

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Council

held on Thursday, 19th July, 2012 at Grand Hall, Congleton Town Hall, High Street, Congleton CW12 1BN

PRESENT

Councillor G M Walton (Chairman)
Councillor D Flude (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, G Boston, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartlidge, J Clowes, S Corcoran, H Davenport, R Domleo, D Druce, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, O Hunter, J Jackson, L Jeuda, M Jones, S Jones, A Kolker, W Livesley, D Mahon, D Marren, M A Martin, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, B Murphy, H Murray, D Newton, P Nurse, M Parsons, P Raynes, M Sherratt, B Silvester, M J Simon, L Smetham, D Stockton, C G Thorley, A Thwaite, D Topping, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors D Bebbington, W S Davies, R Fletcher, H Gaddum, M Hardy, F Keegan, J Macrae, A Martin, D Neilson, L Roberts, J Saunders and G Wait

26 MINUTES OF ANNUAL COUNCIL MEETING - 16 MAY 2012

That the minutes be approved as a correct record.

(Cllr Brickhill voted against the motion).

27 MAYOR'S ANNOUNCEMENTS

The Mayor announced :-

1. That it was over two months since he had been appointed as Mayor. He had represented Cheshire East Council at over 80 events and met with many hundreds of people. He thanked them all for their time, hospitality and the contribution that they made to life across Cheshire East.
2. On the day after his appointment he had the privilege of participating in Her Majesty the Queen's Diamond Jubilee visit to Cheshire when he attended an event at Chester Zoo. On 27th May he had attended a service of thanksgiving at Chester Cathedral to

commemorate the Diamond Jubilee, together with other Jubilee celebrations. The celebration of the Jubilee culminating with the lighting of a Beacon on Teggs Nose on the evening of the Bank Holiday on 4th June.

3. Her Royal Highness the Countess of Wessex had visited Cheshire East on 19 June when she toured the David Lewis Centre and then graced the Cheshire Show with her presence. At the Show she visited the Cheshire East stand and met with both Members and staff. On the previous day he had had the pleasure of meeting HRH the Duke of Gloucester when he visited the Borough to present Oliver Valtec in Knutsford with a Queen's Award for Enterprise.
4. That it was always nice to meet children and young people and those that worked with them. Over the last couple of months he had had the pleasure of attending many events which had celebrated the contribution that the next generation make to society. These had included a summer fair to celebrate the 50th anniversary of the Rainbow Pre School in Handforth, visits to Goostrey Community Primary School, Knutsford Academy and Pownall Hall School's summer fair and two mornings spent at South Cheshire College. He had also attended a wonderful event at the Liverpool Philharmonic Hall where the Cheshire Youth Orchestra was performing.
5. With the Olympic Games fast approaching he had attended a number of events which have celebrated this momentous occasion. The Olympic torch had visited Cheshire East in May and he had been delighted to host an event at Tatton Park. On the previous Sunday Tatton had hosted a function to say farewell to the Olympians who had been training across the North West and on the previous Tuesday he had attended an event wishing the best of luck to those who had been training in Cheshire East, at the BMW car franchise in Crewe.
6. The Borough had been playing a full part in the Cultural Olympiad with "The Moment When", a dance performance held at Tatton Park on the previous Sunday. He was sure that Members would join with him in sending best wishes to all the teams and individuals who would be representing Great Britain at the forthcoming Olympic and Paralympic Games.
7. As Mayor he was always delighted to help celebrate the role that business and commerce played across the Borough. It had been particularly gratifying to attend the ground breaking ceremony in Wilmslow to mark the construction of the new Headquarters for the Waters Corporation. He also attended the opening of a new manufacturing plant in Crewe by Busch GVT Limited. Both were wonderful examples of major international companies being attracted into the Borough.

8. He thanked those who had attended his civic service on the previous Sunday at Knutsford Parish Church; He particularly thanked his Chaplain and those at the church for the contribution that they had made to the day. He informed members that in the next few weeks they would be receiving an invitation to his Civic Ball, which would be held at Tatton Park on Friday 14th September.
9. He was pleased to announce that the Council's A-Team apprentices had been shortlisted as a North West finalist for the prestigious National Apprenticeship Awards 2012; He was sure that Members would join him in wishing them luck.
10. The Mayor also congratulated Cllr Harewood on her recent marriage.

28 **DECLARATIONS OF INTEREST**

Cllr Flude declared an interest in item 13 – Capital Programme Approvals, Schemes over £1m, by virtue of being the Chair of the Governors of Pebble Brook Primary School, which was one of the Schools named in the report.

29 **PUBLIC SPEAKING TIME/OPEN SESSION**

Mrs Charlotte Peters Rock used public speaking time to present a record of questions on behalf of Mrs Mabel Taylor, which had been asked at previous meetings of the Council.

She also raised several problems, which she considered were currently occurring within the LCASC complaints system of Cheshire East Council and which she felt meant that there was inadequate redress for the general public.

She also raised concerns with regard to the previous Portfolio Holder Cllr Domleo's joint responsibilities for Adult Services and Health and Wellbeing and particularly in relation to his new role Vice Chairman of the Health and Wellbeing Scrutiny Committee.

30 **NOTICES OF MOTION**

Consideration was given to the following Notices of Motion :-

1 Proposed by Cllr G Baxendale and seconded by Cllr M Jones

Armed Forces Community Covenant

"The Council's formal signing of the Community Covenant scheme which clearly demonstrates its commitment and support to the Armed Services is to be welcomed. However, this Motion seeks to ask the Cabinet to take responsibility for the development of a detailed Action Plan, based on the Scheme, which will outline, by Service area, the practical support that the

Council can provide to those currently serving in the Armed Services, their families and those that have served in the past.”

RESOLVED

That the motion stands referred to Cabinet for consideration.

2 Proposed by Cllr A Moran and Seconded by Cllr P Edwards

Right to Speak at Meetings

“That visiting Members to all Cabinet meetings, Committees and Sub Committees have the right to speak once on each separate item on the agenda before the debate proper commences. This will apply to all items on the agenda including part 2 items.”

RESOLVED

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

3 Proposed by Cllr B Murphy and Seconded by Cllr M Parsons

Corporate Communications Function

“This Council calls for an immediate all-party inquiry into the Council’s corporate communications function with particular reference to:

- its purpose, relevance and value-for-money
- overall cost, budgetary provision/resource allocation and cost effectiveness
- political impartiality and support for members
- the corporate culture it seeks to foster
- its policies/protocols for media relations, publications, communication technology, corporate ID, corporate communications/marketing, and internal communications.”

RESOLVED

That the motion stands referred to Cabinet for consideration.

4 Proposed by Cllr D Brickhill and Seconded by Cllr P Edwards

Consultants

“No outside consultants (other than clerical staff) shall be employed by the Council without their specific instruction.”

RESOLVED

That the motion stands referred to Cabinet for consideration.

5 Proposed by Cllr D Brickhill and Seconded by Cllr A Moran

Road Maintenance

“That all pre planned road maintenance (except pothole filling) is to be carried out on an equal expenditure basis per Ward in direct proportion to the electorate in that Ward, unless the relevant parish councils resolve that they are satisfied with the state of their roads. A monthly report to all Councillors is to be published by 15th of each month by the Highways Department showing the work done in the previous month and the work to be done in the next month.”

That the motion stands referred to Cabinet for consideration.

6 Proposed by Cllr A Moran and seconded by Cllr D Brickhill

Notices of Motion

“That all Motions that are referred by Council to a Committee or Cabinet must be put on the agenda for the next meeting of that body or brought back to the next Council meeting for vote on a final decision.”

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

7 Proposed by Cllr D Brickhill and Seconded by Cllr S Hogben

Location of Strategic Planning Board Meetings

“That when the Strategic Planning Board agenda contains a majority of items from the south of the Borough, the meeting will be held in Crewe or Sandbach.”

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

8 Proposed by Cllr B Murphy and seconded by Cllr P Edwards

Confidentiality

“In the light of the ever-growing demand for public accountability in public services and the need to sustain public trust and confidence in democratic governance, this Council calls for a review of its policies and protocols in relation to confidentiality.”

RESOLVED

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

9 Proposed by Cllr B Murphy and seconded by Cllr P Edwards

Suspension of Employees Accused of Misconduct

In the light of apparent inconsistencies in the use of suspension for disciplinary offences, this Council calls for a review of its practices in this respect with particular reference to the criteria used to determine whether or not suspension is appropriate.

RESOLVED

That the motion stands referred to Cabinet for consideration.

10 Proposed by Cllr G Boston and Seconded by Cllr L Jeuda

Quality Care Commission Report – Learning Disability Services

On the 25th June 2012 the Care Quality Commissions (CQC) published the results of its damning National Review Report in to Learning disability services. It found over 50% of services inspected did not comply with CQC regulations and 27 of those services had safeguarding concerns identified. In addition findings showed that *“some assessment and treatment services are admitting people for long spells of time, and discharge arrangements are taking too long to arrange.”*

Given that CQC have recommended:

- Commissioners need to urgently review the care plans for people in treatment and assessment services and identify and plan move on arrangements to the next appropriate service and care programme.
- Commissioners also need to review the quality of advocacy services being provided, particularly in those locations where we identified non-compliance with the standards.

Motion

“That Members are advised of any Cheshire East people placed in any of the services that have safe guarding issues and those people have their placements reviewed as a matter of urgency.

That Members are advised how many people are currently in treatment and assessment services and the length of time they have been there.

That Members are advised of the steps being taken to *“urgently review the care plans for people in treatment and assessment services and identify and plan move on arrangements to the next appropriate service and care programme.”*

That Members are advised when the review of the quality of advocacy services being provided, particularly in those locations where CQC identified non-compliance with the standards, will take place.”

RESOLVED

That the motion stands referred to Cabinet for consideration.

11 Proposed by Cllr G Boston and Seconded by K Edwards

Planning

“Cheshire East Council recognises and accepts that the decisions in relation to planning applications submitted to the Northern and Southern Planning committees and to the Strategic Planning Board should be left to the detailed consideration and decision by the members both individually and collectively of those Committees.

Those Committees are in a quasi judicial position and need to approach those decisions in an objective and fair manner in relation to considering how to decide such applications. Whilst recognising the right of individual councillors who are not on planning committee to express personal views, this Council rejects and deplores public comment from any Councillors especially the Leader of the Council who ought to be more careful with his comments, that might imply that decisions have been taken by the Council weeks or even months before the Planning Committees or Planning Board have met.

Council also agrees as a matter of urgency that all Members who have not already done so attend planning training whether or not they sit on the planning committee to ensure that in future inexperienced Elected Members whatever their role do not inadvertently compromise the Council.”

The Mayor stated that given the nature of the motion he had determined that it should be debated and disposed of at the meeting, in accordance with Constitutional rules. A debate on the motion therefore took place.

A note clarifying the rules on pre-determination was circulated to all Members of the Council at the meeting, at the request of the Leader of the Council, Cllr Michael Jones.

RESOLVED

The motion was not agreed by Council.

12 Proposed by Cllr L Jeuda and Seconded by Cllr G Boston

In proposing the motion Cllr Jeuda corrected the figure in respect of unclaimed pension credit from £2.8million to £2.8billion.

Benefit Awareness

A recent report by the WRVS, Ageing across Europe, has found that older people in the United Kingdom have the highest rates of loneliness and isolation than in Germany, the Netherlands and Sweden. Many older people are living in poverty and this affects their life expectancy and risk of social isolation. Given that £2.8billion in Pension Credit goes unclaimed every year in the UK, whilst 1.8 million older people are living in poverty demands urgent action.

Motion

“This Council undertakes to conduct a campaign aimed at older people making them aware of benefits they are entitled to.

At the same time Cheshire East to provide additional funding to those organisations currently struggling to meet the demand for Benefits advice.”

RESOLVED

That the motion stands referred to Cabinet for consideration.

13 Proposed by Cllr D Druce and seconded by Cllr W Livesley

South Macclesfield Development Area

“This Council supports the development of South Macclesfield Development Area which would deliver many regeneration and wider benefits including a new link road connecting Congleton Road and Leek Road.”

RESOLVED

That the motion stands referred to Cabinet for consideration.

31 RECOMMENDATION FROM CABINET - SHADOW HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

Consideration was given to the recommendation of Cabinet to approve revised Shadow Health and Wellbeing Board Terms of Reference, together with a number of changes to the Terms of Reference, which had been agreed by Cabinet and were highlighted in blue and appended to the agenda.

RESOLVED

1. That the revised Shadow Health and Wellbeing Board Terms of Reference, including the changes agreed by Cabinet, be approved.

2. That Council supports the recommendation to further review the Board's Terms of Reference in advance of the Board assuming its statutory functions, taking account of Board priorities expressed within the Joint Health and Wellbeing Strategy which will be finalised in the autumn following a period of consultation.

32 RECOMMENDATION FROM THE STANDARDS COMMITTEE - LOCALISM ACT 2011, NEW CODE OF CONDUCT

At its meeting on 18 June 2012, the Standards Committee had considered two reports setting out the detailed requirements of the Localism Act 2011 to have a Member Code of Conduct, together with a process for the investigation of complaints. A report updating Council following the meeting, which made a number of recommendations to adopt the revised documents to come into force with immediate effect was submitted. A separate report, at item 9 of the agenda, made recommendations as to the changes to be made to the terms of reference of the Audit and Governance Committee.

Council was also recommended to approve the appointment of four new Independent persons, as required by Section of the Localism Act 2011.

The minutes of the Standards Committee were appended to the agenda.

AMENDMENT

An amendment to delete the words "There is no right of appeal from the decision of the Standards Hearings Sub-committee" at paragraph 29 of the Complaints Procedure, set out at page 63 of the report and to replace with the words "That a right of Appeal shall be built into the process" was moved and seconded and declared carried.

RESOLVED

1. That the new Code of Conduct for Elected Members of Cheshire East Council at Appendix 1 of the report be approved.
2. That the procedure relating to investigation of complaints under the new Code of Conduct, at Appendix 2 of the report, together with the criteria to be used to evaluate complaints, at Appendix 3 of the report, be approved and that a right of Appeal be built into the process.
3. .That the appointment of 4 new Independent Persons, as required by Section 28 of the Localism Act 2011, namely Mr Peter John Bryant, Mr Robert Fousert, Mrs Sheila Margaret Roberts and Mr Roger Pomlett for a period of three years expiring 31 December 2015 be approved.

4. That all Members complete the new Register of Interest Forms within 28 days of the Council meeting.
5. That the Leader of the Council write to all of the former Independent Members of the Standards Committee to thank them for their role on the Committee.

33 RECOMMENDATION FROM CONSTITUTION COMMITTEE - PROPOSED AMENDMENT TO AUDIT AND GOVERNANCE COMMITTEE'S TERMS OF REFERENCE AND THE COUNCIL'S PROCEDURE RULES

The Standards Committee, at its meeting on 19 July 2012 had considered the proposed adoption of additional terms of reference for the Audit and Governance Committee to enable responsibility for ethical standards and conduct issues to be transferred from the Standards Committee, in line with the requirements of the Localism Act 2011. The proposed terms of reference were set out in the Appendix to the report to the Constitution Committee and included the establishment of three ad hoc panels and sub-committees to consider, at different stages, alleged breaches in the Member Code of Conduct. The membership of the bodies would be drawn from a pool of 15 Members, comprising the Members of the Audit and Governance Committee and five others.

The Constitution Committee had also recommended that Council agree that the Council Procedure Rules be amended to require a Member who declares a disclosable pecuniary interest in an item of business to withdraw from the meeting at the appropriate juncture.

Consideration was given to the recommendations from the Constitution Committee.

RESOLVED

1. That the terms of reference set out in the Appendix to the report to the Constitution Committee be approved, the sub-committee and panels to operate under the procedures approved and adopted by Council.
2. That the proposed pool of 15 Members be constituted on the basis of political proportionality and the political groups be invited to submit nominations to the five additional places as appropriate.
3. That the Council Procedure Rules be amended to require a Member who declares a disclosable pecuniary interest in an item of business to withdraw from the meeting at the appropriate juncture, the Borough Solicitor being authorised to make such changes to the Constitution as she considers appropriate to give effect to the wishes of Council.

34 RECOMMENDATION FROM CONSTITUTION COMMITTEE - NOTICE OF MOTION ON CHANGES TO THE ARRANGEMENTS FOR SCHEDULED COMMITTEE MEETINGS

The Constitution Committee, at its meeting on 5 July 2012, had considered the following motion, proposed by Councillor D Brickhill and seconded by Councillor P Edwards, which had been referred by Council to the Committee for consideration: -

“That meetings set out in the Council diary shall not be changed either by timing or location unless:

All Members have been consulted and there is no relevant business in which case the meeting is cancelled.

All Members are consulted and more than 60 agree to the change.”

The Constitution Committee recommended that Council approve a change to the Committee Procedure Rules to provide that a scheduled meeting of a decision-making body may be cancelled or changed by the Chairman following consultation with the whole membership of that body, provided that such cancellation or change takes place at least five clear working days before the scheduled date of the meeting, to enable sufficient public notice to be given.

AMENDMENT

An amendment to insert after the words “the whole membership of that body” the additional words “and with the agreement of a simple majority of the members of that body” was moved and seconded and declared carried.

RESOLVED

That a change to the Committee Procedure Rules be approved, to provide that a scheduled meeting of a decision-making body may be cancelled or changed by the Chairman following consultation with the whole membership of that body and with the agreement of a simple majority of the members of that body, provided that such cancellation or change takes place at least five clear working days before the scheduled date of the meeting to enable sufficient public notice to be given.

35 RECOMMENDATION FROM LICENSING COMMITTEE - SKIN PIERCING BYE-LAWS

The Licensing Committee, at its meeting on 16 January 2012, had considered a report regarding proposed draft byelaws relating to the regulation of acupuncture, tattooing, semi-permanent skin colouring,

cosmetic piercing and electrolysis and recommended approval of the byelaws to Council.

Consideration was given to the recommendation of the Licensing Committee.

RESOLVED

1. That the byelaws relating to the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis attached as an appendix to the report to the Licensing Committee be approved and authorisation be provided for the affixing of the common seal of the Council to the byelaws.

2. That the Borough Solicitor, or officer acting on her behalf, be authorised to carry out the relevant statutory procedures in relation to the making of the byelaws and to apply to the Secretary of State for confirmation of the byelaws.

36 REPORT BACK FROM STRATEGIC PLANNING BOARD ON THE NOTICE OF MOTION RELATING TO COMMUNITY LEVY PAYMENTS

Consideration was given to the report back from Strategic Planning Board on the Notice of Motion Relating to Community Levy Payments.

RESOLVED

That the decision be noted.

37 CAPITAL PROGRAMME APPROVALS - SCHEMES OVER £1M

Consideration was given to the report of the Strategic Director of Children, Families and Adults, which sought approval for the virement of Block Grant Funding contained within the approved 2012/13 Capital Programme to specific named schemes to address demographic basic need for pupil places.

RESOLVED

That virements and Supplementary Capital Estimates totalling £4.3m for the following schemes be approved :-

- £1.7m to Wilmslow High School Learning Resource Centre
- £1.0m to Pebble Brook Primary School Extension
- £1.6m to Wheelock Primary School Extension

38 ADDITIONAL GRANT FUNDING

Consideration was given to the report of the Director of Finance and Business Services, which provided details of additional unbudgeted specific grant received or due to be received by the Council in respect of which services were seeking approval to incur expenditure in 2012/2013.

The Department for Transport (DfT) had announced that Cheshire East's bid to the Local Sustainable Transport Fund (LSTF) had been successful. The value of the bid was £3.509 million (64% revenue and 36% capital) over the following three years, until March 2015.

Various service bids were also being made in respect of unused grant funding received in the 2011/2012 financial year, which was therefore effectively now held in general reserves.

Some of the items required urgent approval so that intended expenditure could be incurred, but, for convenience, the report included all known bids for which Council approval was required.

RESOLVED

1. That in respect of the Local Sustainable Transport Fund (LSTF):-
 - (a) the Department of Transport's offer of grant funding totalling £3.509m over three years be accepted;
 - (b) a Supplementary Revenue Estimate (SRE) of £578k in 2012/2013 be approved;
 - (c) a Supplementary Capital Estimate (SCE) totalling £1.273m across three financial years until March 2015 be approved.
2. That additional service expenditure of £301,000k for 2012/2013, fully funded from unspent specific grant allocations from 2011/2012 as detailed in the Appendix to the report be approved.

39 PAY POLICY STATEMENT 2012/13 UPDATE

Consideration was given to the report of the Head of Human Resources and Organisational Development, which sought Council approval, following recommendation from Staffing Committee, for the adoption of the updated Pay Policy Statement 2012/13. The Updated Pay Policy Statement was attached at Appendix 1 of the report and the changes had been highlighted within it.

As the Staffing Committee had met after the agenda papers had been published the minute of the meeting in respect of this matter was circulated to Members at the meeting.

The Staffing Committee had suggested that additionally the details of a Chief Executive's termination payment and terms of the compromise agreement should be reported for noting to the next meeting of the Council and that the indicative figures be included in the report. The relevant paragraph was amended to read as follows: -

"Termination payments in addition to a payment in relation to contractual notice pay (and including any outstanding holiday pay) for the Chief Executive and the terms of any associated compromise agreement will be subject to approval by the Staffing Committee and reported to the next meeting of full Council for noting and to include the indicative figures."

After moving the recommendation of the Staffing Committee, the mover of the motion, Cllr Topping agreed to add "Chairman of the Staffing Committee" in paragraph 8, of the Pay Policy Statement, at page 145 of the agenda, relating to Compromise Agreements, to read :-

"The final decision and approval for any termination payment and approval for the terms of a compromise agreement in relation all employees up to Deputy Chief Officer level (as defined in this Pay Policy Statement) rests with the Chief Executive and, in cases of Chief Officers (Statutory, non Statutory and those earning over £100,000 per annum), this will be in discussion with the Leader and the Chairman of the Staffing Committee".

RESOLVED

That, subject to the additional wording in relation to the approval of the Chief Executive's termination payments and the amended wording in paragraph 8 of the document, the updated Pay Policy Statement for 2012-13 be approved.

40 OVERVIEW AND SCRUTINY ANNUAL REPORT 2011/12

Consideration was given to the Overview and Scrutiny Annual Report 2011/12. The Mayor reported that it has been brought to his attention that Cllr Sherratt's name had been omitted from the membership details for the Children and Families Scrutiny Committee, listed in the report. Subject to this addition, it was moved and seconded that the 2011/2012 report be received and posted on the Council's website.

With reference to the section of the report relating to the April meeting of the Sustainable Communities Scrutiny Committee, where consideration had been given to the impact the introduction of the Community Infrastructure levy would have on Section 106 Agreements and how the negative impact of developments would be mitigated a correction was made to the wording to read " The Committee recommended to Council that at least 80% of funds should be retained within local areas (in most

cases), to ensure that local people gain from having new developments placed in their community”.

RESOLVED

That, subject to the above corrections, the Overview and Scrutiny Annual Report 2011/12 be received and posted on the Council’s website.

41 QUESTIONS

The following questions had been submitted :-

Question 1- Support for Dairy Farmers – Submitted by Cllr Wilkinson

Can the Leader confirm that this Council is doing all it can to support the dairy farmers in Cheshire East as they face the huge decreases in the farm gate prices for their milk?

Response

The Leader of the Council, Cllr Michael Jones responded that he agreed that the Council must support the industry. He had prepared a full response , but due to the lateness in the day, this would be circulated to all Members of the Council, after the meeting.

Supplementary Question

Cllr Wilkinson thanked the Leader for his response and asked that if the Leader was minded to write to the Minister for Agriculture, would he point out that farm estates were suffering and that this could have an impact on the greater rural economy.

Cllr Jones agreed to work with Cllr Wilkinson on the submission of a letter to the Minister.

Question 2- Development in Shavington – Submitted by Cllr D Marren

A recent letter to the Crewe Chronicle captured the concerns of many residents of Shavington, in suggesting that Cheshire East Council is actively encouraging growth in and around Shavington. If true, the Council can expect a strong reaction from the village and sympathetic Councillors.

Can the Portfolio Holder detail which sites identified as deliverable in the 2011 Strategic Housing Land Availability Assessment around Shavington have had applications for development submitted; which sites officers expect applications for in the short and midterm; the names of the developers and what support and/or encouragement is being given/has been given to these applicants by this Council?

Response

Cllr Rachel Bailey undertook to provide a written response to the question to all Members of then Council, after the meeting.

Question 3 - Press Releases – Submitted Cllr Corcoran

This Council has been reported as stating that it shouldn't break the law.

1) Could we also have a clear statement that this Council should always tell the truth?

2) In particular, please can someone explain to me why this Council issued a press release stating that 'The disparity (of not allowing bus passes on Dial-a-Ride in the south of the borough) arose following the collapse of East Cheshire Community Transport' when in fact the disparity arose before then and indeed the withdrawal of the use of bus passes on Dial-a-Ride was partly responsible for the collapse of East Cheshire Community Transport?

3) Could someone also explain to me why this inaccuracy was not corrected promptly when I pointed it out to the Press Office?"

Response:

Cllr M Jones 1) Cllr Jones responded that the Council could not always tell the truth, for example where there were safeguarding issues and in the interest of the public it was not possible to disclose everything. The Council did not lie, but could not always tell the truth.

Cllr Menlove 2) From April 2 this year, there was a disparity between the north of the borough and the south. The replacement flexible transport service in the north of the borough was required by law to accept bus passes, as it was registered public transport. In the south of the borough, the previous service operated under a Section 19 permit and the Council had previously decided that Section 19 services would not be allowed to accept bus passes.

The Council strongly refutes that its actions in anyway resulted in the collapse in East Cheshire Community Transport. The decision regarding Section 19 permits in no way was responsible for the collapse of East Cheshire Community transport. The administrators' report into the collapse showed the company had debts approaching £300,000. Furthermore, It is our understanding that several days prior to East Cheshire Community Transport ceasing trading they became a

Limited Company and as a result, Cheshire East Council is now unable to recover monies due to it.

A grant of £81,000 was awarded to the company on April 1 2012, to be paid in monthly instalments. It transpires that the Council acted with taxpayers' best interests at heart because had the grant been paid upfront in one lump sum, then almost £75,000 would have been lost.

The Council has supported this organisation throughout. In June last year, Cheshire East Council gave the charity a one-off grant of £125,000 to buy vehicles and software. The Council even maintained the Dial-a-Ride vehicles at taxpayers' expense. Sadly, this one-off funding was unable to save them.

Cllr D Brown 3) Cllr Brown apologised that inaccurate information was sent out. When the inaccuracy was identified he had decided , in consultation with the Communications team, not to go back to the media to ask them to print a correction, as the situation had been rectified.

Supplementary Question

Cllr Corcoran thanked Cllr Brown for accepting that there had been a mistake, but he considered that an e-mail should have been sent to Members to inform them. However, he did not feel that Cllr Menlove had answered his question and questioned why the press statement had been issued.

Cllr Menlove responded that sometimes people made mistakes and quite simply a mistake had been made on this occasion.

Question 4 - Definition of a 'Sustainable Development' – Submitted by Cllr Corcoran

What is this Council's working definition of a 'sustainable development'?

The National Planning Policy Framework states that there is a presumption in favour of sustainable development. Cheshire East Council has intimated that it uses the North West Development Agency (NWD A) sustainability toolkit to assess sustainability. The interim planning policy that has recently been subject to consultation used the distances to local services taken from the NWD A sustainability toolkit question 34. However, I am told by Cheshire East officers that in assessing planning applications a tolerance of 50% is added to all the distances given in the NWD A sustainability toolkit. As an example the NWD A sustainability toolkit lists Primary school (1000m). When Cheshire East assesses a site, is a primary school 1,400m away a pass or a fail (or a marginal fail)?"

Response

Cllr Rachel Bailey undertook to provide a written response to the question to all Members of the Council, after the meeting.

Question 5 - Responding to Elected Members – Submitted by Cllr Boston

You will recall I put a motion to Council on the 16th April that Cheshire East Council adopt a policy of responding to elected member enquiries within 2 working days.

When 3 months later this motion had not been responded to I asked why my request for a quick response to Members has not yet been responded to! The response from Member Services - “There has been a great deal of Cabinet business since the annual meeting of Council and it has not therefore been possible to list every item as early as might have been desired.” serves to underpin my point.

Although it has now been listed for 23rd July can you confirm that this practice of poor or non response to Members will drastically improve in the future and that Members as the elected representatives and voice of the people will not continue to be ignored?

Response from Cllr David Brown

Cllr Brown apologised to Cllr Boston that it had taken so long to include her motion on the Cabinet agenda.

He stated that the Council had always been committed to supporting Members and responding to their enquires in an efficient and timely way.

He considered that the exchange of information between officers and Members was crucial. The Council was always looking for opportunities to continue to embed a culture where Members received prompt responses to queries. This approach of “Think Member First” was something which would continue to be a theme of his Group. Where more could be done to embed this, the Cabinet work with officers to achieve this.

He stated that Councillor Boston’s motion would be presented to Cabinet on the following Monday. She was right that there had been a lot of Cabinet business since her motion was first put to Council, but he could assure her that, when her motion is considered, it would receive full consideration.

He reported that some work was taking place to revise and streamline responses to Member enquiries and this would be considered by Cabinet at its next meeting. There was a policy, which he felt needed looking at.

The public should expect a similar time for responses and Members should not be special. The Council should respond to any query within 5 days, not necessarily with a full answer but at least with an acknowledgment identifying the course of action.

The Leader of the Council, Cllr M Jones, added that he intended to propose that every Notice of Motion referred from Council to Cabinet must be considered by Cabinet within the next two meetings.

42 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during the consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 as amended on the grounds that they involved the disclosure of exempt information as defined in Paragraph 4 of Part 1 and 2 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing this information.

43 RECOMMENDATION FROM STAFFING COMMITTEE - SENIOR MANAGEMENT

As the Staffing Committee had met after the agenda papers had been published the minute of the meeting in respect of this matter was circulated to Members at the meeting.

Consideration was given to the recommendations from the Staffing Committee.

RESOLVED: That :-

- (1) the terms of the provisional agreement negotiated with the Chief Executive, as set out in paragraph 10.3 of the report, be approved.
- (2) the Borough Solicitor be authorised to enter into a compromise agreement with the Chief Executive.
- (3) the Borough Solicitor be designated Officer as:-
 - The Electoral Registration Officer for the registration of electors under Section 8 of the Representation of the People Act 1983,
 - the Returning Officer for the election of Councillors for the District and parishes within the District, under Section 35 of the 1983 Act; and

- the Acting Returning officer at UK Parliamentary elections; the local returning Officer at European Parliamentary elections; and the Local returning Officer for the Police and Crime Commissioner Elections.

The meeting commenced at 6.00 pm and concluded at 11.55 pm

Councillor G M Walton (Chairman)

CHAIRMAN