

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 25th February, 2010 in the Council Chamber,
Municipal Buildings, Crewe

PRESENT

Councillor M J Simon (Chairman)
Councillor G Baxendale (Vice-Chairman)

Councillors E Alcock, C Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, C Beard, W T Beard, D Bebbington, D Beckford, S Bentley, D Brickhill, D Cannon, R Cartlidge, S Conquest, J Crockatt, H Davenport, M Davies, S Davies, R Domleo, B Dykes, P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, J Goddard, J Hammond, M Hollins, D Hough, E Howell, O Hunter, J Jones, S Jones, F Keegan, A Knowles, A Kolker, J Macrae, A Martin, M Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, H Murray, D Neilson, R Parker, A Ranfield, B Silvester, L Smetham, D Stockton, C Thorley, A Thwaite, C Tomlinson, D Topping, R Walker, J Weatherill, R West, R Westwood, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors A Barratt, G Barton, S Broadhurst, D Brown, P Edwards, E Gilliland, M Hardy, T Jackson, W Livesley, S McGrory, J Narraway, M Parsons, D Thompson and G M Walton

169 PRAYERS

In the absence of the Mayor's Chaplain, Father Charles Razzall, the Reverend David Johnson of St Michael's Church, Coppenhall, said prayers.

170 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 25th January 2010 be approved as a correct record.

171 MAYOR'S ANNOUNCEMENTS

The Mayor—

1. announced that the eleventh Annual Cheshire "Built in Quality" Awards took place on Friday 5 February, with success for our local construction companies. They recognised the work of contractors,

agents and architects who have constructed new buildings of a particularly high standard. A number of companies in the Borough received awards and would now go forward to the regional and possibly national award; including M H Stainton Building Contractors, Eyes Construction and Willmott Dixon, in respect of development in Alderley Edge, Knutsford and Crewe”.

2. referred to a unique debit card, the first of its kind in the country, which would enable older people and those with disabilities to lead more independent lives; this had been launched by the Council last month. The Empower Card was a unique pre-loaded VISA card for individuals across Cheshire East who received a personal budget for the costs of their social care.
3. was delighted to report that Tatton Park had been chosen to host one of the BBC's flagship programmes – “The Antiques Roadshow” on Thursday 20th May.
4. was also pleased to announce that the Council was a signatory to the national 10:10 campaign, aiming to reduce our CO₂ emissions by 10% this year, and that a number of projects were underway to assist in this task.

172 DECLARATIONS OF INTEREST

Councillor G Baxendale declared a personal and prejudicial interest in agenda item 15 (Recommendations of the Governance and Constitution Committee on 19th February 2010 – Item 1: Election of Mayor and Deputy Mayor) on the basis that he was a candidate for the office of Mayor in 2010/2011. Councillor R West declared a personal and prejudicial interest in the same item on the basis that he was a candidate for the office of Deputy Mayor in 2010/2011.

Councillor D Flude declared a personal interest in agenda item 8 (Referral to Council of Recommendations from Cabinet – Budget Report 2010-2011) in the event that the report made reference to charitable organisations with which she was involved, as detailed on the Register of Members' Interests.

No other declarations were made.

173 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Council Procedure Rule 35, members of the public were entitled to use the public speaking provision.

Mrs Susan Doughty took the opportunity to address the Council on allotment gardening.

She was the Chair of the newly-constituted Sandbach Allotment Society. She wished to pose two questions to Cheshire East Council and requested a written response in due course.

Firstly, she sought agreement that allotment gardening was a valuable leisure pursuit that provided wide-ranging community benefits, including growing healthy local produce, bringing together people from different cultural backgrounds, improving physical and mental health, providing a source of recreation and making a wider contribution to green spaces.

There were no allotments in Sandbach and residents, therefore, had no access to these benefits, although there was a considerable demand. The Society had a membership of over 50 and interest was growing. Earlier in the day, she had presented a petition from 20 residents to the Mayor; the petition requested land for allotments to be provided in Sandbach under the provisions contained in Section 23 of the Small Holdings and Allotments Act 1908.

Her second question was to ask if the Council would agree to provide space for 20 allotments in Sandbach to meet the identified needs of residents.

The Portfolio Holder for Health and Wellbeing thanked Mrs Doughty for her two-part question and agreed to provide his response in writing.

He agreed with her that there were benefits to allotment gardening and it was a valuable leisure pursuit. He considered that allotments today were not just the domain of retired older men, but encompassed young and old alike. Allotments were now geared up so that wheelchair-users and other disabled residents could benefit from them. The Portfolio Holder expressed the wish that all Primary Schools would adopt an allotment so that young children could learn how vegetables and fruits were grown, take them back to their schools and ask the “dinner ladies” to cook them; and then go home and educate their parents on the benefits. Running an allotment was physical work whether that be digging, pulling out weeds or planting, so was a form of exercise which benefited all. Allotments also acted as a social haven for people who may have lost a spouse or were suffering from depression. Working on an allotment was of therapeutic benefit and, therefore, played a major part in the health and well-being of all residents.

In addressing the second part of the question, the Portfolio Holder stated that there were 48 allotment sites scattered across Cheshire East, some of these comprising 50+ individual allotments. Throughout Cheshire East there was a great demand and in some areas there were lengthy waiting lists. As a result of this the Council was considering a range of potential new sites in Cheshire East, including Sandbach.

174 NOTICE OF MOTION

Consideration was given to the following Notice of Motion submitted by Councillors R Fletcher and A Arnold in accordance with Procedure Rule No. 12.

“Cheshire East Council acknowledges and gives thanks to the hard work carried out by its staff, in extremely difficult weather conditions, whilst gritting some of Cheshire East’s roads and footways.

Council also calls for the adoption of a Cheshire East policy, by a review of priorities for future years especially with regard to bus routes and roads in the vicinity of primary schools.”

The motion stood referred to Cabinet.

175 REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM CABINET - BUDGET REPORT 2010/2011

At its meeting held on 16th February 2010, Cabinet had considered the report of the Borough Treasurer and Head of Assets, a copy of which was now submitted.

Cabinet had RESOLVED the following -

That

1. the results of the Budget Consultation exercises undertaken by the Council be noted;
2. the comments of the Borough Treasurer and Head of Assets (Chief Finance Officer) be noted in respect of the robustness of estimates and level of reserves held by the Council based on the budget, as identified in Appendix B of the report;
3. the appended schedule of fees and charges be approved, save to the extent that the setting of fees and charges is exercised by other Committees, Panels or individuals under the scheme of delegation or otherwise (Appendix B, Para 199 and Annex 7 of the report);
4. the 2010/2011 Specific Grants (excluding DSG) (Appendix B, Paras 23 to 29 of the report submitted) be agreed and that Portfolio Holders be authorised to agree any necessary amendment to particular grants within their area of responsibility in the light of further information received from Government Departments or other funding bodies;

5. the 2010/2011 Dedicated Schools Grant (DSG) of £200.2m (including central expenditure of £19.7m) and the associated policy proposals (Appendix B Paras 20 to 22 and Annex 5 of the report) be agreed;
6. the Children and Family Service Portfolio Holder be authorised to agree any necessary amendment to the DSG position in the light of further information received from DCSF, pupil number changes and the actual balance brought forward from 2009/2010;
7. the risk assessment detailed in Appendix B, Paras 64 to 66 of the report, be noted;
8. in respect of Fees & Charges (pages 165-166) the Rent of Collapsible Stall units at Alsager, Middlewich & Sandbach Retail Market be corrected as follows:

Service	2009/10 £	2010/11 £
ALSAGER RETAIL MARKET		
Cabinet Report Entry		
Stall Units measure 3.05m x 3.05m or 10ft x 10ft	40.00	41.00
Corrected Entry for Council Report		
Stall Units measure 6.10m x 3.05m or 20ft x 10ft	40.00	41.00
MIDDLEWICH RETAIL MARKET		
Cabinet Report Entry		
Stall Units measure 3.05m x 3.05m or 10ft x 10ft	40.00	41.00
Corrected Entry for Council Report		
Stall Units measure 6.10m x 3.05m or 20ft x 10ft	40.00	41.00
SANDBACH RETAIL MARKET		
Cabinet Report Entry		
Stall Units measure 3.05m x 3.05m or 10ft x 10ft	44.00	45.00
Corrected Entry for Council Report		
Stall Units measure 6.10m x 3.05m or 20ft x 10ft	44.00	45.00

Cabinet had RECOMMENDED to Council –

That

1. the 2010/2011 Budget Report be approved;

2. the three-year Capital Programme for 2010/2011 to 2012/2013 be approved (Appendix B, Paras 72 to 73 and Annex 4 in the report);
3. A Band D Council Tax of £1,216.34 (1.7% increase over 2009/2010 of £1,196.01) be approved;
4. the Reserves Policy and Strategy be approved (Appendix C of the report);
5. the Prudential Indicators for Capital Financial be approved (Appendix B, Paras 78 to 79 and Annex 3 of the report); and
6. In accordance with Para 2.2 of the Budget and Policy Framework Procedure Rules, the existing virement limits, which were detailed at Para A.33 of the Finance Procedure Rules, remain unaltered.

Councillor F Keegan moved the Cabinet's recommendation, which was seconded by Councillor W Fitzgerald.

An amendment to the motion was moved by Councillor D Flude in respect of item 2.3 on the report (*item 1 of the recommendations from Cabinet to Council above*) and seconded by Councillor C G Thorley. Following advice from the Monitoring Officer, Councillor Flude sought permission to revise her amendment, which was granted. The final amendment was as follows:

At recommendation 1 delete "the 2010/2011 Budget Report be approved"

Insert

"The income from car parking, shown on page 107 of the Council papers as £6,463,000, as part of a total budget of £8,155,000 be reduced to reflect the removal of the 50P Sunday charge for all-day parking in the car parks listed at the top of page 162 of the Council papers."

Before the vote was taken, at least nine Members of the Borough Council requested that the vote be recorded to show whether each Member present voted for or against the amendment to the motion, or abstained from voting, in accordance with Procedure Rule No. 15.2.

The recorded vote was as follows –

There Voted for the Amendment to the Motion

Councillors E Alcock, A Arnold, W T Beard, D J Cannon, R Cartlidge, S Conquest, R Fletcher, D Flude, J A Goddard, D Hough, E Howell, S Jones, M A Martin, A Moran, D Neilson, C G Thorley and C Tomlinson.

There Voted Against the Amendment to the Motion

The Mayor, Councillor M J Simon, Deputy Mayor, Councillor G Baxendale, Councillors C Andrew, M Asquith, Rachel Bailey, Rhoda Bailey, C Beard, D J Beckford, S Bentley, D Brickhill, J Crockatt, H Davenport, M Davies, W S Davies, R Domleo, B H Dykes, J P Findlow, R W J Fitzgerald, S Furlong, H Gaddum, L Gilbert, J Hammond, M A Hollins, O Hunter, J Jones, F Keegan, A J Knowles, A Kolker, J Macrae, A Martin, P Mason, R Menlove, G Merry, B Moran, H Murray, R W Parker, A Ranfield, B G Silvester, L Smetham, D Stockton, A Thwaite, D Topping, R C Walker, R West, R Westwood, P Whiteley, S Wilkinson and J V Wray

There Abstained from Voting on the Amendment to the Motion

Councillors D N Bebbington and M J Weatherill.

The Mayor announced the result of the recorded vote: 17 Members voted for the amendment to the Motion, 48 Members voted against the amendment to the Motion and two Members abstained from voting.

The Amendment to the Motion, having been put to the vote, was lost.

A vote was then taken on the original motion.

RESOLVED

That

1. the 2010/2011 Budget Report be approved;
2. the three-year Capital Programme for 2010/2011 to 2012/2013 be approved (Appendix B, Paras 72 to 73 and Annex 4 in the report);
3. A Band D Council Tax of £1,216.34 (1.7% increase over 2009/2010 of £1,196.01) be approved;
4. the Reserves Policy and Strategy be approved (Appendix C of the report);
5. the Prudential Indicators for Capital Financial be approved (Appendix B, Paras 78 to 79 and Annex 3 of the report); and
6. In accordance with Para 2.2 of the Budget and Policy Framework Procedure Rules, the existing virement limits, which were detailed at Para A.33 of the Finance Procedure Rules, remain unaltered.

176 COUNCIL TAX 2010/11 STATUTORY RESOLUTION

Consideration was given to a report requesting the Council to set the Council Tax for the financial year 2010-2011.

It was noted that, at the time of writing the report, Cheshire Police Authority had not set its budget and its Council Tax precept. A revised report, indicating the Police Authority precept, was tabled at the meeting.

RESOLVED

That

The Council Tax for the financial year 2010-2011 be approved, in accordance with the formal resolutions as shown in paragraph 19 of the report and that it be noted that the Council calculated the following amount for the year 2010-2011 in accordance with Regulations made under Section 30-36 of the Local Government Finance Act 1992 -

- a. £735,280,857 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.
- b. £492,176,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.
- c. £243,104,857 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d. £63,487,015 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non domestic rates (£55,437,042) and revenue support grant (£8,049,973) in accordance with Section 97(4) of the Local Government Finance Act 1988.
- e. £1,237.28 being the amount at (c) above less the amount at (d) above, all divided by the amount of the tax base, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- f. £3,039,857 being the aggregate amount of all special items referred to in Section 34(1) of the Act.

- g. £1,216.34 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the tax base, 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 special item relates.

- h. Appendix A 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.

- i. Appendix B being the amounts given by adding to the amount at (g) 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 and Charter Trustees area).

- j. Appendix C being the amounts given by multiplying the amount at (i) 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).

- k. Appendix D being the aggregate of the local charges in (j) 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 and Charter Trustees area).

(Note: Appendices A, B, C and D are attached to the minutes.)

177 REFERRAL TO COUNCIL OF RECOMMENDATION FROM CABINET - TREASURY MANAGEMENT STRATEGY 2010/11

Consideration was given to a report presenting the Treasury Management Strategy for 2010-2011 to 2012-2013 including the prudential indicators and limits required under Part 1 of the Local Government Act 2003 and the Annual Investment Strategy 2010-2011 and Annual Policy Statement on Minimum Revenue Provision (MRP) for the redemption of debt 2010-2011.

The Strategy included the Communities and Local Government reporting requirements in accordance with the Local Government Investments Guidance under Section 15(1)(a) of the Local Government Act 2003.

Cabinet had considered this report at its meeting held on 16th February 2010 and had recommended its approval to Council.

RESOLVED

That the Treasury Management Strategy and the Minimum Revenue Provision Statement for 2010-2011 be approved.

178 SUPPLEMENTARY ESTIMATES APPROVAL

At its meeting held on 19th January 2010, Cabinet had considered a Financial Update report which set out the financial position of the Council at the three-quarter year stage.

Finance Procedure Rules required the approval by Council of requests for supplementary estimates in excess of £1m. Cabinet recommended that Council approve a Supplementary Capital Estimate of £1,044,904 for a Housing Grants scheme (ex-Macclesfield Borough Council).

RESOLVED

That a Supplementary Capital Estimate of £1,044,904 for a Housing Grants scheme (ex-Macclesfield Borough Council) be approved.

179 CALENDAR OF MEETINGS 2010/11

Council was invited to approve a calendar of meetings for the Municipal Year 2010-2011. The calendar had been considered by the Governance and Constitution Committee at its meeting held on 21st January 2010, following which a consultation exercise had been undertaken with the Leader, Cabinet Members, Committee Chairmen and Group Leaders.

RESOLVED

That the Calendar of Meetings for Cheshire East Council for the Municipal Year 2010-2011 be approved.

180 LEADER'S REPORT TO FULL COUNCIL

The Leader of the Council reported the following Key Decisions which had been taken under the urgency provisions of Procedure Rule 44 of the Council's Constitution.

- (1) The appropriation of various parcels of land in Sandbach, Congleton, Alsager, Middlewich and Holmes Chapel for car parking purposes; and
- (2) Proposed Off-Street Parking Places Order for the former Congleton Borough Council area.

The Chairman of the Environment and Prosperity Scrutiny Committee had agreed that, in accordance with Scrutiny Procedure Rule 13, these decisions would be considered as urgent.

181 QUESTIONS

The Mayor reported that two questions had been submitted by Councillor D Flude. The questions, as submitted, together with a summary of the responses, were as follows –

Question 1 - Submitted by Cllr D Flude

“Can this Council have a full cost breakdown of the new/revised charges 2010 /2011 for a marriage at Approved Premises?”

[1]	Monday to Friday	£385.00
[2]	Saturday up to 2 pm	£460.00
[3]	Saturday after 2pm	£600.00
[4]	Sunday & Bank Holidays	£500.00
[5]	New Bank Holidays	£800.00”

The Safer and Stronger Communities Portfolio Holder responded –

“There had been no substantive review of fees for the Registration Service in the former Cheshire County Council for a number of years. The creation of the new Authority had created an opportunity to examine the costs of the Registration Service. In the early stages of the review, it was found that the Registration Service fell a long way short from being self-funding

Research showed that approximately 70% of couples holding ceremonies at approved premises were not resident in Cheshire East and the question raised was “should Cheshire East residents subsidise this service?”

It was the view of Cheshire East Council that the basic cost of marriages or civil partnerships must be kept within the means of all residents of the Borough. It was decided, therefore, to keep the ceremony charges at the Register Office in Crewe and the Registration Office in Macclesfield

throughout the week at the statutory fee set by central government of £43.50.

Fees for ceremonies at approved premises had been increased significantly which brought the Service much closer to being self-supporting.

The fees charged for Bank Holidays and Saturdays at 2.00 pm reflect demand and allow the diaries and resources to be used to their maximum effectiveness.

Despite the increased charges, early signs are indicating that bookings for the ceremony year 2010-2011 will be higher than those of 2009-2010.

Fees will be kept under review, but there is no intention to increase fees again in the near future."

Question 2 - Submitted by Cllr D Flude

"Why have the Ward Councillors' budgets for the un-parished parts of Crewe been removed from the 2010 /2011 Budget?

Has the £24,181 [2009 /2010] Crewe Ward Councillors' budget been incorporated in to the Community Grants Budget?"

The Resources Portfolio Holder responded -

"The budget for 2010-11 does not include an allocation for Councillor ward budgets in Crewe as this approach has not been used in other non-parished areas across Cheshire East. However, the budget amount of £24,181 has been incorporated into the community grants pot for next year and will therefore be available for use by community and voluntary groups in all areas."

182 REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM GOVERNANCE AND CONSTITUTION COMMITTEE

Council was invited to consider recommendations from the meeting of the Governance and Constitution Committee held on 19th February 2010.

(1) Election of Mayor and Deputy Mayor

The Committee had considered the recommendations of the Civic Sub-Committee in relation to the election of the Mayor and appointment of the Deputy Mayor.

The Committee had concurred with the view of the Sub-Committee that seniority was not the best approach but that any candidate for the post should have a minimum of one full term's experience as a councillor. The

Committee also agreed on the need for all political groups to have an opportunity to be involved in the selection process.

The Committee had considered a draft Mayoral Code of Practice which it was agreed be recommended for adoption by Council.

Council accepted the recommendations of the Governance and Constitution Committee and –

RESOLVED

That

1. each year, the Deputy Mayor will normally succeed to the Mayoralty in the following year;
2. each year, the Deputy Mayor will be chosen by full Council at the recommendation of the political group which has the majority of Council Members, provided that in making such choice, another political group or groups may be invited to put forward a nomination for consideration by the majority group;
3. this approach be adopted in respect of the election of Mayor and appointment of Deputy Mayor for the 2010-2011 Civic Year and beyond; and
4. the draft Mayoralty Code of (Mayor and Deputy Mayor) Practice, as amended, be adopted by the Council and incorporated into the Council's Constitution with such consequential amendments as the Borough Solicitor considers necessary to give effect to the wishes of Council.

(2) Delegation of Licensing Functions (Minor Variations)

The Committee had considered a report on a delegation of functions in relation to 'minor variations' under the Licensing Act 2003 submitted by the Licensing Committee to the Head of Safer and Stronger Communities.

The scheme of delegation as set out within the Council's Constitution currently delegated licensing functions under the Licensing Act 2003 to the Head of Safer and Stronger Communities, subject to certain exceptions, including circumstances where relevant representations had been received and not withdrawn. In accordance with the Secretary of State's Guidance to licensing authorities, the Licensing Committee on 18th January 2010 had resolved to delegate decisions in relation to 'minor variations' to licensing officers.

A number of changes to the Constitution were required to reflect the Licensing Committee's decision.

Council accepted the recommendations of the Governance and Constitution Committee and –

RESOLVED

That the Borough Solicitor be authorised to make such changes to the Constitution as he considers necessary in order to give effect to the wishes of the Council in this regard, including those changes set out within Appendix 2 to the report (submitted to the Governance and Constitution Committee on 19th February 2010).

(3) Supplementary Questions at Council Meetings

On 17th December 2009, after a recommendation from the Committee, Council had resolved to remove from the Constitution the provision giving the right to Members to ask supplementary questions at Council meetings. At the time, the Leader had indicated that he would give the issue further thought. Following his further consideration, and having consulted other group leaders, agreement had been reached on the inclusion in the Constitution of a supplementary questions provision in an appropriately modified form. This had been accepted by the Governance and Constitution Committee at its meeting on 19th February 2010 as urgent business for recommendation to Council.

Council accepted the recommendations of the Governance and Constitution Committee and –

RESOLVED

That

1. the following provision, enabling Members to ask supplementary questions at Council meetings, be added to the Constitution, at Rule 11.6 of the Council Procedure Rules:

“11.6 Following the answer to each question, the questioner may ask a concise and focussed supplementary question, which relates to the subject matter of the initial question and answer. The Mayor may choose to disallow a supplementary question if, in his opinion, it is inappropriate or unduly lengthy. The Member answering the supplementary question will decide whether or not to reply.”

2. the Borough Solicitor be authorised to make such consequential changes to the Constitution as he considers are necessary to give effect to the wishes of Council.

(Note: Councillors G Baxendale and R West, having declared personal and prejudicial interests in this item, withdrew from the meeting during discussion and voting, following which they re-joined the meeting.)

183 URGENT ITEMS OF BUSINESS

There were no urgent items of business.

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor M Simon (Chairman)