

# CHESHIRE EAST COUNCIL

## Minutes of a meeting of the Council

held on Thursday, 19th December, 2019 at The Assembly Room - Town Hall,  
Macclesfield SK10 1EA

### PRESENT

Councillor B Burkhill (Mayor/Chairman)

Councillor S Edgar (Deputy Mayor/Vice-Chairman)

Councillors Q Abel, M Addison, S Akers Smith, M Asquith, R Bailey, J Barber, M Beanland, L Braithwaite, J Bratherton, C Browne, J Buckley, C Bulman, P Butterill, J Clowes, S Corcoran, L Crane, T Dean, D Edwardes, B Evans, A Farrall, JP Findlow, K Flavell, R Fletcher, T Fox, A Gage, S Gardiner, L Gilbert, A Gregory, P Groves, A Harewood, G Hayes, S Hogben, S Holland, D Jefferay, L Jeuda, A Kolker, C Leach, I Macfarlane, N Mannion, D Marren, A Martin, A Moran, R Moreton, B Murphy, D Murphy, J Nicholas, K Parkinson, J Parry, B Puddicombe, P Redstone, J Rhodes, J Saunders, M Sewart, M Simon, L Smetham, J Smith, D Stockton, A Stott, R Vernon, L Wardlaw, M Warren, P Williams, J Wray and N Wylie

### 50 PRAYERS

The Reverend Ralph Kemp said prayers at the request of the Mayor.

### 51 APOLOGIES FOR ABSENCE

Apologies were received from Councillors M Benson, S Brookfield, S Carter, A Critchley, S Davies, H Faddes, M Goldsmith, S Handley, M Houston, M Hunter, S Pochin, B Roberts, L Roberts and J Weatherill.

### 52 DECLARATIONS OF INTEREST

#### Item 8 – Domestic Tax Base

The Director of Governance and Compliance stated that any Members who owned properties in the Borough that they rented out would have a disclosable pecuniary interest and the proposed changes may potentially affect them as private landlords. Ordinarily with a disclosable pecuniary interest they could not take part in the meeting and must not vote unless a dispensation had been granted. The Council's Audit and Governance Committee had granted a number of general dispensations to all Members, one of which relating to Council tax setting under the 1992 Act. This general dispensation could be used to enable those Members who had a pecuniary interest to participate and vote on this agenda item. Ultimately it was a matter for Members if they wished to declare a pecuniary interest and leave the meeting or they wished to rely on the dispensation. Members of Town and Parish Councils did not need to declare on this Item.

Councillors D Murphy, S Holland, R Bailey and P Redstone made a declaration of interest in relation to this matter. Councillor D Stockton declared that the property on his Register of Interest Form marked 'sold subject to contract' had now been sold.

Item 12 – Update on Appointment of Chief Executive

Kath O'Dwyer, acting Chief Executive, and Frank Jordan, acting Deputy Chief Executive, both declared an interest and stated that they would leave the meeting for this item.

**53 MINUTES OF PREVIOUS MEETING**

Councillor Sam Corcoran stated that at the last meeting a question had been asked about the One You Contract and that he had been robust in making it clear that the appropriate procurement processes were followed. He had realised that his words may have been interpreted as criticism of Councillor Rachel Bailey. This was not his intention nor was he referring to Councillor Bailey personally, and he apologised to her for any offence caused.

**RESOLVED:**

That the minutes of the meeting held on 17 October 2019 be confirmed as a correct record, subject to the following amendment:

Mayor's Announcements

First paragraph – amend to read 'former Councillor Bill Wolstencroft'.

**54 MAYOR'S ANNOUNCEMENTS**

The Mayor:

1. Referred to the recent sad death of Councillor Dorothy Flude, who had been a member of the Council since its creation.

Members stood for a minutes silence in tribute and in recognition of Councillor Flude's service to the Borough over the years.

Cllrs L Jeuda, C Browne, J Clowes, R Fletcher, B Murphy, S Hogben, A Moran, R Bailey and D Marren spoke in tribute to Cllr Flude.

- 2 announced that he had been informed of the death of Honorary Alderman and former County Councillor Barrie Hardern.
- 3 reported that the Mayor and Deputy Mayor had attended over 40 events since the last meeting.

- 4 reported that he had presented one of the awards at the Local Hero Awards ceremony at Crewe Hall on 7 November.
- 5 announced that he would be holding his Civic Service at Astbury Parish Church on the morning of Sunday 1 March 2020 and invited all to attend.

## 55 PUBLIC SPEAKING TIME/OPEN SESSION

Mr John Clowes, on behalf of Holmes Chapel Parish Council, spoke about tree planting on highways in Holmes Chapel. The Parish Council had identified 88 locations along the highway where trees could be planted to fill gaps in existing planting and had allocated funding for this. He stated that Cheshire East Council had responded with mixed messages – they could plant a tree as long as it was the right species in the right location and nobody objected. If they planted trees, the Parish Council would be permanently responsible for the maintenance of them and would need a licence, but nobody could tell them who issued the licence or if a cost was attached. Cllr Sam Corcoran, Leader of the Council, responded by saying that this was very much something he would like to take forward and that he would be in touch with the Parish Council and Officers to see if something could be sorted out.

Gareth Jones referred to issues at a new roundabout at Four Lane Ends, which he had raised with Highways, offering to meet for a site meeting on 7 November but had not been contacted. Councillor JP Findlow reported that he had attended a site visit the day before on this matter and was sorry Mr Jones had not been invited. He had been told that the matter was going to be investigated. Cllr N Mannion undertook to provide Mr Jones with a written response.

Liz Durham asked raised the issue of Councillor conduct and stated that she hoped the Leader of the Council had encouraged his group to adhere to an acceptable code of conduct and civility to both fellow councillors, officers and members of the public. She also asked why the acting Chief Executive had withdrawn her acceptance of the permanent role. Cllr S Corcoran, Leader of the Council, stated that he would be commenting on this in his announcements.

## 56 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader of the Council, in summary:

- 1 stated that Cheshire East Council had changed significantly and for the better since Kath O'Dwyer had been acting Chief Executive in April 2017. She had risen to the challenge and taken some difficult decisions. He thanked Kath for getting the Council to the position it was in now. He was sorry to see her go to St Helens but, as he had repeatedly and publicly stated, for environmental reasons we should walk and cycle more and use our cars less. Therefore he

could only applaud Kath for taking a more local job. He wished her every success as Chief Executive in her home town of St Helens.

- 2 reported that the Corporate Peer Challenge would take place between 13 and 16 January 2020 and would be undertaken by Members and officers from other local councils. A self-assessment had been published on centranet, which could be seen by all Members. Sarah Messenger would be part of the team and he would be very interested to hear from the LGA on what progress has been made since her report in 2018.
- 3 referred to the late Councillor Dorothy Flude, saying that she was his mentor when he joined Cheshire East, and that he was deeply honoured that his name had been on the list of people she wanted to speak at her funeral.

The Deputy Leader of the Council, in summary:-

- 1 paid tribute to Kath O'Dwyer and the support she had provided to him as Deputy Leader.
- 2 reported that around 3000 responses had been submitted to the consultation on the publication draft of SADPD. These responses were currently being reviewed, and consideration would be given to whether any changes should be made.
- 3 stated that the Council would be using the Peer Review in January for feedback on the Council's planning service. The Council had already been talking to the Planning Advisory Service and the LGA about getting more specific support from them on how the customer focus of the service would be improved.
- 4 reported that the Congleton Link Road was on track for opening next year and that the Dane bridge beams had now been installed. The contractor had been appointed for the Poynton Relief Road and was due to start on site next year. Detailed investigation work had been completed for the A500 scheme and a decision on funding from the DfT was awaited.
- 5 reported that the Flexi-link bus service launched earlier in the year was a success and well used by residents. He stated that the Council would be seeking tenders to deliver a Sunday service to Leighton Hospital, in conjunction with Cheshire and Chester Council.
- 6 reported that Arriva had announced the withdrawal of the 130 bus service - Macclesfield to East Disbury, and he was pleased to announce that another commercial operator would be taking over this route with effect from 27 January 2020.

7 reported that assistance had been provided to eight community groups to submit expressions of interest for National Lottery climate action funding for sustainable transport projects.

**57 RECOMMENDATION FROM CABINET: DOMESTIC TAXBASE 2020/21 REPORT**

Cabinet, at its meeting on 3 December 2019, had considered a report on the Council Tax base calculation 2020/21 for recommendation to Council.

The calculation set out the estimates of new homes, less the expected level of discounts, and the level of Council Tax Support. This resulted in a band D equivalent tax base position for each Town and Parish Council.

The tax base reflected growth of £4.6m (2.1%) on the 2019/20 position, highlighting the positive changes locally. Additional new homes and more properties being brought back into use over the last ten years had increased the tax base by 15%.

**RESOLVED:** That

- 1 in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2020/21 is 152,597.84 for the whole area; and
- 2 the following changes be made in respect of empty property charges:
  - (a) the period for the award of discount in respect of empty rental property be reduced from 6 weeks to 4 weeks; and
  - (b) the premium charged for property that has been empty for 5 years or longer be increased from 100% to 200%.

**58 RECOMMENDATION FROM CABINET: COUNCIL TAX SUPPORT SCHEME FOR 2020/21**

Consideration was given to the recommendations of Cabinet on the Council Tax Support Scheme for 2020/21.

The scheme had been last fully reviewed in 2015 and changes were made following a public consultation for 2016/17. Under the current means-tested scheme every change of income, no matter how small, resulted in the claim being reassessed. It was proposed that the scheme be based on income bands, removing multiple changes to assessment levels and reducing the number of Council Tax demands issued throughout the year, providing the income remained in the same income band. The scheme would be much simpler, making it easier for customers to understand.

**RESOLVED:** That

1 the Council Tax Support scheme for 2020/21 be amended as follows:

(a) Introduce a 'banded scheme', that is reviewed annually in line with the Consumer Price Index for September of the preceding year, with the income initial bands and levels of support set as follows:

Maximum award	Single	Couple	Couple / lone parent with 1 child	Couple / lone parent with 2 or more children
75%	£0 - £90	£0 - £140	£0 - £200	£0 - £290
60%	£90.01-£115	£140.01-£170	£200.01-£230	£290.01-£320
45%	£115.01-£140	£170.01-£200	£230.01-£270	£320.01-£360
30%	£140.01-£165	£200.01-£230	£270.01-£300	£360.01-£390
15%	£165.01-£190	£230.01-£260	£300.01-£320	£390.01-£410

Table 1 Proposed income bands and support for working age claimants

(b) Disregard the first £40 weekly income for those customers classed as disabled under the current scheme;

(c) Fully disregard Carer's allowance;

(d) Disregard the first £25 of all weekly-earned income;

(e) Increase the maximum period that claims for Council Tax Support can be backdated from 13 weeks to 12 months, where customers can show good reasons for the delay;

(f) Increase the fixed non-dependent deduction for other adults in the household from £7 to £8 per week;

(g) Stop the additional 8 weeks top-up payment for some people who start work, known as extended payments; and

2 note that, apart from the resolutions listed above, all other elements of the scheme are to remain unchanged.

59     **RECOMMENDATION FROM CABINET: REVISED STATEMENT OF GAMBLING PRINCIPLES**

Consideration was given to the resolution of Cabinet recommending that Council adopt the Revised Statement of Gambling Principles.

**RESOLVED:**

That the Revised Statement of Gambling Principles be adopted.

60     **RECOMMENDATION FROM CONSTITUTION COMMITTEE: COUNCIL MEETING ARRANGEMENTS**

Consideration was given to the recommendations from the Constitution Committee on proposed changes to arrangements for Council meetings.

Following the Council meeting in October 2019, at which a range of proposed changes to the Council's meeting arrangements had been considered, a survey of members had been undertaken to secure members' views. The survey results had been considered by the Constitution Committee on 21 November 2019. The results had indicated broad support for all of the proposals originally considered by Council.

**RESOLVED:** Council approves that:

- 1       with effect from the start of the next municipal year, all ordinary meetings of the Council be held on Wednesdays;
- 2       Council meetings, other than the Annual Council meeting, continue to be held in Sandbach, at Sandbach Town Hall, but that where a larger venue is needed for a particular occasion, a suitable venue in an alternative location be used;
- 3       with effect from the start of the next municipal year, all ordinary Council meetings start at 11.00 am;
- 4       at meetings of Council and the Cabinet, a maximum period of two minutes be allowed for each member wishing to ask a question during members' question time, and a maximum period of two minutes be allowed for each member of the public wishing to speak or ask a question during public speaking time, subject to the Chairman having discretion to vary this requirement where he/she considers it appropriate;
- 5       at meetings of Council, a total period of two minutes be allowed in which the proposer and seconder of a motion under Paragraph 1.34 (a Notice of Motion) may speak in order to explain the purpose of the motion before the motion is dealt with; and

6 the Director of Governance and Compliance be authorised to make such amendments to the Constitution as she considers necessary to give effect to the changes above.

61 **UPDATE ON APPOINTMENT OF CHIEF EXECUTIVE (VERBAL UPDATE)**

*(Having previously declared an interest, Kath O'Dwyer and Frank Jordan left the Chamber for this item of business.)*

Councillor Carol Bulman, Chairman of Staffing Committee, made a statement to Council in relation to the appointment of Chief Executive.

Cllr Bulman stated that Kath O'Dwyer had resigned from the position of Acting Chief Executive to take up the position of Chief Executive at St Helens Council. She had been chosen by Staffing Committee as the preferred candidate for the role of Chief Executive for Cheshire East Council and the Council had been due on this day to make a decision regarding the appointment of Chief Executive. Staffing Committee would meet that afternoon to determine next steps.

62 **NOTICES OF MOTION**

Consideration was given to the following Notices of Motion, which had been submitted in accordance with paragraph 1.34 of the Council Procedural Rules:-

**Council Tax Protocol**

**Proposed by Councillor K Flavell and seconded by Councillor B Puddicombe**

The Citizens' Advice Bureau, in partnership with the LGA, has developed a 'Council Tax Protocol' which sets out 27 recommendations for dealing with Council Tax collection and debt recovery. Its aim is to offer a fairer system that ensures that residents struggling with payments are not pushed further into debt by poor collection practices. Over 60 Local Authorities have so far signed up to the scheme, including Wolverhampton, whose Cabinet member Cllr Andrew Johnson states:

*"There are all sorts of reasons why people might struggle to pay their council tax bills and this protocol is all about how we can work with people to support them so that they can pay their bills without getting into greater financial difficulties.*

*We have a duty to collect the money owed, but we want to do so in a fair way and only go down the enforcement route when other avenues are exhausted."*

I would like Cheshire East to follow this example and commit to being a more caring Council.

**Motion:**

That Cheshire East Council adopt the Council Tax Protocol, as recommended by the LGA and Citizens' Advice Bureau.

**RESOLVED:**

That the Motion be referred to Cabinet.

## **2 Mitigation of Climate Change in Developments**

### **Proposed by Councillor Q Abel and Seconded by Councillor S Akers Smith**

Cheshire East Council as part of our commitment to the environment and mitigation of climate change require development of whatever size to incorporate best practice (e.g. passive house) to reduce energy requirements and provide a non-carbon footprint for heating and cooking. Ideally ground source heat pump or equivalents and induction hobs.

Further, the Council to lobby Government to bring the legal requirement forward to the earliest possible date to achieve zero carbon for all new development and conversions.

**RESOLVED:**

That the Motion be referred to Cabinet.

## **63 QUESTIONS**

Cllr G Hayes sought reassurance on the Council's commitment to support local businesses and asked why the authority was holding procurement events outside of the Borough. Cllr Sam Corcoran, Leader of the Council, responded that he did wish to support a 'buy local' policy. He agreed to provide a written response on the specific example and asked Cllr Hayes to forward him the details.

Cllr S Gardiner stated that the Strategic Planning Board had been asked to consider a Supplementary Planning Document for land in Middlewich. The Document had been a very large and he asked if, in future, these types of documents could be issued before agenda publication to allow more time for consideration. Cllr Toni Fox, Portfolio Holder for Planning responded that she would raise this with Officers.

Cllr L Wardlaw referred to a question she had asked at the October Cabinet meeting on inconsistencies in the financial figures in the EASR annual report. Cllr Wardlaw stated that she had not received the promised

written response. Cllr Warren, Portfolio Holder for Communities stated that he would ensure that she received a response.

Cllr M Simon stated that the annual Nantwich Food and Drink Festival brought in a huge amount of income into the local economy and asked why the Council was not approving the use of Love Lane and Bowling Green car parks for the 2020 festival. Cllr N Mannion, Portfolio Holder for Environment and Regeneration undertook to provide a written response.

Cllr P Groves referred to the Flexi Bus service, stating that there were concerns about the availability of the service between 10 am and 2 pm each day and asked when this would be reviewed. Cllr C Browne, Deputy Leader, responded that that a review would be carried out in the new year and that all Members would be briefed on this.

Cllr Kolker stated that the venue for today's meeting was not satisfactory due to the acoustics and that he, for one, had struggled to hear what was being said, He suggested Wilmslow Leisure Centre as a suitable venue.

Cllr L Gilbert referred to his Notice of Motion at the last meeting asking the Council to rescind the requirement for Holmes Chapel Health Centre to pay a fee for access through the Library car park. This had been referred for Portfolio Holder decision. He had been advised of the procedure for Portfolio Holder decisions, but this had not been followed and the decision had been taken in secret with no communication with the Proposer and Seconder of the Motion. Cllr Gilbert asked what had gone wrong. Cllr N Mannion, Portfolio Holder for Environment and Regeneration stated that it was an unusual matter to come forward as a notice of motion and this may have been why it had not been dealt with in accordance with procedure. He stated that he would be happy to sit down with the two Ward Councillors and officers to go through the decision.

Cllr A Moran asked the Leader of the Council if he would work with the five conservative MPs for Cheshire in the best interest of the people of Cheshire East and the Council. Cllr Sam Corcoran, Leader of the Council responded that he had already emailed all five MPs to congratulate them, and looked forward to working with them productively for the benefit of all residents of the Borough.

Cllr D Marren asked how much the Council had spent on consultants in the latest recruitment exercise for a new Chief Executive and how much the Council had spent on recruitment consultants since it came into being. Cllr J Rhodes, Portfolio Holder for Public Health and Corporate Services undertook to provide a written response.

Cllr A Gage stated that a resident of his ward had asked if they would plant a tree on adjacent public land to their property to help improve air quality and were informed by Highways that it could not be done because it would be an inconvenience to grass cutting. He asked just how much inconvenience was too much inconvenience to promote eco policies and

for permission to be given to the resident to plant the tree. Cllr Sam Corcoran, Leader of the Council responded that he did want to be looking at more places that trees could be planted and that he wished to see a change in policy to tackle climate change better. He asked that details of the matter be forwarded to him.

Cllr J Buckley raised concerns about the venue and acoustics of the meeting room. Cllr Sam Corcoran, Leader of the Council reminded Members that the Council had earlier in the meeting voted to hold the Council meetings in Sandbach Town Hall.

Cllr J Clowes asked that the Administration reinstated the regular collective meetings the five MPs who represented the Borough so that the Council could effectively lobby central government in the interest of Cheshire East Residents. Cllr Sam Corcoran, Leader of the Council, responded that he had invited the MPs to meet with him and the Deputy Leader but that there were questions as to whether he or the Deputy Leader would meet with them individually or collectively.

The meeting commenced at 11.00 am and concluded at 1.13 pm

Councillor B Burkhill  
MAYOR/CHAIRMAN