

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 24th February, 2011 at The Assembly Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

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

Councillors E Alcock, C Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, C Beard, W T Beard, D Beckford, S Bentley, D Brickhill, D Brown, D J Cannon, R Cartlidge, J Crockatt, H Davenport, M Davies, W S Davies, R Domleo, B H Dykes, J P Findlow, W Fitzgerald, D Flude, S Furlong, H Gaddum, J Hammond, M Hardy, M Hollins, D Hough, O Hunter, T Jackson, J Jones, S Jones, A Knowles, A Kolker, M Lloyd, J Macrae, A Martin, M A Martin, P Mason, R Menlove, A Moran, B Moran, H Murray, J Narraway, D Neilson, M Parsons, A Ranfield, B Silvester, M J Simon, L Smetham, D Stockton, D Thompson, C G Thorley, A Thwaite, D Topping, R Walker, G M Walton, M J Weatherill, R Westwood, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors A Barratt, D Bebbington, S Broadhurst, S Conquest, P Edwards, R Fletcher, L Gilbert, J Goddard, E Howell, F Keegan, W Livesley, S McGrory, G Merry, R Parker and C Tomlinson

84 MINUTES OF THE MEETING HELD ON 16 DECEMBER 2010

RESOLVED

That the minutes be approved as a correct record.

(With reference to minute 82, Question 3, Cllr Arnold queried whether the Traveline Telephone Information Service would be free to use by the general public. The Prosperity Portfolio Holder, Cllr Macrae undertook to investigate this and to report back to Cllr Arnold).

85 MAYOR'S ANNOUNCEMENTS

The Mayor :-

1. Informed Members that, as 2011 was Census Year, representatives from the Census Team were available to answer any queries Members may have. This year was the first time the census form could be completed on line. The Mayor stressed that it was

important for as many people as possible to complete the form, as the more forms completed, the more funding there would be for Cheshire East, from central government and better provision of local services. It was estimated that Government revenue per head of population could be up to £500 per year.

2. Announced that, as his final fundraiser for the year, he would be hosting a Charity Football match, at Macclesfield Town Football Club, on Sunday 8 May, to raise money for his charity, the Army Benevolent Fund. The Mercians had agreed to field a team and players for the opposing side were currently been recruited to form the Mayor's Select Eleven. More details would follow nearer the event.
3. Announced that tickets were now on sale for the final of the Cheshire East School Music Competition, which would take place in the Tenants Hall, Tatton Park, on Friday 8 April, from 7.00 pm. The schools in the final were Bollinbrook CE Primary School, Macclesfield; St Mary's Catholic Primary School, Crewe; Congleton High School and Congleton and Sandbach School, Sandbach. They would each perform individually and then would be joined by Foden's Brass Band. Tickets were priced at £10 and £7 for concessions, and were available from the Cheshire East Music Service
4. Reported that the Council's Children's Centres had had a successful week of half term events, with lots of local families coming in to see what was on offer and take part in healthy activities run by the Children's Centre staff, the Council's Leisure and Play team, the Family Information Service and the Love Food Hate Waste volunteers. The Children's Centres offered a range of activities and vital family support across the borough.

86 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

87 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present, wishing to use the public speaking facility.

88 **NOTICES OF MOTION**

Two Notices of Motion had been submitted, one by Cllr Macrae and one by Cllr Menlove. The Mayor had agreed, in accordance with Council Procedure Rule 12, that it was conducive to the dispatch of business for both Motions to be dealt with at the meeting.

1) Consideration was given to the following Notice of motion submitted, by Cllr Macrae and seconded by Cllr Fitzgerald :-

"Following recent and further projected rises in the retail costs of petrol and diesel fuel due both to world oil prices and U.K. Government taxation and duty increases,

Cheshire East Council resolves to lobby government and H.M. Treasury to urgently review and amend current policies to ensure that planned increases are moderated.

Cheshire East Council is increasingly concerned that the continuing rises in fuel costs will seriously impact on the economic recovery locally and within the sub-region, particularly our SME's, transport providers and the sustainability of rural communities."

Cllrs Macrae and Fitzgerald agreed to accept an amendment to the wording of the Motion, to replace the words "planned increases" with the words "fluctuations in costs" in the first paragraph and to replace the word "rises" with the word "fluctuations" in the second paragraph.

RESOLVED

That, the motion, as amended, be approved as follows :-

Following recent and further projected rises in the retail costs of petrol and diesel fuel due both to world oil prices and U.K. Government taxation and duty increases,

Cheshire East Council resolves to lobby government and H.M. Treasury to urgently review and amend current policies to ensure that fluctuations and costs are moderated.

Cheshire East Council is increasingly concerned that the continuing fluctuations in fuel costs will seriously impact on the economic recovery locally and within the sub-region, particularly our SME's, transport providers and the sustainability of rural communities.

2) Consideration was given to the following Notice of motion, submitted by Cllr Menlove and seconded by Cllr Fitzgerald :-

“That Council endorses the following actions:

- immediate investment of up to a further £500,000 in reactive maintenance gangs to clear any back log of defects and keep our roads open and safe – this will be managed as part of the Council’s overall financial position, despite the significant pressures on general balances at the present time
- capital investment is made in the road network across the Borough to ease a strained situation and stop further deterioration in key areas in the future – this will be prioritised, in the planning of the spending of the Local Transport Plan allocation for 2011/12; and
- a submission will be made to central government to request significant financial support, at least to the level of last year’s winter impact grant, given the evident major damage to road surfaces and the challenges of meeting the required expenditure from the Council’s resources.”

RESOLVED

That the motion be approved.

89 RECOMMENDATION FROM CABINET - BUSINESS PLANNING PROCESS 2011-2014 - BUDGET REPORT

Cabinet, at its meeting on 14 February 2011, gave consideration to the Council budget for 2011/12, which had been produced following engagement on the pre budget report, issued in January. The budget set out in detail the spending plans and income targets for the financial year, starting 1 April 2011, as well as financial estimates for the next two financial years.

At the time the Cabinet report had been prepared the final formula grant allocations remained to be confirmed; it had been reported to Cabinet that there had been no change to the allocations.

Cabinet recommended the budget to Council for approval :-

RESOLVED

1. That the results of the Budget Engagement exercises undertaken by the Council, detailed in Appendix A of the Cabinet report, be noted.
2. That the comments of the Borough Treasurer and Head of Assets (Chief Finance Officer), regarding the robustness of estimates and level of reserves held by the Council based on the budget detailed in Appendix B of the Cabinet report (Comment from Borough Treasurer) be noted.
3. That the 2011/2012 Budget Report, detailed in Appendix B of the Cabinet report be approved.
4. That the three-year Capital Programme for 2011/2012 to 2013/2014, as detailed in Appendix B of the Cabinet report, paragraphs 52 to 63 and Annex 6 be approved.
5. That a Band D Council Tax of £1,216.34 be approved, this being no change from 2010/2011.
6. That the Reserves Strategy, as detailed in Appendix B, Annex 8 of the Cabinet report be approved.
7. That the 2011/2012 non ring fenced Specific Grants (excluding Dedicated Schools Grant) be agreed, as detailed in Appendix B, paragraphs 18 to 22 of the Cabinet report 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.
8. That the 2011/2012 Dedicated Schools Grant of £229.6m and the associated policy proposals, as detailed in Appendix B paragraphs 23 to 33 and Annex 6 of the Cabinet report, be agreed.

90 **TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION STATEMENT 2011/12**

Cabinet, at its meeting on 14 February 2011, considered the Treasury Management Strategy for 2011/12 to 2013/14, including the prudential indicators and limits required under Part 1 of the Local Government Act 2003, the Annual Investment Strategy 2010/11, and the Minimum Revenue Provision statement for the redemption of debt for 2011/12.

The Treasury Management Strategy was defined as the management of the Council's investment and cash flows, its banking, money market and capital transactions, the effective control of risks associated with those

activities and the pursuit of optimum performance consistent with those risks.

Cabinet recommended that Council approve the Treasury Management Strategy and the Minimum Revenue Provision Statement 2011/12. It was noted that the Strategy included the Department for 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 (Appendix A of the Cabinet report).

RESOLVED

That the Treasury Management Strategy and the Minimum Revenue Provision Statement 2011/12 be approved.

91 COUNCIL TAX 2011/12 STATUTORY RESOLUTION

Consideration was given to a report requesting the Council to set the Council Tax for the financial year 2011/2012.

At, 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 2011/2012, in accordance with Regulations made under Section 30-36 of the Local Government Finance Act 1992 : -

- a. £775,794,711 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. £523,337,000 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. £252,457,711 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. £70,335,452 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 (£53,727,978) and revenue support grant (£16,607,474) in

accordance with Section 97(4) of the Local Government Finance Act 1988.

- e. £1,239.78 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. £3,442,711 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).

(NB – Appendices A,B,C and D are attached to these minutes).

92 RECOMMENDATION FROM CABINET - CORPORATE PLAN

Cabinet, at its meeting on 14 February 2011, gave consideration to amendments to the Corporate Plan, as part of an annual review, in parallel with budget setting. The Plan set out the framework for policy development within the Council, which was then translated into objectives and actions for delivery. It, therefore, needed to reflect the financial planning undertaken in the budget setting process, so as to ensure that the Council was able to deliver its priorities for action.

Cabinet recommended that Council approve the updates to the Corporate Plan, noting that there may be need for further editorial amendments and updating following budget setting.

RESOLVED

That the updates to the Corporate Plan be approved.

93 RECOMMENDATION FROM CABINET - LOCAL TRANSPORT PLAN

Cabinet, at its meeting on 17 January 2011, gave consideration to the proposed changes for incorporation into the final Local Transport Plan Strategy and to the Draft Implementation Plan for consultation; following a four week period of stakeholder consultation.

The transport priorities reflected the wider priorities of the area, contained in such plans as the Sustainable Community Strategy, the Corporate Plan, the Local Development Framework and the Economic Development Strategy. Future investment in highways and transport would be directed to support the priority themes, to ensure a sustainable future and create conditions for business growth. Cabinet recommended to Council that the proposed changes, for incorporation into the final Local Transport Plan Strategy, as detailed in Appendix 2 of the Cabinet report be agreed.

RESOLVED

That the proposed changes for incorporation into the final Local Transport Plan Strategy, as detailed in Appendix 2 of the Cabinet report be agreed.

94 RECOMMENDATION FROM CABINET - INTERIM PLANNING STATEMENT ON AFFORDABLE HOUSING

Cabinet, at its meeting on 14 February 2011, gave consideration to the draft Interim Planning Statement on Affordable Housing, the responses received during the consultation process and to proposed revisions in light of comments made. The report had also been considered by the Environment and Prosperity Scrutiny Committee.

Cabinet had recommended that Council adopt the Interim Planning Statement on Affordable Housing.

RESOLVED

That the Interim Planning Statement on Affordable Housing, as set out in Appendix 2 of the Cabinet report be adopted, subject to the revisions now reported and that it be used in the determination of planning applications.

95 RECOMMENDATION FROM CABINET - INTERIM PLANNING POLICY ON RELEASE OF HOUSING LAND

Cabinet, at its meeting on 14 February 2011, gave consideration to responses to the consultation on the draft Interim Planning Policy on the Release of Housing Land, to manage the release of additional land, as an interim measure pending the adoption of the Local Development Framework Core Strategy and to the proposed revisions, in the light of comments received.

Since the Cabinet report had been prepared, Natural England had submitted its comments and the resulting amendments had been circulated to Cabinet. All revisions and updates had been incorporated into the report and appendices submitted to Council.

The Environment and Prosperity Scrutiny Committee had also considered the report and amendments.

Cabinet recommended that Council approve the housing requirement figure and adopt the interim Planning Policy on the Release of Housing Land.

A further representation had been received from JB Planning Associates, in respect of this item, with the specific request that this be brought to the attention of all Councillors. To ensure fair consideration of the letter, it was circulated at the meeting, along with an advice note.

RESOLVED

1. That the housing requirement figure of 1150 net additional dwellings, to be delivered annually, be approved, this to be used pending the adoption of the Local Development Framework Core Strategy.
2. That the Interim Planning Policy on the Release of Housing Land be adopted, as set out in Appendix 2 of the Cabinet report, subject to the revisions and updates reported to Cabinet and incorporated in the report and appendices submitted to Council and that it be used in the determination of planning applications.

96 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - LICENSING COMMITTEE TERMS OF REFERENCE AND DELEGATIONS

The Constitution Committee, at its meeting on 27 January 2011, considered recommendations from the Licensing Committee in relation to the amendment of the licensing delegations, which referred to the need to clarify those functions which stand referred to the General Licensing Sub-Committee and those which stand referred to the Licensing Act Sub-Committee.

The Constitution Committee had also considered a the recommendation from the Licensing Committee in relation to the licensing of 'sexual entertainment venues.' and recommended that, subject to the decision of Council on the principle of adoption of the relevant legislation, the necessary amendments to the Constitution be approved.

RESOLVED

1. That the following amendments to the Constitution in relation to licensing delegations be approved:
 - (a) references to the Licensing Sub-Committee within paragraph 25.3 of the Officer Management Arrangements within Part III of the Constitution be amended to "the General Licensing Sub-Committee";
 - (b) references to the Licensing Sub-Committee within paragraph 25.4 of the Officer Management Arrangements within Part III of the Constitution be amended to "the Licensing Act Sub-Committee";
 - (c) references to the Licensing Sub-Committee within sub-paragraphs (i) to (iii), (v) and (vi) in relation to the General Licensing Functions at pages 160 and 161 of the Constitution be amended to "the General Licensing Sub-Committee";

(d) references to the Licensing Sub-Committee within sub-paragraphs (ii) to (xi) in relation to licensing functions under the Licensing Act 2003 and Gambling Act 2005 at page 161 of the Constitution be amended to “the Licensing Act Sub-Committee”; and

2. in relation to the adoption of the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, made by section 27 of the Policing and Crime Act 2009, the amendments to the Constitution in relation to the Licensing Committee’s terms of reference and officer delegations, as set out within parts 1B and 2B of Appendix A to the Constitution Committee report (relating to the exercise of functions in relation to the licensing of sexual entertainment venues) be approved.

97 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PUBLIC SPEAKING AT PUBLIC RIGHTS OF WAY COMMITTEE

The Constitution Committee, at its meeting on 27 January 2011, considered proposed changes to the public speaking arrangements for the Public Rights of Way Committee. The Committee recommended the proposed changes to Council for approval.

In considering the matter, the Constitution Committee had made a number of comments about how the public speaking arrangements at meetings of the planning committees currently operated and had asked that this be reviewed.

RESOLVED

1. That the proposed public speaking arrangements, set out in Appendix 1 to the Constitution Committee report, be adopted for the Public Rights of Way Committee in relation to applications on the agenda.
2. That Procedure Rule 35 should continue to apply, in order to facilitate public participation not relating to specific applications.
3. That the Constitution be amended accordingly.
4. That the Planning Protocol Sub-Committee be asked to review the arrangements for public speaking at meetings of the Council’s planning committees and the Sub-Committee’s terms of reference be extended accordingly.

98 RECOMMENDATION FROM THE LICENSING COMMITTEE - SEXUAL ENTERTAINMENT VENUES, SCHEDULE 3 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED)

The Licensing Committee, at its meeting on 10 January 2011, had considered a report regarding the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), made by section 27 of the Policing and Crime Act 2009 and the statutory provisions in relation to the adoption of the power to regulate 'sexual entertainment venues' within the amended Schedule. The report also detailed the consultation responses received in relation to both the principle of adoption of the amendments to Schedule 3 of the 1982 Act and a draft policy on the licensing of sexual entertainment venues. The Committee recommended that Council adopt the provisions of the Act and that they apply within the Borough of Cheshire East.

RESOLVED

That the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), as amended by section 27 of the Policing and Crime Act 2009 be adopted and shall apply within the Borough of Cheshire East with effect from 4th April 2011.

99 LEADER'S REPORT TO FULL COUNCIL

The Leader of the Council reported that, on 4 January 2011, the Cabinet Member for Procurement, Assets and Shared Services had made a key decision under the provisions contained within Council Procedure Rule 44, in respect of the Waste PFI project, namely "That Judicial Review proceedings be issued to challenge Defra's decision to withdraw PFI credits in relation to the Cheshire Waste Treatment Facility, subject to Cheshire West & Chester Council making a similar decision."

The Mayor had agreed that the decision would be considered as urgent for the purposes of Scrutiny Procedure Rule 13, as any delay caused by the call-in process would result in the Council being out of time and unable to issue proceedings.

100 QUESTIONS

Councillor Thorley asked the following question of the Environmental Services Portfolio Holder :-

The Car Parking Task Group recommended that the Thomas Street car park in Crewe be made a free car park.

Can the Portfolio Holder inform this Council when this is going to be implemented?

The car parking charge in Nantwich is 50 pence for the first hour can the Portfolio Holder confirm that he will recommend 50 pence for the first hour in Crewe?

The Environmental Services Portfolio Holder in reply stated :-

Re the first question, which relates to Tomas Street Car Park in Crewe, the control and management of this car park will be reviewed, along with all other parking controls, when the Crewe Parking Review takes place this summer. It is therefore not proposed that earlier changes are made to the Thomas Street car park.

Re the second question, which relates to the car parking charges, the answer is, Cheshire East inherited the Crewe & Nantwich Borough Council car parking charging structure of an identical scale irrespective of the size and character of a town.

Cheshire East Parking Policy states that parking charges should be set at levels to reflect the role and economic strength of centres and effectively manage demand as experienced in each centre. The 50p rate is appropriate as an interim adjustment for Nantwich. It is likely that the proposed tariff for Crewe will differ from that set in Nantwich, as the demand for and supply of parking are not comparable between these two centres.

Councillor Thorley asked a supplementary question, requesting that the decision be reviewed.

The meeting commenced at 2.00 pm and concluded at 4.40 pm

Councillor G Baxendale (Chairman)
CHAIRMAN