

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 17th December, 2015 at The Ballroom, Sandbach Town
Hall, High Street, Sandbach, CW11 1AX

PRESENT

Councillor H Gaddum (Mayor/Chairman)

Councillor O Hunter (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, Baggott, G Barton, P Bates, G Baxendale, M Beanland, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, S Carter, C Chapman, J Clowes, S Corcoran, H Davenport, W S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, I Faseyi, P Findlow, R Fletcher, T Fox, D Flude, S Gardiner, S Gardner, L Gilbert, M Grant, P Groves, J Hammond, A Harewood, G Hayes, S Hogben, J Jackson, L Jeuda, A Kolker, J Macrae, D Mahon, N Mannion, D Marren, A Martin, S McGrory, R Menlove, A Moran, B Moran, H Murray, D Newton, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, D Stockton, A Stott, G Wait, B Walmsley, G M Walton, M Warren, M J Weatherill, H Wells-Bradshaw, J Weston, G Williams and J Wray

45 PRAYERS

The Mayor's Chaplain said prayers, at the request of the Mayor.

46 APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Bebbington, M Hardy, D Hough, M Jones, G Merry, L Smetham and L Wardlaw.

47 DECLARATIONS OF INTEREST

The Mayor made a statement that Members would be aware that she had recently made statements to the BBC and therefore wished to register this and she did not intend to speak on this matter other than to conduct the business of Council today.

Anita Bradley, Head of Legal and Monitoring Officer, stated that there were a number of agenda items when she would absent herself from the meeting.

48 MINUTES OF THE MEETING HELD ON 22 OCTOBER 2015

RESOLVED:

That the minutes of the meeting held on 22 October 2015 be approved as a correct record.

49 MAYOR'S ANNOUNCEMENTS

The Mayor announced:-

That a list of all Mayoral engagements, which she and the Deputy Mayor had attended since the last Council meeting, had been circulated around the Chamber.

That the Mayor and Mayoress had attended the Emergency Services Carol Service at Chester Cathedral, at which the children of Rode Heath Primary School had sung extremely well and were a great credit to the occasion.

That the Mayor and Mayoress had attended the Roberts Brass Band Concert at Tatton Hall, and that the Hall had looked beautiful, with each room decorated to tie in with a specific carol.

That 27 January 2016 was Holocaust Memorial Day and invited Councillors were invited to attend the Holocaust Memorial Day Service being held at 10.30 am in Sandbach Town Hall.

That Members should be aware that Frances Woodhead from Bevan Brittan, solicitors, was in attendance to advise on any matters where the Head of Legal Services and Monitoring Officer might have a conflict of interest.

That CoSocius would be in attendance at the end of the meeting to help Members with any ICT related issues.

50 PUBLIC SPEAKING TIME/OPEN SESSION

Reverend Johnson used public speaking time to ask what action Cheshire East Council proposed to take to help refugees from Syria.

Councillor L Gilbert, Cabinet Member for Communities, responded that Cabinet in November had agreed a raft of measures to support Syrian refugees and asylum seekers and that once specific cases were put forward by the Government, the Council would assess them on a case by case basis to ensure that support can be provided.

Mr Christopher Kerrison Evans used public speaking time to ask the Chairman of Strategic Planning Board about concerns in respect of procedures when the Board considered planning application 14/0007M.

Councillor H Davenport, Chairman of the Strategic Planning Board, responded that this application had been considered some 18 months to 2 years ago and that he did not recollect any details of the meeting.

However, he did recall that Legal Services had replied to a letter from Mr Evans and stated that he had nothing to add to that correspondence.

Mr Stuart Redgard used public speaking time to ask that the Council fully investigate the Core Fit incident.

Mrs Sue Helliwell used public speaking time to ask about the 36,000 figure for housing in the Local Plan.

51 RECOMMENDATION FROM CABINET - COUNCIL TAX SUPPORT SCHEME 2016-17

Consideration was given to a report on the Council Tax Support Scheme 2016/17. The report had been considered by Cabinet at its meeting on 8 December 2015.

As the meeting of Cabinet had taken place after the publication of the Council agenda, the Cabinet recommendations had been circulated around the Chamber.

A public consultation had been undertaken on proposed changes to the Council Tax Support Scheme for 2016/17. The results of the consultation were outlined in the report and Appendix A to the report.

The Portfolio Holder for Finance and Assets had also received a communication from the Chairman of the Corporate Overview and Scrutiny Committee setting out that Committee's views, which he had taken into consideration.

The recommendations from Cabinet were moved and seconded.

RESOLVED: That

- 1 the following proposed changes to the Council Tax Support Scheme for 2016/17 be approved:
 - a) Restrict the maximum support available to Band B (currently restricted to Band D)
 - b) Increase the minimum contribution from the current 20% to 25%
 - c) Increase the minimum award from 50p to £2 per week
 - d) Increase the non-dependent deductions from £5 to £7 per week
 - e) Capital limit be reduced from £10,000 to £6,000
 - f) Each year the allowances used within the calculations are increased in line with those used for Housing Benefit
- 2 for the 2017/18 financial year, the Council consult on a proposal to remove support for Band G and H properties.

52 RECOMMENDATION FROM CABINET - COUNCIL TAX BASE 2016/17

Consideration was given to a report setting out the calculation for the Council Tax Base 2016/17. The report had been considered by Cabinet at its meeting on 8 December 2015.

As the meeting of Cabinet had taken place after the publication of the Council agenda, the Cabinet recommendation had been circulated around the Chamber.

In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the Council was required to agree its tax base before 31 January 2016.

The recommendation from Cabinet were moved and seconded.

RESOLVED:

That, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by Cheshire East Council as its Council Tax Base for the year 2016/17 be **142,186.60** for the whole area.

53 RECOMMENDATION FROM CABINET - REVISED STATEMENT OF GAMBLING PRINCIPLES

Consideration was given to a report on the revised Statement of Gambling Principles. The report had been considered by Cabinet at its meeting on 8 December 2015.

As the meeting of Cabinet had taken place after the publication of the Council agenda, the Cabinet recommendation had been circulated around the Chamber.

The Gambling Act 2005 required the Council to review its existing statement of principles and publish a revised version by no later than 31st January 2016. In preparing a revised statement the Council was required to undertake a consultation exercise with stakeholders. The Licensing Committee, at its meeting on 16th November 2015, had considered the responses to the consultation and had agreed a number of minor changes which had been incorporated into the Appendix to the report.

The recommendation from Cabinet was proposed and seconded.

RESOLVED:

That the revised Statement of Gambling Principles, as set out in Appendix 1 to the report, be approved and adopted.

54 RECOMMENDATION FROM CABINET IN RESPECT OF THE MID-YEAR REVIEW OF PERFORMANCE

Consideration was given to a recommendation from Cabinet, from its meeting on 10th November 2015 in respect of the 2015-16 Mid-Year Review of Performance. The report had been considered by Cabinet at its meeting on 10 November 2015.

In accordance with the Financial Procedural Rules, Council was required to approve the supplementary capital estimates and virements over £1,000,000, which were detailed in Appendix 7 to the report.

The recommendation from Cabinet was proposed and seconded.

RESOLVED:

That the fully funded supplementary capital estimates and virements above £1,000,000, as detailed in Appendix 7 to the report, be approved in accordance with Finance Procedure Rules.

55 REPORT BY THE LOCAL GOVERNMENT OMBUDSMAN

Consideration was given to a report on the outcome of a Local Government Ombudsman investigation.

In August 2015, the Local Government Ombudsman had made public a report detailing their findings into a complaint made against the Council. The Ombudsman found fault causing injustice and made a number of recommendations. The Council had agreed to carry out all the recommendations in the report. Processes and procedures had been reviewed and new guidance for staff had been written or staff in relation to assessment and support planning which included risk assessment. The Council was scheduled to report back to the Local Government Ombudsman in January 2016.

RESOLVED:

That the content of the Local Government Ombudsman Report and the actions taken subsequent to the findings be noted.

56 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - CALENDAR OF MEETINGS 2016/17

Consideration was given to a report on the Calendar of Meetings 2016/17. The report had been considered by the Constitution Committee at its meeting on 26 November 2015.

When recommending the Calendar of Meetings to Council, the Constitution Committee had resolved that the Council meetings to be held on 15 December 2016 and 23 February 2017 should commence at 11.00 am and not 10.00.

The recommendations of the Constitution Committee were proposed and seconded.

The following amendment was proposed and seconded and declared carried:

“That the start time of the Council meeting on 20 October 2016 be 11.00 am”

RESOLVED:

That the Calendar of Public Meetings for Cheshire East Council 2016-17 be approved, subject to the Council meetings on 20 October 2016, 15 December 2016 and 23 February 2017 commencing at 11.00 am and not 10.00.

57 RECOMMENDATION FROM THE STAFFING COMMITTEE - APPOINTMENT OF DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER

Consideration was given to a report on the proposed appointment of the Director of Legal Services and Monitoring Officer.

The Staffing Committee, at its meeting on 30 November 2015, had unanimously resolved that the appointment of Mr Bill Norman to the position of Director of Legal Services and Monitoring Officer with appropriate salary be recommended to Council.

RESOLVED:

That Mr Bill Norman be appointed as the Director of Legal Services and Monitoring Officer on an inclusive salary of £90,000 per annum.

58 AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2014/15

It was reported that current CIPFA guidance, Audit Committees, Practical Guidance for Local Authorities and Police (2013) stated that audit committees should report regularly on their work and at least annually report an assessment of their performance. The requirement to submit an annual report was included within the Council's Constitution.

Consideration was given to the Audit and Governance Committee Annual Report for 2014-15.

The report set out the performance of the Committee in relation to its terms of reference and detailed the findings, conclusions and recommendations in respect of the adequacy and effectiveness of its governance, risk management and internal control frameworks, financial reporting arrangements and internal and external functions.

RESOLVED

That the report be received.

59 EXTENSION TO THE APPOINTMENT OF TWO INDEPENDENT PERSONS

Consideration was given to a report seeking to extend the term of office for those eligible Independent Persons currently appointed to work with the Monitoring Officer and the Audit and Governance Committee on standards matters in accordance with the Council's Code of Conduct.

RESOLVED:

That the terms of office of Mr Peter Bryant and Mr Robert Fousert be extended from 31 December 2015 for a period of six months until 30 June 2016.

60 OUTCOME OF STANDARDS HEARING

Consideration was given to a report on the outcome of a standards hearing.

The Audit and Governance Standards Hearing Sub Committee had met on 24 November 2015 to consider a complaint submitted to the Monitoring Officer concerning the actions of a former Member of Cheshire East Council.

The outcome of the hearing was reported to Council in compliance with one of the sanctions imposed by the Hearing Sub-Committee, having found the subject Member to have breached Cheshire East Council's Members' code of conduct. Council was invited to note the report.

RESOLVED:

That the outcome of the hearing be noted.

61 NOTICES OF MOTION

Five Notices of Motion had been submitted to Council in accordance with Procedure Rule 12. The Motions were proposed and seconded without debate or comment and referred to the relevant decision-making body for determination as follows:

1 Pay the Living Wage

Proposed by Councillor B Roberts and Seconded by Councillor M Mannion

The Motion was referred to Cabinet

2 Pay Ratios

Proposed by Councillor S Corcoran and seconded by Councillor S Hogben.

The Motion was referred to Cabinet

3 Hackney Carriage and Private Hire Drivers Licenced by other Authorities

Proposed by Councillor Rhoda Bailey and seconded by Councillor D Flude.

The Motion was referred to Cabinet

4 Call for External Investigation

Proposed by Councillor D Newton and seconded by Councillor L Jeuda.

The Motion was deferred to the next appropriate Council meeting.

5 Call for Internal Audit Report to be Debated at Council

The Motion was withdrawn by Councillor S Corcoran.

62 QUESTIONS

Members asked the following questions:-

Councillor D Flude in respect of the Making a Difference Awards ceremony and publicity for the work of the Mayor. Councillor D Brown responded.

Councillor S Carter in respect of the removal of King School land from the green belt. Councillor Rachel Bailey responded.

Councillor N Mannion in respect of the public consultation on the Local Plan. Councillor Rachel Bailey responded.

Councillor S Corcoran in respect of Syrian refugees. Councillor L Gilbert responded.

Councillor A Moran in respect of the withdraw of rural bus services. Councillor G Wait responded.

63 LEADER'S ANNOUNCEMENTS

The Deputy Leader made announcements in relation to the following:-

- Councillor M Jones resignation would take effect at February Council or earlier. Councillor Jones was currently seeing his Doctor and he wished him well.
- The establishment of a cross-party body to consider the allegations of bullying, with involvement from an independent person.
- The Spending Review had taken place at the end of November. The comprehensive review which holds the details of those proposals and the settlement being offered to local authorities was being discussed at the moment in the House of Commons. The Chief Operating Officer would be holding a Members Briefing as soon as was convenient after the announcements had been made.
- The Making A Difference Awards ceremony had taken place on 10 December. Details of the winners had been circulated to all present.
- The Chancellor of the Exchequer had confirmed the medical technologies Catapult for Alderley Park, which was a £5m initial investment. He had also announced a science enterprise zone for Cheshire; Alderley Park to the former Shell research facility at Thornton. Alongside this was the further provision of £4m funding on Anti-Microbial Research at Alderley Park, which would secure 30 new jobs and should lead up to a further £200m of investment.
- The Council had achieved savings of £105m . The number of managers had reduced by a 1/3. Trade Union relations were at an all-time high.
- Investments figures in Cheshire East - £1bn had been invested in roads and broadband; £2bn private sector investment (Bentley, Alderley Park and Waters Corporation), and a potential investment of £6bn with HS2.
- Since 2012 the Council had supported businesses to create over 2800 new jobs.
- The HS2 line north of Birmingham would be built via Crewe and would open 6 years earlier than planned. By 2027, 7 high speed trains an hour to London, with trains to Manchester beginning to run in 2033 - Crewe would be the North West's gateway into HS2.
- Fairerpower had recently reached the milestone of signing up its 4000th customer. £1m in savings had now been made.
- The Council had been shortlisted for two categories in the LGA Awards 2016 – 'Driving Growth' and 'Service Delivery'.

- Detailed the performance of Orbitas, ANSA, Engine of the North, Civicance, TSS, Tatton Park Enterprise and ESAR.

A copy of the announcements would be circulated to Members.

The meeting commenced at 10.00 am and concluded at 12.45 pm

Councillor H Gaddum (Chairman)
CHAIRMAN