

# Council Agenda

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**Date:** Thursday 10th April 2014  
**Time:** 4.00 pm  
**Venue:** The Ballroom, Sandbach Town Hall, High Street,  
Sandbach, CW11 1AX

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The agenda is divided into two parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

## **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Prayers**

2. **Apologies for Absence**

To receive any apologies for absence

3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

4. **Minutes of Previous Meetings** (Pages 1 – 34)

To approve the minutes of the meetings held on 27 February and 28 February 2014

5. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

6. **Public Speaking Time/Open Session**

In accordance with Council Procedure Rule 35 and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

7. **Notices of Motion** (Pages 35 - 36)

To consider any Notices of Motion that have been received in accordance with Procedure Rule 12.

8. **Election of Mayor and Deputy Mayor for the 2014-15 Civic Year** (Pages 37 - 38)

To approve the designation of Councillor W Fitzgerald as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2014-15, at the Mayor Making ceremony to be held on 14 May 2014.

9. **Corporate Leadership Board Appraisals** (Pages 39 - 42)

To approve the establishment of an Appraisal Board for Corporate Leadership Board members and designate the arrangements for establishing and running the Board to the Staffing Committee.

10. **Designation of Deputy Electoral Registration Officer** (Pages 43 - 46)

To approve the designation of the Head of Governance and Democratic Services as the Deputy Electoral Registration Officer.

11. **Leader's Announcements**

To receive such announcements at may be made by the Leader.

## 12. **Questions**

In accordance with Procedure Rule 11, opportunity is provided for Members of the Council to ask the Mayor, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

At Council meetings, there will be a maximum question time period of 30 minutes. Questions will be selected by the Mayor, using the criteria agreed by Council. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

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**CHESHIRE EAST COUNCIL****Minutes of a meeting of the Council**

held on Thursday, 27th February, 2014 at Crewe Alexandra Football Club,  
Gresty Road, Crewe, CW2 6EB

**PRESENT**

Councillor D Flude (Chairman)

Councillor W Fitzgerald (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Baxendale, D Bebbington, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, S Carter, R Cartledge, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, D Druce, K Edwards, P Edwards, I Faseyi, J P Findlow, R Fletcher, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, O Hunter, J Jackson, M Jones, S Jones, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, B Murphy, D Neilson, D Newton, M Parsons, P Raynes, L Roberts, J Saunders, B Silvester, M J Simon, L Smetham, A Thwaite, D Topping, G M Walton, M J Weatherill, P Whiteley and J Wray

**Apologies**

Councillors H Gaddum, S Gardiner, L Jeuda, F Keegan, M A Martin, H Murray, M Sherratt, D Stockton, C G Thorley, G Wait, R West and S Wilkinson

**60 PRAYERS**

The Mayor's Chaplain said prayers, at the request of the Mayor.

**61 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 12 December 2013 be approved as a correct record, subject to the addition of Cllr S Carter's initial.

**62 MAYOR'S ANNOUNCEMENTS**

The Mayor :-

1. Referred to the recent sad death of Mr Pete Warburton, who had been Crewe Alexandra Football Club's official photographer for 60 years. (Cllr Rachel Bailey also added her sentiments).
2. Announced that, since the last Council meeting in December she and the Deputy Mayor had attended over 40 events across the

Borough. Details of the events had been circulated round the Chamber.

3. Announced that she had been pleased to see Members at the Council's Holocaust Memorial Day service in Sandbach on January 27, where representatives from a number of Town and Parish Councils and the wider community had been welcomed. She considered that it was right that the Borough remembered the Holocaust and those that had lost their lives in subsequent genocides and she commended the Leader of the Council for championing this initiative.
4. Announced that over the last few weeks, Cheshire East had experienced some appalling weather. She paid tribute to those staff who had worked tirelessly to keep the Borough's roads open and vulnerable residents safe. They had gone above and beyond the call of duty. She also paid tribute to the Police and Fire and Rescue Services, who had worked so hard to keep the Borough's residents safe. She was aware that there was a Notice of Motion on this theme later on the agenda, which she was confident all Members would wish to support
5. Welcomed Anita Bradley, the new Head of Legal Services and Monitoring Officer to her first meeting of Council.
6. Announced that, as the meeting on the following day was a Special Council Meeting and followed on from today's meeting, she would not be making any announcements, excepting any that were necessary to assist with the efficient dispatch of business.
7. Referred to the recent sad death of Councillor Peter Nurse, who had selflessly served the community for very many years in a number of capacities and would be missed. (Members stood for a minutes silence as a mark of respect).
8. Announced that she would be holding a charity lunch, on Sunday 27 April, at the Tytherington Club, Macclesfield and that invites would be sent out to all Members shortly.

## **63 DECLARATIONS OF INTEREST**

There were no declarations of interest, but the Leader took the opportunity to inform the Mayor that he would need to leave the meeting later in the afternoon, in order to meet with a Government Minister.

## **64 PUBLIC SPEAKING TIME/OPEN SESSION**

Mr MC Boston attended the meeting and used public speaking time to ask a question concerning whether sauna suites would form part of the new Crewe Lifestyle Centre.

Cllr Janet Clowes, the Health and Adult Social Care Portfolio Holder, gave a brief response to this question stating that sauna suites were not proposed and the reasons for this and undertook to provide a more detailed written response to Mr Boston.

65 **NOTICES OF MOTION**

Consideration was given to the following Notices of Motion:-

**Public Rights of Way**

**Proposed by Councillor Ken Edwards and seconded by Cllr Corcoran.**

Cheshire East Council acknowledges that one of their most significant tourist assets is the magnificent scenery and the access to that scenery given by the extensive public rights of way network.

Therefore they call upon the administration to ensure that in any future arrangements for the governance and management of public rights of way that may be commissioned in the exercise of the Councils statutory responsibilities the following principles will be adhered to:

- a) There will be appropriate arrangements made to maintain and where necessary to improve and extend signage, and safe access
- b) There will be consultative arrangements to enable members of the public to be aware of and involved in any proposed changes to Public Rights of Way
- c) There will be a continually updated Rights of Way Improvement Plan
- d) There will be an appropriate programme of inspection to ensure safety for users.
- e) There will a budget allocated to carry out the above responsibilities.
- f) Work on completing the Definitive Map of all designated rights of way will be completed.

**RESOLVED**

That the motion stand referred to Cabinet.

**2 Spare Room Subsidy**

**Proposed by Councillor Ken Edwards and seconded by Cllr Raynes**

In line with the aspiration to improve the quality of life of all in Cheshire East, this Council should be satisfied that there has been no harm done to the health and wellbeing of the residents who have been affected by the Spare Room Subsidy.

We therefore call upon this Council to carry out Health Impact, and Equality Impact Assessments on the effects of the implementation of the Spare Room Subsidy throughout the Borough.

In particular, the Council should assess the impact on those residents who have been detrimentally affected, because they have been in receipt of Housing Benefit Support since before 1996.

**RESOLVED**

That the motion stand referred to Cabinet.

**3      Thank You to Highways and Emergency Teams**

**Proposed by Councillor David Topping and seconded by Cllr Rachel Bailey**

That this Council formalises its sincere thanks to the highways and emergency teams for their supreme efforts in the most difficult of conditions during the recent storm to keep the highways network open and keeping residents as safe as possible.

**RESOLVED**

That the motion be accepted.

**4      Preparation of Final Draft Core Strategy for Local Plan**

**Proposed by Councillor Lesley Smetham and seconded by Cllr Simon**

Cheshire East Council recognises and appreciates the expertise, negotiation skills and hard work that all officers involved have put into the preparation of a fair, sustainable and robust Final Draft Core Strategy for our Local Plan.

The mover and seconder accepted an amendment to the motion to delete the words “of a fair, sustainable and robust Final Draft Core Strategy for”.

The motion to now read ;-

“Cheshire East Council recognises and appreciates the expertise, negotiation skills and hard work that all officers involved have put into the preparation for our Local Plan”.

**RESOLVED**

That the motion, as amended, be accepted.



**66 RECOMMENDATION FROM CABINET - TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION POLICY STATEMENT 2014-15**

Cabinet, at its meeting on 4 February 2014, had considered the 2014/15 Treasury Management Strategy Statement, incorporating the Minimum Revenue Provision Policy Statement, the Investment Strategy and Prudential and Treasury Indicators and had recommended it to Council for approval.

It was reported that strong financial management had strengthened the balance sheet, enabling the Council to continue its policy of utilising investment balances instead of taking out new external borrowing in order to finance capital expenditure. This had meant that the loans portfolio had not increased from the inherited position of the former County Council. This, along with a number of key decisions taken since 2009, including debt restructuring, repayment of prior years' debt using available reserves, rigorous daily investment decisions and the monitoring of available cash flows had enabled the Council's cash resources to be used to optimum benefit.

The Council remained committed to delivering appropriate levels of capital investment to support service improvement and local economic growth. It would continue to minimise the net cost of borrowing by ensuring that the capital programme could be funded without the need for additional external borrowing.

**RESOLVED**

That the Treasury Management Strategy and the Minimum Revenue Provision Statement for 2014/15 be approved.

**67 THE COUNCIL'S MEDIUM TERM FINANCIAL STRATEGY 2014/2017 AND BUDGET REPORT**

Consideration was given to the Council's Medium Term Financial Strategy 2014/2017 Report.

The report provided the two documents which made up the Medium Term Financial Strategy (MTFS) for the period 2014/2015 to 2016/2017. They were:

Appendix A – The Leader's Report 2014/2017, which set out the Council's approach to achieving its ambitions of delivering positive community outcomes and supporting businesses over the medium term. The report provided context, highlighted achievements to date and gave details of the proposed changes to services.

Appendix B – The Budget Report 2014/2017, which set out, in detail, the robust spending plans and income targets that would provide the

resources for the achievement of the Council's plans for the financial year starting 1st April 2014, as well as indicative estimates for 2015/2016 and 2016/2017. The report provided information on the balance of funding between central and local government as well as supporting information on requirements for capital expenditure and reserve levels.

It was reported that both documents were the result of the Business Planning Process led by the Council from July 2013 to February 2014. The MTFs Report had been considered by Cabinet on 4th February 2014 and was recommended to Council for approval. The report itself had been subject to minor alterations to reflect the release of the final local government finance settlement and confirmation of several specific grants. Both of these events had taken place after the Cabinet meeting.

The recommendations as set out at page 46 of the agenda papers and paragraph 2 of the report were proposed by the Leader of the Council, Cllr Michael Jones and seconded by Cllr Raynes.

An amendment was proposed to the 2014/2015 Budget package to remove a £40,000 saving relating to "PROW and countryside service review", which was shown on the Environmental Protection and Enhancement financial summary table, at pages 78 and 164 of the agenda pack. This was accepted by the mover and seconder and it was approved that the resulting budget shortfall would be funded from general reserves in 2014/2015.

The Mayor reported that new Government regulations required the recording in the minutes of how each Member voted on any decision relating to the Budget or Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

### **For**

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Baxendale, D Bebbington, D Brown, L Brown, J Clowes, H Davenport, W S Davies, R Domleo, D Druce, J P Findlow, W Fitzgerald, L Gilbert, P Groves, J Hammond, M Hardy, P Hoyland, O Hunter, M Jones, A Kolker, W Livesley, J Macrae, D Marren, A Martin, P Mason, R Menlove, G Merry, B Moran, P Raynes, J Saunders, B Silvester, M Simon, L Smetham, A Thwaite, D Topping, G Walton, M Weatherill, P Whiteley, J Wray

### **Against**

D Brickhill, B Burkhill, P Butterill, R Fletcher, D Hough, S Jones, D Mahon, A Moran, B Murphy, D Neilson, M Parson, L Roberts.

**Not voting**

S Carter, S Cartlidge, S Corcoran, K Edwards, P Edwards, I Faseyi, D Flude, M Grant, A Harewood, S Hogben, J Jackson, D Newton.

The motion was declared carried by 42 votes for, 12 against, with 12 not voting.

**RESOLVED**

That Council approves: -

1. The Revenue estimates of the 2014/2015 budget and the medium term Capital Programme estimates 2014/2017, as detailed in the Leader's Report (Appendix A of the report) and Budget Report (Appendix B of the report), which form the overall Medium Term Financial Strategy subject to the agreed amendment, resulting in the removal of a £40,000 saving relating to "PROW and countryside service review", this to be funded from general reserves in 2014/15;
2. Band D Council Tax of £1,216.34 (no change from 2013/2014) (Appendix B of the report, Section 2).
3. The 2014/2015 non ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council, if further information is received from Government Departments or other funding bodies (Appendix B of the report, Annex 3).
4. The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2014/2015 funding position are received.
5. The recommended Prudential Indicators for Capital Financing (Appendix B of the report, Annex 5).
6. The Children and Family Services and Rural Affairs Portfolio Holder to agree any necessary amendment to the 2014/2015 Dedicated Schools Grant (DSG) of £184.8m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2013/2014 (Appendix B of the report, Annex 6).
7. The recommended Reserves Strategy and the proposal to create an earmarked investment reserve for £5.3m to be used to improve the financial sustainability of the Council in the medium term (Appendix B of the report, Annex 7), subject to the agreed amendment, resulting in the removal of a £40,000 saving relating to "PROW and countryside service review", this to be funded from general reserves in 2014/15.

That Council notes: -

8. The Budget Engagement exercise undertaken by the Council, as set out in Appendix A of the report (Annex 4).

9. The comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the Budget Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix B of the report, Comment from the Chief Operating Officer).

10. The risk assessment detailed in the Budget Report (Appendix B of the report, Section 4).

11. That the estimates and profiling within the Capital Programme 2014/2017 reflect the ambition and future spending plans of the Council, which may vary as funding opportunities, prudential borrowing limits and operational capacity are confirmed (Appendix B of the report, Annex 6).

12. That projects will be managed through the Executive Monitoring Board. The Council's Finance Procedure Rules will always apply should any additional spending requirements be identified (Appendix B of the report, Annex 6).

13 The progress made to become a commissioning council.

## **68 COUNCIL TAX STATUTORY RESOLUTION**

Consideration was given to a report relating to the setting of the Council tax for 2014/15.

The Council, as a billing authority, was responsible for the billing and collection of Council Tax due from local taxpayers and was requested set the overall Council Tax level. This meant that the authority also collected Council Tax income to cover not only its own services, but also precepts set by other authorities. The Council Tax levied was, therefore, made up of four elements:

Cheshire East Borough Council element  
Parish Councils & Charter Trustees precepts  
Police & Crime Commissioner for Cheshire precept  
Cheshire Fire Authority precept

As referred to in the previous minute, new Government regulations required the recording in the minutes of how each Member voted on any decision relating to the Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

**For**

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Baxendale, D Bebbington, D Brown, L Brown, P Butterill, S Carter, S 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, R Fletcher, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, S Hogben D Hough, P Hoyland, O Hunter, J Jackson, M Jones, S Jones A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, P Mason, R Menlove, G Merry, B Moran, D Neilson, D Newton, P Raynes, J Saunders, B Silvester, M Simon, L Smetham, A Thwaite, D Topping, G M Walton, M J Weatherill, P Whiteley, J Wray

**Not voting**

D Brickhill, B Burkhill, D Flude, A Moran, B Murphy, M Parson, L Roberts,

The motion was declared carried by 59 votes for, 0 against, with 7 not voting.

**RESOLVED**

That the Council Tax for Cheshire East Council for the financial year 2014/2015, be set at £1,216.34, in accordance with the formal resolutions as shown in section 18 of the report and as set out below.

1. That it be noted that on 12th December 2013 the Council calculated the Council Tax base 2014/2015
  - (a) for the whole Council area as 137,548.53:-
  - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Appendices.
2. Calculated that the Council Tax requirement for the Council's own purposes for 2014/2015 (excluding Parish precepts) is £167,305,774.
3. That the following amounts be calculated for the year 2014/2015 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 ("the Act"):
  - a. £687,590,542 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
  - b. £515,518,168 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
  - c. £172,072,374 being the amount by which the aggregate at 18.3(a) above exceeds the aggregate at 3(b) above, calculated by the Council,

- in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
- d. £1,250.99 being the amount at 3(c) above divided by the amount at 1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- e. £4,766,600 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act
- f. £1,216.34 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- g. Appendix A being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.
- h. Appendix B being the amounts given by adding to the amount at (f) above, the amounts of special items relating to dwellings in those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Appendix A, calculated by the Council in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish and Charter Trustees area).
- i. Appendix C being the amounts given by multiplying the amount at (h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).
- j. Appendix D being the aggregate of the local charges in (i) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the Act (The total Council Tax charge for each band in each Parish and Charter Trustees area).
4. That it be noted that the Police & Crime Commissioner and the Fire Authority have issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Finance Act 1992 for each

category of dwellings in the Council's area as shown in sections 15 and 16 of the report.

5. It was accepted that the Cheshire East Council's basic amount of Council tax for 2014/2015 was not excessive, in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

## 69 LEADER'S ANNOUNCEMENTS

The Leader of the Council made the following speech to Council :-

### **Our Journey so Far**

"Thank you Madam Mayor. Members of Council, 2014 promises to be another exciting year for Cheshire East Council and a year of continued transformation.

As we all know, since 2011, Cheshire East Council has faced the double pressure of rising demand for services, coupled with diminishing resources and funding. In order to tackle this unprecedented funding challenge, and to avoid a financial 'cliff edge', this Council has taken a long-term view in adopting a flexible model of service delivery.

Last February we began our journey of transition towards becoming a "commissioning council". This new strategic commissioning approach will deliver the savings we need without over simplistic 'salami slicing' of services, it will also ensure services are shaped around residents, businesses and service users.

As part of this new way of working we are building strong coalitions with local and national public sector partners, business leaders, local third sector and voluntary organisations and directly with local residents. By doing this and by involving them directly in the commissioning of services we will support our local communities to be more resilient and self sufficient, and so reducing demand on public services.

By setting this path, and by making the difficult decisions early on we have made a choice, we have chosen not to close leisure centres, not to stop services and not to force staff to take pay holidays. Instead, we have chosen a resident first approach ensuring that we move forward together in 'one direction'.

Under this new structure, we have streamlined our Senior Management Team. Now that we have a permanent team, the Council can be confident that we have the right people in place to deliver on the plans that we have set out".

### **The New Role of Elected Members**

“This ambitious strategy and new senior management structure will require both strategic and operational level leadership from elected members, in order to meet the service-delivery and budgetary challenges set out. Officers face new and uncharted territory and will need leadership and guidance from elected members, to ensure that our scarce resources are used to add maximum social value for the residents and businesses of Cheshire East.

To ensure elected members continue to lead these changes and to drive and influence commissioning decisions, it is vitally important for portfolio responsibilities to be aligned with the Council's priorities and the new matrix management structure.

I announce today that from May this year, the Cabinet will be re-structured to meet the demands of a commissioning Council and that Portfolio Holders work to the new Matrix Model. I have arranged for details of the new Portfolio Holder details to be circulated around the chamber”.

### **Deputy Cabinet Members**

“I will also bring forward re-modelled roles for our executive business, changing the current Cabinet Support arrangements and creating new, powerful, Deputy Cabinet Member roles which will be pivotal in delivering the aspirations of this Council. So, as of May, Cabinet Support roles will no longer exist.

Such has been the pace of change, and the increase in responsibilities of Cabinet Members, that there is an essential need to increase the support mechanisms available to Cabinet Members. I anticipate that Deputy Cabinet Members will have defined roles, clearly documented in job descriptions which not only will clarify their powers, but will also set out their responsibilities and the accountable nature of their roles. Something many Members have requested”.

### **New Delivery Vehicles**

“In line with these changes, I can today announce that I will be restructuring all WOCs to ensure that they operate under a minority and majority share structure, giving the Cabinet an 80% shareholding and The Council a 20% shareholding. This means that Council members whilst not individual shareholders, must have access to all public meetings and be allowed to speak at the discretion of the Chair person.

Under this new operating model, Members must play a crucial role in directing the Council's commissioning process and in subjecting it to democratic oversight and scrutiny”.

### **Member Commissions**

“It is vitally important that we ensure the new delivery companies are accountable and transparent in which the way they operate, in the same way that our existing Council services do.

To do this, I believe that we need to bring into being new arrangements within the Democratic Services area of the Council's operation, which will



provide the Council with appropriate reassurance around the ASDV arrangements. This will be a vital link between Council as the sovereign body, and the ASDVs, which will be delivering services. The link will be a series of cross-party, public Commission, which will be designed to hold the ASDVs to account. The provisional structure of these Commissions is included in the "Working Together" report.

The Commissions are forward planning and retrospective, they will determine policy for the ASDVs and will deliver outcomes for the Cabinet.

As we move forward I can share more detail with you all. I can however share with you the new structure for commissions and service scrutiny, this can be found at the rear of the 'Best Fit' report in your pack".

I also want to make it very clear, that Special Responsibility Allowances (SRO) will come from the service budgets ensuring that services 'blow their own smoke' and ensuring that the tax payer does not fit the bill.

### **New Staff Mutual**

"In line with our new 'best fit' approach, I can also announce today, that we are working with Council staff and our Union colleagues, on a proposal for a new staff mutual.

I cannot provide detail yet as negotiations are still taking place, what I can tell you this will be the first of its kind in Cheshire East, with staff taking control of the future of their service".

### **Zero Hours Contracts**

"I am delighted to confirm that, in agreement with the joint Trade Unions, the Council will be ending "Zero hours contracts" during 2014. These contracts are viewed by many as exploitative and unattractive for employees and, as such, there has been pressure to end them. The Council will instead introduce flexible (or dynamic) contracts and move all employees currently on zero hours contracts onto these new contracts during 2014".

### **CLB Appraisal Board**

"Following the introduction of the Council's modern and flexible pay and grading structure in 2013, which saw the removal of outdated increments and the introduction of performance related pay for all senior managers, I have requested that an appraisals board be established. This board will provide Members, across all parties, the opportunity to have full and proper input, and oversight, into the performance management and pay awards for the Council's Corporate Leadership Board. Further details of this board will be brought back to Council shortly. In order for work to commence, Council will be asked to delegate this work to the Staffing Committee".

### **Staff Engagement**

"Engaging staff throughout our journey of transformation has been a key priority, some examples are:

- **Dragons Den Sept 13.** - Last September saw a Dragons Den style event where seven “big ideas” were presented by staff with three now being implemented ranging from an innovative Cheshire East App, through to Staff Solution Centre’s and a Junior Warden Scheme.
- **Winter road shows** - To keep staff informed on the direction, priorities and successes of the Council and build collective energy around the things that matter, a series of 10 road shows has been undertaken at different locations across the borough during Jan and Feb (more than 800 staff have attended).
- **Middle manager conferences** – following on from the phase three management review, four specific events for middle managers are planned during March, focusing on their critical role in engaging colleagues and driving change and performance.
- **Staff suggestion box** – this has been recently launched following the road shows and more than 50 ideas have already been posted”.

### **Growth and Jobs**

“Cheshire East continues to be a fantastic place to do business. We contribute 7.0% of the region’s economic output, significantly greater than our equivalent population share of 5.3%. We have more businesses (17,700) than any other district or unitary authority in the North West, and the rate of new business start ups is well above the North West and UK average.

Unemployment is at its lowest rate for 5 years (1.9%) and through our ambitious job- led growth plans we are working to reduce this figure further. In particular we will be focusing on youth unemployment, which whilst falling to a 5 year low (4% for 18-24 year olds) by the end of 2013, is far higher than we would like”.

### **Alderley Park**

“Following the announcement by Astra Zeneca to pull out of Alderley Park in 2012, this Council set a clear vision; to create a successful life sciences cluster, focused around a new Bio Hub at Alderley Park.

This has so far resulted in:

- 20 companies now on site, with a number of future potential relocations in the pipeline including the first foreign direct investment;
- Discussions ongoing with a number of potential Astra Zeneca spin-outs from AZ staff;
- As Astra Zeneca move to finalise the site sale, Cheshire East are working closely with all partners on the potential to invest in world significant asset in our area as part of our jobs-led growth; and

- I am happy to announce, and should give some credence to Cllr Edwards that I am considering having an urgent Cabinet meeting to consider participation in the proposed deal to purchase a share of Alderley Park”.

### **Broadband Coverage**

“I can also announce today that we are working on proposals to extend high speed broadband coverage to 99% of Cheshire East”.

### **Cheshire East Commitments to Transparency and Openness**

“Going forward, openness and transparency will be at the heart of everything we do. Let me be very clear, this Council has nothing to hide and is committed to ensuring that the public are able to hold the Council to account, in respect of the services it provides, and the money it spends. In April I will be able to announce further details on our plans to voluntarily release Council information and data, through our ‘Open Data’ policy.

I can also announce today that this Council is going further than ever before, by committing voluntarily publishing as much information and data as possible, making it easier for Elected Members and the public to find and re- use this information”.

### **Concluding statement**

“I think it is clear from all that I have covered that my Cabinet and I, along with the Senior Leadership Team have a very clear vision for the future of this Council and the Borough, and a clear plan of action as to how, together, we will achieve everything we want to achieve and more”.

## **70 RECOMMENDATION FROM CABINET - PAY POLICY STATEMENT 2014/15**

Cabinet, at its meeting on 4 February 2014, had considered the recommendations of the Staffing Committee regarding the draft Pay Policy Statement for 2014/15.

The draft Pay Policy Statement for 2014/15, which reflected the position as at 1<sup>st</sup> April 2014, was attached at Appendix 1 to the Cabinet report. The Statement had been updated to reflect the changes following the senior management review.

1. The Staffing Committee had considered the draft Statement at its meeting on 16<sup>th</sup> July and had recommended two minor amendments to the draft Pay Policy Report as set out below:-
  - Section 8: Publication and Access to Information - the Council should publish the data relating to employees with a salary of £50,000 and above.

- Section 12: Re-Employment/Re-Engagement of Former Employee – delete “truly” so that it read “...not be re-employed or re-engaged in any capacity, except in exceptional circumstances ...”

Cabinet had recommended the draft Pay Policy Statement to Council for approval, subject to Section 8 of the draft Pay Policy Statement being amended in accordance with the recommendation of the Staffing Committee, but that the wording of Section 12 remain unchanged.

The Performance Portfolio Holder, Cllr B Moran, proposed approval of the draft Pay Policy Statement for 2014/15, subject to an amendment to Section 8 of the document – Publication and Access to Information, to add the words “and above” after the figure of “£50,000”

to now read:-

“Senior employees whose salary is £50,000 and above, who meet the following criteria:- statutory officers and any person having responsibility for the management of the Council, to the extent that the person has power to direct or control the major activities of the Council”.

(Cllr Moran also informed Council that the officers present at the Council meeting were affected by the Pay Policy Statement).

## **RESOLVED**

That the draft Pay Policy Statement for 2014/15 be approved, as amended and as outlined above.

## **71 REFERRAL FROM CONSTITUTION COMMITTEE - SCHEME OF MEMBERS' ALLOWANCES: REPORT OF THE INDEPENDENT REMUNERATION PANEL**

The Constitution Committee, at its meeting on 23 January 2014, had considered the report of the Independent Remuneration Panel on its review of Members' allowances and resolved that the report of the Independent Remuneration Panel be noted and referred to Council for consideration, together with a summary of the questions asked by Members and answers provided by the Chairman of the Panel at the meeting.

The Deputy Leader of the Council and Strategic Communities Portfolio Holder, Councillor David Brown made a speech to Council on behalf of the Leader of the Council, who had left the meeting in order to attend a meeting with a Government Minister. The speech explained the proposals which were being made to Council in respect of each of the recommendations, which were circulated around the Chamber. The proposals made are set out below. These proposals were formally proposed by Cllr Brown and seconded by Cllr Newton:-

(Using same paragraph numbering as IRP recommendations)

<b>Summary of Panel Recommendation</b>	<b>Proposal to Council</b>
1. Basic Allowance to remain unchanged	To remain the same as the existing Scheme, this to increase in line with RPI until such time as reviewed again.
<p>2. SRAs for Cabinet Members, Chairmen and Vice Chairmen of committees etc be categorised in order of importance.</p> <p>That the posts of Cabinet Support Member and PDG Chairmen and Vice Chairmen be removed from the Scheme</p>	<p>The recommended categorising of Cabinet Member and committee roles be not agreed.</p> <p>The existing “gearing” of SRAs to the Basic Allowance be discontinued.</p> <p>Remove the allowance for Vice Chairmen of Scrutiny Committees and the Staffing Committee.</p> <p>Retain existing allowances for Chairmen of Scrutiny Committees and the Staffing Committee, and for Chairmen and Vice Chairmen of: Licensing Committee, Audit and Governance Committee, Northern and Southern Planning Committees, Strategic Planning Board, Constitution Committee and Public Rights of Way Committee.</p> <p>Except for the Leader, agree to reduce Cabinet Member allowances by £500.</p> <p>Retain SRAs for Cabinet Support Members and PDG Chairmen/Vice Chairmen pending the PDG/Scrutiny Review and a pending review of executive responsibilities.</p>
3. Reduction in allowances of Leader, Deputy, Main Opposition Group Leader and Minority Group Leader. Removal of Main Opposition Group Deputy Leader allowance if Group numbers reduce to 20% of Council	<p>Agree to reduce allowance of Leader by £1000. Retain existing allowances of Main Opposition Group Leader and Minority Group Leaders, so long as Group membership is x4 or more.</p> <p>Reduce Deputy Leader’s SRA by £500 (as per above).</p> <p>Retain existing allowance for Main Opposition Group Deputy Leader, so long as Group membership is x4 or more.</p>

membership.  Removal of Minority Group Leader allowance if Group numbers reduce to 10% of Council membership.	Retain existing allowances for Minority Group Leaders, so long as Group membership is x4 or more.
4. Removal of allowances for Whips	Pending future review, retain the allowances for Administration Whip, Deputy Administration Whip and Opposition Whips.
5. Car mileage allowance: no change recommended	Introduce a recommended mileage rate of 45p per mile.
6. Members should inform officers when attendance at events is confirmed so that the lowest travel costs can be secured.	Panel's recommendation-agreed.
7. Current allowances for bicycles, car parking, motorcycles, taxis etc remain unchanged.	Panel's recommendation-agreed.
8. Minimal changes recommended to be made to subsistence allowances.	Panel's recommendations-agreed.
9. Small increase in overnight accommodation recommended.	Panel's recommendations-agreed.
10. Recommended separation of Dependants' Carers' Allowances into child care and adults/children with disabilities, and/or special needs.  Recommended allowance limit of £4000 (child care) and £6000 adults/children.	Retain existing provisions for Dependants' Carers' Allowances.
11. Recommended that co-optees should be entitled to claim travel and subsistence allowances.	Panel's recommendations-agreed.
12. No change recommended to claims for out of pocket expenses.	Panel's recommendations-agreed.
13. No change	Panel's recommendations-agreed.

recommended to claims for broadband	
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**RESOLVED**

That the above proposals in respect of the Scheme of Members' Allowances be adopted and incorporated into the Council's Scheme of Members' Allowances, with effect from 1<sup>st</sup> April 2014, as required by Regulations, but with the changes to the allowances themselves being implemented under the scheme with effect from the date of the Annual Council meeting.

**72 RECOMMENDATION FROM CONSTITUTION COMMITTEE -  
CALENDAR OF MEETINGS 2014/15**

The Constitution Committee, at its meeting on 23 January, had recommended approval of the draft Calendar of Meetings for 2014-15 to Council.

Whilst the Constitution Committee would be undertaking further work to establish whether changes should be made to the scheduling of meetings and other matters relating to meeting arrangements, the proposed frequency of meetings had followed the practice previously adopted. Dates had been included for financial briefing/budget engagement events. August 2014 had been retained as a recess period, except for planning meetings.

Those consulted over the production of the Calendar had included the Corporate Leadership Board, Cabinet, Committee Chairmen, Group Leaders and Group Whips.

Cllr A Martin proposed approval of the Calendar of Meetings for 2014-15 and this was seconded by Cllr D Marren.

An amendment to delete the 23 April 2015 Council meeting from the Calendar was submitted and duly carried.

**RESOLVED**

That, subject to the above amendment, the Calendar of Public Meetings for Cheshire East Council 2014-2015 be approved.

**73 RECOMMENDATION FROM CONSTITUTION COMMITTEE - VENUE  
FOR MEETINGS OF THE STRATEGIC PLANNING BOARD**

The Constitution Committee, at its meeting on 23 January 2014, had considered a report reviewing the arrangements for determining the venue for meetings of the Strategic Planning Board, following consideration of the matter by the Constitution Member Working Group. The Committee resolved that Council be recommended to approve revised arrangements

for determining the venue for meetings of the Strategic Planning Board, as recommended by the Constitution Member Working Group and set out in paragraph 4.9 of the report, and that the Constitution be amended to incorporate the arrangements into the Committee Procedure Rules and to allow any consequential amendments.

The recommendations of the Constitution Member Working Group, were as follows :-

“That the Capesthorne 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 the Vice-Chairman of the Board and officers, provided that in exercising such discretion, the Chairman will have regard to the following considerations:

- § the number of planning matters which are to be considered at the meeting in question and the proximity of the development sites to the two meeting venues;
- § the scale of the proposed development associated with the applications to be dealt with at the meeting in question; the complexity of issues associated with, or the controversial nature of, the proposed development, and the likely consequential public interest;

and that, once the Chairman has chosen a venue for the meeting, the Chairman’s full reasons in support of that choice shall be summarised and communicated to all members of the Council via the notification email for the meeting.”

An amendment to delete the following paragraph was proposed and seconded and duly carried :-

“and that, once the Chairman has chosen a venue for the meeting, the Chairman’s full reasons in support of that choice shall be summarised and communicated to all members of the Council via the notification email for the meeting.”

## **RESOLVED**

That, subject to the above amendment, the recommendation from the Constitution Committee in respect of venues for Meetings of the Strategic Planning Board be approved.



74 **QUESTIONS**

The following Members asked Questions :-

Cllr Wray, in respect of whether the Council was achieving its affordable housing target of 30% across the Borough - Cllr Raynes, Finance Portfolio Holder responded.

Cllr Corcoran, in respect of age 16-18 training – Cllr Rachel Bailey, Children and Family Services and Rural Affairs Portfolio Holder, undertook to provide a written response.

Cllr Simon in respect of the route management review for the A534, Crewe and Nantwich – Cllr Topping, Environment Portfolio Holder, responded.

Cllr Baxendale, in respect of the Youth Service – Cllr Rachel Bailey, Children and Family Services and Rural Affairs Portfolio Holder, responded.

Cllr Hough in respect of funding for junction 16 of the M56 – Cllr David Brown, Strategic Communities Portfolio Holder, responded.

The meeting commenced at 12.00 pm and concluded at 5.10 pm

Councillor D Flude (Chairman)  
CHAIRMAN

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Friday, 28th February, 2014 at Crewe Alexandra Football Club,  
Gresty Road, Crewe, CW2 6EB

### **PRESENT**

Councillor D Flude (Chairman)  
Councillor W Fitzgerald (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Bebbington, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, S Carter, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, D Druce, K Edwards, P Edwards, I Faseyi, J P Findlow, R Fletcher, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, O Hunter, J Jackson, S Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, M A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, B Murphy, D Neilson, D Newton, M Parsons, P Raynes, L Roberts, M Sherratt, B Silvester, M J Simon, L Smetham, C G Thorley, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, P Whiteley and J Wray

### **Apologies**

Councillors R Cartlidge, H Gaddum, L Jeuda, S McGrory, H Murray, J Saunders, D Stockton, R West and S Wilkinson

### **76 PRAYERS**

The Mayor's Chaplain said prayers, at the request of the Mayor.

### **77 DECLARATIONS OF INTEREST/PRE-DETERMINATION**

Prior to Members declaring their interests, the Head of Legal Services and Monitoring Officer advised regarding the declaration of financial interests and pre-determination as follows:-

#### **Interests**

Any Member who owns land within the administrative area of the Council has a disclosable pecuniary interest (DPI) in that land. The question is to what extent, if at all, that affects the ability of a Member to participate in the decision-making on the Local Plan Strategy.

In general terms, it is unlikely for any member to have a DPI in the Local Plan Strategy simply as a consequence of their owning land within the borough. However, there are some exceptions.

If a Member owns land which forms part of the Local Plan Strategy Sites or Strategic Locations, then there would be a DPI in respect of the Local Plan Strategy and that Member should declare the interest and not participate in the decision making.

If a Member owns land which, whilst not forming part of the Local Plan Strategy Sites or Strategic Locations, is land which is “in the wings” and might come forward as part of any future Local Plan documents, then again this is considered to be a DPI in respect of the Local Plan Strategy and that Member should declare the interest and not participate in the decision making.

Save for any specific declarations that may be made, it will be noted for the record that Members have interests in property in the administrative area of the Council as recorded on the register of interest.

### **Predetermination**

Members should give consideration as to whether any action taken by them during the preparation of this Local Plan Strategy could amount to predetermination.

The question to be considered is whether there is a real risk, given the evidence, that any particular decision-maker had a closed mind to the decision to be taken, although a decision-maker is not to be taken to have had, or to appear to have had, a closed mind “just because” they have previously done anything that directly or indirectly indicated what view the decision-maker took or what view he would or might take.

If an individual Councillor considers that their actions would give rise to a real risk that it would be considered that they had approached matters with a closed mind then they should declare that predetermination and leave the room and not participate in the decision-making.

In respect of minute 79, “Cheshire East Local Plan Strategy-Submission Version :-

Cllr M Jones stated that, as Leader of the Council he had pre-determined some of the proposals in the Local Plan Strategy and would not take part in the meeting. He left the meeting immediately and did not return.

Cllr Thwaite declared that he was Chairman of East Cheshire Engine of the North.

Cllr Smetham stated that she had met with developers Parish Councils and officers in respect of the Local Plan.

Cllr L Brown declared that she was a Governor of the Kings School, Macclesfield and left the room whenever issues relating to the Kings School and Macclesfield arose during the debate.

Cllr Findlow declared that he was a Governor of the Kings School, Macclesfield and left the room whenever issues relating to the Kings School and Macclesfield arose during the debate.

Cllr Druce declared that he was a Director of the East Cheshire Engine of the North.

Councillor J Hammond declared that in relation to the Basford sites he had attended briefings with agents, officers, local ward members and Parish Councillors however he had always kept an open mind about the proposals.

In addition he also declared he was a Member of Haslington Parish Council which had been consulted at various stages of the Local Plan process. He also declared that he was the Chairman of Ansa Environmental Services Limited who will be delivering Waste Management Services on behalf of the Authority. In all these connections, he had expressed no fixed view regarding the Strategy and retained an open mind.

Cllr Rachel Bailey declared a non pecuniary interest by virtue of being a Governor of Reaseheath College, Nantwich and policy CS21, relating to Kingsley Field, Nantwich and would leave the room whenever issues relating to these matters were discussed.

Cllr Groves declared that he was a Director of East Cheshire Engine of the North.

Cllr Andrew declared that she was a Governor of Broken Cross Community School, Macclesfield.

Cllr Newton declared that he was a Director of East Cheshire Engine of the North.

Cllr Hogben declared that he was a Director of Ansa Environmental Services Limited who will be delivering Waste Management Services on behalf of the Authority and that he has also attended briefings relating to Basford.

Cllr K Edwards stated that he attended meetings with a large variety of people in respect of the Local Plan and declared that he was a member of Bollington Town Council, who had made a detailed submission in respect of the Local Plan, but had kept an open mind.

Cllr Clowes stated that she had attended meetings with Cllrs Hogben and Hammond relating to Basford in respect of the Local Plan.

Cllr Carter stated that he had attended meetings with various people in respect of the Local Plan.

Cllr Silvester declared that he had ownership interest in Shavington House Farm, which was not in the Local Plan, but was in the wings. He had decided that he should leave the meeting. He did so and did not return.

Cllr Hough declared a non pecuniary interest, as he had expressed view at the Strategic Planning Board and Local Plan Member Panel and had made comments regarding Alsager and White Moss Quarry, but had not voted and he would not speak or vote on White Moss Quarry at the Council meeting.

Cllr S Jones stated that she had attended meetings of the White Moss Quarry Liaison group and Alsager Parish Council, who had submitted comments in respect of the Local Plan.

Cllr Fletcher stated that he had discussed the Cheshire East report concerning White Moss Quarry with the Liaison Group and Alsager Parish Council.

Cllr Neilson declared that he had been a member of the Kings School, Macclesfield governing body when site D59 was first discussed, but that he had subsequently resigned as a Governor.

Cllr Brickhill stated that he had attended Basford East and Basford West meetings and other meetings concerning the Local Plan.

Cllr Roberts declared that he was a Kings School, Macclesfield Governor and left the room whenever issues relating to the Kings School and Macclesfield arose during the debate.

Cllr P Edwards declared that he was a member of Middlewich Town Council.

Cllr Corcoran declared that he was a member of Sandbach Town Council and stated that he had met with developers.

Cllr Simon stated that she had attended a meeting of Hands off Wistaston and declared that she was a member of Rope Parish Council.

Cllr Barton declared that he was a Member of Wilmslow Town Council.

Cllr Baxendale declared that he was Member of Congleton Town Council.

Cllr Merry declared that she was a member of Sandbach Town Council, but that she did not sit on its Planning Committee and had not met with developers.

Cllr Gardiner declared that he was a member of Knutsford Town Council.

Cllr Fitzgerald declared that he was a Governor of Wilmslow High School and had attended various meetings concerning the local plan.

Cllr B Moran declared that he was a member of Sandbach Town Council, but that he did not sit on its Planning Committee and had not met with developers.

Cllr A Moran requested advice as to whether he had predetermined the decision, in that he was a member of Nantwich Town Council and had attended briefings with developers, and stakeholders regarding the core strategy for Nantwich. He referred to a document from the House of Commons library, relating to declarations of interest and queried whether pre-determination still existed.

The Monitoring Officer advised that the principle of pre-determination remained, but Members were entitled to participate, unless they had come to the decision with a closed mind.

Cllr Hoyland – Declared that he was a member of Poynton Parish Council and had chaired meetings relating to Woodford Aerodrome, which was in his ward and had met Stockport Council officers, but had not pre-determined any decision.

Cllr L Brown had attended a public meeting regarding a site no longer included in the Local Plan.

Cllr D Brown declared that he was a member of Congleton Town Council.

Cllr Topping declared that he was a member of Somerford Parish Council.

Cllr Davenport declared that he was a member of Disley Parish Council and a Governor of Macclesfield College.

Cllr Domleo stated that he had publically supported the Congleton link Road funding.

Cllr Raynes declared that he was a member of Knutsford Town Council.

Cllr A Martin declared that he was a Governor of Brine Leas High School and Pear tree Primary School, Nantwich.

Cllr M Martin declared that she was a member of Crewe Town Council.

Cllr Faseyi declared that she was Chair of Crewe Town Council.

Cllr A Moran declared that he was a member of Nantwich Parish Council and that he had supported the Kingsley Fields development; further that

he was a Governor of Brine Leas School and that he had opposed a site at Queens Drive and Stapeley South.

Cllr Butterill declared that she was a member of Nantwich Town Council and had had discussions with prospective developers.

Cllr Thorley declared that he was a member of the Local Plan Member Panel, the Local Development Forum and the Strategic Planning Board, where the Local Plan had been discussed.

Cllrs Murphy, Burkhill and Mahon stated that they had expressed strong views regarding a number of sites in the Local Plan, had spoken both for and against it and had met with individuals, spoken at Committee meetings and received e-mails in respect of the Local Plan, but retained an open mind.

## **78 PUBLIC SPEAKING TIME/OPEN SESSION**

The following people used public speaking time to speak in respect of the Cheshire East Local Plan Strategy:-

Cllr MP Benson – Sandbach Town Council  
John Parkinson  
Debbie Jamieson  
Robin McCluney – Knutsford Aligned Community Groups  
Paul Webster - Knutsford Aligned Community Groups  
David Lewis – Alderley Edge/Wilmslow  
Stuart Kinsey – Wychwood, Wilmslow  
Keith Williams – Resident of Wilmslow  
Roger Bagguley  
Manuel Golding - The Northern Group  
Philip Enstone – Resident of Wilmslow  
Lillian Burns – Prestbury Parish Council  
Neville Saunders – Nether Alderley Rural Protection Association  
Annie Coombes – Resident of the Parish of Acton  
Clare Bingham  
Kate Dodd  
Nichol Roberts Morris – Chairman of Save Old hall Fields, Bollington  
David Dunn – Resident of Crewe  
Peter Jones - Resident of Crewe

The Strategic Communities Portfolio Holder, Cllr David Brown responded to those who had spoken.

## **79 CHESHIRE EAST LOCAL PLAN STRATEGY - SUBMISSION VERSION**

(Throughout the course of the meeting Cllrs JP Findlow, L Brown and L Roberts left the meeting whenever issues relating to the Kings School and Macclesfield were discussed. Throughout the course of the meeting Cllr Rachel Bailey left the meeting whenever issues relating to Reaseheath



College, Nantwich and policy CS21, relating to Kingsley Field, Nantwich were discussed).

Consideration was given to the recommendation from the Strategic Planning Board, which had met on 26 February 2014 and had considered the Cheshire East Local Plan Strategy. Although it was not common practice for officers to speak at full Council meetings, in this instance and in view of the importance of the Local Plan to the Council, a presentation was given by Adrian Fisher, the Council's Head of Strategy and Economic Planning.

Following the presentation, the recommendations of the Strategic Planning Board were proposed by Cllr David Brown, the Strategic Communities Portfolio Holder and seconded by Cllr Groves, as follows:-

1. That Council endorse the evidence base, including the Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA), which has informed the *Cheshire East Local Plan Strategy - Submission Version*
2. That Council endorse the Officer responses to the consultations on the Cheshire East Local Plan *Pre-Submission Core Strategy* documents published in November, 2013;
3. (i) That Council approve the attached *Cheshire East Local Plan Strategy - Submission Version* (Appendix A) for publication and submission to the Secretary of State;

(ii) That Council agree the amendments as outlined in the written update and circulated at the meeting subject to the inclusion of the following further amendments:-

Your Views and How to Comment Section, document page iii -Add 5.00pm to the end of the period for representations.

- (a) Paragraph 16.10, document page 345-Insert the words "Cheshire Brine Compensation Board" to the list.
- (b) Policy EG4, document page 104, Point 1 (ii) – Delete the words "unless it can be proven that the use is no longer economically viable".
- (c) Policy EG4, document page 104- Add additional bullet point to the list "improving access to our natural and historic landscapes through enhancing our vital public rights of way network".
- (d) In relation to site CS30, document page 395-Point e within the Site Specific Principles of Development should be amended to state that "Public Rights of Way footpaths should be retained and/or diverted".

- (e) In relation to site CS30, document page 395-Point i within the Site Specific Principles of Development should be amended to state that "Development should aim to deliver the preservation and refurbishment of the Grade II listed Dairy House Farm.
  - (f) Paragraph 16.2, document page 344 – Insert the word "annually" after "a monitoring report which will be published"
  - 4. That Council delegate authority to the Head of Strategic and Economic Planning, in consultation with the Portfolio Holder for Strategic Communities, to agree any minor modifications to the *Cheshire East Local Plan Strategy - Submission Version* during the publication phase and during its subsequent Examination; and
  - 5. That Council resolve that the *Cheshire East Local Plan Strategy - Submission Version* be given weight as a material consideration for Development Management purposes with immediate effect.
- B) In the interests of consensus, Strategic Planning Board encouraged the Head of - *Submission Version* during the publication phase and during its subsequent Examination.

### **Amendment 1**

The following amendment was proposed and seconded :-

Cllr M Murphy proposed an amendment, which was seconded by Cllr Brickhill as follows:-

"That the following strategic sites be deleted from the Cheshire East Local Plan Strategy:-

CS26 – Royal London, Wilmslow  
CS27 – Wilmslow Business Park  
CS30 – Handforth East Growth Village  
CS34 – (Safeguarded) Handforth East Growth Village  
CS35 - (Safeguarded) Prestbury Road, Wilmslow  
CS36 - (Safeguarded) Upcast Lane, Wilmslow  
CS7 – Shavington East"

A requisition for a named vote on the amendment was submitted and duly supported in accordance with Council Procedure Rule 15.2, with the following result:-.

### **For**

Councillors D Brickhill, B Burkhill, P Edwards, D Mahon, B Murphy, M Parsons, L Roberts.

### **Against**

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Bebbington, D Brown, L Brown, S Carter, J Clowes,

H Davenport, R Domleo, D Druce, K Edwards, I Faseyi, J P Findlow, S Gardiner, L Gilbert, P Groves, J Hammond, M Hardy, A Harewood, O Hunter, J Jackson, F Keegan, A Kolker, J Macrae, A Martin, M Martin, P Mason, R Menlove, G Merry, B Moran, P Raynes, M Simon, L Smetham, C Thorley, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, P Whiteley, J Wray.

**Not Voting**

S Corcoran, W Fitzgerald, R Fletcher, D Flude, S Hogben, D Hough, S Jones, D Neilson.

The amendment was lost, with 7 votes for, 45 against and 8 not voting.

**Amendment 2**

Cllr P Edwards proposed an amendment, which was seconded by Cllr Parsons as follows:-

“That site MPS 34 be removed from the Cheshire East Local Plan Strategy”

The amendment was lost by 8 votes for, 39 against and 8 abstentions.

**Amendment 3**

Cllr K Edwards proposed an amendment, which was seconded by Cllr Jackson as follows:-

“That the following clause be added to policy SC3 (Health and wellbeing):-

8. Strongly encouraging the maintenance of community spirit and identification by ensuring protection, whenever possible, of clear boundaries for towns and villages, through maintenance of the green belt by green gap policies and

9. Strongly encouraging the support for communities by ensuring wherever possible, the support for community infrastructure, including community halls, general stores and health centre, using CIL and Section 106 Agreements to support localism and community identity”.

The amendment was lost by 12 votes for, 36 against and 8 abstentions.

**Amendment 4**

Cllr D Neilson proposed an amendment, which was seconded by Cllr Carter as follows:-

“That the word “focus” in the second line of paragraph 1 of the policy CS9 on page 300 of the report be replaced with the words “will be” “

The amendment was lost by 16 votes for, 33 against and 5 abstentions.

**Amendment 5**

Cllr Fletcher proposed an amendment, which was seconded by Cllr S Jones as follows:-

“That site SL5, White Moss, be deleted and that the allocation for Alsager be reduced from 1600 to 1400.

The amendment was lost by 8 votes for, 38 against and 8 abstentions.

**Amendment 6**

Cllr Walton proposed an amendment, which was seconded by Cllr Hardy as follows:-

“That the following wording be added to paragraph 15.401 on page 392 of the report:

“and the Council intends to work with the new owner on a detailed site master plan, to determine future uses to the deliver the site’s vision” ”.

The amendment was lost by 14 votes for, 38 against and 5 abstentions.

**Amendment 7**

Cllr Murphy proposed an amendment, which was seconded by Cllr Brickhill as follows:-

“That the following strategic sites be deleted from the Cheshire East Local Plan Strategy:-

CS11 – Gaw End Lane

CS31 (Safeguarded) Lyme Green

The amendment was lost by 5 votes for, 39 against and 8 abstentions.

The substantive motion was then voted on and it was :-

**RESOLVED**

1. That the evidence base, including the Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA), which informed the *Cheshire East Local Plan Strategy - Submission Version*, be endorsed.
2. That the Officer responses to the consultations on the Cheshire East Local Plan *Pre-Submission Core Strategy* documents published in November, 2013; be endorsed.

3. That the *Cheshire East Local Plan Strategy - Submission Version*, as set out at Appendix A of the report, be approved for publication and submission to the Secretary of State;
4. That delegated authority be granted to the Head of Strategic and Economic Planning, in consultation with the Portfolio Holder for Strategic Communities, to agree any minor modifications to the *Cheshire East Local Plan Strategy – Submission Version* during the publication phase and during its subsequent Examination; and
5. That the *Cheshire East Local Plan Strategy - Submission Version* be given weight as a material consideration for Development Management purposes, with immediate effect.

The Head of Economic & Strategic Planning to keep all Group Leaders aware of any minor modifications made to the *Cheshire East Local Plan Strategy - Submission Version* during the publication phase and during its subsequent Examination.

The meeting commenced at 4.00 pm and concluded at 10.30 pm

Councillor D Flude (Chairman)  
CHAIRMAN

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**COUNCIL – 10 APRIL 2014****NOTICES OF MOTION****Submitted to Council in Accordance with Procedure Rule 12****1      Blacklisting of Workers****Proposed by Councillor Roy Cartlidge and Seconded by Councillor Sam Corcoran**

Cheshire East Council deplores the practice of blacklisting carried out by some building and construction companies, which have denied employment to workers who were carrying out legitimate trade union activities such as health & safety representatives. In noting the Prime Minister's comments that blacklisting is 'a completely unacceptable practice, and the previous government were right to bring in legislation to make it unlawful.'

Council resolves:

- To make clear to all construction companies bidding for Council contracts that any unlawful blacklisting of workers will not be tolerated; and
- To ask Legal Services to explore how to enable the Council to not contract with companies that have engaged in blacklisting and haven't paid compensation to workers.

**2      Withdrawal of Reasons for Refusal****Proposed by Councillor David Brickhill**

In view of the fact that planning officers have withdrawn reasons for refusal, given and voted upon by councillors at planning committees, without the consent of the members, before the matter comes to the relevant appeal hearing, Council instructs the Director to ensure that any future withdrawals are authorised before they are signed by the relevant planning committee in full session.

**3      Council Tax Single Person Discount****Proposed by Councillor Sam Corcoran**

This Council supports the proposals of the Local Government Association for reforming the single person discount. Under the plans, councils would have the flexibility to adjust the discount for working people living alone in large homes – rated council tax band E and above. Discounts for single people in smaller homes and all pensioners would remain protected.

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## **CHESHIRE EAST COUNCIL**

### **COUNCIL**

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<b>Date of meeting:</b>	10 April 2014
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Title:</b>	Election of Mayor and Deputy Mayor for the 2014-15 Civic Year

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#### **1.0 Purpose of Report**

- 1.1 To consider nominations for the office of Mayor and Deputy Mayor for 2014-15.

#### **2.0 Decision Required**

- 2.1 Council is requested to:-

Resolve that Councillor W Fitzgerald be designated as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2014-15, at the Mayor Making ceremony to be held on 14 May 2014.

#### **3.0 Financial Implications**

- 3.1 None.

#### **4.0 Legal Implications**

- 4.1 The meeting of Annual Council must formally elect the Mayor and appoint a Deputy Mayor.

#### **5.0 Risk Assessment**

- 5.1 There are no risks in respect of the recommendations. There is advantage in Council designating Members as Mayor and Deputy Mayor Elect in advance of the Annual Meeting, in order for there to be certainty prior to the beginning of the new civic year.

#### **6.0 Background and Options**

- 6.1 This report asks Council to agree which Members will be elected as Mayor and appointed as Deputy Mayor, at the Annual Council meeting. Such a decision will give certainty to the proposed civic office holders and to officers, in making arrangements for the new civic year.

#### **7.0 Reasons for Recommendation**

- 7.1 The reasons for the recommendations are to ensure that appropriate arrangements can be made for the Mayor Making ceremony on 14 May 2014

and to agree a process to ensure that matters affecting the Mayoralty can be agreed in a timely manner with appropriate Member input.

***For further information:***

*Officer: Brian Reed Head of Governance and Democratic Services*

*Tel No: 01270-686670*

*Email: [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)*

***Background Documents:***

*None*

# CHESHIRE EAST COUNCIL

## Council

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<b>Date of Meeting:</b>	10 <sup>th</sup> April 2014
<b>Report of:</b>	Cllr Michael Jones, Leader of the Council
<b>Subject/Title:</b>	Corporate Leadership Board Appraisals

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### **1.0 Report Summary**

- 1.1 This report requests that Council agree to the establishment of an appraisal board for Corporate Leadership Board (CLB) members and delegate the arrangements for establishing and running the appraisal board to the Council's Staffing Committee.

### **2.0 Recommendation for Council:**

- 1.2 To agree to the establishment of an appraisal board for Corporate Leadership Board members and delegate the arrangements for establishing and running the board to the Council's Staffing Committee.

### **3.0 Reasons for Recommendations**

- 3.1 The establishment of an Appraisal Board will ensure that Members are fully engaged with and able to lead on future appraisals for all CLB members which will, in turn, link to any performance related pay awarded to each CLB member in line with the Council's Pay Policy Statement 2014/15.

### **4.0 Wards Affected**

- 4.1 Not applicable.

### **5.0 Local Ward Members**

- 5.1 Not applicable.

### **6.0 Policy Implications**

- 6.1 Any decisions relating to the pay and remuneration of Chief Officers must comply with the Pay Policy Statement which was agreed at Council in February 2014. This recommendation is in line with the Pay Policy Statement proposed for adoption for 2014/15.

## **7.0 Financial Implications**

- 7.1 There are no direct financial implications associated with this report; Senior Management Pay and Reward has been budgeted for as part of the budget setting process.

## **8.0 Legal Implications**

S112(1) of the Local Government Act 1972 provides that:

“a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority's functions as fall to be discharged by them.

(2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.

(2A) A local authority's power to appoint officers on such reasonable terms and conditions as the authority thinks fit is subject to section 41 of the Localism Act 2011 (requirement for determinations relating to terms and conditions of chief officers to comply with pay policy statement)”

The establishment of an Appraisal Board relates to the remuneration of officers and the recommendation in this report delegates the function to the Staffing Committee by reflecting this in the Terms of Reference of that Committee. This report complies with S41 of the Localism Act 2011 as it is in accordance with the Council's Pay Policy approved by Council on 27 February 2014.

## **9.0 Risk Management**

- 9.1 The recommendations in this report seek to implement a fair and equitable process for managing the performance of the Council's Senior Leadership Team which will mitigate the risk of challenge relating to senior management pay and reward in the future.

## **10.0 Appraisal Board**

- 10.1 Council is asked to agree to the establishment of an appraisal board for CLB members.
- 10.2 Council is also asked to delegate the responsibility for establishing the board, including membership, terms of reference and working arrangements, to the Council's Staffing Committee.
- 10.3 It is proposed that the board comprise of a cross party group of members from the Council's Staffing Committee with proportionate representation from each of the main groups.

## **11.0 Recommendations**

- 11.1 Council is requested to consider the report and approve the establishment of the CLB Appraisal Board in line with the recommendations made.
- 11.2 Council is also asked to delegate responsibility for the board to the Council's Staffing Committee.

## **12.0 Access to Information**

- 12.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Julie Davies  
Title: Head of People & Organisational Development  
Tel No: 01270 686 328  
Email: [Julie.s.davies@cheshireeast.gov.uk](mailto:Julie.s.davies@cheshireeast.gov.uk)

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## CHESHIRE EAST COUNCIL

### Council

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<b>Date of Meeting:</b>	10 April 2014
<b>Report of:</b>	Electoral Registration Officer
<b>Subject/Title:</b>	Designation of Deputy Electoral Registration Officer

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#### **1.0 Purpose of Report**

- 1.1 To seek Council's approval to the designation of the Head of Governance and Democratic Services as the Council's Deputy Electoral Registration Officer.

#### **2.0 Recommendation**

That Council designate the Head of Governance and Democratic Services as its Deputy Electoral Registration Officer, with the full powers of the Electoral Registration Officer.

#### **3.0 Wards Affected**

- 3.1 Not applicable

#### **4.0 Local Ward Members**

- 4.1 Not applicable

#### **5.0 Policy Implications**

- 5.1 Not applicable

#### **6.0 Financial Implications**

- 6.1 No financial implications would appear to arise from the recommendations of this report.

#### **7.0 Legal Implications**

- 7.1 Council can approve a Deputy Electoral Registration Officer (DERO) under section 52(2) of the Representation of the People Act 1983 as amended. The Electoral Registration Officer (ERO) cannot appoint a deputy himself, this function rests with Council. By virtue of S52(3) RPA 1983 set out below the Proper Officer could step in to the role in the event of incapacity or vacancy of the role only. This does not assist the Council as the Chief Executive is both the ERO and the Proper Officer.

Section 52(2) and 52(3) RPA 1983 state:

(2) Any of the duties and powers of a registration officer may be performed and exercised by any deputy for the time being approved, by the council which appointed the registration officer, and the provisions of this Act apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the registration officer.

(3) In England and Wales, any acts authorised or required to be done by or with respect to the registration officer may, in the event of his incapacity to act or of a vacancy, be done by the proper officer of the council by or with respect to whom the registration officer was appointed.

With the increased demands of Individual Electoral Registration it would be prudent to appoint a DERO.

## **8.0 Risk Assessment**

- 8.1 The Council's Electoral Registration Officer would need to personally carry out all statutory electoral registration duties and exercise all statutory electoral registration powers unless the Council designates an officer to the role of Deputy.

## **9.0 Background and Options**

- 9.1 Unless local authorities require their EROs to personally discharge formal electoral registration duties, it is a requirement that they have a DERO. Section 52(2) of the Representation of the People Act 1983 makes provision for the appointment of a DERO.
- 9.2 Council is recommended to formally designate the Head of Governance and Democratic Services as the Council's Deputy Electoral Registration Officer. Under the designation, the designated officer will be responsible for deputising for the Electoral Registration Officer (the Chief Executive) in respect of all electoral registration matters, including the maintaining of the register of parliamentary and local government electors.
- 9.3 There is now increased focus on electoral registration duties, given the forthcoming introduction of Individual Electoral Registration (IER) and the expected increase in related work. For example, it is expected that there will be much more activity around the need to review whether individuals should be included on the register when IER is introduced. It would be appropriate for Council to authorise a DERO to undertake this work, rather than requiring the Electoral Registration Officer to do so in every case.



## **10.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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