

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 11th December, 2014 at The Ballroom, Sandbach Town
Hall, High Street, Sandbach, CW11 1AX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor H Gaddum (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Baxendale, 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, P Findlow, R Fletcher, D Flude, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, K Hickson, P Hoyland, O Hunter, J Jackson, L Jeuda, M Jones, S Jones, F Keegan, W Livesley, J Macrae, D Mahon, A Martin, P Mason, R Menlove, G Merry, A Moran, B Moran, B Murphy, H Murray, D Neilson, D Newton, M Parsons, P Raynes, J Saunders, B Silvester, M Simon, L Smetham, D Stockton, A Thwaite, D Topping, G M Walton, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors G Barton, D Bebbington, D Hough, A Kolker, D Marren, M Martin, S McGrory, L Roberts, M Sherratt and C Thorley.

49 PRAYERS

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

50 COUNCIL UPDATE ON KEY ECONOMIC INITIATIVES IMPACTING ON CHESHIRE EAST

As part of his update on key economic initiatives impacting on Cheshire East, the Leader of the Council introduced two guest speakers. Michael Straughan, a Member of the Board for Manufacturing at Bentley Motors who gave a presentation on Bentley's plans for growth in Crewe and to integrate all their functions onto one site at Pym's Lane.

The second speaker, who was introduced by the Leader, was Chris Oglesby, Chief Executive of Bruntwood Group. He gave a presentation providing an update on the partnership work with Cheshire East Council to buy and develop AstraZeneca's Alderley Park research and development base.

Both speakers commented upon the way in which their organisations had benefited from their liaison and work with the Council.

51 **DECLARATIONS OF INTEREST**

Cllr D Flude declared a non pecuniary interest in Notice of Motion 6, relating to UNISON's Ethical Care Charter, by virtue of being a retired member of UNISON.

52 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 16 October 2014 be approved as a correct record.

53 **MAYOR'S ANNOUNCEMENTS**

The Mayor:-

1. Welcomed Councillor David Brickhill to the Council meeting. Cllr Brickhill had fallen whilst crossing the road on his way to the Council meeting in October. Cllr Brickhill thanked Cllr Ken Edwards, who had assisted him on the day and presented him with a gift.
2. Announced that, since the last Council meeting he and the Deputy Mayor had attended over 70 events and details of these had been circulated at the meeting.
3. Informed Council of the deaths of Honorary Freeman Ann Blacklay and Honorary Aldermen Terry Farrell and David Palmer. Members stood for a period of silence, as a mark of respect.

54 **PUBLIC SPEAKING TIME/OPEN SESSION**

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

55 **NOTICES OF MOTION**

Consideration was given to the following Notices of Motion :-

1 Location of Strategic Planning Board meeting.

Proposed by Councillor D Brickhill and seconded by Councillor A Moran

In the light of the Chairman's decision to hold a Strategic Planning Board meeting in Macclesfield when all the items of the agenda (bar one in Ollerton) were in the south of the Borough, it is clear that the previous decision of Council is not being observed by him. Therefore his discretion in this matter is withdrawn. The location of the meeting in Crewe or

Macclesfield shall be decided only on the basis of whether the majority of the agenda items are in the south or north of the Borough, as this was clearly the intention of council especially to avoid residents having to travel long distances e.g. Wrenbury to Macclesfield.

RESOLVED

That the motion stand referred to Cabinet.

2 Heyes Lane Allotments

Proposed by Councillor S Corcoran and seconded by Councillor K Edwards

This Council commits that it will not agree to vary the lease with Alderley Edge Parish Council for the Heyes Lane site to allow any use other than allotments, unless the Secretary of State exercises any powers that he might have to require a variation of the lease.

RESOLVED

That the motion stand referred to Cabinet.

3 Local Plan

Proposed by Councillor D Newton and seconded by Councillor S Corcoran

This Council notes

- 1) the recent comments of Steven Pratt on the Cheshire East Local Plan; and
- 2) the appeal recovery criteria that enable a decision on any appeal that involves a potential conflict with an emerging (or recently made) neighbourhood plan to be taken by Ministers

And resolves to write to Edward Timpson MP, Fiona Bruce MP, David Rutley MP, George Osborne MP and Stephen O'Brien MP asking them to call

- a) for any appeal that involves a potential conflict with an emerging (or recently made) neighbourhood plan in Cheshire East to be recovered and taken by Ministers; and
- b) for emerging Local Plans to be afforded greater weight at planning appeals.

RESOLVED

That the motion stand referred to Cabinet.

4 Sandbach Neighbourhood Plan

Proposed by Councillor S Corcoran and seconded by Councillor J Jackson

This Council welcomes the strong community involvement in and the cross party support for the Sandbach Neighbourhood Plan and regrets the comments of the Leader of the Council about the Sandbach Neighbourhood Plan on the Sunday Politics Show on 30 November.

RESOLVED

That the motion stand referred to Cabinet.

5 Corporate Tax Avoidance

Proposed by Councillor S Hogben and seconded by Councillor K Edwards

Nationally, nearly half of local authority funding comes from central government – financed from general taxation which includes corporation tax. This makes corporate tax avoidance an issue directly relevant to the provision of local government services, as well as to the provision of public services around the world.

This Council calls upon the UK government to listen to the strength of public feeling and act to end the injustice of tax avoidance by large multinational companies, in developing countries and the UK.

While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services.

RESOLVED

That the motion stand referred to Cabinet.

6 UNISON'S Ethical Care Charter

Proposed by Councillor D Flude and seconded by Councillor L Jeuda

That the Council consider signing up to UNISON's Charter, and becoming an Ethical Care Council; and that Cheshire East Borough Council pledge to commission care only from providers who:

- Give workers the freedom to provide appropriate care and be given the time to talk to their clients.

- Allocate clients the same homecare worker(s) wherever possible.
- Do not use zero hour contracts.
- Pay the Living Wage.
- Match the time allocated to visits to the particular needs of the client. In general, 15-minute visits will not be used as they undermine the dignity of the clients.
- Pay homecare workers for their travel time, their travel costs and other necessary expenses such as mobile phone use.
- Schedule visits so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.

RESOLVED

That the motion stand referred to Cabinet.

7 Open and Transparent on Lyme Green DIP Report

Proposed by Councillor S Corcoran and seconded by Councillor K Edwards

This Council commits to being open and transparent and welcomes the comments of Judge Fiona Henderson in the information tribunal on the Lyme Green DIP report.

RESOLVED

That the motion stand referred to Cabinet.

56 RECOMMENDATION FROM CABINET - COUNCIL TAX BASE 2015/16

Consideration was given to the recommendation from Cabinet in respect of the setting of the Council Tax Base for 2015/16.

(As the meeting of Cabinet had taken place after the publication of the Council agenda, the Cabinet recommendation had been circulated around the Chamber).

RESOLVED

That, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2015/16 be agreed as 138,764.49 for the whole area.

**57 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE -
MACCLESFIELD COMMUNITY GOVERNANCE REVIEW**

Consideration was given to the recommendation from the Constitution Committee concerning the next steps of the Macclesfield community governance review. The Constitution Committee report, which outlined the practical considerations in establishing a Parish Council for Macclesfield was also submitted.

The recommendation of the Constitution Committee was proposed and seconded as follows:-

That

1. having taken into account the representations received, and the views of the Macclesfield Local Service Delivery Committee and the recommendation of the Constitution Committee, Council agrees that a single parish council be created for the whole of the unparished area of Macclesfield, in accordance with the following:

- i) that a new parish be constituted for the unparished area of Macclesfield;
- ii) that the name of the new parish shall be the Parish of Macclesfield;
- iii) that the parish shall have a parish council named Macclesfield Parish Council;
- iv) that the parish council shall not have an alternative style (defined as Neighbourhood, Community or Village), but the Parish Council be advised to consider its designation as a Town Council;
- v) that the parish shall be divided into 7 wards, the boundaries of such wards to be co-terminous with the current Borough ward boundaries (but excluding Polling District 4BFR which is already parished); and shall have the same number of Councillors as for the Borough wards as follows:

Broken Cross and Upton	-	2 Councillors
Macclesfield Central	-	2 Councillors
Macclesfield East	-	1 Councillor
Macclesfield Hurdsfield	-	1 Councillor
Macclesfield South	-	2 Councillors

(excluding polling district 4BFR)

Macclesfield Tytherington - 2 Councillors

Macclesfield West and Ivy - 2 Councillors

- vi) that elections of all parish councillors for the Parish of Macclesfield be held on 7 May 2015; and
 - vii) that the term of office of every parish councillor elected on 7 May 2015 for the Parish of Macclesfield shall be four years, and thereafter coincide with the ordinary day of election of parish councillors every four years.
2. Council grant delegated powers to the Constitution Committee to finally determine the outcome of the Community Governance Review, including all necessary powers to make the Reorganisation Order, and to decide all matters referred to in paragraph 10.5 of the officers' report; and
 3. Council agrees that the Community Governance Review Sub-Committee continue to assist the Constitution Committee in respect of the working of the Community Governance Review as and when needed and particularly with reference to paragraph 10.8 of the report.

AMENDMENT

An amendment to add the following additional recommendation was proposed and seconded and declared carried:-

"That the Local Service Delivery Committee be given commensurate opportunity to make recommendations to the Constitution Committee in respect of the transfer of assets and services to the Council".

RESOLVED

1. That having taken into account the representations received and the views of the Macclesfield Local Service Delivery Committee, a single parish council be created for the whole of the unparished area of Macclesfield in accordance with the following:
 - i) that a new parish be constituted for the unparished area of Macclesfield;
 - ii) that the name of the new parish shall be the Parish of Macclesfield;
 - iii) that the parish shall have a parish council named Macclesfield Parish Council;

- iv) that the parish council shall not have an alternative style (defined as Neighbourhood, Community or Village), but the Parish Council be advised to consider its designation as a Town Council;
- v) that the parish shall be divided into 7 wards, the boundaries of such wards to be co-terminous with the current Borough ward boundaries (but excluding Polling District 4BFR which is already parished); and shall have the same number of Councillors as for the Borough wards as follows:

Broken Cross and Upton - 2 Councillors

Macclesfield Central - 2 Councillors

Macclesfield East - 1 Councillor

Macclesfield Hurdsfield - 1 Councillor

Macclesfield South - 2 Councillors
(excluding polling district 4BFR)

Macclesfield Tytherington - 2 Councillors

Macclesfield West and Ivy - 2 Councillors

- vi) that elections of all parish councillors for the Parish of Macclesfield be held on 7 May 2015; and
- vii) that the term of office of every parish councillor elected on 7 May 2015 for the Parish of Macclesfield shall be four years, and thereafter coincide with the ordinary day of election of parish councillors every four years.

2. That Council grants delegated powers to the Constitution Committee to finally determine the outcome of the Community Governance Review, including all necessary powers to make the Reorganisation Order, and to decide all matters referred to in paragraph 10.5 of the officers' report.
3. That Council agrees that the Community Governance Review Sub-Committee continues to assist the Constitution Committee in respect of the working of the Community Governance Review as and when needed and particularly with reference to paragraph 10.8 of the report.
4. That the Local Service Delivery Committee be given commensurate opportunity to make recommendations to the Constitution Committee in respect of the transfer of assets and services to the Council.

**58 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE -
REVISIONS TO THE CONTRACT PROCEDURE RULES**

Consideration was given to the recommendation from the Constitution Committee in respect of revisions to the Contract Procedure Rules.

AMENDMENT

An amendment to keep the threshold for sealing contracts at £500,000 and not to increase it to £1,000,000 as recommended was proposed and seconded and declared lost.

RESOLVED

- 1 That the revisions to the Contract Procedure Rules set out in paragraph 10.5 of the report, for adoption from 1st January 2015, be approved, subject to the following amendments:

Item 3 – Amend below EU threshold and processes – the threshold be reduced to £50k rather than £10k

Item 10 – E-procurement – Mandate the use of the e-procurement system for all procurement with a value prescribed by EU legislation

Item 11 – Corporate Contracts – this proposal be deleted.

- 2 That the Constitution be updated accordingly, by the inclusion of the revised Contract Procedure Rules.
- 3 That the Head of Legal Services and Monitoring Officer be authorised to make any consequential drafting amendments to the remaining parts of the Council's Constitution, including the Finance Procedure Rules, to ensure consistency with the revised Contract Procedure Rules.
- 4 That approval be given to an incremental reduction in value thresholds, to enable the phased introduction of procurement involvement down to £50k from the current £75k, to allow a smooth transition from existing arrangements.

**59 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE -
OFFICER SCHEME OF DELEGATION**

Consideration was given to the recommendation from the Constitution Committee in respect of an amendment to the Officer Scheme of Delegation.

RESOLVED

That the following amendment to the officer scheme of delegation, as detailed at paragraph 3.6 of the report to the Constitution Committee, be approved :-

“Chief Officers are authorised, subject to prior notification to the Head of HR and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures except where the restructure:

- § Involves the loss of one or more posts not currently vacant*
- § Involves the regrading of posts or the grading of new posts*
- § Involves the changes to existing National or Local Agreements and policies*
- § Cannot be achieved within delegated powers in respect of budgets*

This delegation will be exercised in accordance with paragraph 1.8 of the scheme of delegation to officers approved by Council on the 14th May 2014 which reads as:

“Before taking delegated decisions, all officers are under a duty to satisfy themselves that they have the duly delegated power to do so and that they have undertaken appropriate consultation, including consultation with Portfolio Holders. Appropriate advice must be taken where the matter involves professional or technical considerations that are not within the officer’s sphere of competence”.

Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination.”

60 SENIOR MANAGEMENT STRUCTURE

Consideration was given to a report which set out proposals to further develop the Council’s senior management structure in preparation for significant developments in economic development and regeneration.

The following recommendation was proposed and seconded:-

The Council is invited to agree to the establishment of a new role of Executive Director, Economic Growth and Prosperity on the existing senior manager grade range of £110,000 to £120,000 per annum plus Performance Related Pay of up to £10,000 per annum in accordance with the Council’s Pay Policy; and delete the current role of Director of Economic Growth and Prosperity.

That the Chief Executive, in consultation with the Leader of the Council and Chair of Staffing Committee, be authorised to implement the changes detailed above in accordance with the Council's H.R. policies and procedures.

AMENDMENT

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

"That this matter be referred to the Staffing Committee for detailed consideration and then to make detailed recommendations to Council".

RESOLVED

1. That the establishment of a new role of Executive Director, Economic Growth and Prosperity on the existing senior manager grade range of £110,000 to £120,000 per annum plus Performance Related Pay of up to £10,000 per annum, in accordance with the Council's Pay Policy, and the deletion of the current role of Director of Economic Growth and Prosperity be approved.
2. That the Chief Executive, in consultation with the Leader of the Council, and Chair of Staffing Committee be authorised to implement the changes detailed above in accordance with the Council's H.R. policies and procedures.

61 LEADER'S ANNOUNCEMENTS

The Leader of the Council:-

1. Stated that the Council was going forward in a clear direction and that he considered that real growth was important. Unemployment was down in total in Cheshire East and recent initiatives, as part of the promotion of Crewe as the gateway to the Northwest would help to increase employment and salaries in Crewe.
2. Stated that the Council would be promoting Neighbourhood Plans, which had been put forward by Government as part of the Localism Act and that the Council would work with local people to push these forward in Cheshire East .
3. Referred to the recent national conference held in Crewe on 4 December to explore the major economic benefits to Cheshire of HS2 and he circulated copies of the slides from his presentation entitled "HS2 Northern West Hub: Energising the Northern powerhouse" to all Members of the Council.
4. Referred to the presentation from Bruntwood Developments, earlier in the meeting relating to the development of AstraZeneca's Alderley Park research and development base. He also referred to

the Astra Zeneca site at Macclesfield, which was to become a centre of excellence, creating 300 jobs in the Borough.

5. Announced that the Council was tackling energy poverty in Cheshire East.
6. Referred to recent developments concerning the Council's Local Plan and reported that a Task Force had been established to take the Local Plan forward.
7. Referred to the LGO Ombudsman update on planning and stated that the Council would take all the recommendations on board.
8. Referred to the independent report concerning Lyme Green and stated that any Member of the Council wishing to read the report should contact the Monitoring Officer, but that it could not be put into the public domain.
9. Reported that the Council was tackling homelessness in the Borough through various initiatives and that the homelessness team would be going out around the Borough during the Christmas period to make sure that everyone had a place to stay.
10. Wished the Mayor and all Members of the Council a Merry Christmas.

62 QUESTIONS

Members asked the following questions :-

Cllr Hardy, in respect of what support the Council would be providing in respect of homelessness support for Children – The Care and Health in the Community Portfolio Holder, Cllr Clowes, responded.

Cllr Burkhill, in respect of changes to Royal mail collections in Wilmslow and Handforth - The Deputy Leader and Strategic Outcomes Portfolio Holder, Cllr D Brown, responded.

Cllr Newton, in respect of the speed of street lighting repairs and cycling safety measures - The Service Commissioning Portfolio Holder, Cllr D Topping responded.

Cllr Menlove, in respect of the development of 67 luxury dwellings on the Remenham site at Wilmslow and whether this would assist in meeting housing need - The Finance Portfolio Holder, Cllr Raynes responded.

Cllr Corcoran, in respect of confidentiality and the report into Lyme Green - The Deputy Leader and Strategic Outcomes Portfolio Holder, Cllr D Brown responded.

Cllr A Moran. In respect of the Local Plan and the mismatch between the Housing Strategy and the Economic Strategy – The Deputy Leader and Strategic Outcomes Portfolio Holder responded.

Cllr Mason, in respect of whether the Council would be considering any future cuts and closures - The Finance Portfolio Holder, Cllr Raynes responded.

Cllr Smetham, in respect of changes to street lighting and the possibility of introducing measures to reduce the carbon footprint - The Service Commissioning Portfolio Holder, Cllr D Topping responded.

Cllr Barratt, in respect of whether Pym's Lane would be shutting, as part of the Bentley development - The Service Commissioning Portfolio Holder, Cllr D Topping confirmed that it would continue to exist.

The meeting commenced at 2.00 pm and concluded at 6.00 pm

Councillor W Fitzgerald CHAIRMAN