had been spent.

Cllr J Clowes referred to the Council receiving nearly £4.5m of additional Household Support Grant funding and asked how the Council would implement these additional funds and, in particular, take advantage of the examples of good practice that the Government had identified that all local authorities should take on board where applicable.

She also asked when she would receive a definitive answer on the transfer of maintenance of the closed church yards in Wybunbury to Cheshire East Council.

In response Cllr A Stott, Chair of the Finance Sub Committee, stated that the funding had come through very recently and the scheme was similar to previous covid 19 schemes, so although the funding would not impact on the Council's budget as such, it would impact on workload. The Council would be responsible for passporting the funds out to residents as appropriate.

Cllr D Edwardes referred to EV charging points and asked what grants the Council had applied for to allow the instalment of chargers, how much money had been received, and did the Council have a policy on charging infrastructure in Cheshire East.

In response Cllr C Browne, Chair of Highways and Transport Committee, stated that the Council had a policy, which was adopted by the Highways and Transport Committee, and set out the mix of public and private investment that was needed. The Strategy was kept under regular review and an updated version was due to come back to the Committee for consideration during 2023. In relation to grants, the Council applied to the On Street Residential Charge Point Fund for a sum of £200k and was successful in being awarded £151k from that fund, which had to be used by March 2024. It was expected that the Council would submit an expression of interest to the new national Low Emission Infrastructure Fund when the opening of expressions of interest was announced.

Cllr S Gardiner asked if it was possible to have an item on a future agenda of the Adults and Health Committee to consider the issue of the Stanley Centre and to look at what could be done to save it or if not look at alternative provision of day care within Knutsford.

In response Cllr J Rhodes, Chair of Adults and Health Committee, stated that the matter would come to the Committee in the new Council because

a decision had to be taken by the Committee following consultation so there would be an opportunity for the matter to be discussed.

Cllr P Redstone asked what mitigation measures officers had applied to the approved MTFS to ensure the spending cuts put forward did not disproportionately affect the rural community. He stated that the Leader of the Council had suggested that it made good sense for residents or areas which do not receive specific services should not have to pay for them and asked when this policy would be enacted.

Cllr S Corcoran responded that he thought that Cllr Redstone had misquoted him slightly and what he had said was that if a resident cannot use a service, for example if they have not got a garden and they cannot use garden refuse, this was not the same as do not use. Cllr Corcoran stated that there was an interesting discussion around 'what about education,' if you don't have children but he did think everybody benefited from education. What about Leisure Centres because some people do not use leisure centres, but you have to pay for them if you go there, but they are funded by the Council. It had been mentioned about electric car charging points. It was quite hard to provide enough electric car charging points in rural areas, it was much easier to provide them in urban areas, so there was a balance there and Cllr Corcoran stated he was happy to discuss this over the coming years.

Cllr L Anderson thanked Councillor Corcoran for his announcement earlier about looking at the charges of the fees for the road closures for the Coronation and asked when it was considered, could it include anyone that had already applied for road closures and had already paid their fees. Cllr S Corcoran agreed that this was a good point and would look into it.

Cllr L Wardlaw asked that the leadership commit to a refresh and a recommitment to the Brighter Futures Programme in view of some of the behaviours exhibited at the meeting when the Council went into the new cycle of meetings following the elections. Cllr J Rhodes responded and stated that she was currently the Chair of the Members Input Panel and that the Panel and, Members as a whole, had never not been committed to the Brighter Future programme.

Cllr S Handley asked a question in relation to comments made earlier in the meeting regarding cuts to staff in the Children and Families services and sought reassurances that there would not be any reduction in statutory frontline workers. Cllr K Flavell, Chair of Children and Families Committee, responded and gave assurance that there would be no cuts to staff and statutory frontline workers. The Council was trying to fill the vacancies in the social workers team. The savings that were being made would include some staff reductions, but this would be as part of streamlining services to make the service work more efficiently and more effectively.

Cllr B Puddicombe referred to claims being made in leaflets and on social media that the Administration had removed £5m of planned expenditure for Macclesfield Town and asked the Chair of the Economy and Growth Committee if there were any truth to these claims. In response Cllr N Mannion stated that there never was a guaranteed £5m pot of money for Macclesfield Town Centre. Funding of that order was referenced in what was called the addendum to the Council's budgets between 2017 and 2021/2022 with relation to capital expenditure and to be approved only if suitable projects and business cases could be developed demonstrating affordability and sustainability. The presence of the addendum was found to have raised too many expectations and was costly from a revenue perspective, therefore full Council, at its meeting when it set the budget last year, agreed to stop having such a mechanism and the addendum was therefore no longer part of the Council's business planning process.

Cllr Mannion reported that new projects and, therefore investment, for Macclesfield had been developed in line with the Council's requirements for fully costed business cases. For example, in the last two years two levelling up bids were submitted seeking funding from central government to make significant capital improvements to the market and public realm area in Macclesfield Town Centre. However, they were unsuccessful despite being commented upon for the quality of the submissions. Work was currently ongoing to enable the installation of the replacement public toilets through the Changing Places programme in the Indoor Market in Macclesfield, with a project cost of around £160k. A funding package significantly boosted by a generous contribution by Macclesfield Town Council. These replaced the public toilet facilities lost some years ago on Churchill Way.

Cllr A Farrall stated that sometime ago the Highways and Transport Committee had reviewed the Highways Service Improvement Plan and resolved to investigate the recruitment of an independent Quality Assurance Officer for the highways programme and asked if this had taken place. Cllr C Browne, Chair of Highways and Transport Committee, confirmed that the recruitment process had taken place before Christmas and that the relevant officer was now in post, and carrying out evaluation and quality assurance processes on behalf of the Council.

Cllr R Moreton referred to a question he had asked at the last Council meeting asking if Cheshire East would be contacting all their social housing providers concerning issues around damp in their properties. He reported that he had been working closely with Plus Dane in Congleton and work had been programmed for nearly 20 houses. Plus Dane had been really helpful in their approach to this in Congleton and he would continue to work with them. He asked if other areas were getting the same support.

In response Cllr N Mannion, Chair of Economy and Growth Committee, thanked Cllr Moreton for his hard work in Congleton, and reported that the Regulator for Social Housing had written to all registered providers of

social housing to ask about property conditions in relation to damp and mould. In Cheshire East there nearly 22,000 social rented homes and the Cheshire East Council's Housing Strategy Team had also contacted all the local registered providers of social housing to ask them to share their response that they submitted to the regulator. Of those contacted, over half had responded. The information had been shared with the Council on a confidential basis and would not be shared outside the Council. Cllr Mannion stated that all the registered providers that responded had demonstrated they were taking a proactive approach to concerns raised by tenants in relation to damp and mould. Cllr Mannion reported that the Regulator for Social Housing had published an initial report and he would share details of the initial report with Members. The Council was also focusing on the private rented sector and was due to start a review and develop a protocol of how the Council would work with that sector to have the robust processes in place to deal with complaints associated with disrepair within their properties. Sessions were to be organised for Members on the Council processes in relation to damp and mould and the main registered housing providers would be invited to attend and share their learning.

Cllr S Hogben asked if the Council would consider the installation of solar farms on its public car parks in the future with a view to generating power and income. Cllr S Corcoran responded that he knew that Bentley Motors have done something similar, and Crewe Alexander Football Club were planning to do something similar and stated that it was something the Council should be looking at.

78 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 as amended on the grounds that it involves the likely discussion of confidential information as defined in Section 100(A)(3)(A) and of exempt information as defined in paragraph 3 of part 1 of the Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

79 HOME UPGRADE GRANT PHASE 2

Consideration was given to the report on the Home Upgrade Grant Phase 2.

RESOLVED:

That the recommendations as set out in the report be approved.

The meeting commenced at 11.00 am and concluded at 4.20 pm

Councillor D Marren
MAYOR/CHAIR

COUNCIL 22 February 2023

Item 13 – Questions: Written Responses

1 Cllr Q Abel

Written Response

Cheshire East Council, as Lead Local Flood Authority, contribute to the National Flood and Coastal Erosion Risk Management (FCERM) programmes of work for worthwhile projects wherever we can to attract Defra Flood Defence Grant in Aid (FDGiA) and Local Levy funding. However, due to the nature of flooding and surface water flood risk across Cheshire East many projects can be difficult to justify and require robust business cases to demonstrate value for money. A number of grants have been applied for and received from these funding streams with success in areas like Bradfield Green where extensive new capital works were delivered in 2014/15 (£215k grant allocation) and an Asset Inspection Scheme in Poynton / Wilmslow in 2013/14 (£50k grant allocation).

Also, Cheshire East submitted a draft business case in 2019 for FDGiA for works on tributaries in Poynton to defend them from flooding. Feedback on the submitted draft business case was that additional work was needed to justify the funding and this has not been resubmitted due to the nature of these requirements. However, Cheshire East have undertaken extensive local drainage improvements though from within their own capital highways budgets to improve surface water drainage to significantly reduce the risk of flooding. We have also been pro-active in partnership working with the water company and other agencies on Natural Flood Management and community liaison. This has also helped established a collaborative multi-faceted model that we would look utilise across the borough to address drainage issues and manage flood risk.

Cheshire East will continue to work collaboratively with the Environment Agency and other key stakeholders via the established Cheshire and Mid Mersey Flood Partnership and work proactively with the EA in relation to the current 6-year FDGiA programme (2021 to 2027) spending cycle. As part of this the Head of Highways and the Flood Risk Management team will work proactively with the relevant officers from the Environment Agency in relation to the extra work required to the existing business case for the £250k FDGiA allocation for the Tributaries of Poynton Brook.

Alongside this the Council is continuing to invest significant funds into drainage and flood alleviation schemes annually through its management and maintenance of the highway network.

2 Cllr J Clowes

Written Response

Ansa have been instructed to commence grounds maintenance activities to the site and also to add this into their annual maintenance programme

moving forward and will update you directly as to when this maintenance will be happening.

3 Cllr L Anderson

Written Response

Further to the question at Council on 22/2/23 regarding road closure fees and street parties for the King's Coronation, I can confirm that the Council will not be charging. At present I am not aware that any fees have been charged; however, had they have been, a reimbursement would have been given.

Council Officers will be working with event organisers to ensure safe but proportionate traffic management is undertaken to help facilitate these events. This will need to be funded by the event organisers as with previous events

4 Cllr Moreton

Written Response

The link to the government report relating to housing standards:

<https://www.gov.uk/government/publications/damp-and-mould-in-social-housing-initial-findings>