

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Wednesday, 18th May, 2011 at Tatton Park - Knutsford

PRESENT

Councillor G Baxendale (Chairman)
Councillor R West (Vice-Chairman)

Councillors C Andrew, Rhoda Bailey, A Barratt, D Bebbington, G Boston, D Brickhill, D Brown, L Brown, P Butterill, B Burkhill, R Cartlidge, J Clowes, S Corcoran, H Davenport, S Davies, R Domleo, K Edwards, P Edwards, I Faseyi, P Findlow, W Fitzgerald, R Fletcher, H Gaddum, S Gardiner, M Grant, P Groves (pm only), J Hammond, M Hardy (pm only), A Harewood, P Hayes, D Hough, P Hoyland, O Hunter, J Jackson, L Jeuda, M Jones (pm only), S Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, M Martin, P Mason, S McGrory (pm only), R Menlove, A Moran, B Moran, G Morris, B Murphy, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, L Roberts, M Sherratt, B Silvester, M Simon, L Smetham, D Stockton, C Thorley, A Thwaite, G Walton, J Weatherill, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors Rachel Bailey, G Barton, D Druce, L Gilbert, P Groves (morning only), M Hardy (morning only), M Jones (morning only), S McGrory (morning only), G Merry, H Murray and D Topping

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Councillors R West and G Walton declared a personal interest in the agenda items relating to appointment of Mayor and Deputy Mayor 2011/12 by virtue of being the persons nominated.

3 ELECTION OF MAYOR 2011/12

Council was requested to elect a Mayor for the Borough of Cheshire East for 2011/12, who would also act as chairman of the Council for that period.

It was proposed by Councillor W Fitzgerald, seconded by Councillor O Hunter, and

RESOLVED

That Councillor R West be elected Mayor of the Borough of Cheshire East for the year 2011/12 and Chairman of the Council for that period.

The Mayor completed his Declaration of Acceptance of Office and was then invested with the Chain of Office. The Mayor thanked the Council for electing him to this office and informed Members that his wife, Joanna West, was to be his Mayoress; she was then invested with the Chain of Office.

4 APPOINTMENT OF DEPUTY MAYOR 2011/12

Council was requested to appoint a Deputy Mayor of the Borough of Cheshire East, who would also act as Vice-Chairman of the Council for that period.

It was proposed by Councillor S Wilkinson, seconded by Councillor J Macrae, and

RESOLVED

That Councillor G Walton be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2010/10 and Vice-Chairman of the Council for that period.

The Deputy Mayor thanked the Council for appointing him to this office and informed Members that his wife, Veronica Walton, would act as his Deputy Mayoress; she was then invested with the Chain of Office.

5 VOTE OF THANKS TO THE RETIRING MAYOR

Councillor R Domleo paid tribute to the retiring Mayor and Mayoress, Councillor G Baxendale and Mrs Baxendale, for the dedicated work they had undertaken during their term of office, the large number of engagements they had attended and the money they had raised for charity. The Mayor presented badges to Councillor and Mrs Baxendale. Councillor Baxendale gave a speech of thanks.

6 MAYOR'S ANNOUNCEMENTS

1. The Mayor announced that his Chaplain for the forthcoming Municipal Year would be the Rev Rob McLaren. He thanked Rev McLaren for attending the meeting and looked forward to his guidance during his term of office.
2. The Mayor announced that his main charity for the forthcoming year would be Age UK (Cheshire East).

7 ADJOURNMENT FOR LUNCH AND RECONVENING OF MEETING

At this point the meeting stood adjourned until 2.15pm.

8 APOLOGIES FOR ABSENCE

A number of Members who had not been present for the Mayor Making Ceremony were present for the reconvened meeting. The names are recorded earlier in the minutes.

9 MINUTES OF THE MEETING HELD ON 21 APRIL 2011

RESOLVED

That the minutes be approved as a correct record, subject to the minutes being amended to show that Councillor Baxendale concluded the meeting on 21 April by thanking all retiring Members and all those who might not be re-elected for their work with the Council.

10 MAYOR'S ANNOUNCEMENTS

1. The Mayor extended a very warm welcome to all of the new Members and requested that they stand, so that other Members could identify them and congratulate them in respect of their election to office.
2. The Mayor informed Members of the way in which he intended to fulfil his responsibilities as Chairman of Council meetings.

He was intent upon ensuring that meetings were well run and also that they afford a fair opportunity for all Members of the Council and members of the public to participate. He was confident that the officers of the Council would facilitate this in their preparations for meetings, but he would require Members of the Council to play their part.

There were items of Council business which, from time to time, generated concerns and strong feelings amongst Members and there was nothing unusual about this. Constructive challenge was always healthy and indeed was an essential part of the work of the Council.

Nevertheless, he would be resolute in ensuring that, despite the importance of the business dealt with and the natural strength of feeling of Members on certain subjects, that proceedings retain the dignity that Cheshire East Borough Council meetings deserved.

Whilst he would be fair in his approach, he wanted the meeting to understand that he was not prepared to tolerate undignified conduct on the part of Members of any party. He was determined to uphold the high standards of the Council.

Therefore, over the coming year he would be careful to ensure all of this and he would be prepared to use his powers as Chairman, and those contained in the Council's Constitution, to deal with any instances where the behaviour of Members did not meet appropriate standards.

He sought the support of the Council collectively, and of Members individually, in achieving these aims. The Council's Constitution required Members to treat others with respect and not to conduct themselves in a manner which could bring their office into disrepute. He intended to ensure that these requirements were upheld and would use the powers contained in the Constitution to achieve this.

3. The Mayor referred to the Celebrations in respect of the 750th anniversary of the grant of the Macclesfield Charter. This year would see some wonderful events, which marked an important part of the history of Macclesfield and its commercial development. The celebrations would speak for themselves, but he hoped that all taking part would enjoy them
4. The Mayor hoped that Members would understand that since this was his first formal business meeting, he would not be able to report to them upon previous civic activities as Mayor. However, they could be assured that he would give a good account of his engagements in the future.

11 PUBLIC SPEAKING TIME/OPEN SESSION

Mr B Evans used public speaking time to suggest that, whilst he appreciated that the new Mayor had not yet carried out any engagements, the agenda for Annual Council meetings should include an item relating to the previous Mayor's engagements.

Cllr P Edwards presented a petition to the Mayor, on behalf of its signatories, relating to School Transport proposals.

12 ELECTION OF COUNCILLORS

Details of the results of the Borough Council's elections which had taken place on 5 May 2011 were reported to Council.

RESOLVED

That the results of the Borough Council's elections on 5 May 2011 be noted.

13 ELECTION OF LEADER OF THE COUNCIL

Consideration was given to the election of Leader of the Council for the statutory four year term of office.

Two nominations were received as follows:-

Cllr W Fitzgerald

(proposed by Cllr R Menlove and seconded by Cllr G Morris)

Cllr D Brickhill

(proposed by Cllr B Murphy and seconded by Cllr A Moran)

A secret ballot was conducted. Before the secret ballot was taken, the Borough Solicitor explained the process, whereby each Member would be issued with a ballot paper, on which they should write clearly the name of the person he/she was voting for. The ballot papers were then issued to Members. The ballot papers were then collected, verified and counted.

The result of the secret ballot was as follows:-

Cllr Fitzgerald - 45 Votes

Cllr Brickhill – 20 Votes

Unmarked – 4

Uncertain - 2

RESOLVED

That Cllr W Fitzgerald be appointed as Leader of the Council for a four year period.

Cllr Fitzgerald thanked the Council for electing him to this office.

14 APPOINTMENTS TO THE CABINET

The Leader of the Council, Councillor Fitzgerald, presented to Council information about executive functions in the forthcoming year, including the names, addresses and electoral divisions of those Members appointed to the Cabinet, as attached.

RESOLVED:

That the information on executive functions in the forthcoming year be noted.

15 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report inviting the Council to determine political representation on the Council's Committees.

Documentation demonstrating how the Council should determine the proportionality of Committees (Appendix 1) and showing the proportional distribution of seats (Appendix 2) together with an additional report, which addressed proposed changes to the Scrutiny Committees, were circulated at the meeting.

It was proposed by Councillor Fitzgerald and seconded by Councillor Domleo:-

1. That the new Scrutiny Committees be appointed with the powers as circulated, with appropriate changes to the Constitution.

2. That the proposals contained in paragraphs 2.1 and 2.2 of the reports be agreed.
3. That the political representation as set out in the circulated Appendices 1 and 2 and the methods, calculations and conventions used in arriving at them, as outlined in the report, be adopted.

A request for a named vote was submitted and duly supported. The motion was put to Council with the following results:-

For

Councillors :-

C Andrew, Rhoda Bailey, A Barratt, G Baxendale, D Bebbington, D Brown, L Brown, J Clowes, H Davenport, S Davies, R Domleo, P Findlow, W Fitzgerald, R Fletcher, H Gaddum, S Gardiner, P Groves, J Hammond, M Hardy, P Hayes, D Hough, P Hoyland, O Hunter, M Jones, S Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Marren, A Martin, P Mason, R Menlove, B Moran, G Morris, D Neilson, P Raynes, B Silvester, M Simon, L Smetham, D Stockton, A Thwaite, G Walton, J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Against

Councillors:-

G Boston, D Brickhill, B Burkhill, P Butterill, R Cartlidge, S Corcoran, P Edwards, I Feseyi, M Grant, A Harewood, J Jackson, L Jeuda, D Mahon, P Martin, S Mcgrory, A Moran, B Murphy, D Newton, P Nurse, M Parsons, L Roberts, M Sherratt and C Thorley

The motion was carried with 48 in favour and 23 against.

RESOLVED

- 1 That the political group representation, as set out in Appendices 1 and 2 to the Report, and the methods, calculations and conventions used in arriving at them, as outlined in the Report, be adopted.
- 2 That a new Health and Wellbeing Overview and Scrutiny Committee and a new Adult Social Care Overview and Scrutiny Committee be appointed.
- 3 The consideration of the final terms of reference of the new Committees be referred to the new Committees and the terms of reference for all Overview and Scrutiny Committees be considered by the Scrutiny Chairman and the Constitution Committee in the June/July cycle of meetings
- 4 The Borough Solicitor submit a further report with recommendations to July Council when the political balance and Member appointments will need to be reviewed following the Crewe South election.

- 5 The number of seats on the Overview and Scrutiny Committees be reduced from 14 to 12.

16 APPOINTMENT OF MEMBERS TO COMMITTEES

Details of the political groups' nominations of Members to Committees were circulated at the meeting.

It was also proposed that the existing powers of the Appeals Committee be transferred to the Audit and Governance Committee and that appropriate constitutional changes be made.

In moving the recommendations, as circulated, Cllr Fitzgerald moved that Cllr P Raynes be appointed to the Peak District National Park.

Cllr P Edwards, the Independent Group Leader informed Council of a change to the Independent Group nominations, to substitute Cllr P Butterill for Cllr D Brickhill on the Environment Scrutiny Committee.

Cllr Thorley, informed Council of a change to the Labour Group nominations, to substitute Cllr C Thorley for Cllr K Edwards on the Staffing Committee.

It was proposed by Councillor Fitzgerald, seconded by Councillor Domleo and

RESOLVED

- 1 That, subject to the above changes, and to these resolutions, the existing Committees, listed on the circulated Appendix 2 be approved with their existing powers, and that the Council agrees the memberships as shown.
- 2 That the existing powers of the Appeals Committee are transferred to the Audit and Governance Committee and the Borough Solicitor be authorised to make appropriate constitutional changes, as she deems appropriate.

17 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

Consideration was given to the appointment of Chairmen and Vice-chairmen of the Council's decision making and other bodies.

The Political Group Leaders' nominations of Chairmen and Vice-chairmen of the Council's decision-making and other bodies was circulated at the meeting.

It was proposed by Councillor Fitzgerald, seconded by Councillor Domleo and

RESOLVED

That the Chairmen and Vice-chairmen of the Council's decision-making and other bodies, as listed in respect the previous agenda item, as circulated at the meeting (and as attached) be appointed.

18 APPOINTMENTS TO ADOPTION PANEL, FOSTERING PANEL AND CHESHIRE ADMISSIONS FORUM

Consideration was given to appointments to the Adoption Panel, Fostering Panel and Cheshire Admissions Forum.

It was proposed by Cllr Gaddum and seconded by Cllr Kolker and:-

RESOLVED

1. That Cllr G Morris be appointed to the Adoption Panel, to take effect as soon as requisite training has been undertaken and until then, Cllr A Kolker remain as the representative.
2. That Cllrs J Clowes and P Nurse be appointed to the Cheshire Admissions Forum.
3. That Cllr P Hoyland be appointed to the Fostering Panel and that Officer explore, in conjunction with the Constitution Committee, if necessary, arrangements to be made for a second Member to be nominated to the Fostering Panel.

19 APPOINTMENTS TO CHESHIRE FIRE AUTHORITY AND CHESHIRE POLICE AUTHORITY

Consideration was given to appointments to Cheshire Fire Authority and Cheshire Police Authority.

It was proposed by Councillor Fitzgerald, seconded by Councillor Domleo and

RESOLVED

- 1 That Cllrs M Simon, J Weatherill, W Livesley, D Topping, G Merry, C Thorley, R Fletcher and D Brickhill be nominated to serve on the Cheshire Fire Authority.
- 2 That Cllrs JP Findlow, H Murray, and P Nurse be nominated to serve on the Joint Committee of the Police Authority, with powers to select Police Authority members, on behalf of the Council.

20 QUESTIONS

The Following questions had been submitted in accordance with Procedure Rule 11:-

Questions submitted by Cllr D Brickhill

Question 1

How are the residents of Crewe South ward receiving proper ward councilor care in the interim period between the end of the previous Councillors' term of office and the appointment of new Councillors at the by election on June 16th?

Cllr Fitzgerald, in response, stated :-

Thank you for notice of your question Cllr Brickhill. Of course, we were all shocked and saddened by the sad news of the death of Councillor Betty Howell, who we will miss and indeed, this does create an issue in respect of representation of the constituents of Crewe South Ward. As a matter of law, the election for Crewe South on 5th May had to be countermanded and a new date of 16th June has been identified for the election to take place. Until that time, it is an unfortunate consequence of the circumstances we are in, that the constituents of that Ward will have no elected Borough Councillor to represent them and they will need to rely on the Cheshire East organisation to do so. Of course, all elected Members have a responsibility to assist constituents, irrespective of the ward they represent. In the brief period until the Crewe South election, Councillors representing neighbouring wards would be expected to assist Crewe South constituents.

Question 2

My second question to May 18 Council relates to my supplementary question 2 at the last council meeting.

Members will see from their minutes of the last meeting that the leader avoided answering my actual supplementary question 2 and instead replied with totally unrelated information. (see page 10) I therefore have to ask again: Weston Road, Crewe was not taken to Council because there was no adequate financial plan to justify this. Is that correct?"

Cllr Fitzgerald, in response stated:-

I refer Cllr Brickhill to my previous response on this matter and feel that it has been addressed satisfactorily.

Supplementary Question

Cllr Brickhill asked why he had not been provided with the plan, as requested, and Cllr Fitzgerald undertook to request that officers provide a justification for the purchase of the site.

Question 3

What additional and unbudgeted revenue cost has been added to this council's costs by the purchase of the Royal Mail sorting office site on Weston Road Crewe. Taking into account business rates, interest on the capital cost, security, clearance work I estimate that cost as over half a million pounds per year. What is the correct figure? Has any income been forthcoming from the site since its purchase in January three months ago? What steps if any are being taken urgently to mitigate the loss occasioned by the purchase of this site.

These costs will have to be funded by virement from other spending.
Where is that money being taken from?
What services will have to be reduced by this virement?"

Cllr Fitzgerald, in response stated :-

The site is now a corporate asset of the Council and sits within our overall asset management strategy, delivery arrangements and budgets. In line with our overall asset base the Council is seeking to maximise any revenue we can from making the site operational whilst we prepare the overall regeneration project and gain additional public and private sector investment. We have engaged agents to market a proportion of the site for short-term lease and the site is currently being actively marketed at a local, regional and national level. We are also marketing the advertising opportunities presented by the site's strategic location".

Supplementary Question

Cllr Brickhill stated that the cost of running this site was coming out of the Council's revenue account and asked to be assured that that money would not be deducted from the funds for the maintenance of roads.

Cllr Fitzgerald, in response, stated that this was not the case.

Question 4

My fourth question relates to the unsatisfactory answer given to my supplementary to question 3 shown on page 11 of the minutes. So I ask it again:-

Members will see that again I received a totally unsatisfactory response to my supplementary question 3 on page 11 of the minutes. Like every council in England, Cheshire East Council has accepted the Government's subsidy in return for not increasing the council tax. Council tax payers do have a right, following the reorganisation of the previous Councils that they should see the reduction in council tax promised by the bid by Chester and Macclesfield Councils. This but has yet not happened. The leader seems to think that the people of Cheshire East are grateful for no sign of this. Clearly the loss of seats suffered by the Tory party in the election shows that they are not grateful at all to this overspending administration. When we see the reduction in council tax we were promised in return for the thoroughly unnecessary trashing of the county council and the six district councils?

Cllr Fitzgerald, in response stated :-

Just to correct Cllr Brickhill, the bid did not promise that Council tax would be reduce, but would be harmonized down. I feel that I have already satisfactorily answered these questions. In my view, no further information is required to be provided.

Supplementary Question

Cllr Brickhill stated that he disagreed with the response, as he felt that there was an expectation that the Council tax would reduce with the amalgamation of the Councils and asked whether steps would be taken to reduce the number of staff where they were paid excessively.

Cllr Fitzgerald, in response, stated that he believed that the Council could not be criticized on its performance in respect of Council tax.

Questions Submitted by Cllr B Murphy

Question 5

Earlier this year, news media in Macclesfield were awash with scurrilous rumour, innuendo and insinuation in connection with the referral of a senior council Member of the Council to the Standards Board of England (SBE). At the time, on the grounds of confidentiality, the council would make no comment or divulge explanatory information. Subsequently, the media reported the Member had been exonerated. However, neither confirmation of the media reports nor any other relevant information has been disseminated. A search today (12th May) on the Council's website (using the key words Standard Board of England Inquiry Report) failed

reveal any relevant material. In these circumstances and in the light of the serious damage being done to the Council and the Member, will the Leader of the Council explain:

1. Did the matter relate to the acquisition of land or to an altercation between the Member and an Officer?
2. If it was land, was the proposed acquisition for the provision of affordable housing? If so, has the proposal progressed and to what point? If not, why?
3. What precisely were the grounds for complain, what evidence was produced and by whom to substantiate the complaint?
4. Was the complaint to the SBE made by an officer or by the Council's Leader (or both) or by a member of the public?
5. If it was by an Officer, was the Council Leader or any other Group Leader or any other member consulted, and if any, who?
6. Was the leader complicit in any way in the making of the complaint?
7. Will the Leader of the Council now agree to the publication of the SBE's findings in full?
8. Does the Leader of the Council recognise the unintended consequences when an officer takes it upon him/herself to file a complaint on the grounds of ethics as distinct from criminal offence?

Cllr Fitzgerald, in response stated:-

I would refer the Member to Standards for England's website where a summary of the case is available outlining the terms of the complaint together with the findings of the Ethical Standards Officer. I would advise that a copy of the full report has been provided to Members of the Council's Standards Committee and was considered at their meeting on the 6th April 2011.

The Standards' Committee annual report presented to Council on 21st April 2011 contained the following paragraph:-

Members felt a number of lessons could be learnt and recommended that all Members should be reminded of the significance of Public Office, including the expectations of the public and that Code of Conduct training should be given to all Members following the forth coming election. The Ethical Standards Officer had commented that Senior Officers and Members had understandable concerns about the public perception of the relationship of the subject member with the developers. The Committee agreed that Officers had acted entirely appropriately in the circumstances and endorsed the comments of the Ethical Standards Officer and action was taken by Officers.

In line with Section 63 of the Local Government Act 2000 the report must not be disclosed outside of the Standards Committee.

Supplementary Question

Cllr Murphy requested clarification in respect of what Section 63 of the Local Government Act 2000 said. He found it extraordinary that, in a time when greater transparency in government at all levels was talked about, that a full report had not been made on this subject, which had been the subject of so much adverse comment in the media. He requested that, whilst there was no reflection on the conduct of officers, it seemed clear that, given the sensitivities in the relationships between Chief Officers and leading Members of the Council that a Protocol should be written and built into the Constitution, in order to avoid this kind of misunderstanding and rumour in the future. He requested that the Leader of the Council consider this.

Cllr Fitzgerald undertook to provide clarification in respect of what Section 63 of the Act stated, but felt that he could not agree to the philosophy which had been expressed by Cllr Murphy, without prior notice and suggested that Cllr Murphy put his request in writing.

Question 6

It has been reported that Officers undertook the purchase of the former sorting office site in Crewe under delegated powers. Will the Leader of the Council supply the following information: -

1. What was the Business case for the acquisition?
2. When did the officers know of the availability of the site and what was the deadline for submission of a tender/bid?
3. When was the Business Case presented to the Cabinet?
4. Did the business case include the costs for "making good" the site after acquisition? If so what were those costs and were they to be funded as "capital" or from revenue? And what was the projected total cost?
5. From which part of the Council Budget(s) are these costs to be financed?
6. Why was an emergency council meeting not called to endorse such a serious and exceptional expenditure?
7. What was the political reason for using taxpayer money to purchase land at a time of austerity and when there is an abundance of unused "employment" land waiting for development in Macclesfield and elsewhere and when revenue and capital budgets for front line services are stretched to the limit?

Cllr Fitzgerald, in response stated:-

1. The Royal Mail site in Crewe was acquired by Cheshire East Council as a strategic investment linked to the long-term regeneration of Crewe under our 'All Change for Crewe' strategic

framework. We undertook a full independent valuation of the site prior to acquisition to inform our decision.

2. The site was first marketed for disposal by the Royal Mail's agents on 11th October 2010. The Council was aware in July that the Royal Mail were due to vacate the site but at that point the Royal Mail had not declared their proposed route of disposal or their timetable.

On the 11th October, the vendor instructed their agent to secure all offers by 12th November with a timetable that requires exchange of contracts by 31st December 2010, and completion of sale by 31st January 2011.

3. Cabinet unanimously supported the proposal to acquire the site on 25th October at an informal Cabinet meeting.
- 4/5 The project is included in our corporate capital programme with a total capital cost of £2.75 million. The site is now a corporate asset of the Council and sits within our overall asset management strategy and delivery arrangements. In line with our overall asset base the Council is seeking to maximise any revenue we can from making the site operational whilst we prepare the overall regeneration project and gain additional public and private sector investment.
6. The scale of the decision both financially and in risk terms was not deemed significant within the context of the operations of the Council. The decision was to seek to acquire a strategic landholding in one of our major spatial priorities at an appropriate market value.

I refer to my earlier answer, this was a strategic acquisition linked to the economic growth of one of our major towns. The site is retained in the short-term as an asset as part of our property portfolio.

Supplementary question

Cllr Murphy asked what the business case had been for the acquisition and requested an explanation as to what Cllr Fitzgerald meant by a "strategic investment".

Cllr Fitzgerald, in response, suggested that Cllr Murphy read the Crewe Vision thoroughly, in order to look at what the Council was planning for this area of Cheshire East. He considered that it would be a missed opportunity if the Council did not acquire the site. It would open a whole new regeneration of that area, with a new entrance to the station. Virgin Rail were keen to take this forward and he considered it to be a tangible exercise.

Question 7

At the last Council meeting, in answer to a question about market rents in Crewe, the Portfolio Holder for Environment justified the exorbitant 25% increase in stall holder rents on the grounds that, he said, “we do not receive business rates from markets and that council taxpayers should not be required to subsidise them.” He also stated: “Markets therefore need to be individually sustainable in terms of operational expenditure and future investment needs”. He further informed the council that the 2010/11 expenditure on Crewe’s market was £256,900 and income was £256,900, a trading profit of 4.5% for the Council. In view of the foregoing, will the Portfolio holder now explain:

1. Given the trading profit of 4.75%, where is the subsidy?
2. What are the comparable expenditure/income figures for Macclesfield markets?
3. Is the Portfolio Holder aware that the compulsory acquisition of the original “fixed” market place in Macclesfield was undertaken to make way for a Town Hall extension and therefore the additional costs arising from creation of a moveable market rightly belonged and still belong to the Council?
4. Does the Portfolio Holder not recognise that rates and rent are an excessively high proportion of small retail operations and therefore his demand for compensatory rents is inappropriate and unjust?
5. Given the monopoly position of the local authority, does the Portfolio Holder recognise raising market rents to bring them in line with other towns is an anti-competition measure, not only contrary to PPS 6 guidance on town centre but also contrary to Conservative claims to be a business-friendly party?
6. Is the Portfolio Holder not aware of the steady decline in Macclesfield ‘s Town Centre trade over the past three years and that commercial rents have declined by 25%?
7. How does he justify the nonsensical proposition that a 25% increase in rent will make an individual trader’s business “sustainable in terms of operational expenditure and investment needs”?
8. In view of the foregoing, does the Portfolio Holder really believe a 25% rent hike will help regenerate Macclesfield centre, surround as it is by highly competitive retail centres?

Cllr Menlove, in response stated:-

As we are now closing the accounts for 2010-11, officers have been able to provide the actual financial outturn for our markets.

This may be summarised as follows:

	£000
Operating expenditure	742
Management & support services	230
Depreciation charges	280
TOTAL EXPENDITURE	1,252
Income	(942)
NET EXPENDITURE	310

The Council is awaiting late payment of £109,000 from stallholders. Clearly, we are seeking to improve financial performance by increasing stall rents. The proposed rent increases are expected to raise about £200,000 in a full year.

No matter what their history and the concerns we all share about our markets, we must move to put this non statutory service provision on sustainable financial footing going forward. We believe this is appropriate given their commercial setting and in the longer term interests of all parties, including Council Tax Payers.

We continue to consult and review the proposed rents, particularly with our local service delivery agenda in mind. There are legacy issues that complicate matters for Cheshire East and these need to be addressed going forward. We are also aware that the pace of change is an important factor in our deliberations. You can be assured that all factors will be considered before rent increases are actually implemented.

Cllr Murphy thanked Cllr Menlove for his explicit explanation.

Question 8

Given the chequered and stalled progress of the redevelopment of Macclesfield town centre, partly because of Wilson Bowden's various corporate difficulties, quite separate from the economic recession,

1. Why did the Cabinet not put the project out to open tender
2. Why should the public and Macclesfield's councillors now have confidence in Wilson Bowden's capability to deliver the project?
3. Why has Wilson Bowden been allowed to change the development brief recently passed through public consultation?
4. Is Wilson Bowden still able to finance the development through its own resources or is it now dependent on external financial support?
5. Why was it necessary to enter into a new contract with Wilson Bowden and what are the key differences between the original contract and the current one, particularly with regard to the financial terms?
6. What provision has been made in the contract for termination of the contract in the event of Wilson Bowden failing to make satisfactory progress?

Cllr Macrae, in response stated:-

1. In December 2009, the Cabinet reviewed the position of the inherited Development Agreement with Wilson Bowden from the former Macclesfield Borough Council. A full review of the options was undertaken and we took comprehensive legal advice to inform our decision. We concluded it was in the best interest of the Macclesfield and Cheshire East Council to progress a review of the Development Agreement, and the Terms of Variation were approved in May 2011.
2. We have strong commitment from Wilson Bowden at a board level to deliver a high quality scheme for Macclesfield. Over the past 18 months All Macclesfield councillors have been engaged in the agenda set out for the re-generation of the town and have been fully supportive of our approach.
3. I am unclear on the third point raised in the question, as no new development brief has been subject to consultation recently.
4. The information requested on point further is subject to commercial confidentiality – an update briefing is being arranged for all newly elected Macclesfield members and would be happy to discuss such issues raised on this point.
5. The Council is not entering into a new contract with Wilson Bowden. The proposed Terms of Variation were presented to cabinet in May 2011, as a part 2 agenda item, I am happy to discuss this at the member briefing and I hope that Cllr Murphy can attend.
6. I can confirm that any revisions to the development agreement include clear sequential milestones which must be met by Wilson Bowden.

Supplementary Question

Cllr Murphy thanked Cllr Macrae for his response. Her referred to item 4 of the question and stated that when Wilson Bowden had first submitted the bid they had assured the Council that they had their own financial resources and asked whether this was still the situation.

Cllr Macrae, in response: stated that there was a degree of commercial confidentiality involved, but he would be happy to discuss this matter at the Member briefing.

Questions Submitted by Cllr P Edwards

Question 9

1a. Who is on the School Transport Core Group?

Cllr Gaddum in response stated:-

The Transport Core Group is an Officer group made up of the following:

- Head of Strategy, Planning and Performance, Children and Families
- Policy and Strategy Manager, Children and Families
- The Transport Manager
- Transport Coordinators North and South
- Transport Customer Quality Manager
- Transport Operations Managers North and South
- Specialist Transport Assessment Officer”.

1b. What are its terms of reference in relation to the school transport costs?

Cllr Gaddum in response stated:-

The group was set up as business support to implement and manage the school transport consultation process, to advise on school transport issues, e.g. to Members, to ensure the discharge of statutory duties, to assess consequential effects of transport policy changes eg impact on school rolls. This group reports to the Children and Families’ Senior Manager Team (SMT) and ultimately the Director of Childrens Services.

1c. When was it formed and how often does it report and to whom?

Cllr Gaddum in response stated:-

Prior to the set up of the Transport Core Group, work was carried out by Children and Families Senior Management team. The first formal meeting of the group was 4 March 2011 and it has met fortnightly since. It reports, via the Chair, to the Director and the Portfolio Holder for Children’s Services.

Supplementary Question

Cllr Edwards queried why, when there had been no Member involvement and such a large sum of money was involved, this matter had not been referred to the Children and Families Scrutiny Committee.

Cllr Gaddum, in response, stated:-

That the issue had been to the Scrutiny Committee already and would be coming back again when the responses were ready.

2a. Who decided on how the consultation would take place?

Cllr Gaddum, in response, stated:-

The Transport Core Group, accountable to SMT.

2b. Who was responsible for ensuring that the consultation actually reached those affected?

Cllr Gaddum in response stated:-

As above, but ultimately the Director of Children's Services.

2c. What is the process for those that have not been able to take part in the consultation due to not receiving notification before the closing date?

Cllr Gaddum, in response stated:-

The consultation has been publicised through schools/colleges, local press, public drop-in sessions, emails to stakeholders and the Council's website and the Council has received a significant response to the consultation. The Schools Forum and Children and Families Scrutiny have also been informed of the consultation. We are not aware of any groups that have not been able to take part in the consultation.

Supplementary Question

Cllr Edwards stated that a number of schools had not been involved in the consultation and that this had not been followed up. He questioned why the Council had not made sure that the information was given to the public.

Cllr Gaddum in response, stated that it was standard practice to send the information to schools so that they could pass it on to parents. In addition, an extra public event had taken place in the Middlewich area.

3a. If this was a consultation why are there no options only pre-determined decisions, i.e. Sep 2011 fare goes up £299 to £385 per annum, Sep 2012 service disappears altogether?

Cllr Gaddum, in response stated:-

The decisions are not predetermined. The Council has a statutory duty to provide certain school transport and so the only areas that can lawfully be charged are areas of discretionary policy. It is standard practice in consultations such as this for public bodies to consult on proposals, rather than a list of options. Members will make decisions on the next steps based on the reported impact of these proposals.

3b. What determines if a fare is subsidised and at what level does a subsidy become a subsidy?

Cllr Gaddum, in response stated:-

If parents/carers paid on a full cost recovery basis, the average cost of providing transport would be as follows:

- £1,097 = Denominational transport place
- £925 = Post-16 transport place
- £5,536 = Average cost of all SEN provision
- This represents a significant increase on what is currently and proposed to be charged. Anything less than this would be deemed to be subsidised by the Council”.

Supplementary Question

Cllr Edwards stated that effectively these people were being taxed and questioned how this could be justified, when people living in the area would pay less.

Cllr Gaddum, in response stated:-

The cost was in fact £1097 to the Council and the Council was subsidising already.

- 4a. If as a result of some pupils meeting the free provision criteria and buses are provided to school half empty, where is the saving on transport costs, when the other half could be filled by those contributing to the cost of the service?

Cllr Gaddum, in response, stated:-

If the proposals were implemented, then all transport would be re-planned to minimise the amount of transport that is required and to make the consequent savings. Contracts specify vehicles of appropriate size, so if for example 48 children became 24 children, the contract would state the required vehicle size and an appropriate cost reduction would result.

- 4b. Where a scheduled service is available for pupils to get to school, but the service does not have sufficient seats to get all the pupils to school on time, how will the council through its policy obligation to ensure pupils can get to school on time, does it intend to overcome this problem?

Cllr Gaddum, in response, stated:-

It's the parents' statutory duty to ensure their children attend school. There is no current policy that states it is the duty of the Council to get pupils to school on time. The Council's duty under Section 508B of the Education Act 1996 is to provide free transport for 'eligible children' (as defined in Schedule 35B of the Act) as the Council considers necessary for the purposes of facilitating the child's attendance at school in a timely fashion.

Under the same Section of the Act, the Council has discretion to make transport arrangements for children whose parents wish them to attend a school which accords to their particular religion or belief. If the proposals were implemented, the Council would continue to meet its duty to provide transport for eligible pupils.

5a When post 16 education is made compulsory how does the council intend to provide the provision in Middlewich, and if it does not what provision will it make to enable access to post 16 education as students are obliged to travel, will this be free as under the criteria you are disenfranchising a whole town with current intended policies?

Cllr Gaddum, in response, stated:-

From 2013 the raising Participation in Education, Employment or Training begins to be implemented. There is no requirement for provision of transport post 16 currently. If the government saw fit to make it compulsory in the same way that pre-16 transport is, then the council would seek appropriate funding from central government to meet that commitment.

Supplementary Question

Cllr Edwards questioned that, if school transport was to be made more effective, why a 48 seater bus travelled between Macclesfield and Congleton with only two pupils on it.

Cllr Gaddum in response stated that she would require further details in order to respond to this question.

Question 10

Recycling :-

- a. What is the cost of the silver bins?
- b. Who's decision was it to implement the bins?
- c. What is the costs of the leafleting, roadshows and promotion of the service?

Cllr Menlove, in response, stated:-

The decision to implement the new recycling and waste collection service; including replacing bags and boxes with Silver bins, was made by the Cabinet. Silver bins for the premier dry recycling service are being procured for the Congleton and Macclesfield areas only because householders in Crewe and Nantwich already have these bins. Silver bins are being procured and delivered to householders at cost of about £2m; £363k being found from existing grant funding. The total cost of communications to support implementation of the new service over

the next few months, including all material production and delivery, is estimated to be less than £1 per household.

Supplementary Question

Cllr Edwards queried why this had been a Cabinet decision rather than a Council decision, when it related to a cost of about £2m.

Cllr Menlove undertook to provide a written response to the supplementary question.

Question Submitted by Councillor S McGrory

Question 11

With reference to the School Transport Consultation:-

1. The information available at the consultation gives dates of next steps and timelines as follows,
 - May 20th - consultation closes
 - May 31st - Scrutiny Committee
 - June 6th - Cabinet Decision on proposals taking consultation responses into account
 - By end of June - School Transport Policies revised
 - End of June - School Booklets published
 - September 2011 - First changes made, if agreed
 - September 2012 - All changes implemented

How can the Portfolio Holder ensure that all the Council, including new Members, have all the relevant information and documents available in order to make an informed decision about removing all transport provision to both Faith Schools and to 6th Form Education?

When will the report be made available for all elected Members to consider?

What part of the consultation will be discussed at the May 31st Scrutiny Committee?

Is the final Decision to be made by the Cabinet?

Cllr Gaddum, in response, stated:-

The purpose of the school transport consultation is to establish what impact the proposals would have on stakeholders, if approved. Following the close of the consultation period, this impact will be assessed and an analysis presented to Elected Members to enable them to make informed decisions on the way forward.

In the light of the amount of information received and the complexity of the analysis required to inform Members in the decision-making process, it was decided to take a decision at the July Cabinet meeting. At this stage it is anticipated that the 31st May Scrutiny Committee will consider the consultation process, initial findings and key issues arising from the consultation.

The final decision on the proposal and any next steps are likely to be made by the Cabinet on 4 July 2011 and papers will be available to the public a week beforehand on the Council's website.

Supplementary Question

Cllr McGrory asked why, bearing in mind that the Portfolio Holder had said that the Cabinet decision would be in July, were the public not told. He also stated that information "put out" recently referred to June.

Cllr Gaddum, in response, stated :-

That the report was scheduled for the July meeting, however, she wanted to ensure that the Scrutiny Committee had full input.

2. The report dated March 10th "Home to School Transport Review" to the Portfolio Holder and considered by her at a meeting on March 10th, states under 'Risk Management' (page 12 para 9.2) that "Increased costs could also result in higher numbers of 'school run' journeys which would undermine the Council's environmental objectives".

In a letter from the Chief Executive on this consultation to a very concerned parent (who wishes to remain anonymous but her letter is your reference EW/CS/nb2472), in response to the environmental impact issue, the Chief Executive states that "A full equality impact assessment will be completed on the proposed changes, including the environmental impact, Members will make decisions in the light of this information."

Can the Portfolio Holder please confirm when environmental impact became part of the equality impact assessment?

How and when will this environmental impact be undertaken, and how this report will be made available for scrutiny by members, other than the Cabinet, before any decision is made?

Cllr Gaddum, in response, stated:-

The Council's Single Equality and Inclusion Scheme for 2010-13 includes an equality impact assessment template. One of the areas of the assessment is around other potential impacts and states the following:

This is where officers will include a summary of information relating to environmental impact raised during the consultation period and any subsequent analysis carried out around congestion etc.

It is not possible to carry out an environmental impact before the conclusion of the consultation as the impact will be based on what stakeholders tell us as part of the consultation. For example, if all responses state that parents will use their own cars to transport their children, then this could have a negative impact on the environment, whereas if parent's respond to say that they would chose their nearest school, this could have a positive effect on the environment.

Supplementary Question

Cllr McGrory referred to a resident who had been very confused when environmental issues became part of the Quality Impact Assessment and requested that this be made clear on the Council's website.

Cllr Gaddum in response stated: _

That she would look at this and, if appropriate, would arrange for it to be altered on the website

3. Can the Portfolio Holder advise what other options have been looked at to reduce overall transport costs?
Why were these not part of the report of the March 10th meeting when the decision was made to hold a consultation on that meeting's preferred transport provision proposals.

Cllr Gaddum, in response, stated:-

The decision to review home to school transport entitlements arises directly from the Council's Total Transport Transformation Programme. This programme encompasses all aspects of transport provision, including:

- staff travel,
- the production and implementation of the council's local transport plan,
- a review of the council's vehicle acquisition, financing and maintenance provision
- public transport support criteria
- the creation of a Cheshire East integrated transport unit

As part of normal business officers regularly review transport costs and activities to ensure that costs are kept under control. For example, recent tendering processes have yielded savings equivalent to £60,000 a year. In addition, regular re-planning exercises are undertaken to minimise the number of vehicles required to transport children to and from school. Every effort is made to integrate journeys so that the financial support the council gives to public transport is leveraged by the use of those contracts

for home to school transport purposes. In addition, the council reviews the level of parental allowances offered to parents who agree to transport their own children to school where otherwise it would result in additional council expense.

However, the level of savings required exceed the efficiency savings we are able to deliver. The only areas of activity that we can withdraw are those that are discretionary in nature – that is, where the council has freedom to decide whether to financially support or not. All other areas of school transport are statutory in that the council has no discretion whether to offer transport or not – the law states that as long as a child resides beyond a certain distance from their nearest suitable school, then transport must be provided. In the case of post-16 transport and denominational transport, the council has full discretion to decide whether to fund this transport or not.

In terms of other policy areas examined, the only other discretionary area is for children who attend primary school, and are aged between 8 and 11 years old. The law states that children are entitled to transport only if they live beyond 3 miles from school if they are aged 8 or older. The council currently offers transport if they live beyond 2 miles. Having looked at the costs and benefits of proposing a withdrawal of transport support for the small number of children affected, it was decided that the costs outweighed the benefits and that the proposal would not go forward into the consultation process”. This is happening all over the country and Cheshire West and Chester Council have already stated their concerns.

21 STARTING TIME OF COUNCIL MEETINGS 2011/2012

Consideration was given to the starting time of Council meetings for 2011/12, as recommended by the Constitution Committee.

It was proposed by Councillor Fitzgerald, seconded by Councillor Domleo and

RESOLVED

That Council meetings, in the future, follow the existing pattern, with meetings to commence at 2pm during the winter months and at 6pm during the summer months.

22 REAFFIRMATION OF COUNCIL'S CONSTITUTION

Council was requested to reaffirm the provisions of the Council's Constitution.

It was proposed by Councillor Fitzgerald, seconded by Councillor Domleo and

RESOLVED

That the provisions of the Council's Constitution be reaffirmed.

The meeting commenced at 11.15 am and concluded at 4.35 pm

Councillor R West

CHAIRMAN