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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Wednesday, 13th December, 2023 in the Council Chamber, SKA
Observatory, Jodrell Bank, Lower Withington, SK11 9FT

PRESENT

Councillor R Fletcher (Mayor/Chair)
Councillor M Houston (Deputy Mayor/Vice-Chair)

Councillors S Adams, L Anderson, M Beanland, S Bennett-Wake, J Bird, L Braithwaite, J Bratherton, M Brooks, D Brown, C Browne, L Buchanan, C Bulman, A Burton, R Chadwick, C Chapman, D Clark, J Clowes, P Coan, A Coiley, N Cook, S Corcoran, L Crane, T Dean, B Drake, S Edgar, D Edwardes, K Edwards, M Edwards, H Faddes, A Farrall, A Gage, S Gardiner, E Gilman, M Goldsmith, M Gorman, E Hall, A Harrison, K Hague, A Heler, C Hilliard, S Holland, T Jackson, D Jefferay, R Kain, A Kolker, N Mannion, G Marshall, A Moran, R Moreton, H Moss, M Muldoon, C Naismith, C O'Leary, J Pearson, J Place, B Posnett, J Pratt, J Priest, B Puddicombe, P Redstone, J Rhodes, J Saunders, H Seddon, M Sewart, M Simon, L Smetham, G Smith, J Smith, J Smith, J Snowball, L Wardlaw, M Warren, H Whitaker, F Wilson and J Wray

49 APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Bailey, G Hayes, L Smith and R Vernon.

50 DECLARATIONS OF INTEREST

Item 7 - Appointment of the Chief Executive – Mr R Polkinghorne declared an interest and would leave the chamber during consideration of the matter.

51 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 18 October 2023 be confirmed as a correct record.

52 MAYOR'S ANNOUNCEMENTS

The Mayor, in summary:

- 1 thanked his Chaplin, Reverend Rob Hilton, for the prayers before the meeting, and for hosting his Civic Services on 5 November 2023 at the Wesley Place Methodist Church in Alsager.

- 2 reported that on 19 November 2023 he had attended the annual STAR celebration event at Macclesfield Town Hall. The event recognised and celebrated the achievements of cared for children and care leavers.
- 3 reported he had attended the Safeguarding and Dignity Awards held in November at the Holmes Chapel Community Centre and stated he was impressed by the professionalism, dedication, passion and commitment of all those who were nominated for awards.
- 4 reminded Members that in 2016 that trampolinist Bryony Page, who grew up in Nantwich and attended Malbank School, was appointed as a Freewoman of the Borough following her success at the Rio Olympics, and reported that Bryony had won a gold medal at the trampolining world championships held recently in Birmingham, and was now a world champion.
- 5 referred to the item 7 on the agenda - the Appointment of Chief Executive, and reported that the preferred candidate - Mr Rob Polkinghorne was in attendance at the meeting and that there would be an opportunity for Members to meet with him later in the day.

53 PUBLIC SPEAKING TIME/OPEN SESSION

Sandbach Town Councillor Tim Wheatcroft stated that any introduction or increase in car parking charges would discourage lower paid workers from taking town centre jobs, and any volume employer without adequate parking considering locating in the town was discouraged from setting up due to the additional cost and difficulty in attracting staff. He asked what sort of businesses did Cheshire East see moving into the towns to grow the local economy, given the economic obstacles the Council were implementing with their car park proposals, and how would existing town and village centre businesses benefit and produce the growth the country needs to happen by the introduction and increase in parking charges?

In response Cllr C Browne, Chair of Highways and Transport Committee stated that when developing the parking plans, which had recently been out to public consultation, the Council had aimed to ensure that the parking offer in each town met the needs of businesses, shoppers, and visitors. The Council had tried to reflect the range of different needs when establishing tariffs; zoning parking between short stay and long stay and making seasonal permits available to users. The proposals for car parking would be considered in detail at the Highways and Transport Committee in January but he was sure that the parking tariffs would remain competitive compared to the neighbouring councils. These considerations had to be balanced against the Council's prevailing financial circumstances and the inconsistency and unfairness of the legacy arrangements for parking

charges, where some towns pay whilst others were subsidised to provide free parking. All 111 car parks operated by the Council incurred costs in the form of maintenance, enforcement patrols and business rates. As parking was a discretionary service, the Council's policy was clear that parking was provided on a "user-pays" basis. Any surplus revenues from the parking service were used to provide other transport projects including supported bus services, which were essential for those residents, including workers, who did not own a car.

Holmes Chapel Parish Councillor Diane Tams asked whether the Council had considered the concerns expressed by health professionals in Holmes Chapel on their ability to deliver services to their patients if parking charges were introduced?

In response Cllr C Browne, Chair of Highways and Transport Committee, stated that all responses received by the Council during the 6-week statutory consultation on the proposals for car parking in the Borough were being carefully analysed to inform the next steps. The Medical Centre had its own car park, which was already reserved for use by patients and staff. This would not be affected by the Council's proposals for Cheshire East operated car parks. The Council's proposals for its car parks in Holmes Chapel intended to retain a balance between long-stay and short stay parking places, whilst ensuring that the costs of maintaining and operating these car parks were met by the users rather than the general council taxpayer. Since the last time Cheshire East Council reviewed its car park charging strategy, which was in 2018, inflation had risen by over 25% whilst interest rates were also five times higher now than they had been then. Both factors had contributed to the increase in the costs of running the car parks over the intervening period. If the Council was not able to recover its costs, then this would impact on the Council's ability to deliver its services including things such as Flexi Link or other supported bus services.

Congleton Town Councillor Suzy Firkin stated that Congleton had long been a net contributor to Cheshire East car parking income having lost the free car parking many years ago and shared the concerns of many about the loss of free car parking and the impact it had on small towns and villages on the footfall and town centre economy. She said that Congleton had attracted investment into the town centre and the high street had started to take on a different feel, this being the reason why the Town Council strongly opposed to the huge increase in parking charges that were being proposed for Congleton. The charges would have a significant impact on those businesses who based their business case on staff and customers being able to park at reasonable prices. She urged the Council to heed Congleton Town Council's detailed response to the consultation and compromise on a modest price increase rather than a huge hike in fees that jeopardised the hard work of many seeking to revitalise Congleton town centre.

In response Cllr C Browne, Chair of Highways and Transport Committee stated that the Council's approach to its current review of car parking provision and tariffs in towns aimed to make arrangements more consistent and equitable across all of our towns. The Council had aimed to ensure that the parking offer in each town met the needs of business, shoppers, and visitors. The Council had tried to reflect this range of different needs when establishing tariffs; zoning parking between short stay and long stay, and making seasonal permits available to users. There were a large number of attractive town centres with growing businesses, situated in centres with parking charges. Recently there had been business growth in the local towns, with Congleton as an example, where 8 new businesses had located into Congleton Market Quarter this year. The market quarter had received another 150 enquiries for space with the Council working with employers to consider transport and parking needs for staff. Parking was one of many factors that influenced town centre attractiveness and business viability. The Council aimed to strike the right balance to make businesses in Congleton, as well as other towns, successful for business.

Mr Brian Bugeja asked how, what and when would Cheshire East respond to the objections raised by the residents of the Audlem village, ward and the surrounding hamlets, in response to the consultation about the Audlem Community car park and the addition of yellow lines on two of the adjacent roads. He asked whether the Chair of the Highways and Transport Committee would agree to visit Audlem so that they could see for themselves the logistics of the car park to the village, how the car park operated, the importance of the car park and the impact of the charges would have on the community?

In response Cllr C Browne, Chair of the Highways and Transport Committee, stated that all responses received by the Council during the 6-week statutory consultation on the proposals for car parking in the Borough were being carefully analysed to inform the next steps. At the Highways and Transport Committee in January 2024, a series of recommendations setting out the proposed responses to the consultation would be considered by Councillors. The information available for councillors would include options to respond to the consultation outcomes, analysis of costs and benefits arising from the proposals and consideration of mitigation measures that may be necessary to support the introduction of any new parking arrangements. He was sure that the Committee would decide the way forward mindful of the consultation responses, the Council's budget position and the Council's strategic priorities. The Council needed to ensure that the parking service was fair, financially sustainable and contributing to the wider integrated transport strategy for the whole Borough.

Mr Thomas Eccles asked that, in full knowledge of the vast scale and urgency of our task to survive climate change and biodiversity collapse,

would the Council commit to urgently introducing local planning policies to ban future developments on peatlands?

In response Cllr M Warren, Chair of the Environment and Communities Committee stated that the Council had committed to preparing a new Local Plan which, once adopted, would replace the current Local Plan Strategy and Site Allocations and Development Policies Document. It would take several years to complete, and it would be a new style Plan prepared under emerging national planning reforms. The urgent need to tackle the climate crisis and the need to enhance biodiversity would be key drivers for the new Plan. To pass independent examination, policies and proposals in the Plan would also need to be consistent with national planning policy, which was expected to be comprehensively updated over the coming months. As the new Local Plan was prepared there would be several opportunities to feedback views on emerging policies and proposals and he would encourage residents and organisations to get involved in helping to shape these. In the shorter term, as required by law, any planning applications would continue to be determined in accordance with the adopted Local Plan, which was the statutory development plan, unless there were material planning considerations which indicated otherwise. Other material considerations could include national planning policy. The development plan already contained a range of policies designed to address climate change and promote biodiversity enhancement. From next year it would also become mandatory, with some limited exceptions, for development schemes to provide at least a 10 percent net gain in biodiversity. In terms of major road schemes, these were being delivered for several reasons including to support regeneration, enable the development of new homes and employment opportunities, so were integral to the current Local Plan and its policies. Potential changes to policy would, similarly, be considered as part of the preparation of the new Local Plan. Over 10% of land in the UK was peatland and there were ongoing activities to re-wet some peat areas at Pastures Farm near Gawsworth. Currently the Biodiversity Net Gain Supplementary Planning document was out for consultation which closed on Friday 22 December 2023. At the same time an Environmental Supplementary Planning document was also out for consultation which closed on Friday 15 December 2023. These documents would put Cheshire East Council at the forefront of action in this field.

Mr Stuart Redgard asked the following questions:

- 1) Why was the Dean Row Community Centre closed?
- 2) How many bids did the Council receive when they offered it for open tender?
- 3) Who where they from?
- 4) Why hasn't a decision been made yet as to which tender was acceptable?
- 5) When would a decision be made?

In response Cllr M Goldsmith, Chair of Economy and Growth Committee, stated that the Dean Row community centre had been successfully

operated by a community group since the 1990s. Unfortunately, the last remaining member of the group recently passed away and as a result, the entity managing the building ceased to exist. Cllr Goldsmith reported that four bids had been received when offered for open tender, but could not share who they were from as this was commercially sensitive information. The decision on the tender had been made on 15 November 2023 with all parties being informed of the final decision shortly.

Wilmslow Town Councillor Elaine Evans stated that the Wilmslow neighbourhood plan recognised the importance of trees to health and wellbeing in an urban environment. She referred to the decision on 2 March 2023 by the Highways and Transport Committee to unanimously approve a Notice of Motion regarding a report on tree planting, a report on the adoption of a new policy for highway tree maintenance inspections and a code of practice for highway tree safety inspections. She said that the Highway Tree Safety Inspection Policy stated that tree planting would rely on 13 stringent criteria. The Town Council had checked existing highway trees in the main green corridors of Wilmslow against 2 of the criteria and found that 86% of over the 400 planted trees did not meet these 2 criteria and if the other 11 criteria were also audited it wouldn't be surprising to find that almost all trees standing in Wilmslow today did not comply with the proposed new inspection policy. On behalf of Wilmslow Town Council, she requested that the Highways and Transport Committee make an amendment to the stringent criteria, to reflect where they did not apply to replacement of existing trees. In the case of replacement, the Town Council requested that a new tree of suitable species be planted at the same location as the tree to be replaced or that the Town or Parish Council were consulted on the new placement.

In response Cllr C Browne, Chair of the Highways and Transport Committee, stated that Cheshire East Council fully recognised and supported the important role that tree planting had to play in both place-making and addressing climate change. The highways network had developed and evolved over time. Many highway trees had either self-set or were planted before current highway design standards and would not be installed under current standards. In such circumstances, the Council therefore consider new installations with reference to current standards and practices. This was not unique to trees as an asset; it applied equally to other assets. When considering tree planting, a number of factors must be considered. These factors ensured the longevity of the trees planted and the safe operation of the highway network and were necessary to support the Council's statutory role in managing highway infrastructure assets. It was important to note that saplings must be provided with sufficient space to develop and thrive. Cheshire East Council was keen to work with 3rd parties, such as Wilmslow Town Council, to encourage appropriate tree planting on its land. It did however have to be recognised that Cheshire East Council holds certain statutory duties and responsibilities for assets that it was required to consider when reviewing such requests. As noted, the Council would be developing a highway tree planting policy during 2024 which would provide further clarity.

Congleton Town Councillor Robert Douglas stated that the House of Commons Environmental Audit Committee had stated that “healthy rivers are vital for biodiversity and to human health and well-being.” Furthermore, it stated that “rivers provide habitats for a range of wildlife, protect against flooding and provide beautiful places for recreation and reflection.” Yet in figures provided by the Environmental Agency, the House of Commons committee report stated that only 14% of English rivers met good ecological status and no river met good chemical status. The Wildlife and Countryside Link had warned that the water quality of rivers in England was the worst in Europe. Yet the Government had been putting forward proposals to weaken the pollution regulations in order to build additional homes under what was termed as a “Brexit Bonus”. He asked if the Leader of Cheshire East Council could confirm that the Council would take every step within its powers to ensure that the quality of water courses would not be adversely impacted by any new developments whether it be for housing, commercial, industrial or silica sand quarries?

In response, Cllr M Warren, Chair of Environment and Communities Committee, stated that the effect of new development on water quality could be an important material planning consideration. The Council had put in place robust policies within its up-to-date statutory development plan to make sure that this matter was carefully considered when planning applications or planning appeals were decided. Policy SE13 (Flood Risk and Water Management) of the Local Plan Strategy required development of all types to avoid an adverse impact on water quality. This was reinforced in Policy ENV17(Protecting Water Resources) of the Site Allocations and Development Policies Document which underlined that development proposals would not be permitted that were likely to have a detrimental impact on the quality of surface water. Designated nature conservation sites were also afforded appropriate protection relative to their significance through Policy SE3 (Biodiversity and Geodiversity) of the Local Plan Strategy, including sites of national and international importance. The Habitats Regulations provide additional legal protections to RAMSAR and other designated sites of international importance.

Mr Stephen McDermott stated that before anything was put out to survey, please could the Council ensure the information contained within it was accurate. In many cases he was finding it was not. He did not believe this would stand up to external scrutiny.

54 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader, in summary:

- 1 reported that Nottingham was the latest council to issue a section 114 notice, effectively declaring its self-bankrupt. The Leader noted that all councils were under severe financial pressure. He stated that this Council was in a better position than many because it had a fully balanced four-year financial strategy and a good record in

recent years of financial discipline. However, the Council currently had a forecast deficit for the current year of £13m, so financial saving needed to be made.

- 2 stated that over two thirds of the Council's budget was on adults and children's social care and that there had been significant cost increases in both areas. The increase in costs for children's social care was linked to the Children and Families Act 2014 which had led to an increased demand without central government providing the necessary funding or providing increase capacity. There was a shortage of places which had led to an increase in cost and an increase in travel costs with children being placed out of the Borough. The excess costs had been put into a negative reserve until 2026.
- 3 stated that he would like to see improved special education needs and disability provision in schools and more specialist provision in Cheshire East. However, the Council could not set up a new school on its own and had to work with external partners to set up so called free schools, which added further complexity and time. These were statutory services, and this left non statutory services at risk of further cuts.
- 4 stated that the Chancellor would be announcing shortly the funding settlements for Councils. If there was no extra money, there would be little choice but to make further cuts in services to balance the books. He thanked staff who were working to address these challenges.
- 5 stated that tackling climate change had been a key theme since he had become Leader of the Council and the sub region. He had co-chaired the Cheshire and Warrington Sustainable and Inclusive Growth Commission and encouraged all to read their report. He had spoken on climate change at the Northwest Route to Net Zero conference in Liverpool, the Northwest Regional Leaders' Board and at the County Council's Network Conference.
- 6 stated that he was pleased to see that the Solar Together Scheme had won a Green Expo Award for Innovation in Energy. He stated that one reason people were reluctant to install solar panels and batteries was caution about the reputed reliability of the supplier. The Council was addressing this by partnering with IChoosr Ltd to bring Solar Together to Cheshire East's homeowners and encouraged all elected members to promote the Solar Together scheme.

The Deputy Leader, in summary:

- 1 reported that following the decision to cancel HS2, the Government was intending to allocate additional Locally Integrated Transport

Settlement funding for Cheshire East. Further details on how much funding the Council would be allocated and supporting guidance were expected early in the New Year.

- 2 stated that Cheshire East sat at the heart of a region which had one of the strongest science and technology clusters in the UK and within this region were a number of major employers including Manchester Airport, Barclays Radbroke Campus, Astra Zeneca Macclesfield Campus, and Alderley Park. This area, which bordered Greater Manchester, had limited public transport options to service these businesses and local communities. The additional funding allocation of Locally Integrated Transport Settlements could be used as part of a public/private partnership to introduce an electric tram bus service, which would provide a sustainable, integrated network to connect these areas, unlocking growth, supporting sustainable travel and reducing congestion.
- 3 reported that last month he, together with officers from Cheshire East Council, had met with the Commissioner of Transport for Greater Manchester (TFGM) to explore ways of working together. TFGM had confirmed that TFGM System One travel cards could be used for a number of bus services which also serviced Cheshire East. Further details about eligible services would be provided shortly. TFGM were also supportive on Cheshire East's position following the Government's decision to cancel HS2 north and that any future development works on HS2 and Northern Powerhouse Rail should ensure that Crewe Station is included.
- 4 reported that the full business case and accompanying technical documents for the Middlewich Eastern Bypass scheme were submitted to the Department for Transport (DfT) on 11 October 2023 for their approval. The Council had since been informed by DfT that their final decision would not be made until the New Year, rather than in December as originally anticipated, and with this in mind the Council was currently assessing options that would enable the scheme to keep to its original programme of a start on site in early 2024.
- 5 reported that the Council had hosted its first Bus Partnership Forum at Alderley Park Conference Centre on 26th October 2023. This Forum was a key part of the arrangements that have been put in place to improve local bus services in Cheshire East, by working in partnership with the local bus operators. The need for a stronger dialogue and closer partnership working had been emphasised more than ever this year as the network faced challenges of passenger numbers still recovering after the pandemic, cost inflation and, in April, the complete withdrawal of services by Arriva North-West. The Forum meeting had brought together representatives of local bus companies, passenger groups including Transport Focus, major employers and elected members and

officers of the Council. Workshop events considered what could be done to improve bus services in the Borough, including services, ticketing, vehicles, passenger facilities and passenger information. The outcomes of the Forum would help to guide the planning for use of Bus Service Improvement Plan funds that were made available to the Council.

- 6 reported that the Council was progressing a package of schemes in the north of the Borough, as identified in the Local Cycling and Walking Infrastructure Plan, with the Council allocating £1.2m towards the northern part of the scheme on Manchester Road. The Council had been invited to apply for funding from the Active Travel scheme for the southern part of the scheme.

**55 RECOMMENDATIONS FROM APPOINTMENTS COMMITTEE:
APPOINTMENT OF CHIEF EXECUTIVE**

Having previously declared an interest, Mr Rob Polkinghorne left the Chamber for this item.

Consideration was given to a report relating to the appointment of a Chief Executive (Head of Paid Service), Electoral Registration Officer and Returning Officer.

RESOLVED: That

- 1 the preferred candidate, Rob Polkinghorne, be appointed as the Chief Executive.
2. the salary of £180,000, with the option for Council to increase in line with the pay scale agreed by Council, be approved
3. the preferred candidate, Rob Polkinghorne, be appointed as the Electoral Registration Officer and Returning Officer.

Mr Polkinghorne returned to the Chamber. The political group leaders spoke to welcome Mr Polkinghorne as the Chief Executive.

**56 DEFERRED REPORT: ANNUAL REVIEW OF THE COMMITTEE
SYSTEM (IN RELATION TO PLANNING COMMITTEES)**

Consideration was given to the deferred report on the Annual Review of the Committee System

Council, at its meeting in July 2023, had agreed to defer consideration of the realignment of the Planning Committees from 3 to 2 to the December meeting of Council to allow further consultation to take place, including with the Planning Committee Chairs.

The deferred recommendations were proposed and seconded, and during the debate an amendment was proposed.

Amendment

“Following the consultation on the realignment of planning committees agreed by Council in July it is agreed that:

The optimum way forward is to continue with 3 planning committees meeting less frequently. This will ensure that major applications are given due scrutiny on a consistent basis and the geographical committees ensure that applicants and members of the public concerned with smaller developments do not have to travel excessive distances to hear applications decided.

Being aware of the savings needed, and to reflect the number of applications coming through, it is agreed that Northern and Southern Planning Committees will meet 8 times a year, around every 6 weeks and that Strategic Planning Board will meet bi-monthly. This would reduce the number of scheduled meetings by over a third to 22, resulting in a better outcome than reducing the number of committees by one, with subsequent savings in resource and officer time. This would not preclude the holding of additional meetings if necessary or cancelling meetings if no applications are ready as is currently the case.”

Following debate, the amendment was put to the vote and declared carried.

RESOLVED:

That the three planning committees continue, meeting on a less frequently with the Strategic Planning Board meeting bi-monthly, and Southern Planning Committee and Northern Planning Committee meeting around every 6 weeks.

**57 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
REVIEW OF THE COMMITTEE SYSTEM AND MEDIUM-TERM
FINANCIAL STRATEGY SAVING**

Consideration was given to the recommendations of Corporate Policy Committee on 30 November 2023 in relation to the Review of the Committee System and Medium-Term Financial Strategy savings.

The recommendations were proposed and seconded. The Mayor announced that he intended to take the vote on recommendations 1-3 and 5-6 together, with a separate vote on recommendation 4.

Recommendations 1-3 and 5-6 were put to the vote and declared carried.

During the debate on recommendation 4 an amendment was proposed and seconded.

Amendment 1

“That recommendation 4 be amended to read “the functions of the Scrutiny Committee, Audit and Governance Committee and any other committee, sub-committee, panel or working group are reviewed to consider opportunities for streamlining and efficacy of delivery. The outcome of the review is presented to an all-member briefing in February 2024 and presented to Council as set out in recommendation 5.”

The proposer and seconder of the recommendations from the Corporate Policy Committee to Council agreed to accept the amendment and therefore the amendment became the substantive motion.

During debate on the substantive motion an amendment was proposed and seconded.

Amendment 2

“It is proposed that the following recommendations are adopted, subject to due process, to be overseen by the Corporate Policy Committee; Committees will be either removed, modified or amalgamated and their functions re-distributed to alternative committees in a logical extension of the related functions of those alternative receiving committees.

A1) Cared for Children and Care Leavers Committee: to be amalgamated into the Children and Families Committee.

A.2.) Governor Nomination Panel: to be amalgamated into the Children’s and Families Committee

A.3.) General Appeals Sub-Committee: The roles and responsibilities of this Sub Committee (as identified below), will be disaggregated and allocated to be heard by the relevant service committees as and when required:

- *hearing and determining appeals lodged under the various Marriage and Civil Partnership Acts;*

CORPORATE POLICY COMMITTEE

- *hearing and determining any appeals lodged with the Council for determination, as authorised under all relevant education legislation, excluding those duties falling to the Independent Appeals Panel (school admissions and exclusions).*

CHILDREN & FAMILIES COMMITTEE

- *hearing and determining any appeals lodged with the Council in respect of school transport or school organisation;*

CHILDREN & FAMILIES COMMITTEE

- *hearing and determining appeals from bus contractors in accordance with contract procedures;*

HIGHWAYS & TRANSPORT COMMITTEE

- *hearing and determining any appeals lodged with the Council as Social Services Authority, and as authorised under all relevant social services legislation;*

ADULTS & HEALTH COMMITTEE

- *hearing and determining any other appeals (other than staffing matters).*

COMMITTEE TO BE DETERMINED BY THE MONITORING OFFICER AS APPROPRIATE.

A.4.) General Licensing Sub-Committee and Licensing Act Sub-Committee:

These will be amalgamated into a single Committee reflecting the intermittent nature of their requirements.

In addition, the new “General Licensing and Licensing Act Sub-Committee” will be scheduled either before or after the Licensing Committee wherever possible.

This will maximise best use of officer and member time and reduce the chronic difficulties currently experienced in terms of member availability from the recruitment ‘pool’.

A.5.) Where appropriate, only the regulatory or statutory Officers (as required by good practice) need attend committee meetings. Other officer attendance is to be rationalised and mitigated by their virtual attendance at meetings if needed.”

The proposer and seconder of the recommendations from the Corporate Policy Committee to Council agreed to accept the amendment and therefore the amendment became part of the substantive motion.

The substantive motion was put to the vote and declared carried.

RESOLVED: That

- 1 Council note its agreed MTFs saving of £135,000 to reduce the costs of democracy.
- 2 the Finance Sub-Committee be retained as a Sub-Committee of the Corporate Policy Committee.
- 3 the three Place service committees be retained.
- 4 the functions of the Scrutiny Committee, Audit and Governance Committee and any other committee, sub-committee, panel or working group are reviewed to consider opportunities for streamlining and efficacy of delivery. The outcome of the review is presented to an all-member briefing in February 2024 and presented to Council as set out in recommendation 5. The following recommendations be adopted, subject to due process, to

be overseen by the Corporate Policy Committee, committees will be either removed, modified or amalgamated and their functions re-distributed to alternative committees in a logical extension of the related functions of those alternative receiving committees.

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CORPORATE POLICY COMMITTEE

- hearing and determining any appeals lodged with the Council for determination, as authorised under all relevant education legislation, excluding those duties falling to the Independent Appeals Panel (school admissions and exclusions).

CHILDREN & FAMILIES COMMITTEE

- hearing and determining any appeals lodged with the Council in respect of school transport or school organisation;

CHILDREN & FAMILIES COMMITTEE

- hearing and determining appeals from bus contractors in accordance with contract procedures;

HIGHWAYS & TRANSPORT COMMITTEE

- hearing and determining any appeals lodged with the Council as Social Services Authority, and as authorised under all relevant social services legislation;

ADULTS & HEALTH COMMITTEE

- hearing and determining any other appeals (other than staffing matters).

COMMITTEE TO BE DETERMINED BY THE MONITORING OFFICER AS APPROPRIATE.

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These will be amalgamated into a single Committee reflecting the intermittent nature of their requirements.

In addition, the new “General Licensing and Licensing Act Sub-Committee” will be scheduled either before or after the Licensing Committee wherever possible.

This will maximise best use of officer and member time and reduce the chronic difficulties currently experienced in terms of member availability from the recruitment ‘pool’.

A.5.) Where appropriate, only the regulatory or statutory Officers (as required by good practice) need attend committee meetings. Other officer attendance is to be rationalised and mitigated by their virtual attendance at meetings if needed

- 5 a further annual review of the committee system be undertaken and a report on its findings be presented to the first scheduled meeting held after the Council AGM in 2024; and
- 6 the Monitoring Officer be authorised to make such consequential changes to the Council’s Constitution as he deems necessary to give effect to the decision(s) of Council.

58 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: CHESHIRE EAST COUNCIL ELECTORAL REVIEW

Consideration was given to the recommendations of Corporate Policy Committee on 30 November 2023 in relation to the Cheshire East Electoral Review submission.

During the debate, a small number of minor changes to the submission were suggested by Council members, which were acceptable to the meeting. These changes will be made to the Council submission prior to this being submitted to the Boundary Commission.

RESOLVED: That

- 1 subject to the minor amendments, the council size submission, attached as an appendix to the report, be approved for submission to the Local Government Boundary Commission for England; and
- 2 authority be delegated to the Electoral Review Sub-Committee to make any final changes to the council size submission and related documentation which may be required following Council approval, prior to submission to the Boundary Commission.

**59 RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE:
PROPOSED CHANGES TO THE CONSTITUTION**

Consideration was given to the recommendations of Corporate Policy Committee on 30 November 2023 in relation to proposed changes to the Constitution.

RECOMMENDED: That Council approve

- 1 the changes to the Council's Constitution in relation to Officer Delegations and Staffing as set out in paragraph 8 - a) of the report subject to an amendment to the revised paragraph 36 to require that any decisions taken under these delegations are taken in consultation with the chair and vice-chair of the relevant service committee;
- 2 the changes to the Council's Constitution in relation to Officer Delegations to Executive Directors only and settlement agreements as set out in paragraph 8 - b) of the report;
- 3 the changes to the Council's Constitution in relation to decision-making with regard to early retirement and severance packages as set out in paragraphs 8 -c) of the report;
- 4 the changes to the Council's Constitution to allow the inclusion of provisions to allow for electronic signing and sealing of documents as set out in paragraph 8 – d) of the report; and
- 5 the changes to the Council's Constitution to the provisions regarding approvals of grants schemes as set out in paragraph 8 – e) of the report.

**60 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE:
COUNCIL TAX BASE 2024/25**

Consideration was given to the recommendations of Corporate Policy Committee on 30 November 2023 in relation to the domestic tax base 2024/25.

RESOLVED: That

- 1 in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012, the amount to be calculated by Cheshire East Council as its Council tax base for the year 2024/25 is 160,151.52 for the whole area; and
- 2 the Council Tax Landlord discount previously applied to empty rental properties be removed.

61 SUPPLEMENTARY REVENUE ESTIMATES (SECOND FINANCIAL REVIEW 2023/24)

Consideration was given to the report seeking approval of supplementary revenue estimates.

RESOLVED: That Council approve

- 1 supplementary revenue estimates over £1,000,000, as detailed in Appendix 1 to the report:
Market Sustainability and Fair Cost of Care Fund - Workforce Element £2,206m
Shared Prosperity Fund - £2,412m

62 HS2 CANCELLATION AND NETWORK NORTH - IMPLICATIONS FOR CHESHIRE EAST

Consideration was given to a report on the HS2 Cancellation and Network North.

The report outlined the implications to Cheshire East from the recent cancellation of HS2 Phases 2a and 2b, and the proposals included in the published Network North document, which committed to invest £36bn in alternative transport schemes across the country.

RESOLVED: That Council

- 1 note the implications of the HS2 cancellation and introduction of Network North for Cheshire East.
- 2 continue to support the principles of HS2 as a catalyst for growth across the North.
- 3 authorise the Executive Director of Place, in consultation with the HS2 Member Reference Group, to negotiate with central government for an appropriate compensation and alternative investment package for Cheshire East to deliver transport improvements and unlock regeneration across the Borough.
- 4 approve the amendments to the remit of the HS2 Member Reference Group proposed in the report.

63 NOTICES OF MOTION

Consideration was given to the following Notice of Motion which had been submitted in accordance with the Council's Procedural Rules.

Cheshire East Council should embrace an urgent Peer Review to investigate its in year overspend of £18.7 million

Proposed by Cllr R Bailey and Seconded by Cllr R Chadwick

“Cheshire East conducted a Corporate Peer Challenge in January 2020. The report, approved by Cabinet in June 2020, clearly evidenced an emerging pattern of budgetary overspend and advised that whilst, ‘this reflects challenges which are faced by many organisations, the council should consider their approach towards savings across the organisation, to share ownership and encourage informed approaches to financial risk’.

The benefits of the Local Government Association’s Peer support are well known to those councils who embrace it and in view of ‘our Council’s’ recently announced ‘in year’ overspend of £18.7 million pounds, I propose that this Council immediately engages with the LGA to seek guidance via an urgent Financial Peer Review or Corporate Peer Challenge.”

RESOLVED:

That the Notice of Motion be referred to the Corporate Policy Committee.

64 QUESTIONS

Cllr L Smetham referred to the recent planning training session for Councillors which included an informative session regarding enforcement, and asked how this work could be strengthened to curtail the lengths people went to, to try to contravene the planning system and how the Council could increase protection for residents and our environment.

In response Cllr M Warren, Chair of Environment and Communities Committee, stated that a balance had to be achieved between such protection, the amount of resources dedicated to the Planning Enforcement Team, and the many other competing pressures across not just the Planning Service but also the Council as a whole. Enforcement cases were prioritised as to their level of harm and some minor cases would be deemed not sufficient to warrant any further action. It was also notable that well over 50% of enforcement complaints investigated were found not to involve any breach of planning control. Certain notable enforcement cases required a significant amount of time and resource from the Enforcement Team to achieve the desired outcomes. Some cases would also get resolved more quickly than others as negotiated solutions were always deemed to be the most appropriate course of action, even though they can take considerable time. Cllr Warren reported that the Enforcement Team had recently recruited two more enforcement officers and that the number of notices served over the last 12 months had been the highest for some time including the servicing of 21 Enforcement Notices, 1 Stop Notice and 5 Temporary Stop Notices, which he hoped sent out a clear message that the Council did take enforcement action where appropriate.

Cllr B Puddicombe stated that the entrance and exit for cars going to the retail park at Barracks Mill in Macclesfield came straight off, and goes on, to the Silk Road where the national speed limit applied. Macclesfield Councillors had been contacted by local residents concerned that this was an accident waiting to happen due to the speed of cars along this road. He asked if the Chair of the Highways and Transport Committee could use his officers to ensure a speed review as conducted as a matter of urgency to ensure that restrictions were put in place so that an accident did not take place.

In response Cllr C Browne, Chair of Highways and Transport Committee, stated that perception did not always necessarily reflect reality. Cllr Browne confirmed that a road safety audit stage 4 had been completed back in September, and that audit did review the operational safety of the junction. As a result, some additional warning signs were due to be installed early in the new year at the junction and Highways would continue to monitor the performance of the junction to assess whether any further action was necessary to improve road safety.

Cllr S Gardiner asked, following the decision to progress with the closure of the Stanley Centre, what work has been undertaken to liaise with the current clients of that Centre and how far had the Council progressed in securing them with alternative service provision, and whether or not Councillors would be receiving an update on that matter at the Adults and Health Committee in the New Year?

In response Cllr J Rhodes, Chair of Adults and Health Committee, stated that as dealing with individuals created elements of confidentiality, so a written response would be more appropriate. Cllr Rhodes stated that as far as she understood a report would not be brought back to the Committee but was sure that the Executive Director for Adults, Health and Integration could provide Cllr Gardiner with any details necessary.

Cllr R Moreton asked if residents in Congleton and the surrounding areas could be assured that the consultation regarding car parking charges was listened to. In Congleton there were over 600 responses, with more than half mentioning the Roe Street car park which was mainly used by residents visiting Lawton House Surgery. He stated that increases of over 150% on our car park charges was unacceptable, an increase in line with inflation would be more acceptable. Resident views were important so please listen to them.

In response Cllr C Browne, Chair of Highways and Transport Committee, stated that officers were currently collating the responses to the consultation, and these would then be shared with the Highways and Transport Committee members ahead of the meeting in January. The feedback would be used to help inform the Committee's views, not only in relation to proposed charging but also in relation to potential mitigations as well as the extension of initiatives such as 'Free after 3' but this did not

mean that the Council would necessarily be able to implement or not implement every suggestion made by members of the public.

Cllr C Chapman asked for an update on the North-West Crewe package and completion timescales.

In response Cllr C Browne, Chair of Highways and Transport Committee, stated that the North-West Crewe Package highway scheme was due to complete in mid-2024. The scheme would enable the delivery of large strategic housing sites near Leighton hospital. The site would close on Friday 22 December 2023 at 4.00pm and then re-open on Monday 8 January 2024. All traffic management that relates to the scheme would be removed over the Christmas period. Early in the New Year there would be some daytime closures of the A530 Middlewich Road from the entrance of the hospital to the Eardswick junction and these would apply from Monday 8 January 2024 through to Friday 9 February 2024. The daytime closures of the A530 were needed in order to install the permanent road signage, to plant the landscaping, to install the boundary fences and to carry out remedial work to bring the junction up to the Council's required standards.

Cllr C Naismith referred to the Government talking about discontinuing the Household Support fund from March and asked what impact would that decision have on struggling families in Cheshire East and where in Cheshire East this support was currently going?

In response Cllr C Bulman, Chair of Children and Families Committee, stated that the Household Support fund was really useful at the moment with the cost-of-living crisis and there was a big demand for it. People could self-refer or be referred by others. The Council had not yet heard whether it would be continued as of March 2024. This year the Council had £4.4 million in funding, and supported 20,000 residents altogether, distributed across 12,000 children, usually those who receive free school meals but also 8,000 pensioners and within that there are also some other vulnerable groups. Of the inquiry forms, there had been 4632 referrals and mostly cash for energy support but also 3167 for food poverty. The way it was distributed was through a tranche of release of vouchers and whenever that happened, it was known that the foodbanks see fewer visitors, so people were not relying on charity so much as they've got income support.

Cllr S Bennett-Wake asked if it was right that residents who were older or used wheelchairs were prevented from leaving their homes in Nicholson Close, Macclesfield, because of the mess made by inconsiderate developers? Large vehicles had systematically driven over verges for a whole year, damaging dropped kerbs, knocking down road signs, damaging manholes in the road and blocking gullies with mud. One lady had fallen out of her wheelchair trying to get off the kerb. Despite the Highways team making several fixes to the roads, pavements and kerbs, the whole area was now impassable because of the amount of mud and damage caused by lorries going to and from the Hollins Homes

development. Hollins Homes had agreed to put boards down earlier in the year but that had never happened, so Highways made a temporary fix. Cllr Bennett-Wake asked if the Council could use the various sections of the Highways Act 1980 to make sure the developers cleaned up their mess.

In response Cllr C Browne, Chair of Highways and Transport Committee stated that it was not right and not fair either. However, as the issue would appear to cross not only the Highways service area but also Planning Enforcement as well, and that some of the questions were quite complex, Cllr Browne feel it would be appropriate for the two service areas to work together and provide a collective written response.

Cllr L Buchanan asked if the Chair of the Environment and Communities Committee could provide an update on the Everybody Health and Leisure recycling initiative being trialled at Nantwich Leisure Centre?

In response, Cllr Warren, Chair of Environment and Communities Committee, stated he did not know the granular detail around the scheme but did know there was a trial scheme being run at Nantwich pool which he also understood was part of a national scheme for the 3668 pools that was estimated to send 220 tonnes of rubbish to landfill each year. The rubbish being made up of items such as arm bands, goggles, flip flops, plastic toys etc – these items were currently discarded at the Centres. These items were being recycled to produce flip flops which the pools would then be able to sell back to customers to recover the cost of the scheme, and the additional benefit of encouraging more hygiene around the pool side and changing areas at their sites.

Cllr R Kain stated that in Liverpool in pre-Covid times an increase in car parking charges resulted in a 20% drop in trade for small and medium businesses and in Asthon-under-Lyne a report from the BBC 14 days ago highlighted a 150% increase in car park charges, similar to Congleton, resulted in a 22% drop in car park time, causing a 20% drop in footfall, and in some cases a 50% drop in takings. Cllr Kain stated that no two towns were the same and the proposals would not deliver the predicted income. He asked how could the car parking policy reconciled with the Council's revitalisation plans for town centres?

In response Cllr C Browne, Chair of Highways and Transport Committee, stated that he was not familiar with the statistics stated but would repeat something that he had said earlier in the meeting during the public questions which was that car parking and parking charges are one of 237 factors in town centre vitality. He did not wish to prejudice the Committee's decision. Cllr Browne stated that officers were currently collating the feedback from the consultation and members of the Committee would need to consider the feedback, key points made and strength of feeling, and balance those against the Council's financial responsibilities. Cllr Browne stated that he was a strong believer in fairness and equity and therefore the status quo, the legacy issue whereby certain places in Cheshire East pay for parking whilst other parts of the Borough did not pay

was neither fair nor equitable. Either everybody had to pay, or nobody had to pay and that the nobody having to pay was not a sustainable option financially therefore the Council had to look at charging.

Cllr A Gage referred to a report recently published by the Tax Payers Alliance which showed that in the last financial year, Cheshire East Council was in the top 5% of local authorities granting permission for employees to so called 'work from beach' – that is working from abroad. Cllr Gage asked if the Leader of the Council was aware of the practice happening in Cheshire East and whether the Leader personally authorised staff to work from abroad?

In response Cllr Corcoran stated that he did not follow the Tax Payers Alliance and thought that all Councillors should look into who financed them before putting too much credence on what they suggested. In terms of the issue of working from home, the Council had moved to adopt working from home. It did save the Council money and saved the time of officers who did not need to travel and therefore saved carbon emissions in reducing travel. It was something he thought should continue. It expanded significantly during Covid. In terms of what the correct balance was, that was still being worked out – not just at Cheshire East Council but across the world. Cllr Corcoran asked Cllr Gage to send him the details of the report and a written response would be provided.

Cllr J Snowball asked if the Leader could give the Council an assessment of the advantages and disadvantages of a Corporate Peer challenge?

In response, Cllr S Corcoran, stated that he was a great advocate for the Local Government Association peer challenge system where a team of council leaders and senior officers from other authorities visit a Council for 3 days and write a report on what they find. He had acted as a peer reviewer of other Councils and knew that Cllr Browne had as well. He believed it was better and easier to receive constructive criticism and challenge from your peers than from a central government inspectorate. The LGA recommended a peer challenge at least once every 5 years, but Cheshire East did not have a peer challenge at all during the period from its formation in 2009 until after he became Leader. He could understand the reason why a Leader may not want to have a peer challenge – some of the LGA reports were highly critical. Cheshire East did receive an independent LGA report in 2018 which exposed a bullying culture – that was not a full peer challenge but a very specific review by one person, Sarah Messenger. The Council could have requested a full peer challenge following that visit to show how much the Council had changed but that would have run the risk of a negative report just before an election. When he became Leader in 2019, the idea of a peer challenge was discussed and it was decided to wait until 2020 to have a peer challenge to give the new administration an opportunity to make a difference. It was with some trepidation that a peer challenge was requested, and he specifically requested Sarah Messenger to be part of the team. The peer challenge report in 2020 was glowing, reporting on a transformed culture. He

recommended that Members read that report which was available on the Council website. He stated he was pleased that the former Conservative Leader, having not requested a peer review during her tenure as Leader, now recognised the value of the LGA peer reviews. As the last review was in 2020, he strongly supported the idea of a challenge in the next 2 years but would suggest this took place when the new Chief Executive had a chance to get their “feet under the table”. He looked forward to discussing the timing of a peer review with the new Chief Executive and working with him to help Cheshire East Council continue its improvement journey.

Cllr Clowes raised a point of personal explanation and stated she would like to take issue with some information. She stated that a peer review challenge had been requested by the last Administration. It had been delayed by the Chief Executive at that time due to officer availability and the belief that it would be better met by the new administration, whatever that might be. That Administration was also very clear of LGA availability and pressure on demand because they had a very high demand for peer reviews at that time. Cllr Clowes thought it was very unfair to say that the former Conservative Leader was not interested, as they did actually request it and had gone on to actually serve on the LGA peer service herself. So, in their absence Cllr Clowes wanted to make that very, very clear and that it was documented.

Cllr F Wilson referred to inclement weather coming forward and the festive season that was coming. She asked if Cllr Mannion could outline what arrangements were in place for people who were homeless and people who were sleeping rough over Christmas?

In response Cllr N Mannion stated that final preparations were being made to a briefing note for all elected members for what the Council’s homelessness service would be over the Christmas and New Year period - there would be a 24/7 phone number for members of the public and elected members to use to contact if someone is homeless or threatened with homelessness. In addition to that there was a severe weather emergency protocol – if the weather turned colder the Council had an offer to anybody in Cheshire East who was living rough on the streets and would offer them accommodation for the duration of the severe weather. Elected Members were encouraged to inform the Team when they observed people sleeping rough so those individuals could be contacted and offered accommodation. All Elected Members would be given a briefing note in addition to the information available on the Council website.

Cllr N Cook stated that the use of the word ‘housewife’ was rightly no longer seen as a word which reflected the community and in the Chamber that word had been used in a debate around Agenda Item 9. She stated that to many of the Councillors across the Chamber this word was insulting, as not only did it define an occupation in terms of a woman’s relationship with her partner but implied that a woman’s primary role was to manage the household and support her partner. As councillors they had

the requirement to be the very best version of themselves and to ensure represented the rich diversity of the community and to recognise that women still did not have equality. As councillors they had a responsibility to ensure that did all could to promote gender equality and the use of language was important. Cllr Cook asked as part of the very comprehensive induction programme what plans were there to expand the equality and diversity training to support councillors so that they could continue to promote and advocate for gender equality?

In response Cllr S Corcoran stated that he fully supported the comments that had been made and thought that it was wrong to refer to housewives in the way that was referred to. In response Cllr J Rhodes stated that the point about gender equality training needed to be taken away by officers.

The meeting commenced at 11.00 am and concluded at 3.25 pm

Councillor R Fletcher (Mayor/Chair)

COUNCIL 13 December 2023**Item 16 – Questions: Written Responses****2 Cllr S Gardiner****Written Response**

Following the decision to cease day opportunities services at the Stanley Centre meetings between council staff and individuals and families/carers/advocates who access the service took place on 29th and 30th November, to discuss the options for alternative service provision.

Individuals and families have been provided with an information pack, contact details for social workers and arrangements have been made for visits to alternative services. We have given people a deadline of 8 January 2024 to respond to the social work teams with their preferences.

Following this, a transition process will be implemented to enable a smooth transfer over to new services.

We expect that this transition over to new services will be completed by 31st March 2024.

5 Cllr S Bennett-Wake**Written Response**

In respect of the condition of Nicholson Close, I can confirm that Cheshire East Highways has had dialogue with the developer regarding several issues raised by the local community and ward member.

Mark Unwin from Hollins Homes has confirmed they will keep a close eye on any further damage to the highway verges resulting in mud nuisance on the carriageways and footways and will endeavour to clean up promptly to keep disruption to a minimum. The developer has also confirmed that any damage to the verges will be reinstated upon completion.

A recent inspection did not identify any issue with mud on the carriageway or footways but going forward we will continue to monitor the condition of the road to bring any safety concerns to the developer's attention as and when appropriate.

7 Cllr A Gage**Written Response**

Thank you for your question at Council last week and for your subsequent correspondence.

The Council's Agile Working Policy sets out the framework for staff working arrangements, to provide clarity to staff and managers. The policy has been recently updated to include a section on working abroad, setting out the circumstances under which staff can access the Council's systems from outside of the UK and the process for requesting such access.

The policy states –

“Working outside of the UK is not permitted, unless required in an emergency/ exceptional circumstance and only for short periods of time. Requests will be considered on a case-by-case basis. Guidance and the approval form are attached but can be found on CEntranet.”

The policy directs staff to further guidance on using portable electronic devices abroad and a form they can complete to make a request to work abroad in the circumstances outlined above. The form is sent to the Information Assurance and Data Management (IADM) team, who will consider each individual request. The Leader of the Council has no involvement in this process. As a general rule councillors should be involved in setting policy and should not be involved directly with routine staff management issues.

The Fol response from Cheshire East Council that you supplied in the subsequent correspondence states “We do not currently have any employees with permission to work outside the UK.