

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 11th October, 2012 at The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor G M Walton (Chairman)

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

Apologies

Councillors D Flude, G Barton, G Boston, R Fletcher, P Hoyland, F Keegan, P Mason, S McGrory, B Silvester, C G Thorley and G Wait

45 MINUTES OF THE MEETING HELD ON 19 JULY 2012

RESOLVED

That the minutes be approved as a correct record, subject to an amendment to minute 41, question 3, response 2, to the effect that 'Cllr Menlove stated that the charity and company between them owed an amount approaching £300,000' and an amendment to question 3, response 3, to the effect that Cllr Brown "did not believe that the situation needed to be rectified".

46 MAYOR'S ANNOUNCEMENTS

1. The Mayor reported that his first duty was a very sad one regarding the recent tragic air crash in Kathmandu, Nepal, in which 19 people were killed, including 7 from the United Kingdom. It was with regret that he had to inform Members that two of those killed had links to Cheshire East. Raymond Eagle worked for the Council; based in Macclesfield. Ray was part of our Care4CE service where he provided support to enable people with disabilities to live in their

own homes. The second person with links to the Borough was Timothy Oakes, who until 2001 had been Head teacher of Ryles Park High School in Macclesfield. At the time of his death he was employed as a secondary school advisor by Lancashire County Council. In these tragic circumstances books of condolences had been opened here at Macclesfield Town Hall.

The Mayor also referred to the recent death of former Councillor John Jones. The Mayor had represented the Council at his funeral in the previous week.

Members stood for a minute's silent tribute.

2. The Mayor invited the Leader of the Council to speak and the Leader introduced Kim Ryley, Interim Chief Executive to the Council.
3. The Mayor referred to the recent Olympic and Paralympic Games and was delighted to be able to inform Council that athletes from Cheshire East had won a total of ten medals. He felt it appropriate that Council should mark the achievement of the medal winning athletes by offering them the Freedom of the Borough. From the Olympic Games, medal winners were Victoria Pendleton, who lived in Wilmslow, who had won gold and silver medals in cycling and Beth Tweddle from Bunbury, who had won a bronze in gymnastics. Four residents of the Borough had won medals in the Paralympic Games. Sarah Storey, from Disley, had won four cycling gold medals and her husband, Barney, had also won a gold medal, again in cycling. Craig McLean from Wilmslow had won a gold medal in cycling and Niki Birrell from Knutsford had won a bronze in sailing.

Council agreed that a special meeting of the Council should take place immediately before the Council meeting, scheduled for Thursday 13th December, in order to bestow Freedom of the Borough on the Olympic and Paralympic.

4. The Mayor reported that, since Council had last met, he and the Deputy Mayor had attended almost seventy events. These had included school visits, civic services in Knutsford, Wilmslow, Bollington and Rainow, a graduation ceremony at Reasesheath College and a considerable number of community based events. These events, be they flower shows, sports days, concerts or theatrical presentations always impressed and demonstrated the real community spirit across the Borough.
5. The Mayor referred to the Notice of Motion submitted to Council in the previous year, by Cllrs Flude and Thorley, relating to the proposal to erect a memorial to six Royal Engineers who were killed near Nantwich in 1940. He was delighted to be able to inform

Members that he had unveiled this memorial at Alvaston Hall Hotel on the previous Sunday.

6. The Mayor presented an award, on behalf of the Trading Standards Institute, to Joan Morrison who had been so incensed when she realised that she had been the victim of rogue traders who cold-called her to do work on her roof that she was determined to do everything in her power to stop the same thing happening to other vulnerable people. She had reported the incident to the Consumer Protection and Investigations Team within Cheshire East Council, which had resulted in the discovery of further offences against people in the community, leading to a criminal investigation and a 12-month community order with 150 hours of unpaid work to the criminals involved. Joan had attended Court and was also the spearhead for the launch of the Cheshire East Consumer Protection and Investigations Team's 'Nominated Neighbour Scheme', a preventative scheme for elderly and vulnerable residents. She was the first resident to sign up to the scheme and more than 1,000 residents had now signed up. Her efforts had received national recognition, with her being awarded a Trading Standards Institute's Hero Award. She had been unable to collect the award at the Institute's conference in June, but it was now the Mayor's privilege to present it to her.

47 DECLARATIONS OF INTEREST

Cllr Hogben declared a disclosable pecuniary interest in item 7, relating to the Crewe Community Governance Review, by virtue of being a Cheshire East Allotment Holder and would leave the room during consideration of this matter.

Cllr Cartlidge also declared an interest in the above item, by virtue of being a Cheshire East Allotment Holder.

Cllr Brickhill declared an interest in item 15, relating to Standards Issues and Planning Protocol, by virtue of being a member of the Cheshire Fire Authority.

Declarations of interest are also recorded for Cllrs Livesley, Merry, Simon, Topping, Thorley and Weatherill, who were present at the meeting, by virtue of being a member of the Cheshire Fire Authority.

48 PUBLIC SPEAKING TIME/OPEN SESSION

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

49 NOTICES OF MOTION

Consideration was given to the following Notices of Motion :-

1 Proposed by Cllr P Edwards and Seconded by Cllr M Jones

Vote of Thanks

2012 has seen two very intensive periods of severe flooding across Cheshire East. The first was in June and the second in September. During both events, Council employees responded quickly to the rapidly changing conditions and worked effectively together along with external partners to minimise the disruption caused to road users whilst protecting both domestic and business properties within the area. Areas most severely affected in the recent storm included:-

- River Bollin at Little Bollington
- The River Dane at Middlewich
- Wrinchill Road, Nantwich
- Whitehaven Lane, Faddiley
- Maw Green Lane, Crewe
- Warford Lane, Great Warford
- Tabley Hill Lane, Tabley
- A50 Dog Lane, Brereton
- Wilmslow Road, Alderley Edge
- A50 King Edward Road, Knutsford
- Bradfield Green, Crewe
- Trent and Mersey Canal, Middlewich

Teams worked relentlessly throughout the flooding 24 hours a day until the flood risk had diminished. Although the majority of floods have now been removed or have subsided naturally, there are still many locations where follow-up work is required.

Notice of Motion

“This Council places on record its thanks and appreciation to our local communities, our employees, our partners in Fire, Police, Environment Agency, Town and Parish Councils, and other agencies, who worked tirelessly and effectively during the recent storms and delivered a truly coordinated and effective response”.

RESOLVED

That the motion is approved.

(The Mayor added his thanks).

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

Highways Contract

“That the Environment and Scrutiny Committee conduct an examination of the performance of the highways contract and its contractor Ringway Jacobs placing particular emphasis on improving response times to maintenance and gateway white lining calls. It should report back to council before Christmas 2012.”

RESOLVED

That the motion stand referred to Cabinet for consideration.

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

Start Time of Council Public Meetings

“That in view of the increasingly bad traffic congestion in the morning rush hours all this councils’ public meetings, which cause additional traffic to travel in these periods, should never start before 10 am if held in Sandbach and not before 10.30 am if held elsewhere.”

RESOLVED

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

4 Proposed by Cllrs S Wilkinson and Seconded by Cllr Rachel Bailey

Bovine TB

“That Cheshire East endorses measures to halt the current high incidence of Bovine TB with the ultimate aim of both healthy wildlife and cattle population, never mind vital protection of the economic social wealth, health and wellbeing of our rural community.

In so doing Cheshire East supports early liaison with both EU and DEFRA to ensure infected areas within the Borough are tackled speedily”.

RESOLVED

That the motion is approved.

5 Notice of Motion - Statutory Allotments

It was reported that the Notice of Motion submitted by Cllr Keegan, relating to the re-location of Statutory Allotments had been withdrawn.

50 **RECOMMENDATION FROM CONSTITUTION COMMITTEE - CREWE COMMUNITY GOVERNANCE REVIEW - FINAL OUTCOME**

(Cllr Hogben had declared a disclosable pecuniary interest and left the meeting during consideration of this item).

Consideration was given to the recommendation from Constitution Committee regarding the final outcome of the Crewe Community Governance Review.

The Constitution Committee had recommended :-

That

(1) Council be recommended to approve that

- (a) the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a Parish Council for the unparished area of Crewe and that Parish Council be advised to consider its designation as a Town Council;
- (b) having taken into account the representations received, the Parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards, with each ward having the number of parish councillors as follows:

St Barnabas	2
Crewe Central	2
Crewe North	2
Crewe South	3
Crewe East	4
Crewe West	3
TOTAL	16

- (c) having considered the results of the ballot of electors, the unparished part of the Borough ward of Leighton be included within the Leighton Urban ward of Leighton Parish;
- (d) elections to the Crewe Parish Council be held on 4th April 2013;
- (e) the public conveniences in Lyceum Square, Crewe be transferred to the new parish council with effect from 1st April 2013 but Cheshire East Council continue to manage the facilities for the first three months; a sum of £30,000 to be included in the budget for the first year of the parish council to cover the cost of managing these assets;

- (f) the Council allotments within the unparished part of Crewe be transferred to the new parish council with effect from 1st April 2013 on the basis of a 150 year lease; a sum of £30,000 to be included in the budget for the first year of the parish council to cover the cost of managing these assets;
 - (g) the draft budget be approved, as attached to the report, subject to the addition of a contingency fund of £100,000, the budget totalling £442,000;
 - (h) the draft re-organisation order be updated as required and submitted to Council on 13th December for approval, following a mini-review of the electoral arrangements for the Parish of Leighton arising from the proposed boundary change to the Leighton Urban Ward;
- (2) the terms of reference of the Community Governance Review Sub-Committee be extended to enable the Sub-Committee to take all necessary actions in preparation for the new Crewe parish council.

The Chairman of the Constitution Committee, Councillor A Martin, moved the above recommendations, subject to a correction to recommendation 1(b), so that the reference to the St Barnabas ward reads 'Crewe St Barnabas' and the description of the Crewe South ward includes: 'except for Gresty Brook (Polling District 1GM2), which is already parished and falls within the Parish of Shavington-cum-Gresty'

AMENDMENT

The following amendment was moved and seconded and carried :-

That part (b) of the motion be replaced by the following wording :

"Having taken into account the representations received, the Parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards, with each ward having the number of parish councillors as follows:

Crewe St Barnabas 2

Crewe Central 2

Crewe North 2

Crewe South 4

(except for Gresty Brook (polling district 1GM2)

Crewe East 6

Crewe West	4
Total	20 “

RESOLVED

That :-

(a) the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a Parish Council for the unparished area of Crewe and that Parish Council be advised to consider its designation as a Town Council;

(b) having taken into account the representations received, the Parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards, with each ward having the number of parish councillors as follows:

Crewe St Barnabas 2

Crewe Central 2

Crewe North 2

Crewe South 4

(except for Gresty Brook (polling district 1GM2)

Crewe East 6

Crewe West 4

Total 20

(c) having considered the results of the ballot of electors, the unparished part of the Borough ward of Leighton be included within the Leighton Urban ward of Leighton Parish;

(d) elections to the Crewe Parish Council be held on 4th April 2013;

(e) the public conveniences in Lyceum Square, Crewe be transferred to the new parish council with effect from 1st April 2013 but Cheshire East Council continue to manage the facilities for the first three months; a sum of £30,000 to be included in the budget for the first year of the parish council to cover the cost of managing these assets;

(f) the Council allotments within the unparished part of Crewe be transferred to the new parish council with effect from 1st April 2013 on the

basis of a 150 year lease; a sum of £30,000 to be included in the budget for the first year of the parish council to cover the cost of managing these assets;

(g) the draft budget be approved, as attached to the report, subject to the addition of a contingency fund of £100,000, the budget totalling £442,000;

(i) the draft re-organisation order be updated as required and submitted to Council on 13th December for approval, following a mini-review of the electoral arrangements for the Parish of Leighton arising from the proposed boundary change to the Leighton Urban Ward;

(2) the terms of reference of the Community Governance Review Sub-Committee be extended to enable the Sub-Committee to take all necessary actions in preparation for the new Crewe Parish Council.

51 RECOMMENDATION FROM CONSTITUTION COMMITTEE - NOTICE OF MOTION RE LOCATION OF STRATEGIC PLANNING BOARD MEETINGS

Consideration was given to the recommendation from Constitution Committee regarding the Notice of Motion concerning the location of Strategic Planning Board Meetings.

RESOLVED

That the Capesthorpe Room, Macclesfield Town Hall and the Council Chamber, Municipal Buildings, Crewe be reserved in advance for every scheduled meeting of the Strategic Planning Board, with the room that is not required for a particular meeting being released at the appropriate time, the choice of venue to be at the discretion of the Chairman of the Strategic Planning Board in consultation with officers.

52 RECOMMENDATION FROM CONSTITUTION COMMITTEE - KEY DECISIONS

Consideration was given to the recommendation from Constitution Committee regarding revised definitions for Key Decisions. The recommendation of the Constitution Committee was moved and seconded as follows :-

That the following definition of a key decision be adopted:

“an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard

to the local authority's budget for the service or function to which the decision relates; or

- (b) to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the local authority.

For the purpose of the above, savings or expenditure are "significant" if they are equal to or greater than £250,000."

Amendment

An amendment to increase the financial threshold for Key Decisions from £250,000 to £ 500,000 was moved and seconded and carried.

RESOLVED

That the following definition of a key decision be approved and adopted:

"an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the local authority.

For the purpose of the above, savings or expenditure are "significant" if they are equal to or greater than £500,000."

53 RECOMMENDATION FROM CONSTITUTION COMMITTEE - REVIEW OF CONTRACT PROCEDURE RULES

RESOLVED

That this item be deferred for consideration at the next meeting of the Council.

54 RECOMMENDATION FROM CONSTITUTION COMMITTEE - PROPOSED AMENDMENTS TO THE COUNCIL'S FINANCE AND CONTRACT PROCEDURE RULES/PROJECT GATEWAY

Consideration was given to the recommendation from Constitution Committee regarding proposed Amendments to the Council's Finance and Contract Procedure Rules, which were appended to the report and the

creation of “Project Gateway”, to provide a strong quality assurance model for major projects and programmes in Cheshire East.

The Constitution Committee recommended :-

That :-

- (1) the proposed amendments to Sections A and B of the Finance and Contract Procedure Rules be approved subject to the following amendment:

“That projects with an estimated cost of between £100,000 and £250,000 are to be brought to the appropriate Policy Development Group for consideration and/or noting.”

- (2) the Constitution be amended accordingly.

AMENDMENT

An amendment to delete the words “and/or noting” at the end of recommendation (1) was moved and seconded and carried.

RESOLVED

That :-

- (1) the proposed amendments to Sections A and B of the Finance and Contract Procedure Rules be approved subject to the following amendment:

That projects with an estimated cost of between £100,000 and £250,000 are to be brought to the appropriate Policy Development Group for consideration.

- (2) the Constitution be amended accordingly.

55 RECOMMENDATION FROM CONSTITUTION COMMITTEE - SPECIAL RESPONSIBILITY ALLOWANCE: LOCAL SERVICE DELIVERY COMMITTEES FOR CREWE AND MACCLESFIELD

Consideration was given to the recommendation of the Constitution Committee regarding the awarding of a Special Responsibility Allowance to the Chairmen and Vice-Chairmen of the Local Service Delivery Committees for Crewe and Macclesfield.

Following debate, Council resolved that this matter should be referred back to the Independent Remuneration Panel for further consideration and that Member comments reported to the Panel.

RESOLVED

That this matter be referred back to the Independent Remuneration Panel for further consideration.

56 RECOMMENDATION FROM CONSTITUTION COMMITTEE - PETITIONS SCHEME

The recommendations of the Constitution Committee regarding proposed amendments to the Council's Petitions Scheme were submitted.

RESOLVED

That this item be referred back to the Constitution Committee for further consideration.

At this point the meeting was adjourned for 10 minutes.

57 RECOMMENDATION FROM CONSTITUTION COMMITTEE - REVIEW OF THE PLANNING PROTOCOL OF CONDUCT AND THE PLANNING PUBLIC SPEAKING PROTOCOL

The recommendations from the Constitution Committee regarding the review of the Planning Protocol of Conduct and the Planning Public Speaking Protocol were submitted. The Mayor reported that the documents had also been considered by the Strategic Planning Board and the Audit and Governance Committee. Revised documents, which showed the changes as considered by the Constitution Committee were appended to the agenda.

The Mayor reported that the Constitution Committee had noted the recommendations from the Strategic Planning Board and had not made any further comments on the proposed amendments to the Protocols. However, the Audit and Governance Committee, on considering the Public Speaking Protocol, had proposed that the speaking time for Ward Members on planning applications should remain at 5 minutes, as opposed to the proposal by the Strategic Planning Board and the Constitution Committee, which recommended that all visiting Cheshire East Councillors, including Ward Councillors should have 3 minutes to speak. He, would therefore, call upon the Chairman of the Constitution Committee, Cllr Andrew Martin to move the proposed changes to the Protocols as agreed by the Strategic Planning Board, as set out on page 142 of the of the agenda and once this motion has been disposed of, he would then call upon Cllr Hammond, as Chairman of the Audit and Governance Committee to move the recommendation from the Audit and

Governance Committee in respect of this matter, as set out on page 143 of the agenda.

Cllr Martin, moved the recommendations of the Strategic Planning Board, as considered by the Constitution Committee, with the exception of the recommendation relating to the time period for Member speaking time.

RESOLVED

That the amendments put forward by the Legal Officer and the following additional amendments suggested by Members of the Strategic Planning Board be approved: -

- 1) That in relation to the Public Speaking Protocol the provision requiring a copy of a Constitution outlined in paragraph 1.1 of the report, to be produced by a Local Representative Group should be deleted.
- 2) That the final sentence in paragraph 1.2 of the Public Speaking Protocol be deleted.
- 3) That the third bullet point in paragraph 2.6 of the Public Speaking Protocol be amended so that all visiting Cheshire East Councillors (including Ward Councillors) may be questioned by Members of the Strategic Planning Board/Northern or Southern Planning Committee, for a maximum of 5 minutes, or longer at the Chairman's discretion.
- 4) In relation to paragraph 8.9 of the Planning Protocol, the words 'not ever' be replaced with the word 'never'.

With reference to recommendation 3 of the Strategic Planning Board, Cllr Hammond moved the recommendation of the Audit and Governance Committee, which proposed that the speaking time for Ward Members should remain at 5 minutes.

RESOLVED

That the third bullet point in paragraph 2.6 of the Public Speaking Protocol be amended so that all visiting Cheshire East Councillors have 3 minutes to speak, Ward Councillors have a total of 5 minutes to speak and may be questioned by Members of the Strategic Planning Board/Northern or Southern Planning Committee, for a maximum of 5 minutes, or longer at the Chairman's discretion.

Consideration was given to the recommendation of the Audit and Governance Committee relating to the appeals procedure for complaints under the Member Code of Conduct.

RESOLVED

That the appeals procedure in relation to complaints under the Member Code of Conduct take the form of an oral hearing, the appeals body to comprise three Councillors from the pool of 15 and an independent person none of whom have previously been involved in a particular case.

**59 RECOMMENDATION FROM AUDIT AND GOVERNANCE COMMITTEE -
AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2011/12**

The requirement to submit an Audit and Governance Committee Annual report to Council was now included within Cheshire East Council's Constitution. The first Audit and Governance Committee Annual Report was, therefore, submitted.

RESOLVED

That the Audit and Governance Committee Annual Report 2011/12 be received.

**60 RECOMMENDATION FROM INDEPENDENT REMUNERATION PANEL
- NOTICE OF MOTION RE MEMBER ALLOWANCES/MILEAGE RATES**

Consideration was given to the recommendation from the Independent Remuneration Panel regarding a Notice of Motion concerning Member Mileage Rates.

The Independent Remuneration Panel recommended :-

That the payment of travel expenses by way of an increase to elected Members' Basic Allowance is not considered by the Independent Remuneration Panel to be a viable option for Cheshire East Council at this point in time; given that: -

- i) It goes against the principle of Members being reimbursed for actual expenditure incurred in the performance of their duties; and
- ii) It would have a detriment impact on Members due to the travel element of the basic allowance being liable for tax.

RESOLVED

That the recommendation of the Independent Remuneration Panel, as set out above be approved.

61 RECOMMENDATION FROM CABINET - MIDDLEWICH EASTERN BYPASS & MIDPOINT 18

Consideration was given to the recommendation from Cabinet in respect of the Middlewich Eastern Bypass & Midpoint 18. Following the Government's proposed allocation of £4m from its Regional Growth Funding to Pochin Developments Ltd to support the development of the Middlewich Eastern Bypass, Cheshire East Council had been requested to act as the grant recipient and accountable body to receive and manage the grant.

RESOLVED

1. That Council approves the request for the Council to act as the grant recipient for this project and accepts the terms of a conditional grant offer letter from the Secretary of State for Business, Innovation and Skills (BIS), subject to the satisfactory advice of the Borough Solicitor.

2. That authority be delegated to the Strategic Director (Places & Organisational Capacity), in conjunction with the Portfolio Holder, to accept the final grant offer letter, subject to the satisfactory advice of the Borough Solicitor and independent Due Diligence advice.

62 QUESTIONS

The following questions had been submitted:-

QUESTION 1

From Councillor D Brickhill

Parking at the rear of the Municipal Buildings, Crewe

On Monday 17 September, on the occasion of a Cabinet meeting at the Municipal Buildings, Crewe, the only properly marked disabled spot, was occupied by a cone with a notice marked "Reserved for Councillor Michael Jones". I am glad to say he is not disabled. However this contravened both the disabled space regulations and the notice that Councillors (and he is just one of 82) are not permitted to use ANY of the car parking spaces behind the Municipal building. He was not expected at the meeting and had given his apologies. Will you please explain this?

Will you please detail the steps you are taking to ensure that disabled spots are only used by disabled people displaying their disabled badge

and the way you will deal with offenders to prevent them using these spots again, preferably with some kind of penalty.

If you are not able to produce such evidence, I would like to hear who gave the authority to issue the notice saying *“Members be aware that they are not permitted to park at the rear of the Municipal Buildings, as parking is very restricted and they need to keep this for visitors and deliveries as well as disabled parking.”*

Response from Cllr Macrae

As Members will be aware, there is minimal parking at the Municipal Buildings, in Crewe, however, there are currently three clearly marked disabled spaces. The Asset Management Service is currently reviewing this provision, with the aim of creating one further disabled parking space and improving the area as a whole.

Unfortunately, the note sent to Members was badly worded and an apology has been offered.

The Building Support Officers monitor this car park throughout the day and issue notices to offenders, this will continue in the future. Can I also encourage Members to sign in when visiting so that illegal parking can be monitored.

QUESTION 2

From Councillor S Hogben

Crewe Heritage Centre

The Council is planning to grant a 125 year lease on the Crewe Heritage Centre site for a peppercorn rent. This effectively gives away an asset valued at £1m.

Could we have an assurance that there will be adequate safeguards within the lease agreement that

- 1) the site will be used for the benefit of the people of Crewe and that the site will be subject always to the objective that it shall be used for railway heritage and that any other use must be ancillary to this purpose, and
- 2) the existing rights of the Crewe Heritage Centre Trust will be fully protected, and
- 3) the new lease holders shall be prevented from extracting profits derived from the rent free site by paying high salaries, management charges or by raising loans secured on the lease?

Response from Cllr Macrae

Following on from the Notice of Motion of 13/10/ 11, I would respectfully remind Councillor Hogben that the matter has received consideration by both the Cabinet Member for Prosperity on the 27th June 2011 and by the Environment and Prosperity Scrutiny Committee on the 25th July 2011, at which Cllr Hogben was present.

1. I can remind Cllr Hogben that on the 27th June 2011 it was agreed that the site of the Crewe Heritage Centre be declared surplus to the requirements of Cheshire East Council and that a 125 year lease be offered for sale on the open market with a restrictive covenant to preserve the site for the rail heritage of Crewe. The terms have of the draft lease have been offered on this basis. (We are not disposing of the freehold).
2. The existing rights of the Crewe Heritage Centre Trust will not be affected by the grant of a new Head Lease.
2. The draft lease has been offered on the basis that the Tenant will invest the profits derived from the property into the property and/or into the activities carried on at the property.

I have copies of the previous decisions and Scrutiny call-in and relevant minutes if Members require them and if Members wish to view the terms of

the lease, I suggest that they make an appointment with the Borough Solicitor.

Supplementary Question

Cllr Hogben requested that the response be copied to all Members and requested an update in respect of the current situation. It was noted that the response would be included in the minutes of the Council meeting and Cllr Macrae undertook to check on the current situation and would provide an update.

QUESTION 3

From Councillor S Corcoran

East Cheshire Community Transport

- 1) Why didn't Cheshire East Council act on the warnings from East Cheshire Community Transport in January 2012 that the new services they were being asked to take on by Cheshire East Council would cause them cash flow difficulties?
- 2) The amount Cheshire East Council is now paying for the Dial-a-Ride service is higher than if no cuts at all had been made in the grant to East Cheshire Community Transport. Why did Cheshire East Council push ahead and impose cuts to the grant for East Cheshire Community Transport for Dial-a-Ride rather than negotiate an achievable reduction with East Cheshire Community Transport?
- 3) Why didn't the Council respond to requests for assistance from East Cheshire Community Transport in the weeks leading up to the cessation of trading?
- 4) It has been stated that Cheshire East Council was owed £139,000 by East Cheshire Community Transport. Why hasn't Cheshire East Council submitted a claim to the liquidator for this amount?
- 5) Why didn't the Council act to secure the computer system for which £39,000 had been granted less than a year previously?
- 6) Why didn't the Council act to secure the buses for which £90,000 had been granted less than a year previously?

Response from Cllr Menlove

- 1 It is incorrect to assert that the Council has not acted, and it is also incorrect to say that the changes would result in cash flow difficulties. The Council has for many years been a strong

supporter of community transport across the Borough, committing substantial amounts of funding to ensure residents with mobility difficulties can access essential local services. In helping East Cheshire Community Transport with its implementation of a revised business plan, officers worked closely with them to help mitigate the impact of funding changes. This included offering transitional funding, and reprofiling the payments that were to be made.

Unfortunately, despite regular requests, no information was forthcoming to the Council over the exact financial position facing the Charity. It is for the Charity to answer for its own specific failure to keep proper accounting records, and to make them available to the Council. The Charity had failed for a number of years to even submit its accounts to the Charity Commission. It is likely that had the true financial position been known, then funding would have ceased sooner in order to protect the taxpayers' interests and adopt alternative approaches.

- 2 This statement also is simply incorrect. The funding made available now is for a service that covers the whole of the south of the Borough, whereas funding for East Cheshire Community Transport and the service they provided covered only certain areas. Also, the ongoing costs of operating this service ourselves is lower than the ongoing amounts paid to East Cheshire Community Transport would have been – again, another unsupported assertion. So, we are providing better service coverage at lower cost, which I believe all members would welcome.
- 3 Again, this is simply incorrect. Officers were in regular contact with Trustees and officers of the Charity, and I attended a meeting with the Chair of Trustees and the Charity's coordinator. Requests for assistance, as they are termed, were limited to no more than demands for increased funding.

There was no recognition from the Charity that they had to change their working practices; no recognition they had to reduce costs; no recognition that there are many sources of funding other than Cheshire East's taxpayers. The Charity did not have any volunteers – only paid staff. The Charity did no fundraising – it was in effect a contractor to the Council, with no attempts to seek grants from other bodies or fundraise within the community it served. They occupied a very high cost premises, employed a high number of management and administrative staff, and displayed a lack of commercial acumen. In such circumstances, it is right that the Council does not avoid taking difficult decisions to ensure we get maximum value from the limited taxpayer funding we have available.

- 4 Cheshire East Council funding was provided to the Charity, not to the company, It is inappropriate – and probably unlawful - to submit a claim to a company we have not funded.

To recover any funding from the Charity would mean submitting a claim to the Trustees, and they are considered to be without substantial assets. The prospect of recovering the funding is therefore remote, and is not considered to be worth the cost of pursuing.

- 5 The bailiff appointed by the company sold the computer system before the Council was invited to submit a formal offer. The data had already been secured in hard copy form, and the replacement flexible transport service is operating a satisfactory database without needing to use the previous system used by East Cheshire Community Transport.
- 6 The Charity had not paid its debts for some considerable period – nearly 12 months in some instances. Bailiffs were appointed by the Charity's creditors to sell assets. This only came to light after the Charity had transferred its remaining assets and liabilities into a company against the expressed wishes of the Council. When the remaining vehicles were likely to be sequestered, the Council's officers moved swiftly to ensure that they were surrendered to the Council, and these vehicles are currently being used to provide the service in the south of the Borough.

Supplementary Question

Cllr Corcoran questioned, that if the new contract was better than the old contract with East Cheshire Community Transport, then why did the first quarter financial report of Cheshire East Council include £500,000 provision for extra costs due to the collapse of ECCT.

Cllr Menlove undertook to provide a written response to this question.

QUESTION 4

From Councillor S Corcoran

Sustainable Housing Developments

Further to my question at the last Council meeting and the written response received:

- 1) Could the Cabinet Member elaborate on their comment that "it will not always be a 50% margin of tolerance that is used"? The traffic light system already has an inherent amount of flexibility. I am very concerned that allowing the margin of tolerance to be varied could lead

to confusion and inconsistency. Who decides what the margin of tolerance is and on what basis do they decide?

- 2) Ensure that all planning officers are aware of the 'traffic light approach'? I have recently been advised by a senior member of the department that the normal procedure is to only regard a red traffic light as a failure and I have seen this interpreted at a recent Strategic Planning Board meeting where planning officers presented an application stating that it 'meets 11 out of the 15' NWDA criteria when in fact 4 were green, 7 were amber and 4 were red. At that meeting no 'traffic light' slide was presented and it was not mentioned in the officer report. As a council we need to have a clear, consistent approach to sustainability.
- 3) Advise when the Council is likely to have adopted documents that reflect the current NPPF guidance, so that the Council has a defensible definition of a sustainable development? I note that the Interim Planning Policy (recently consulted upon) gives criteria based on the NWDA Sustainability Toolkit distances, but this makes no mention of a traffic light system. If the acceptable distances are to be increased by 50% (or more) by use of an amber traffic light then this calls into question the validity of the consultation.

(Question and Written Response from Council 19 July 2012 - referred to in the above Question)

Definition of a 'Sustainable Development'

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 (NWDA) 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 NWDA 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 NWDA sustainability toolkit. As an example the NWDA 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)?"

Written Response:

The concept of Sustainable Development lies at the heart of the planning system. In very simple terms it relates to Development which meets of the present without compromising the ability of future generations to meet their own needs.

It is often suggested that sustainable development is the harmonious interaction of three dimensions – economic factors, social considerations and environmental issues. These goals need to be pursued jointly and simultaneously to achieve sustainable development.

The National Planning Policy framework puts this more broadly – and indicates that the accumulated guidance of some 201 distinct paragraphs collectively constitutes ‘sustainable development’ within the planning system.

The new Cheshire East Local Plan will explain what we consider to be sustainable development in a Cheshire context; but currently we do not have any adopted documents that reflect the current NPPF guidance.

Sometimes in the assessment of development proposals, the term ‘sustainable’ and ‘accessible’ are used interchangeably. That is perhaps a misreading of the true concept of sustainability as spelt out in the NPPF. The NPPF adopts a broader approach to the issue.

The North west Sustainability Tool Kit as used by the Council specifically addresses sustainability in terms of accessibility – how well a residential development is related to a number of key local services. The Council has refined the tool kit on application and particularly on planning appeals by introducing a traffic light system. This is with the aim of giving a fairly simple picture of a site’s accessibility. The following approach is taken:

Green = the standard is met

Amber = the standard is not met, but by a moderate margin

Red = the standard is not met by a significant margin

The distinction between ‘moderate’ and ‘significant’ margins will vary according to the particular facility concerned. Consequently it will not always be a 50 % margin of tolerance that is used.

When making planning decisions the Council is concerned with the balancing the benefits of development with any harm it may also cause in terms of adverse impacts. Most prominence is given to those impacts which are significant; consequently it is entirely appropriate to seek to distinguish between a marginal or moderate impact and one that is much more severe. The Traffic light approach seeks to achieve this, whilst also give a quick and easy perspective on a sites suitability).

Summary of Response from Cllr Bailey

At the outset we need to make it clear that sustainable development is a much broader concept than the subjects which the traffic light matrix addresses. The Government states that sustainable development is the effective balance of economic, social and environmental factors – whereas

the traffic light matrix primarily considers accessibility – which is a much more narrow aspect of development. Consequently we should be careful not to over emphasise its importance or role.

To address the specific questions:

Question 1

The matrix states that anything other than a 'green' fails to meet the standard. Therefore amber and red only signify the scale and extent of the standard.

Green = the standard is met

Amber = the standard is not met, but by a moderate margin

Red = the standard is not met by a significant margin

The Amber / Red categories have been devised internally by the planning teams.

(Hence, question 2 is surprising, but I assume that you are looking for consistency).

Question 2

As set out above, if the standard of accessibility is only met if it is shown green on the traffic light matrix

Question 3

The Priority of the Council is to ensure it has an up to date Local plan in compliance with the National Planning Policy Framework. This will carry full statutory weight in decision making. The Next stage of the Local Plan, the Borough Development strategy will appear before Council committees later in the autumn.

The Consultation on the Interim Planning Policy took place before the publication of the NPPF and therefore could not have taken full account of the final version. We will be reporting on the Interim Policy at a forthcoming meeting of the Strategic Planning board.

Supplementary Question

Cllr Corcoran stated that he did not feel that his first question had been answered and asked when the National Planning Policy Framework guidance would be published.

Cllr Bailey responded that this would be later in the Autumn.

QUESTION 5

From Councillor D Brickhill

Proposed Development on Duchy Land

It has been reported on Twitter that the Duchy are proposing a major development on their land to the north of the A 500.

Have there been any pre-application discussions with our officers about this and precisely where is the site concerned?

Response from Cllr David Brown

During the consultation on the Crewe Town Strategy, a range of responses have been received by developers and landowners across Crewe and the surrounding area. One of these responses includes proposals for major development to the east of Crewe, north of the A500. There have been no formal pre-application discussions with Officers with regards to these proposals; however there have been meetings with developers and landowners, including the Duchy of Lancaster as part of the consultation process.

Supplementary Question

Cllr Brickhill questioned why Members had to find out about this matter via Twitter, rather than through Council officers and the Cabinet Member.

Cllr Brown stated that there had been an internal conference discussion with the Duchy and that the Duchy had informed tenants, who had posted the information on Twitter. As soon as the position was formal, notification had taken place.

QUESTION 6

From Councillor D Brickhill

Cost of Telephone Maintenance

It is reported on the Crewe Voice website that Cheshire East spends £5 million on telephone maintenance.

If this is correct can you tell us please how the figure is broken down and if it includes line rentals and calls?

Response from Cllr David Brown

Cllr Brown thanked Cllr Brickhill for his question and provided a brief response at the meeting and undertook to provide a more detailed written response.

Supplementary Question

Cllr Brickhill questioned what reliance he could have on the figures produced and stated that he did not have faith in them.

Cllr Brown responded that the problem with the web action package was being investigated, but that this was not reflected in the way the Council ran it.

The meeting commenced at 2.00 pm and concluded at 6.30 pm

Councillor G M Walton (Chairman)
CHAIRMAN