

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 17th July, 2014 at Grand Hall Congleton Hall, Congleton
Town Hall, High Street, Congleton CW12 1BN

PRESENT

Cllr W Fitzgerald (Mayor/Chairman)

Cllr H Gaddum (Deputy Mayor/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, R Cartlidge, J Clowes, S Corcoran, W S Davies, R Domleo, D Druce, K Edwards, I Faseyi, D Flude, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, J Jackson, L Jeuda, M Jones, S Jones, F Keegan, A Kolker, W Livesley, D Mahon, D Marren, A Martin, M A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, B Murphy, H Murray, D Neilson, D Newton, P Raynes, L Roberts, J Saunders, B Silvester, M J Simon, D Stockton, C G Thorley, A Thwaite, D Topping, G Wait, G M Walton, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors H Davenport, P Edwards, R Fletcher, K Hickson, O Hunter, J Macrae, S McGrory, M Parsons, M Sherratt and L Smetham

23 PRAYERS

The Mayor's Chaplain was unable to attend the meeting. Revd Magdalen Smith said prayers at the request of the Mayor.

24 DECLARATIONS OF INTEREST

Cllr R Domleo declared a pecuniary interest in motion 1 at item 7 of the agenda by virtue of being a Vodafone shareholder.

25 MINUTES OF THE ANNUAL COUNCIL MEETING

The Mayor reminded Members that the final position in respect of the nomination of Members to committees had not been settled at the annual meeting of the Council and that Council had agreed that the details would follow. The details had previously been circulated to all Members, but for the sake of clarity, they were circulated around the Chamber for information.

RESOLVED

That the minutes of the Annual meeting of the Council held on 14 May 2014 be approved as a correct record and that the circulated details of nominations of Members to Committees be noted and agreed.

26 MAYOR'S ANNOUNCEMENTS

The Mayor :-

Announced that, since the Annual Meeting of Council in May he and the Deputy Mayor had attended over 60 events across Cheshire East and the wider area. Continuing the custom started by his predecessor, details of these events had been circulated around the Chamber.

Announced that he had had the pleasure of attending a number of Mayor Making ceremonies across the Borough and that it was always pleasant to attend these ceremonies and see such important traditions maintained.

Announced that an event had taken place in Congleton, on 31 May, to welcome to Queen's Baton Relay into Cheshire East. It was wonderful to see so many members of the public in attendance and it was a real privilege for Cheshire East and the town of Congleton, to host this event. He expressed his most sincere congratulations to all those who worked to make the day such a success.

Announced that on Tuesday 15 July he and the Mayoress had visited Leighton Primary School in Crewe where they had the pleasure in seeing the school's groundbreaking approach to the teaching of the German language. It was an absolute pleasure to see children as young as two speaking and understanding the language.

Announced that, on June 28, he and the Mayoress had attended the first of what he knew would be many events to commemorate the start of the First World War and that it was particularly pleasing that this event took place in his own Parish Church.

Announced that he was delighted that so many Members had accepted his invitation to a reception at Tatton on 4 August; the actual day of the centenary of the outbreak of war. On that day, Cheshire East would mark this sombre anniversary in a fitting manner.

Announced that all Members would shortly be receiving an invitation to an event at Tatton on 24 August. On the afternoon of that day the Archdeacon of Macclesfield would be conducting an open air Service to commemorate the outbreak of the First World War. The Service, which was timed to coincide with the centenary of the Battle of Mons, would be followed by excerpts from 'Silent Night' and 'Over by Christmas' from Theatre in the Quarter, readings from the Cheshire East Youth Theatre and a concert by the world renowned Foden's Brass Band. This free

event would be widely publicised and he hoped would be well attended by both Members and by the public.

Informed Members that his civic service would be held on Sunday 28 September at 3.00pm at St Bartholomew's Church, Wilmslow and that they would all be receiving invitations in the near future.

27 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Rueben Davies (on behalf of the Save Hack Green Committee), used public speaking time to address Council regarding a recently submitted planning application relating to the former RAF camp, Hack Green, Nantwich, which he understood was due to be considered by the Council's Southern Planning Committee. He took the opportunity to outline a number of detailed concerns regarding the application.

28 NOTICES OF MOTION

Consideration was given to the following Notices of Motion:-

1 Phone Contract

Proposed by Councillor D David Brickhill and seconded by Cllr Barry Burkhill

When Vodafone's current contract(s) with this Council expire, very careful consideration should be given to any proposal to enter into new contracts with the company directly or on our behalf by Cosocius. Such consideration must include a robust assessment of the quality of the product which would be the subject of the contract.

RESOLVED

That the motion be not accepted.

2 Making Roads on New Estates Subject to a 20mph Speed Limit

Proposed by Councillor David Neilson and seconded by Councillor Derek Hough

Most, if not all, new approved Planning Applications for large estates have a condition that the developers build the road in a way that is unsuitable for driving at speeds in excess of 20mph.

However, it appears that not all residents or visitors to these estates are aware that the roads on these new estates are usually set at different levels can damage their vehicles if they drive in excess of 20mph.

Local garages have stated that the increase in damage to cars is being caused by potholes, the poor state of Cheshire roads, and driving at excess speed over road humps.

The Council, therefore, calls for official 20mph speed limits to be imposed when Cheshire East Planning Department imposes a condition that roads be built to ensure that speeds are limited to 20mph maximum and that any associated legal costs and erection of signs is paid for by the developers.

RESOLVED

That the motion stand referred to Cabinet.

3 Definition of a Sustainable Development

Proposed by Councillor Sam Corcoran and seconded by Cllr Steve Hogben

This Council should provide a working definition of sustainable development in Cheshire that our planning officers could use and justify objectively when assessing planning applications.

That the motion stand referred to Cabinet.

4 Definition of Emergency Powers

Proposed by Councillor Arthur Moran and seconded by Councillor David Brickhill

That the Constitution Committee carefully define 'emergency' so that emergency powers are used only in a real emergency.

RESOLVED

That the motion stand referred to Cabinet.

5 Review of Cabinet System

Proposed by Councillor Brendan Murphy and seconded by Councillor David Brickhill

That the Cabinet system be reviewed so that the next administration will have the option of a more democratic and inclusive alternative.

RESOLVED

That the motion stand referred to Cabinet.

6 Changes to Venues for Council Meetings

Proposed by Councillor Roy Cartlidge and seconded by Councillor Penny Butterill

The Council expresses dissatisfaction that the Southern Planning Committee, not for the first time, was displaced from its established meeting room which had been booked a year in advance. Instead it had to use the Library with no sound system and delayed IT. This was to make way for an appeal hearing which could and should have been accommodated elsewhere.

If a Council committee is booked for a specific venue, under no circumstances should it be relocated elsewhere unless the room is made unavailable by an emergency such as a fire.

RESOLVED

That the motion stand referred to Cabinet.

7 Members Handbook

Proposed by Councillor Penny Butterill and seconded by Councillor Andy Barratt

That the Members Handbook be published in hard copy to all Members.

RESOLVED

That the motion stand referred to Cabinet.

8 I-Pads and Tablet Devices

Proposed by Councillor Brendan Murphy and seconded by Councillor Denis Mahon.

That I-Pads or suitable alternative tablets should be made available to Members at the earliest opportunity.

RESOLVED

That the motion stand referred to Cabinet.

9 Planning Inspectorate Decisions

Proposed by Councillor David Brickhill and seconded by Councillor Arthur Moran

In a time when we are trying to secure public trust and restore confidence in a system of democracy and priorities of acceptable locations, this Council deplores the planning inspectorate making decisions in the face of the wishes of our local committees and our parish councils. It therefore condemns the Government at Westminster for its policy on granting

planning permission for sites not within the submitted local plan. It strongly recommends and requests that the Chief Executive and the Leader contact all local MPs to press them to urge withdrawal of the policy which causes this excess pressure on some Cheshire East communities.

RESOLVED

That the motion stand referred to Cabinet.

10 Queen's Baton Relay

Proposed by Councillor David Brown and seconded by Councillor Janet Clowes

Cheshire East Council recognises all the hard work undertaken to make the recent visit to Congleton of the Queen's Commonwealth Baton Relay such a resounding success and congratulates all those involved in making the bid for the Relay to come to Congleton. Over ten thousand local residents enjoyed a day in Congleton Park that resulted from the fantastic working together of officers from this Council, Congleton Town Council, Team Congleton, local sports groups, Everybody Sports & Recreation Trust, local businesses, schools and volunteers who together further raised the profile of both the Town and the Borough in such a positive way.

RESOLVED

That the motion stand referred to Cabinet.

11 £900,000 Underspend

Proposed by Councillor Peter Raynes and seconded by Cllr Michael Jones

Council welcomes the news that there has been a £900,000 underspend against the 2013/14 budget; acknowledges that this is the result of prudent financial management; and commits to using this money to benefit the residents of Cheshire East Borough. Council is asked to approve a supplementary estimate of £900,000 funded from the 2013/14 revenue underspend and to delegate to Cabinet the power to set up and administer a Community Fund to benefit the residents of Cheshire East.

RESOLVED

That the motion be accepted.

12 Dementia

Proposed by Councillor Janet Clowes and seconded by Cllr Stewart Gardiner

This Council will pro-actively maintain in the momentum to ensure that that Borough becomes increasingly Dementia Friendly.

The Council is proud to be leading the way nationally to ensure those living with dementia and their carers have the support they need. The new plans for dementia support are innovative and wide-ranging and will make a real difference by ensuring earlier diagnosis, support and reablement. The Council recently held a hugely successful event at Tatton Park which brought over 100 business and community leaders together to pledge to make Cheshire East Dementia Friendly, this is a landmark that sets the course for the call to action from the Council to help those with this debilitating illness and their carers.

RESOLVED

That the motion stand referred to Cabinet.

13 Peace Pole on Scotch Common, Sandbach

Proposed by Councillor Sam Corcoran and seconded by Cllr Gillian Merry

This Council supports the efforts of Churches Together in Sandbach, with support from Sandbach Town Council, to plant a Peace Pole on Scotch Common in Sandbach.

RESOLVED

That the motion stand referred to Cabinet.

29 RECOMMENDATIONS FROM 2013/2014 OUTTURN REPORT TO CABINET

Consideration was given to the recommendations from the 2013/2014 Outturn report to Cabinet. On 1 July 2014, Cabinet had received a report on the 2013/14 Final Outturn Review of Performance. The report had set out the Council's improved overall performance for 2013/14 and strong financial position reflecting its enhanced governance, innovative delivery arrangements and effective stewardship of public money. An underspend of £0.9m (0.35%) was reported, compared to an approved revenue budget of £260m. The report also contained recommendations that Council create earmarked reserves. This approach followed processes set out in Finance Procedure Rules and the Reserves Strategy.

RESOLVED

That the creation of earmarked reserves, as recommended by Cabinet and as set out in Appendix 1 of the report be approved.

**30 RECOMMENDATION FROM AUDIT AND GOVERNANCE COMMITTEE -
ARRANGEMENTS REVIEW OF PROCESSES FOR CONSIDERING
COMPLAINTS THAT MEMBERS HAVE BREACHED THE CODE OF
CONDUCT**

Consideration was given to the recommendation from the Audit and Governance Committee in respect of arrangements review of processes for considering complaints that Members had breached the Code of Conduct.

Revised arrangements for dealing with standards allegations under the Localism Act 2011 had been considered by the Audit and Governance Committee, following a review of the procedure that had been adopted by the Council in July 2012. The report as considered by the Audit and Governance Committee was submitted, together with an appendix to the report, which set out the proposed new arrangements in detail. The review of arrangements for assessing and investigating member complaints had shown that the main criticisms of both subject members and complainants were of delay and complexity. The report set out the proposed changes under which the initial assessment of complaints would be undertaken by the Monitoring Officer, in consultation with an Independent Person, with the emphasis being on the Monitoring Officer dealing with complaints in a timely manner.

Council was recommended to approve the revised arrangements for dealing with standards allegations under the Localism Act 2011

Amendment 1

The following amendment was proposed and seconded and declared carried:-

The inclusion of the following wording at the end of paragraph 1.3 of Appendix 6 of the report - "No new evidence will be allowed to be submitted for consideration, once a decision that a Local Hearing sub-committee needs to be held has been made".

The removal of the words "or, if applicable, within 20 working days of receipt of the written response by the subject member" to be replaced with the words "and if applicable, an additional 5 working days of receipt of the written response, if one is required, from the subject member".

Amendment 2

The following amendment was proposed and seconded and declared lost:-

"Council refers this report back to Legal Services for them to formulate an appeal process for further consideration by Council.

RESOLVED

That subject to amendment 1 above, the revised arrangements for dealing with standards allegations under the Localism Act 2011, as detailed in Appendix 1 of the report be approved.

31 LEADER'S ANNOUNCEMENTS

The Leader of the Council:-

1. Announced that the Council had received £81.4m funding from the Regional Growth Fund, which included funding for the Poynton relief Road and a commitment to work with the Council to invest in a new train station at Crewe. Discussions were ongoing with network Rail in respect of this.
2. Reported that the Alternative Service Delivery Vehicles ANSA and Orbitas, which had gone live on 1 April were working well and that there had been positive feedback from residents and staff. ESAR and CoSocius had gone live on 1 May and there had, again, been positive feedback.
3. Commended those staff who did not go on strike during the recent strike, whilst recognising staff's right to strike.
4. Referred to Cabinet's approach to openness and transparency and reported that there had not been any part 2 exempt items since October 2013.
5. Referred to the television programme "Alan's Challenge". A campaign to save the country's road verges and reported that the Council had already taken the proactive decision to enhance the biodiversity along its highway verges in the previous year in advance of the programme.
6. Announced that the Council was looking to produce a balanced budget for the following year and was already working to produce this.

32 QUESTIONS

Cllr Hoyland in respect of the Council's support of cycle to work day, on 4 September 2014 – The Leader of the Council, Cllr M Jones, responded.

Cllr A Moran, in respect of the appointment of more females to the Cabinet – The Leader of the Council, Cllr M Jones, responded.

Cllr Cartlidge, in respect of problems with cycleways and the street lights on the pedestrian crossing in West Street, Coppenhall – The Service Commissioning Portfolio Holder, Cllr D Topping responded.

Cllr Baxendale, in respect of the 5 year Housing supply - The Leader of the Council, Cllr M Jones, responded.

Cllr Domleo, in respect of the Council's decision regarding Mount View Care Home - The Care and Health in the Community Portfolio Holder, Cllr Clowes, responded.

Cllr Roberts, in respect of Hollins View Care Home - The Leader of the Council, Cllr M Jones, responded.

Cllr Corcoran, in respect of the timescale for the ratification of the Local Plan – The Strategic Outcomes Portfolio Holder, Cllr D Brown, responded.

Cllr Rhoda Bailey, in respect of the Council's housing land supply - The Leader of the Council, Cllr M Jones, responded.

Cllr Hayes, in respect of Stockport Council's support of the Local Plan - The Strategic Outcomes Portfolio Holder, Cllr D Brown, responded.

Cllr Flude, in respect of the negotiations relating to Crewe Police Station - The Leader of the Council, Cllr M Jones, responded.

Cllr Jeuda, in respect of the timescale for the privatisation of care homes - The Leader of the Council, Cllr M Jones and the Safeguarding Children and Adults Portfolio Holder, Cllr Rachel Bailey, responded.

Cllr K Edwards, in respect of the impact of the spare room subsidy on the residents of Cheshire East – The Finance Portfolio Holder, Cllr Raynes, responded.

Cllr Thorley, in respect of the methodology for assessing the figures for housing supply in Alsager - The Leader of the Council, Cllr M Jones, responded.

Cllr Neilson, in respect of the setting of the start times for Council's meetings, to enable people who work to attend - The Leader of the Council, Cllr M Jones, responded.

Cllr Livesley, in respect of Member notification of Ofsted's findings and recommendations concerning Life Long Learning – The Housing and Jobs Portfolio Holder, Cllr Stockton, responded.

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The meeting commenced at 2.00 pm and concluded at 5.05 pm

Councillor W Fitzgerald (Chairman)
CHAIRMAN