

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Council held on Thursday, 14th October, 2010 at Congleton Town Hall, High Street, Congleton

PRESENT

Councillor G Baxendale (Chairman)

Councillor R West (Vice-Chairman)

Councillors E Alcock, C Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, C Beard, W T Beard, D Beckford, S Bentley, D Brickhill, D Brown, D J Cannon, R Cartledge, S Conquest, J Crockatt, H Davenport, M Davies, W S Davies, R Domleo, B H Dykes, P Edwards, J P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, J Goddard, J Hammond, M Hardy, D Hough, O Hunter, J Jones, S Jones, A Knowles, M Lloyd, A Martin, M A Martin, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, J Narraway, D Neilson, R Parker, A Ranfield, B Silvester, M J Simon, L Smetham, D Stockton, D Thompson, C G Thorley, A Thwaite, C Tomlinson, D Topping, R Walker, G M Walton, M J Weatherill, R Westwood, P Whiteley, S Wilkinson and J Wray.

Apologies

Councillors Bebbington, S Broadhurst, M Hollins, B Howell, T Jackson, A Kolker, W Livesley, J Macrae and H Murray.

49 PRAYERS

Councillor S Wilkinson said prayers, at the request of the Mayor.

50 MINUTES OF THE MEETING HELD ON 22 JULY 2010

RESOLVED

That the minutes be approved as a correct record.

51 MAYOR'S ANNOUNCEMENTS

The Mayor :-

1. Welcomed Cllr Matthew Lloyd to his first meeting of the Council. Councillor Lloyd had been elected to the Council at the by-election, held on 30 September 2010, due to the sad death of Councillor Liz Gilliland.
2. Referred to the Grant of Arms made to the Council, a few weeks earlier. At the time, it had not been possible to display the document,

but he was pleased to announce that the necessary work has now been carried out and that the document was on display at the rear of the Council Chamber.

3. Announced that he had recently met many young people from Cheshire East who have signed up for the new De Vere Academy of Hospitality at Wychwood Park in Crewe. The Academy had been supported by the Economic Recovery Task Group and as a result, 73 apprentices were now working towards careers in the hotel and catering industry with more joining in November and January.
4. Announced that the Council had a very successful campaign at the recent Nantwich Food and Drink Festival, with over 30,000 people attending the event. The final Love Food Hate Waste campaign would take place at the North West Food Lovers Festival at Tatton Park 22-24 October.
5. Announced that on Tuesday 12 October, he had had the pleasure of meeting over 100 young people, from Cheshire East's primary schools who had signed up to be Junior Energy Monitors. He was there as part of European Democracy Week, together with Councillors Livesley and Smetham. The Junior Energy Monitors were sending in ideas on how to save money on their school's energy bills and those with the best ideas would be invited to have lunch with the Mayor, before the December Council meeting, at Macclesfield Town Hall and then watch that part of the Council meeting when their ideas would be presented to Members.
6. Reported that the Mayoral Diary has been very busy, with wall to wall engagements and made further reference to the recent Mayor's Ball, which had raised £2,000 for the Mayor's Charity. The Mayor thanked all those who had attended.

52 DECLARATIONS OF INTEREST

With reference to minute 59, Honorary Aldermen and Freeman, the Mayor reported that personal interests would be recorded for all those Members who were Honorary Aldermen and Freeman as follows :-

Councillors :-

JP Findlow

A Moran

S Wilkinson

S Hogben

T Beard

B Silvester

C Thorley

D Brown

R Domleo

P Edwards
E Fletcher
D Hough
C Andrew
P Whiteley
J Crockatt
T Jackson

With reference to item 16, Waste Treatment PFI Contract-Identification of Provisional Preferred Bidder, Cllr Menlove declared a personal interest, as Chairman of the Tatton Conservative Association, in view of the fact that the MP for Tatton, George Osborne was the Honorary Life president of CHAIN.

53 PUBLIC SPEAKING TIME/OPEN SESSION

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

54 NOTICE OF MOTION

Consideration was given to the following Notice of Motion, submitted by Cllr D Flude :-

Following the resolution of this Council on 25th January 2010 when it was resolved :-

“To accept the vote from the people of Crewe and to reject a Town Council for Crewe at this time”;

in the light of the passage of time and the proposed Special Expenses Community Charge for the Town Crewe;

will this Council now return to the matters considered on the 25th January and ask the Constitution Committee to undertake a further Community Governance Review for Crewe.

RESOLVED

That the motion stands referred to the Constitution Committee for consideration.

55 ANNUAL REPORT ON PUBLIC HEALTH IN CENTRAL AND EASTERN CHESHIRE

Consideration was given to the Annual Report on Public Health in Central and Eastern Cheshire, which had been the subject of an informal presentation, given by Dr Heather Grimbaldeston, Director of Public Health, in advance of the formal meeting.

RESOLVED

That the report be received and noted.

56 RECOMMENDATION FROM CABINET - LOCAL DEVELOPMENT FRAMEWORK PROCESS AND AMENDMENTS TO CONSTITUTION

Consideration was given to the recommendation from Cabinet regarding the Local Development Framework Process and consequential amendments to Constitution.

Cabinet had considered the current arrangements for developing and finally approving the Local Development Framework (LDF) documents and to proposed amendments to that process, in order to streamline it whilst maintaining appropriate opportunities for Members to be consulted and to contribute to the LDF preparation and approval process. The Sustainable Communities Scrutiny Committee and the Environment and Prosperity Scrutiny Committee had also considered the report and their recommendations had been submitted to Cabinet.

RESOLVED

1. That the revised procedures for approving the LDF documents as set out in Appendix 2 of the Cabinet report, be approved.
2. That the Borough Solicitor be authorised to make any necessary and consequential amendments to the Constitution, including additions to the terms of reference of Strategic Planning Board.
3. That regular meetings of the LDF Panel take place during each stage of the process.

57 RECOMMENDATION FROM CABINET - LOCAL DEVELOPMENT FRAMEWORK DOCUMENTS

Consideration was given to the recommendation from Cabinet relating to the Local Development Framework Documents.

Cabinet had considered those reports forming part of the Cheshire East Local Development Framework, which had been revised in the light of comments received during the consultation process. The Sustainable Communities Scrutiny Committee and the Environment and Prosperity Scrutiny Committee had also considered the report and their recommendations had been submitted to Cabinet.

RESOLVED

That the Statement of Community Involvement, the Alsager Town Centre Supplementary Planning Document, the Smallwood Village Design Statement Supplementary Planning Document, the Local List of Historic Buildings and its accompanying Supplementary Planning Document be approved and adopted.

58 RECOMMENDATION FROM CONSTITUTION COMMITTEE - REVIEW OF THE CONSTITUTION

Consideration was given to the recommendations from Constitution Committee relating to a review of the Constitution. The Committee had considered proposed changes to the Council and Committee Procedure Rules, as part of the review of the Council's Constitution. Cabinet Members and Directors had been consulted and no specific matters had been raised. However, Democratic Services Officers had identified the following issues:-

- 1) The Constitution was silent on the specific requirements relating to the Local Government Act in relation to timescales for holding the Annual Meeting of Council. The following was therefore proposed:

"ANNUAL MEETING OF THE COUNCIL

Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May on a date the Council will decide at or before their last meeting prior to the Annual General Meeting. In the absence of a decision or statutory provision to the contrary the day will be the third Thursday in May.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve as a correct record and sign the minutes of the last meeting;
- (v) receive any communications from the Mayor;
- (vi) receive any declarations of interest from members;
- (vii) appoint the Overview and Scrutiny Committees, the Standards Committee and such other committees as the Council considers

appropriate to deal with matters which are neither reserved to the Council nor are Executive functions;

(viii) consider any business set out in the notice convening the meeting.”

2) The Constitution was silent on the Order of Business for ordinary Council meetings. This should be listed so that members, officers and the public had certainty. The following was therefore proposed:

“Council will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve as a correct record and sign the minutes of the last meeting;
- (iii) receive any communications from the Mayor;
- (iv) receive any declarations of interest from members;
- (v) deal with any business outstanding from the previous Council meeting;
- (vi) receive questions from the public;
- (vii) receive any recommendations from the Cabinet or any Council Committee;
- (viii) receive questions from Members;
- (ix) consider any motions moved without notice;
- (x) consider any motions;
- (xi) consider any urgent items;
- (xii) consider any other business set out in the notice.”

3) The existing provision relating to special Council meetings was considered incomplete and the following was proposed in its place:

“EXTRAORDINARY MEETINGS

Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) the Monitoring Officer; and
- (iv) any eight members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

Only business for which the extraordinary meeting has been called may be considered.”

- 4) The Constitution was silent on the control of agenda items. The agreed arrangements for pre-agenda meetings should be reflected in the Constitution. These provided for the Chairman or, in his absence, the Vice-Chairman to settle Committee agendas.

RESOLVED

That the proposed additions to the Council and Committee Procedure Rules, as set out above, be approved and the Constitution be amended accordingly.

59 RECOMMENDATION FROM CONSTITUTION COMMITTEE - HONORARY ALDERMEN AND FREEMEN

Consideration was given to the recommendation from Constitution Committee relating to Honorary Aldermen and Freeman. The Civic Sub-Committee had previously considered a report on matters relating to the Honorary Aldermen and Freeman of Cheshire East Council, who had been admitted from the demised authorities. Cheshire East Council now needed to consider its own arrangements. A draft Scheme had been considered by the Civic Sub-Committee and the Constitution Committee and it had been resolved that the draft scheme be recommended to Council for approval, subject to several changes:-

RESOLVED

That the draft scheme relating to the appointment, rights and privileges of Honorary Aldermen and Freeman as appended to the report to the Constitution Committee be approved and adopted and incorporated into the Constitution, subject to the following:-

- 1. for the purposes of the scheme, the term ‘eminent service’ shall mean a minimum of 12 years’ service, whether consecutive or otherwise.

Where a Member has served on more than one former authority of Cheshire East, whether concurrently or otherwise, including the shadow authority, the service with each authority shall be taken into account separately for the purpose of determining eminent service.

2. Honorary Aldermen of Cheshire East Council shall enjoy such privileges as may properly be conferred by the Council from time to time and in particular shall be entitled:
 - (1) to attend civic receptions and other civic functions or ceremonies to which all Members of the Council are invited and to be provided with a car parking pass, and where the spouses and partners of Members are able to attend so shall the spouses and partners of Aldermen;
 - (2) to attend meetings of the Full Council and be provided with a car parking pass and be allocated a seat in the reserved part of the Council Chamber, and receive Council papers, including Part 1 reports, by email or post as desired;
 - (3) to be notified on a regular basis of significant civic matters by the Democratic Services Manager, including the deaths of Members, former Members and Honorary Aldermen/Freemen;
 - (4) to be provided with a pass on request when visiting Council premises;
3. the rights and privileges conferred on Honorary Aldermen under this Scheme shall also apply to Honorary Freemen;
4. where the title of Honorary Freeman has been conferred on a body or organisation, an appropriate representative of that body shall be invited to attend any relevant functions;
5. a further report be submitted to the next meeting of the Constitution Committee, dealing with the rights and privileges of Honorary Aldermen/Freemen and serving Councillors in relation to attendance at civic functions, including the County Show and RHS Show, and access to Tatton Park, the report to include any resource implications and the rationale for any charges involved.

60 RECOMMENDATION FROM CONSTITUTION COMMITTEE - FLAG FLYING POLICY

Consideration was given to the recommendation from Constitution Committee relating to the Council's Flag Flying Policy. The Civic Sub-Committee had considered proposals for a flag flying policy for civic buildings in Cheshire East. The policy covered those occasions on which it would be appropriate to fly different flags from the Council's public buildings, in particular the Union Flag, English National Flag, Cheshire

East Borough Flag, Armed Forces Flag and the national flags of overseas visitors. The manner of flying the flag in particular circumstances was also dealt with. The Sub-Committee had agreed that the Union Flag should also be flown at half mast in the event of the death of a soldier from the Mercian Regiment whilst on active service. The Sub-Committee had recommended the proposed Flag Flying Policy to the Constitution Committee, who had, in turn, recommended the policy to Council for approval.

RESOLVED

That the proposed Flag Flying Policy in respect of civic buildings in Cheshire East, as attached to the report to the Constitution Committee, be approved.

61 QUESTIONS

Question 1

Councillor S Furlong had submitted the following question :-

NHS White Paper

“On July the 13th the Secretary of State for Health Andrew Lansbury announced the NHS White Paper “Equity and Excellence - Liberating the NHS” How will this paper improve the health care and choice for the residents of Sandbach in the future”?

Councillor A Knowles, Portfolio Holder for Health and Wellbeing responded as follows :-

“Thank you very much for your question. Although you stipulate Sandbach, the answer will be relevant for all our Villages and Towns in Cheshire East. The basic principles of the NHS White Paper are very straight forward and simple:-

- (1) Putting Patients and Public First
- (2) Focusing on Improvements in Quality and Healthcare Outcomes
- (3) Autonomy, Accountability and Democratic Legitimacy
- (4) Cutting Bureaucracy and Improving Efficiency

There are many benefits, but I want to focus on just one. The main part of the legislation that will impact on us as a local authority is transferring local health improvement functions to us from the PCT. What this can mean for us now is taking ownership of really getting to grips with tackling the Health issues in Cheshire East, such as consequences of an aging population, Health Inequalities and preventable deaths, through lifestyle modification, all mentioned by Dr Heather Grimbaldeston, in her presentation earlier today. As a Council, we know where our deprived estates are and where we need to focus on to tackle health inequalities,

but also involving regeneration, housing and education, to bring a joined up approach. Because Public Health has come to the Authority we can for the first time come at this problem, bringing all the Councils departments to tackle this issue.

For a long time we have known that C.E.C has the fastest growing ageing population in the North West and with this demographic scenario we have to start planning and prioritising service delivery towards them. We know, for example, that 10% of all ambulance call outs are for people aged 65 and over, who have fallen, of which 60% end up being taken to hospital.

Preventable deaths through lifestyle modification - this again is very tied up with health inequalities. The main causes of premature deaths - 36% are cardiovascular disease. With Public Health coming to the Authority, we can work with our Leisure Services, getting the population more active, educate on non smoking and lifestyle change. So it brings everything together.

Finally, the LAPS will act as the conduit for us to burrow down to the street level, to recognise where to put our time, effort and resources on health prevention.

So this is only one aspect of the NHS White Paper that will impact on us. Positively, there's more, but this alone will, I believe, improve dramatically the future health of our residents, whether it be in towns or rural areas".

Question 2

Councillor R Cartlidge had submitted the following question :-

Allotments Crewe

"Is the Cabinet member aware of the considerable distress that has been caused by this Council to many of the plot holders by:

the threatening reminder and final demands from this Council for rents that, in some cases, lead to allotment holders paying twice for last years plot rent, before this years deadline date of October 2010.

Can the Portfolio Holder explain the rationale behind the decision to award gift vouchers, instead of the traditional cash prizes?

Would he agree with me that the Consultation Panel Allotments would be the forum to allow frank dialogue with the plot holders, to avoid this kind of misunderstanding"?

Councillor Cartlidge requested that a written response to his question be provided.

Question 3

Councillor D Flude had submitted the following question :-

Housing Condition Survey

“Will the Cabinet Member assure this Council that all of the survey staff employed by CPL Ltd are CRB checked and will be carrying some form of identity?”

When were the Members of this Council informed that this survey was to take place in the Borough?

Councillor A Knowles responded on behalf of Councillor J Macrae, the Portfolio Holder for Prosperity, who had submitted apologies for the meeting, as follows :-

1. “All surveyors employed by CPC Ltd are CRB checked, which was a requirement of our tender specification.
2. All surveyors carry photographic identification as well as a letter of authority from Cheshire East Council, together with a laminated copy of the letter that has been sent to all households. We have had two reports from householders concerned that they did not see photographic ID. As a result we have liaised with CPC Ltd and they have issued reminder instructions to all surveyors to ensure that they carry and show all three forms of identification. Our customer services staff have been briefed about the survey, so that should a member of the public contact us, they can handle the call effectively and confirm or deny the surveyor’s identity.
3. Members were briefed about the house condition survey in the Members’ briefing on 20th August 2010”.

Supplementary Questions

Councillor Flude asked the following supplementary questions :-

- (1) “What sort of survey is it and will the householders who have taken part in the survey receive a copy of the report?”
- (2) “When this type of survey is undertaken, should ward Councillors not receive a copy of the letter sent to residents, so that they know it is taking place?”

Councillor Knowles undertook to request that Councillor Flude be provided with a written response to her supplementary questions.

Question 4

Councillor T Beard had submitted the following question :-

Markets and Car Boot Sale Crewe

“Since the refurbishment of the Lyceum Square in Crewe started, the outside market at Crewe has been relocated to the Square. This appears to have been generally welcomed by the public and has certainly helped to keep the town centre lively. It is obviously important that traders at the indoor market should be confident that their interests are being protected by the Council, but before taking a final decision on the future location of the outside market, would the Portfolio Holder agree to a public consultation exercise, to enable a full and informed debate to establish what is best for the economic health of the town centre, at this difficult time? This consultation should include reference to the Car Boot Sale held each Wednesday and located, at this time, on the Oak Street Car Park”.

Councillor R Menlove, Portfolio Holder for Environmental Services, in summary responded :-

“The Council has already carried out a consultation on the future location of the market in Crewe. However, bearing in mind the nature of the question, we are prepared to carry out a further consultation, particularly with the public and Market Traders, before making a final decision on whether the market will return to Lyceum Square.

I would like to draw Members’ attention to the fact that there would be additional revenue costs, if the market was to stay on Market Square.”

Supplementary Questions

Councillor Beard asked the following Supplementary Question :-

“Would the Portfolio Holder also consider a public consultation with the people of Crewe, as it is their Market?”

Councillor Menlove undertook to provide Councillor Beard with a written response to his supplementary question.

62 ADJOURNMENT OF MEETING

As Members of the public and representatives from the Mercian Regiment were present for the Special meeting of the Council, which was to consider the granting of the Freedom of the Borough to the Mercian Regiment, the Mayor adjourned the meeting, before consideration of items 15 and 16 of the agenda, in order to allow consideration of the agenda for the Special Council Meeting, before the public were excluded from the meeting, in order that they would not be kept waiting.

The meeting was reconvened, following the Special Council Meeting and the following items of business were then considered.

63 EXCLUSION RESOLUTION

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

64 WASTE TREATMENT PFI CONTRACT- IDENTIFICATION OF PROVISIONAL PREFERRED BIDDER

At a meeting earlier in the day, Cabinet had considered the report of the Waste Treatment PFI Project Director, in relation to the Waste Treatment PFI Project. The report had been considered by Chester West and Chester Borough Council's Executive on 29 September 2010 and that decision was due to be considered at its full Council meeting later in the day.

Cabinet had resolved that approval be given to the choice of a Provisional Preferred Bidder for the Waste Treatment Contract, subject to the availability of the Government PFI revenue support over the life of the project, in accordance with the report to Cabinet and that Council be requested to endorse this decision.

RESOLVED

That the Cabinet decision be noted and endorsed.

The meeting commenced at 6.00 pm and concluded at 7.30 pm

Councillor G Baxendale (Chairman)
CHAIRMAN