CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council** held on Wednesday, 17th July, 2024 in the Council Chamber, SKA Observatory, Jodrell Bank, Lower Withington, SK11 9FT

PRESENT

Councillor M Houston (Mayor/Chair)
Councillor D Edwardes (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, S Corcoran, L Crane, T Dean, B Drake, S Edgar, K Edwards, M Edwards, H Faddes, A Farrall, R Fletcher, A Gage, S Gardiner, M Goldsmith, M Gorman, E Hall, A Harrison, G Hayes, A Heler, C Hilliard, S Holland, T Jackson, D Jefferay, R Kain, A Kolker, N Mannion, G Marshall, A Moran, R Moreton, R Morris, H Moss, M Muldoon, C O'Leary, B Posnett, B Puddicombe, P Redstone, J Rhodes, J Saunders, H Seddon, M Simon, L Smetham, G Smith, J Smith, J Smith, L Smith, J Snowball, L Wardlaw, M Warren, H Whitaker, F Wilson and J Wray

24 APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Bailey, N Cook, E Gilman, K Hague, J Pearson, J Place, J Pratt, J Priest, M Sewart, and R Vernon.

25 DECLARATIONS OF INTEREST

Councillor C O'Leary declared a non-pecuniary interest in relation to Item 10 – Inspection of Local Authority Children's Services Improvement Plan as he did research around care leaver services.

During consideration of Item 14 - Cheshire and Merseyside Joint Health Scrutiny Arrangements Protocol, Councillor L Wardlaw declared she was a member of the Cheshire and Merseyside Joint Health Scrutiny Committee and would leave the meeting during consideration of the item.

26 MINUTES OF PREVIOUS MEETINGS

Consideration was given to the minutes of the Annual Meeting held on 15 May 2024.

An amendment was proposed and seconded to the minutes as follows:

Minute 10 - Election of Leader of the Council

Delete the sentence "The motion was put to the vote and declared carried."

Replace with "There were 74 Members present, 75 votes were cast - 35 for the motion, 34 against with 6 abstentions. The motion was declared carried."

A recorded vote was requested with the following results: -

FOR

Councillors S Adams, M Beanland, D Brown, R Chadwick, J Clowes, P Coan, T Dean, S Edgar, R Fletcher, A Gage, S Gardiner, E Hall, A Harrison, G Hayes, A Heler, S Holland, T Jackson, R Kain, A Kolker, R Morris, M Muldoon, C O'Leary, B Posnett, P Redstone, J Saunders, M Simon, L Smetham, John Smith, Julie Smith, L Smith, L Wardlaw, H Whitaker and J Wray.

AGAINST

Councillors L Anderson, S Bennett-Wake, J Bird, L Braithwaite, J Bratherton, M Brooks, C Browne, L Buchanan, C Bulman, A Burton, C Chapman, D Clark, A Coiley, S Corcoran, L Crane, D Edwardes, K Edwards, M Edwards, H Faddes, M Goldsmith, M Gorman, C Hilliard, N Mannion, G Marshall, B Puddicombe, J Rhodes, H Seddon, G Smith, J Snowball, M Warren and F Wilson.

NOT VOTING

Councillors M Houston, D Jefferay, A Moran, R Moreton, and H Moss.

The motion was declared carried with 33 votes for, 31 against and 5 not voting.

RESOLVED: That

the minutes of the Mayor Making and Annual Meeting held on 15 May be approved as a correct record subject to the following amendment:

Minute 10 - Election of Leader of the Council

Delete the sentence "The motion was put to the vote and declared carried."

Replace with "There were 74 Members present, 75 votes were cast - 35 for the motion, 34 against with 6 abstentions. The motion was declared carried."

the minutes of the Special Meeting of Council held on 15 May 2024 be approved as a correct record.

27 MAYOR'S ANNOUNCEMENTS

The Mayor, in summary

- thanked the SKA Observatory for their generosity in providing their Council Chamber to the Council free of charge.
- reported that details of all engagements undertaken by both the Mayor and Deputy Mayor could now be found on the Council's website and to save time at Council meetings the Mayor would not be routinely referring to civic engagements in their announcements.
- congratulated all those who were elected as Members of Parliament to represent those living in Cheshire East and stated that following the boundary changes, there were now six parliamentary constituencies that are wholly or partly in the Borough.
- stated that there had never before been a Cheshire East Councillor elected as a Member of Parliament and acknowledged the election of Connor Naismith as MP for Crewe and Nantwich. Connor Naismith had now resigned from the Council and in due course a by-election would be held. The Mayor also congratulated Cllr Rob Moreton for his candidature in the Congleton constituency.
- Stated that a number of reports on the agenda referred to the Department for Levelling Up, Housing and Communities. Following the general election, the Department had reverted to its former name, the Ministry of Housing, Communities and Local Government, and the minutes of the meeting would reflect this change.

28 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Stuart Redgard referred to planning application 15/0064M - Peat Farm, Moor Lane, Wilmslow and stated that he had informed the Council of potential breaches to the conditions 4, 7 and 33 attached to this application, and that he had not heard back from the Council. Mr Redgard asked what conditions had been breached, how they had been breached and what action the Council had already taken or intended to take in the future to enforce these conditions.

In response, Councillor B Puddicombe, Chair of Strategic Planning Board, stated that following receipt of complaints from local residents regarding potential breaches of conditions 4, 7 and 33 of permission 15/0064M, these matters were investigated by the Planning Enforcement team, who had agreed a set of timescales with the applicant for the submission of the outstanding information that was required to discharge these conditions. Cllr Puddicombe reported that Condition 33, which concerned the community liaison scheme had been submitted to the planning department and the scheme was considered acceptable and that this condition had

been discharged. Condition 4 required the detailed design of each compartment to be submitted to the planning authority for approval. A range of dates had been agreed with the applicant for each scheme to be submitted and the first three round of designs had been submitted to the Council, most recently on 3rd June. Following submission of the detailed designs, the Council was in the process of liaising with a range of technical consultees and representatives of Transition Wilmslow to ensure the compartment designs created the conditions necessary for the reestablishment of the peat bog. Further detailed designs would be submitted going forward for the remainder of the compartments in accordance with the timescales that had agreed with the applicant. Condition 7 required the development to be carried out in accordance with the approved plans. Cllr Puddiocmbe was not aware that there were any outstanding complaints with respect to compliance with the approved documents aside from the matters detailed above. The site would be subject to periodic monitoring to ensure that the works were progressing in accordance with the approved designs.

Mr Alan Butler asked about the trial of the acoustic camera on Pendleton Way in Wilmslow and why no steps had been taken to implement a Public Space Protection Order during the trial period.

In response Councillor M Warren, Chair of Environment and Communities Committee, stated that the trial of the noise camera on the A34 had been funded via the Police and Crime Commissioner and that it was intended to gather the evidence necessary to inform a decision as to whether a Public Space Protection Order could be legally implemented. The Council continued to work with the Police and Crime Commissioner and their officers to review the data gathered during the trial and would make a decision around future implementation of a Public Space Protection Order once this due diligence had concluded. This was also subject to securing funding from the respective local councils for the permanent acquisition of the camera equipment.

Sue Helliwell referred to the recommendations of the Corporate Peer Review report which she said stated that the Council needed to streamline current decision-making arrangements to avoid working in isolation across committees and reduce confusion and lost capacity caused by the current system. She asked whether, if the financial powers were given to the Corporate Policy Committee this wasn't the cabinet system under another name? She said that it would be essential that the Leader, Deputy Leader, and Chief Executive were visible in the organisation, championing the Council's improvement and transformation, and that for this to happen it was time for the Leader of the Council to step aside.

In response Councillor S Corcoran stated that most of the matters raised would be covered in the agenda of the meeting. He stated that there did need to be a look again at the committee system. The present scrutiny committee was an external facing committee and that there was a need to improve internal scrutiny of the Council's decision making.

Laura Turner referred to the Fight for Middlewich campaign and the response received from the Council. She stated it had been a frustrating and challenging experience and that she had experienced poor customer service, inaccurate documents, and resistance from elected members. She stated that it was now time for the Council to make changes and elect a new Leader of the Council.

29 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader, in summary: -

- 1 congratulated the six recently elected MPs who represented constituencies in the borough of Cheshire East.
- 2 referred to the financial challenges faced by the Council.
- reported that there would be an additional meeting of the Corporate Policy Committee on 21 August 2024 to discuss the Transformation Plan, proposed new senior management structure and the response to the Corporate Peer Challenge report.
- 4 reported that he had been involved with an event to mark the 80th anniversary of D-Day.
- referred to the launch of Foster4 which aimed to recruit new foster carers the details of the scheme were available on the Council's website.
- highlighted the Home from Hospital Good Neighbour Scheme which supported people discharged from Macclesfield and Crewe Leighton hospitals.
- 7 welcomed the improvements to the no. 38 bus service between Crewe and Macclesfield.
- stated that he had been the Leader of the Council since 2019 and outlined the achievements of the Council under his leadership. However, the last year had been difficult for him seeing many of the things he had worked for being dismantled.
- stated that the Leader of the Council needed the confidence of all the political groups of the Council to carry through the Transformation programme and as he did not have this confidence, he resigned as Leader of the Council.

The Deputy Leader paid tribute to Councillor Corcoran in his role as Leader of the Council.

He continued with the deputy leader announcements, in summary: -

- reported that in conjunction with the Lawn Tennis Association, work would take place over the summer to improve the tennis courts at Alderley Edge Park, Bolllington Recreation Ground, Handforth Meriton Road Park, and Macclesfield South Park.
- reported that Oak Street Car Park in Crewe had closed and had been handed over to the charity responsible for building the Youth Zone on the site, with construction expected to be completed by next summer.
- reported that the main spine road—Tottys Hall Way, of the Crewe Northwest Package scheme had been officially opened and would help reduce the congestion in the area and create quicker access to Leighton Hospital and underpin economic growth.
- 4 reported that work on the first phase of the Southern Gateway project had commence. The scheme would improve the pedestrian and cyclist access from south of Crewe into the town centre.

30 APPOINTMENT OF LEADER OF THE COUNCIL

Nominations were invited for the election of the Leader of the Council.

It was proposed by Councillor F Wilson and seconded by Councillor M Brooks that Councillor Nick Mannion be appointed as the Leader of the Council.

A recorded vote was requested with the following results:-

FOR

Councillors L Anderson, S Bennett-Wake, J Bird, L Braithwaite, J Bratherton, M Brooks, L Buchanan, C Bulman, A Burton, R Chadwick, C Chapman, D Clark, J Clowes, A Coiley, S Corcoran, L Crane, T Dean, B Drake, D Edwardes, K Edwards, M Edwards, H Faddes, A Farrall, R Fletcher, S Gardiner, M Goldsmith, M Gorman, E Hall, A Harrison, C Hilliard, D Jefferay, R Kain, N Mannion, G Marshall, A Moran, R Moreton, R Morris, H Moss, B Puddicombe, J Rhodes, J Saunders, H Seddon, M Simon, G Smith, J Snowball, M Warren, F Wilson and J Wray.

AGAINST

None

NOT VOTING

Councillors S Adams, M Beanland, D Brown, C Browne, P Coan, S Edgar, A Gage, G Hayes, A Heler, S Holland, M Houston, T Jackson, M Muldoon, C O'Leary, B Posnett, P Redstone, L Smetham, John Smith, Julie Smith, L Smith, L Wardlaw and H Whitaker.

The motion was declared carried with 48 votes for, 0 against and 22 not voting.

RESOLVED:

That Councillor Nick Mannion be appointed as Leader of the Council.

31 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE: CHESHIRE EAST PLAN 2024-25

Consideration was given to the recommendation from the Corporate Policy Committee to approve the Cheshire East Plan 2024-25.

The recommendation was proposed and seconded and during the debate an amendment was proposed and seconded: -

"Paragraph A3.4.3 of the Plan be amended to read "Secure further funding for active travel."

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

RESOLVED:

That Council approve the Cheshire East Plan 2024-25, as set out in Appendix 1 to the report.

32 CORPORATE PEER CHALLENGE REPORT

Consideration was given to the Corporate Peer Challenge report which had been published following the recent Local Government Association review and to the draft action plan developed in response to the recommendations in the Peer Challenge Report.

The recommendations were proposed and seconded and following debate a recorded vote was requested with the following results: -

FOR

Councillors S Adams, 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, S Corcoran, L Crane, T Dean, B Drake, S Edgar, D Edwardes, K Edwards, M Edwards, H Faddes, A Farrall, R Fletcher, A Gage, S Gardiner, M Goldsmith, M Gorman, E Hall, A Harrison, G Hayes, A Heler, C Hilliard, S Holland, T Jackson, D Jefferay, R Kain, N Mannion, G Marshall, A Moran, R Moreton, R Morris, H Moss, M Muldoon, C O'Leary, B Posnett, B Puddicombe, P Redstone, J Rhodes, J Saunders, H Seddon, M Simon,

L Smetham, G Smith, John Smith, Julie Smith, J Snowball, L Wardlaw, M Warren, H Whitaker, F Wilson and J Wray.

AGAINST

None

NOT VOTING

Councillor M Houston.

The motion was declared carried with 68 votes for, 0 against and 1 not voting.

RESOLVED: That Council

- 1 note the Corporate Peer Challenge Report, as set out at Appendix 1 to the report.
- 2 agree the draft Corporate Challenge Action Plan.
- delegate authority to the Chief Executive to finalise the Corporate Peer Challenge Action Plan and arrange for its publication by 28 August 2024, as required by the LGA.

33 ESTABLISHMENT OF ASSURANCE PANEL

Consideration was given to the report on the establishment of an Assurance Panel to support the Council with the changes recommended by the Peer Review.

RESOLVED: That Council

- 1 approve the establishment of an Assurance Panel.
- approve the membership and terms of reference of and other arrangements for the Assurance Panel, as set out in the report.
- delegate authority to the Chief Executive to make all necessary arrangements to ensure that the Assurance Panel is appointed to and ready to begin its work with the Council, in accordance with the Terms of Reference which were appended to the report, as quickly as possible.

34 RECOMMENDATION FROM CHILDREN AND FAMILIES COMMITTEE: INSPECTION OF LOCAL AUTHORITY CHILDREN'S SERVICES IMPROVEMENT PLAN

Consideration was given to the recommendation from the Children and Families Committee in relation to the Inspection of Local Authority Children Services Improvement Plan.

The Children and Families Committee at it is meeting on 16 July 2024 had considered the Improvement Plan which addressed the findings of the Ofsted Inspection conducted in February and March 2024 and recommended to Council the approval of the Plan for submission to Ofsted.

RESOLVED:

That Council approve the Implementation Plan, as set out at Appendix 1 to the report.

35 PROPOSED NEW SENIOR MANAGEMENT STRUCTURE

Consideration was given to the report which provided an update on the independent review of the current senior management organisational structure conducted by the Local Government Association as well as the next steps in the process to bring the necessary senior management capacity to deliver transformation over the next four years and thereafter.

RESOLVED: That Council

- 1 note the update on the independent review of the current senior management organisational structure,
- delegate authority to the Chief Executive to produce a draft new senior management structure, undertake consultation with affected employees and trade unions on the draft, and present a final structure to Corporate Policy Committee for recommendation to full Council for approval, including approval of any new positions with salaries in excess of £100,000 per annum.
- 3 note the update on the recruitment to the post of Executive Director Place.
- 4 note the indicative timetable required to conclude the review.

36 PROGRESS OF TRANSFORMATION

Consideration was given to the report on the progress of the transformation programme.

The recommendations were proposed and seconded and during the debate two amendments was proposed and seconded.

Amendment 1

Additional wording be added to Recommendation 2 after the full stop so the last line would read "...Exceptional Financial Support as required, subject to the Transformation Plan being presented to a special meeting of the Corporate Policy Committee prior to submission to the MHCLG."

Amendment 2

Additional wording to be added to Recommendation 3 after the full stop so that the last line read "...Financial Support as needed to support the council, following presentation to Corporate Policy Committee."

The proposer and seconder of the recommendations agreed to accept the two amendments and therefore the amendments became part of the substantive motion.

RESOLVED: That Council

- note the progress of Phase 1 of the transformation and that it will be submitted to the Ministry of Housing, Communities and Local Government by 27 August 2024.
- delegate authority to the Chief Executive to finalise the transformation programme plan and to submit it to the Ministry of Housing, Communities and Local Government to meet the requirements for utilisation of the Exceptional Financial Support as required, subject to the Transformation Plan being presented to a special meeting of the Corporate Policy Committee prior to submission to the Ministry of Housing, Communities and Local Government.
- agree the Chief Financial Officer will utilise any agreed Exceptional Financial Support as needed to support the Council, following presentation to Corporate Policy Committee.
- 4 agree the funding envelope of £3M for Phase 2 transformation, as outlined within the S151 section of the report.

37 PRODUCTIVITY PLAN

Consideration was given to the report seeking approval for publication of the Productivity Plan and submission to the Government by the 19 July 2024 deadline.

RESOLVED:

That Council approve the publication of the Productivity Plan, as set out in appendix 2 to the report, and submission to the Government by 19 July 2024 deadline.

38 RECOMMENDATION FROM ADULTS AND HEALTH COMMITTEE: CHESHIRE AND MERSEYSIDE JOINT HEALTH SCRUTINY ARRANGEMENTS PROTOCOL

Cllr L Wardlaw, having declared an interest as being a member of the Cheshire and Merseyside Joint Health Scrutiny Committee, left the meeting during consideration of this item.

Consideration was given to the recommendations of the Adults and Health Committee in relation to the revised Cheshire and Merseyside Joint Health Scrutiny Arrangements Protocol.

RESOLVED:

That Council approved the revised Joint Health Scrutiny Protocol for the joint health scrutiny arrangements for Cheshire and Merseyside, as set out in appendix 1 to the report.

39 RECOMMENDATIONS FROM FINANCE SUB COMMITTEE: FINAL OUTTURN 2023/24 APPROVAL OF SUPPLEMENTARY ESTIMATES AND VIREMENTS

Consideration was given to the recommendation of the Finance Sub Committee in respect of the approval of a supplementary capital estimates and capital virement.

RESOLVED: That Council approve

- Children and Families supplementary capital estimates for Safety Value High Needs Funding allocation 24/25 £16,574,250 Additional High Needs allocation for 23/24 £ 4,125,537 High Needs allocation for 24-25 £ 1,677,718
- 2 Children and Families supplementary capital virement for HNPCF – Safety Valve Capital Schemes £16,000,000
- 3 Highways and Transport supplementary capital estimates for Network North £ 3,316,000 LEVI Capital Fund 23/24 £ 2,172,000

40 SUPPLEMENTARY REVENUE ESTIMATE - SUPPLEMENTARY SUBSTANCE MISUSE TREATMENT GRANT

Consideration was given to the report seeking approval for a supplementary revenue estimate relating to the Supplementary Substance Misuse Treatment and Recovery Grant.

RESOLVED:

That Council approve the fully funded Supplementary Revenue Estimate of £524,528 for the Supplementary Substance Misuse Treatment and Recovery Grant.

41 NOTICES OF MOTION

The Notice of Motion, set out in the agenda for the meeting, was withdrawn from the agenda.

42 QUESTIONS

Councillor A Harrison sought reassurance that the Council would respond to himself or his constituents in a timely manner. The chair of Nether Alderley Parish Council and Cllr Harrison had chased updates in respect of S106 monies for the community of Nether Alderley since November 2023. He requested as a matter of urgency due to the necessary work of Alderley Parish Council, that the allocated funds needed to be drawn down. Cllr Harrison requested that a detailed response be provided before additional costs were imposed on the taxpayers of Nether Alderley Parish Council, as alternative funds would need to be sought in the short term where borrowing would be required. It was agreed that a written response would be provided.

Councillor L Wardlaw stated that in June 2024 the Shadow Secretary for Transport had announced that a new Labour government would deliver major transport projects 25% faster and 20% cheaper than current levels. Cllr Wardlaw referred to the delays of progressing the Middlewich Eastern Bypass Scheme and asked how the administration would emulate the government's aspirations. In response, Councillor M Goldsmith, Chair of Highways and Transport Committee, stated that the Middlewich Eastern Bypass Scheme business case had been submitted to Government and the Council awaited its approval.

Councillor A Gage stated that in April 2025 the Council would charge those with a second home a premium on Council Tax. Cllr Gage highlighted that when there was a death in the family it could take up to 12 months for a property to be released and in the current market conditions between 9-12 months to sell the property ultimately, leaving a family with no disposal income and paying council tax on a home they wished to sell. Cllr Gage sought assurance that this was an anomaly, and that the Council would not look to charge in these circumstances. Councillor M Goldsmith responded to confirm that this seemed to be an anomaly and it was likely that the authority would adopt a similar process to other local authorities where council tax was exempt for 9 months after probate had taken place.

Councillor R Fletcher stated that it had been over two years since Highways had agreed that the bus stop on Goss Place Estate, Crewe Road, Alsager had to be moved as it was a safety hazard. Cllr Fletcher asked when would the bus stop would be moved. In response, Councillor M Goldsmith, Chair of Highways and Transport Committee, confirmed that the Highways Service would be undertaking a review of all bus stops and seeking to upgrade where possible. Cllr Goldsmith committed to providing a written response in relation to the specific bus stop referred to.

Councillor B Posnett stated that the Community Infrastructure Levy on planning applications were routed to Middlewich Eastern Bypass - £2.6m and asked where the Community Infrastructure Levy monies going to at the moment, and whether they would be returned to the communities for which they were meant. Cllr M Warren, Chair of Environment and Communities Committee, undertook to provide a written response.

Councillor G Marshall referred to the ongoing delay of the Middlewich Eastern Bypass and highlighted that part of the scheme was to be funded by S106 contributions. Cllr Marshall asked if the S106 monies could be returned to Middlewich Town Council whilst the Council awaited the decision of the new government on the scheme. In response, Cllr M Goldsmith, Chair of Highways and Transport Committee, confirmed that the completion of the Middlewich Eastern Bypass scheme remained a priority for the Council to construct and that it was not possible for monies to be returned as they had been already allocated to the project.

Cllr B Puddicombe highlighted the parking problems caused when visitors attended matches at the Macclesfield Town football stadium. Visitor parking was often obstructive and dangerous. Cllr Puddicombe asked the Council to seek a practical and achievable solution to this problem. In response Cllr M Goldsmith, Chair of Highways and Transport Committee, stated that this was a national problem, and that the Council did not have any powers to deal with obstructive or pavement parking as this was a Police matter. It was confirmed that Council officers would participate in the football team's safety advisory group.

Cllr A Burton refereed to the Emergency Assistance Scheme which had been funded by the Council until 31 March 2024 and to the Household Support Scheme, which would be funded by central government until the end of September 2024, and asked where the Council saw the future of these support provisions. She sought assurance that it would not be picked up by the voluntary community and faith sectors. Cllr J Rhodes, Chair of Adults and Health Committee undertook to provide a written response.

Cllr J Clowes stated that the council employed a third-party organisation to oversee claims relating to damage to vehicles from Cheshire East roads. Cllr Clowes highlighted that a large number of local residents identified how their claims had been rejected for compensation and that there seemed to be a lack of consistency for reasons for accepting and rejecting claims. Cllr Clowes asked for a set of criteria for the allocation for compensation to be provided to all elected members to enable them to

guide and advise local residents. Cllr Goldsmith, Chair of Highways and Transport Committee undertook to provide a written response.

The meeting commenced at 11.00 am and concluded at 4.18 pm

Councillor M Houston (Mayor/Chair)