

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 26th July, 2018 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor L Smetham (Mayor/Chairman)

Councillor L Durham (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, Baggott, G Barton, P Bates, G Baxendale, M Beanland, Bratherton, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, C Chapman, J Clowes, S Corcoran, H Davenport, W S Davies, M Deakin, T Dean, S Edgar, I Faseyi, P Findlow, R Fletcher, T Fox, D Flude, H Gaddum, S Gardiner, L Gilbert, M Grant, P Groves, A Harewood, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, A Kolker, D Mahon, N Mannion, D Marren, A Martin, R Menlove, G Merry, A Moran, B Moran, J Nicholas, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, A Stott, G Wait, B Walmsley, G M Walton, M J Weatherill, G Williams and J Wray

Apologies

Councillors A Arnold, D Bailey, D Bebbington, S Carter, B Dooley, S Gardner, C Green, J Hammond, M Hardy, G Hayes, J Macrae, S McGrory, H Murray, D Stockton, L Wardlaw, M Warren and H Wells-Bradshaw

14 PRAYERS

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

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 MINUTES OF PREVIOUS MEETINGS

RESOLVED

That the minutes of the Annual meeting of Council and the special meeting of Council, held on 23 May 2018 be approved as a correct record, noting comments made regarding the wording in resolution 2 at minute 14 of the minutes of the Annual meeting.

17 MAYOR'S ANNOUNCEMENTS

The Mayor:-

1. Reported that she had had a very busy, but enjoyable couple of months, since she had been elected at the Annual Meeting of Council, meeting a wide variety of volunteers and organisations across Cheshire East. Details of the events that she and the Deputy Mayor had attended had been circulated in advance of the meeting.
2. Informed Council that it has been her sad duty to represent Cheshire East at two funerals. In June, she had attended the funeral of Alan Coburn who had died just a week short of his 102nd birthday. There were very few people still around who actively participated in the Local Government structure in Cheshire before the major reorganisation in April 1974. Alan had been Chairman of the former Wilmslow Urban District Council in 1969-70, having been first elected in the early 1960s. Earlier in the month it had been her privilege to attend the funeral of Honorary Alderman Margaret Melrose. She had first been elected to the former County Council in 1967, served until 2001 and was Chairman of the County Council on two occasions. Both Alan Coburn and Margaret Melrose were popular and hard-working Councillors who served their communities for many years.
3. Reported that Bosley was in her Ward and it was fitting that, as Mayor, she had able to attend services held in both the local church and chapel, to mark the third anniversary of the disaster. She thanked the Leader of the Council for attending the Commemoration. (Council stood for a minute's silence in tribute to Alan Coburn, Margaret Melrose and to those who had so tragically lost their lives three years earlier in Bosley).
4. Asked all Members to join with her in congratulating Janet Jackson on her award of an MBE in the Queen's Birthday Honours last month.
5. Noted that Parish Councils played an important role in the life of communities. To help develop the Council's relationship with Parish Councils and to enable Parish Chairs to meet each other, she announced that she would be hosting a series of informal afternoon teas for Parish Chairs. The first two would be held next month; one in the Mayor's Parlour in Crewe and the other in the Parlour in Macclesfield. If they were successful, she would be hosting more later in the year.
6. Reported that it had been her privilege, in the previous month, to attend the opening by HM Queen of the new Mersey Crossing. The Queen had been accompanied by the Duchess of Sussex, in what had been her first official visit to the north of England. The Duke of Gloucester had also been welcomed to Cheshire East, at the Royal Cheshire Show.
7. Reported that she attended a number of Civic Services recently, which had been inspirational and without exception had refreshed and renewed both her own and the local Council's aspirations to continue to do the best they could for Cheshire East residents and the environment. She would be holding her Civic Service on Sunday 7 October. This was an important day of the Civic year

and over recent years attendance by Members had been quite low and she would appreciate Members' attendance at what she was sure would be an enjoyable event. Further details would be circulated shortly.

8. Announced that, on Sunday 26th August, the Council would be hosting, in the historic setting of Tatton's Old Hall grounds, a family day of activities, music and stories commemorating the centenary of the First World War. The day would include a range of "hands on" activities and include performances from Foden's Band, Stafford Military Wives Choir and Sacred Sound. All Members would be receiving invitations in the near future and she urged them to attend and to publicise the event in their communities.
9. Announced that she was delighted to have been invited to the Pride in the Park picnic, which would take place at Tatton Park on Sunday 16th September and promised to be a standout celebration of the LGBT+ community, welcoming all visitors from across Cheshire East and beyond.
10. Reported that, at the Mayor Making ceremony, she had mentioned that she planned to introduce an online charity account, to make it easier for people to make contributions to the Mayor's Charity Fund and she was pleased to report that this account was about to be launched.
11. Announced that she was delighted to have attended the launch of the Brighter Future Together Culture programme, which had taken place just before the Council meeting. Conscious of the spirit of that programme, she reminded everyone of the need to focus on the issues that were on the agenda for the meeting, rather than individuals; not to engage in behaviour that would bring the Council into disrepute, but encourage respect for Council business.

18 PUBLIC SPEAKING TIME/OPEN SESSION

1. Ms Melanie Hancock asked whether Cheshire East Council was happy with the cost to the tax payer of policing badger culling each year, during a period of austerity. – A Written response would be provided.
2. Mrs S Dyke also spoke in respect of badger culling and the definition of culling and she considered that in this context that it should be referred to as "the indiscriminate slaughter" of badgers.
3. Ms H Baxter, representing Local Animal Rescue, addressed Council regarding the work that the group carried out with school children to teach them respect for animal life and the countryside and asked the Council to bear this in mind with regard to the badger cull.
4. Crewe Town Cllr D Yates asked the Council to reconsider its position so as to prevent badger culling on its land, not just tenant farms, and went on to speak about the impending badger cull in Cheshire and the cost of this. She stated that there was no credible evidence that badger culling was making any significant contribution

to preventing bovine TB and she expressed concern that badgers would be disappearing from areas of the country.

5. Ms J Smith also addressed Council regarding badger culling and bovine TB and cattle to cattle contamination. She asked what Cheshire East Council was doing, in conjunction with local farming bodies, to support local dairy farmers, and tenant farmers in particular, to support increased biosecurity, increased animal testing and animal movement. - A Written response would be provided.

(Cllr Clowes, Adult Social Care and Integration Portfolio Holder, provided clarification regarding the Council's position in respect of the above matters. She stated that this issue was orchestrated through Defra, was organised by Natural England and the Police and the role that the Council played was whether it allowed badger culling on its land and it had already been reported to Council on previous occasions that the Council did not. She stated that Ms Hancock's question should be directed to the Police and Crime Commissioner and the other questions should be directed to Natural England and Defra. She would, however, be happy to provide written responses, as above).

6. Ms Carol Jones welcomed events such as Pride in the Park and other events organised by the Council, but requested that the Council consider public transport issues when organising events, particularly from the Crewe area to Tatton Park.
7. Middlewich Town Cllr Jonathan Parry referred to the report of the Council's Investigation and Disciplinary Committee and the cost in respect of this and asked why the Council would not release the report and make it public. The Acting Chief Executive responded to say that she had previously stated that this was an HR matter, which would lead the Council to a position where it would not intend to publish the report and this remained the position.
9. Mrs S Helliwell referred to the policy paper on Inclusive Transport: Achieving Equal Access for Disabled People and asked whether any buses going through Alsager would have audible and visible route information. She also asked whether disabled and older people in Alsager would have access to public transport to take them to hospital seven days per week. She also went on to address Council regarding localised policies to target pavement parking.
10. Mr M Hunter asked the Council when the Liaison Panel, required under condition 48 on the planning application in respect of the recycling hub in Middlewich, which had not met since the construction stage had finished, would be reinstated. - A Written response would be provided.
11. Macclesfield Town Cllr G Jones addressed Council regarding future investment in Macclesfield, in light of the collapse of the Ask development, and invited the Leader of the Council to attend a meeting of Macclesfield Town Council to discuss this matter. – The Leader of the Council responded.

12. Mr T Wall addressed Council regarding cuts to services in Macclesfield and what he considered to be a lack of capital investment. He also referred to a recent press statement issued by the Council in respect of an employment tribunal.
13. Mr Michael Unett addressed Council regarding a number of issues in Alsager, including proposed works to install traffic lights at the Linley Lane/ Linley Road junction, which should have started in the Summer and he asked for an update in respect of this. He also addressed Council regarding proposed work at Linley Park, which had not taken place and also residents' concerns regarding burial provision. In addition, he referred to problems associated with the Radway estate, including anti-social behaviour, and asked the Council whether it would commit to being part of a multi-agency task force to look at the issues on the estate. He also asked what the Council could do to improve community engagement. - A Written response would be provided.
14. Ms Laura Crane addressed Council on behalf of residents of Sandbach Heath, regarding problems associated with residents crossing "The Hill" on to the main road at Sandbach. Whilst she was aware that the Highways department was looking in to this issue, it was felt that the situation was getting worse. She went on to present a petition to Council asking for a crossing at the junction of Hassal Road. Heath Road and the Hill.
15. Cllr N Mannion presented a petition to Council on behalf of the residents of Merebrook Road, Macclesfield, in respect of a highway verge and parking issues.

19 LEADER'S ANNOUNCEMENTS

In summary, the Leader of the Council:-

1. Noted that the meeting was the last Council meeting of the summer and wished those who had holidays booked a well-earned break. However, she stated that the work of Members, and the organisation would continue, with its challenging and productive agenda over the remaining summer weeks.
2. Referred to an event which had taken place earlier in the afternoon where many Members had joined her to formally launch the Council's new vision for workplace culture, behaviours and the employee deal. This was a key moment in the Council's Brighter Future Together Culture programme, and she considered it right to take time to recognise this important achievement. In addition to the event in Sandbach, events had been held across Cheshire East in the Council's key office buildings, as the formal launch was rolled-out to key audiences. Over one thousand members of staff, Councillors and union representatives had contributed to the development of these key documents, and she believed that each and every one should feel a real sense of ownership; and must recognise that, important as this day was, this was just one step on the journey to shape and embed the culture of Cheshire East

Council. Officers and managers were now embarking on a journey to use these documents to shape the way they worked together.

3. Welcomed the judgment of the previous week's Employment Tribunal. The complainant had alleged that she had been treated unfairly, and dismissed, due to her making a whistleblowing disclosure relating to payment of the national minimum wage for staff working sleep-in shifts. The Tribunal had fully rejected and dismissed these claims, following a thorough, 10-day hearing, which had concluded on 15 June 2018. She regretted that this matter could not be resolved prior to legal proceedings but, after full consideration of the circumstances, it had been felt that there was no alternative but to defend the allegations made by the complainant. Staff were the Council's most important asset and were essential for the effective delivery of Council services. She stated that the Council was committed to ensuring that all of its staff felt safe and were able to raise any concerns they may have about work matters. She went on to refer to a range of processes and procedures that the Council had to support staff where they had concerns.
4. Referred to the Council's Chief Executive, Mike Suarez's, recent resignation from his post with immediate effect and reassured Council that the current interim management arrangements remained in place. She stated that the Council had been working under these arrangements for over a year now and the Corporate Leadership Team was operating as a strong, cohesive unit. While this time had been difficult in many ways, she was proud to say that Cheshire East Council had continued to deliver excellence for service users, residents, and businesses. She went on to thank each and every member of staff for their dedication and commitment.
5. Welcomed the recent judgment of the Court of Appeal in the Mencap vs Tomlinson-Blake Tribunal appeal. The Court had ruled that sleep-in shifts were exempt from national minimum-wage rules, because staff should not be considered to be working when they were sleeping. The original Tribunal ruling had meant that employers could have faced significant unfunded back payments. The resulting additional cost could have placed care-providers in significant financial difficulty and, therefore, potentially putting the care of vulnerable people at risk. The fact that the Court of Appeal has now overturned this ruling had removed this risk. She stated that the Council recognised and valued the important work its dedicated staff provided, and was committed to ensuring that staff were paid fairly for their work, and would now consider the implications of this judgment in detail.
6. Reported that, since its Annual meeting, the Council's services had received yet more accolades and awards:
 - The Registration Service (Births, Marriages and Deaths) had recently been voted 'Best Ceremony Provider' at the North West Wedding Awards

- The Junior Recycling Officer scheme, run by Ansa, had been highly commended at the MJ Awards
 - Tatton Park Farm had also been highly commended at the North West Regional Construction Awards
 - The Digital Waste Permit project had won at the national Paperless Awards
8. Stated that the adoption of the Local Plan Strategy in the previous July had been a major achievement by the Council. It had put in place a clear set of requirements for how and where sustainable growth in the Borough should take place. The Council had now moved to a position where it had the best chance of ensuring that development decisions were plan-led, that properly reflected what it considered to be sustainable development, as defined through the Local Plan, rather than being dictated to by developers through ad hoc, speculative applications. Not only did the Council have one of the most up to date Local Plans of any authority in the country, it now had the “hallowed” five year supply of housing land, which was the second key component in being able to steer development to the right locations. The Council would shortly be publishing its latest housing delivery results, which would show that, in 2017-18, over 2000 new homes had been built in the Borough. The Council had also been busy developing its Community Infrastructure Levy, which would reach its independent examination stage in September. This would put a mechanism in place to secure additional contributions from developers towards local infrastructure projects. The autumn would also see public consultation taking place on the second part of the Local Plan
 9. Reported that Cabinet had approved a scheme to provide funding that would assist communities where new housing developments had been built. The New Homes Bonus Community Fund was an initiative that supported residents to improve their local communities through visible, sustainable projects. The Fund, which provided a total of £2m over the next two years, would give local communities an opportunity to present their ideas for projects to ward members and town and parish councils for consideration. The scheme would be launched in October and the first round of funding would be released under the scheme early in 2019.
 10. Reported that the Council was making great strides, was addressing the challenges it faced and was working towards a Brighter Future, with an emerging new culture. It was making key achievements, such as some of those that she had covered today. The Council would make more into the future and would continue to serve the residents, businesses and visitors to the Borough with all of the expertise, energy and commitment which was so abundantly found in the organisation.

Cabinet, at its meeting on 26 July 2018, had considered a report on the 2017/18 Financial Outturn and Review of Performance.

Cabinet had approved fully funded supplementary capital estimates above £500,000 and fully funded supplementary capital virements above £1,000,000 and had recommended that Council approve fully funded supplementary capital estimates above £1,000,000, in accordance with Financial Procedure Rules, as detailed in Appendix 4, Table 8 of the report.

Consideration was given to the recommendation from Cabinet.

RESOLVED

That the fully funded supplementary capital estimates above £1,000,000, in accordance with Financial Procedure Rules, as detailed in Appendix 4, Table 8 of the Cabinet report be approved.

21 RECOMMENDATION FROM CABINET - A500 DUALLING

Cabinet, at its meeting on 26 July 2018, had considered a report seeking authority to undertake all necessary preparatory works in advance of the final funding decision in relation to the A500 Dualling Scheme.

Cabinet had authorised the Executive Director of Place, in consultation with the Portfolio Holder for the Environment, to exercise powers delegated to the Executive Director of Place to undertake all necessary and prudent preparatory works in advance of the final funding decision at risk, in order to ensure that the Council was positioned to deliver the scheme if a favourable funding decision was received, and recommended that Council approve a Supplementary Capital Estimate of £0.4m to increase the current budget of £4.1m to £4.5m, to enable the scheme to progress whilst awaiting the outcome of Department for Transport(DfT) funding and planning application decisions.

RESOLVED

That a Supplementary Capital Estimate of £0.4m, to increase the current budget of £4.1m to £4.5m to enable the scheme to progress whilst awaiting the outcome of the DfT funding and planning application decisions, be approved.

22 RECOMMENDATION FROM CABINET- CONGLETON LINK ROAD - AWARD OF CONSTRUCTION CONTRACT AND SUBMISSION OF FINAL BUSINESS CASE

Cabinet, at its meeting on 26 July 2018, had considered a report seeking approval to submit the final funding application to the DfT and to award the

preferred bidder a contract to deliver the scheme for the Congleton Link Road.

Cabinet had approved the submission of the Scheme Final Business Case to the DfT, seeking a contribution of £45M towards the total Scheme cost; approved the selection and award of the contract to deliver the scheme to bidder X as the preferred bidder; and approved the underwriting of the developer contributions to the Scheme of up to £20.8M in the event that the anticipated developer contributions were not realised; and recommended that Council approve the additional contribution from Council resources to the scheme of £1.8M, to increase the total contribution to £23.8M.

RESOLVED

That the additional contribution from Council resources to the scheme of £1.8M, to increase the total contribution to £23.8M, be approved.

23 NOTICES OF MOTION

Consideration was given to the following Notices of Motion:-

Modern Slavery

Proposed by Cllr S Corcoran and seconded by Cllr A Harewood

This Council notes:-

- Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.
- There were 3805 victims of modern slavery identified in the UK in 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.
- Modern Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

This Council believes

- That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK.

- That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.
- That councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.

This Council resolves

To adopt the Co-operative Party's Charter against Modern Slavery to ensure our procurement practices don't support slavery.

Background information:

[Modern slavery briefing](#)

RESOLVED

That the motion be referred to Cabinet.

2. Single Use Plastics

Proposed by Councillor R Bailey and seconded by Councillor H Davenport

We know how harmful single use plastics are to the environment, indeed in 2017 the NFWI called on the Government and industry to research and develop innovative solutions to stop the accumulation of micro plastic fibres in our oceans.

We urge full council endorsement of this campaign and in so doing seek to eliminate all single use plastic within CEC managed buildings and facilities by 2020 and seek to encourage the elimination of single use plastic within its supply chain by 2025.

RESOLVED

That motion be referred to Cabinet.

24 QUESTIONS

1. Cllr G Baxendale asked the Cabinet Member for Corporate Policy to join him in thanking the officers and Members involved in enabling the Cheshire East Reflects programme over the past four years. Cllr Findlow, Corporate Policy and Legal Services Portfolio Holder, responded.
2. Cllr N Mannion referred to questions that he had submitted previously concerning hydrolic fracking and stated that he had

received a holding response, but that there was still no settled policy on this issue. He referred to the Government proposals to remove mineral planning powers from Local Authorities and asked the Leader of the Council to write to local MPs and the relevant Minister to ask that the powers not be removed. The Leader of the Council responded briefly and undertook to provide a written response, or to submit a report to Cabinet.

3. Cllr S Gardiner asked the Leader to provide assurance that any definition of anti-semitism used by the Council would be that accepted nationally and not any diluted version. The Leader of the Council responded briefly and undertook that Cabinet would consider the matter.
4. Cllr A Moran referred to a recent meeting of the Constitution Committee, where two items regarding an all party working group relating to an alternative committee system and regarding chairmanships and vice-chairmanships being offered to opposition parties, were voted down and he asked whether the Council was Member-led or Whip-led. Cllr A Martin, Chairman of the Constitution Committee, responded.
5. Cllr G Baggott asked why the public car parks in Macclesfield town centre were being resurfaced to the detriment of pot holes in the town centre. The Leader of the Council responded.
6. Cllr C Andrew referred to regeneration and asked what assurance he and the residents of Macclesfield could be given that the decision of ASK to withdraw from the proposed town centre development would not have a damaging effect on the town centre and what sort of alternative scheme could be expected from the Council for the regeneration of the town. The Leader of the Council responded.
7. Cllr P Groves referred to the Connected Community Centres and stated that, in Nantwich, there had been two very useful meetings with the relevant officers regarding potentially expanding the programmes to utilise programmes in Nantwich and Stapeley. He asked whether the delivery of the centres was on schedule and how this was progressing. Cllr J Clowes, Adult Social Care and Integration Portfolio Holder, responded.
8. Cllr M Deakin referred to the Cemetery Strategy report, considered by Cabinet, where it had been agreed that the Council would meet with Alsager Town Council and residents. He asked that, given the limited number of burial spaces in Alsager and the continuing demand for plots, when would the pledged meeting take place. The Leader of the Council responded briefly, with assistance from Cllr D Marren, Chair of Orbitas Bereavement Services, and undertook to provide a written response.

9. Cllr Menlove referred to limited parking capacity in Wilmslow, leading to commuters parking in residential areas. He stated that Wilmslow was due a full parking review and asked to be assured that the funding was available to carry this out, to commence in the second half of this September, with a report on the findings in October. Cllr P Bates, Finance and Communication Portfolio Holder, responded.
10. Cllr D Brown referred to a recent meeting of the Health and Wellbeing Board, where Congleton Councillors and the Leader of the Council had attended to address the Committee concerning rumours relating to Congleton War memorial hospital facilities. He asked for an assurance that proper public consultation and debate would take place before any final decision was made. Cllr Gardiner, Chairman of the Health and Adult Social Care and Communities Overview and Scrutiny Committee, responded.
11. Cllr S Corcoran referred to the Council's Investigation and Disciplinary Committee(IDC) and asked, now the allegations concerning two senior officers of the Council had been dealt with, had the IDC seen any evidence that might implicate any elected Member, which might warrant further investigation. Cllr M Simon, Acting Chairman of the IDC, responded.
12. Cllr J Rhodes asked what measures the Council intended to take to ensure that there would be an officer to deal with the granting of licenses for annual town fairs and circuses that used Cheshire East land. The Leader of the Council undertook to discuss this with Cllr Arnold, Housing, Planning and Regeneration Portfolio Holder, and undertook to provide a written response.
13. Cllr A Harewood asked what cost there had been to the Council in respect of the failed Macclesfield regeneration scheme. The Leader of the Council responded briefly and undertook to provide a written response.
14. Cllr R Fletcher asked for an update as to whether funding had been found for a crossing from the Coppice estate to the Cranberry Academy in Alsager. The Leader of the Council and Cllr J Saunders, Children and Families Portfolio Holder, responded briefly and undertook to provide a written response.
15. Cllr B Roberts referred to two basket ball teams that had been formed in Crewe and had joined a league. A tournament, with visiting teams, was due to take place on 5 August and the team was struggling to access a basket ball court to play on, although there were suitable facilities at schools and colleges in Crewe and at the MMU. He asked whether the Leader of the Council could assist with this. The Leader of the Council responded.

16. Cllr S Brookfield asked for assurances that the Crewe Town Centre scheme would progress. The Leader of the Council responded.
17. Cllr G Merry welcomed the results relating to the outstanding schools in the area and asked the Portfolio Holder to elucidate on the Key Stage 2 results. Cllr J Saunders, Children and Families Portfolio Holder, responded.
18. On behalf of Cllr L Jeuda, Cllr M Grant asked whether the Leader of the Council would agree that the tone of the press release relating to a recent tribunal result was inappropriate. Cllr Findlow, Corporate Policy and Legal Services Portfolio Holder, responded.
19. Cllr D Flude referred to a question that she had previously asked at the Children and Families Overview and Scrutiny Committee. She asked for reassurance that all the legislation required to provide for Children with autism had been accepted by the Council. Cllr J Saunders, Children and Families Portfolio Holder, responded and undertook to provide a written response, once the Action Plan for Autism has been published and shared for scrutiny. (Cllr Flude also asked for a copy of the response sent to her previously by Cllr Clowes regarding a question that she had asked at the 22 February Council meeting, relating to double charging when people died in residential care. – Cllr J Clowes, Adult Social Care and Integration Portfolio Holder, undertook to provide this again).

The meeting commenced at and concluded at 4.15 pm

Councillor L Smetham (Chairman)
CHAIRMAN