

CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Council**
held on Monday, 19th April, 2021

PRESENT

Councillor B Burkhill (Mayor/Chairman)

Councillor S Edgar (Deputy Mayor/Vice Chairman)

Councillors Q Abel, M Addison, S Akers Smith, M Asquith, R Bailey, J Barber, M Beanland, M Benson, L Braithwaite, J Bratherton, S Brookfield, C Browne, J Buckley, C Bulman, P Butterill, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, T Dean, D Edwardes, B Evans, H Faddes, A Farrall, JP Findlow, K Flavell, R Fletcher, T Fox, A Gage, S Gardiner, L Gilbert, M Goldsmith, A Gregory, P Groves, S Handley, A Harewood, G Hayes, S Hogben, S Holland, M Houston, M Hunter, D Jefferay, L Jeuda, A Kolker, C Leach, I Macfarlane, N Mannion, D Marren, A Martin, A Moran, R Moreton, B Murphy, D Murphy, J Nicholas, K Parkinson, J Parry, S Pochin, B Puddicombe, P Redstone, J Rhodes, L Roberts, J Saunders, M Sewart, M Simon, L Smetham, J Smith, L Smith, D Stockton, A Stott, R Vernon, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

The Mayor asked all those present to observe a minute's silence as a mark of respect for the life of HRH Prince Philip, Duke of Edinburgh.

49 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown and S Carter.

50 DECLARATIONS OF INTEREST

No declarations of interest were made.

51 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 17 February 2021 be approved as a correct record.

52 MAYOR'S ANNOUNCEMENTS

The Mayor stated that it has been his privilege to attend on Sunday 11 April 2021, along with the Leader of the Council, a memorial service at Chester Cathedral for the life of HRH Prince Philip, Duke of Edinburgh.

53 PUBLIC SPEAKING TIME/OPEN SESSION

Ken Edwards asked that the SADPD be referred back to the Strategic Planning Board indicating that it was flawed. The Strategic Planning Board had previously asked Cabinet to provide robust evidence that there were still special circumstances justifying the taking of additional safeguarded land from local service centres. This, in his view, has not been done. On behalf of Bollington Civic Society and residents of Bollington he asked the Council to recognise that it was not more housing that was needed but more open space within towns for leisure and recreation and asked for the SADPD to be referred back for further detailed consideration on the safeguarded land issue.

Michael Burdekin stated that the proposal to allocate eight greenbelt sites in local service centres did not satisfy the NPPF requirements for exceptional circumstances and indicated that there was legal advice which concluded that policy's PG 3 and PG 4 required the Council to determine whether or not it was necessary to release further land from the greenbelt to be designated as safeguarded. He stated it appeared the council had not carried out any assessment within this version of the SADAP. The SADAP therefore required modification to make it legally compliant.

Nicole Roberts Morris, chair of Save Bollington Greenbelt group, referred to the sites in Bollington removed from the greenbelt for safeguarded land and indicated that the Council had not demonstrated the exceptional circumstance required by the NPPF. She stated that the sites chosen were unsuitable and the proposals were not legally compliant.

Alan Morris referred to the amount of safeguarded land and stated that its removal from the greenbelt on the basis of exceptional circumstances was completely unfounded. There was, in his opinion, no consideration of the need for safeguarded land included in the SADPD; that there were no policy requirements to exceed the 36,000 dwellings housing requirement; and that policy PG12 should be deleted to make the SADPD legally compliant.

Robert BoSmith stated that it was clear that council planners and officer had no intention of listening and responding to the view of communities from the SADPD consultation exercise, in his view. He stated that they had ignored the comments from residents, and they had ignored the spirit of the local neighbourhood plan. He stated that the community objected strongly to the taking of the greenbelt land in Bollington. The sites were, in his view, unsuitable for development and that these sites had been acquired over 40 years ago by speculative developers who had repeatedly put planning applications in which had been rejected due to being in the greenbelt and land contamination. The land formed a natural green break between the original historical parts of Bollington and was situated on the edge of the conservation area. He asked that the proposals for safeguarding land in Bollington be withdrawn.

Lillian Burns, on behalf Prestbury Parish Council, referred to the removal of additional greenbelt land for development and to a legal opinion obtained by three parish councils which had concluded that there was no definitive reference to the removal of 200 hectares of land and that policies do not preclude the evidence of need. In her view, no definitive proof had been offered in the SADPD that any of the exceptional circumstances existed for the greenbelt to be removed.

Simon Tappenden stated he was concerned about the environmental impact of development on the sites in Bollington. Bollington had already seen an increase in development which had led to increased traffic, runoff issues at the development of Hall Hill. He raised concerns about the destruction of wildlife sites if the greenbelt land was developed.

Judy Snowball asked that the SADPD be referred back to the Strategic Planning Board. She was concerned that the SADPD was being pushed through without any proper scrutiny of the legal implications. Last October when the Strategic Planning Board had considered the SADPD, it had asked for matters raised by public speakers to be considered by Cabinet. These included the proposal for removing greenbelt to become safeguarding land begin unnecessary and did not comply with the requirements of the NPPF for exceptional circumstances and this this be fully evidenced and the need for development demonstrated in the SADPD but no detailed consideration was given to these matters at the Cabinet meeting.

54 **LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS**

The Leader of the Council, in summary:

- stated that the Covid-19 infection rate in Cheshire East had fallen sharply in the last month and was now 17 per 100,000 and that, as at 13 April 2021, 2/3 of the eligible population of Cheshire East had received their first dose of the vaccine and more than 95% of residents of over 70 had taken up the offer of a covid vaccination.
- was shocked to read that 52% of people do not self-isolate when required to do so. The Cheshire East Contact Tracing Team was adopting a welfare case management role and provide guidance and hardship support.
- reported that some lockdown restrictions had been eased with meeting outdoors allowed in groups of up to six from two households, but there was still a ban on social mixing indoors.
- reported that a letter had been sent by the political group leaders to Cheshire MPs asking them to lobby the Government for an extension to the legislation which allows meeting to be held virtually.
- reminded all it was still valid and important to continue with basic Covid-19 precautions.

The Deputy Leader, in summary:

- reported that the Council was launching a campaign ‘Say Hi to the High Street’ to encourage residents to support local shops and shop safely.
- reported that Leisure Centres across the Borough had reopened with the expectation of Congleton Leisure Centre and Nantwich Brine Pool and the Everybody Leisure Trust had started outdoor fitness classes.
- provided an update on business grants. He stated that the Council was continuing to invite applications for the new restart grant, which supported eligible non-essential retail businesses and hospitality accommodation, leisure, personal care, and gyms with one-off grants to help them re-open safely.
- welcomed the opening of the Congleton Link Road and that a naming ceremony would be held later in the year.

55 SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT (SADPD) SUBMISSION

Consideration was given to a report on the Site Allocations and Development Plan Policies Document (SADPD), which formed the second part of the Council’s Local Plan.

The Council had published a Revised Publication Draft SADPD between 26 October 2020 and 23 December 2020 for public representation. The representations received were set out in Appendix 1 to the report. The next stage in progressing the SADPD towards adoption would be its submission to the Secretary of State for examination.

RESOLVED: That Council

- 1 approves the submission of the Revised Publication Draft Site Allocations and Development Policies Document to the Secretary of State for examination, accompanied by its supporting documents and evidence base published with the Plan in October 2020;
- 2 approves the submission of the Regulation 20 Representations Statement to the Secretary of State - Appendix 1 to the report, and a copy of all the representations made under Regulation 20;
- 3 approves the completion of the Duty to Co-operate Statement of Common Ground published with the Revised Publication Draft Plan and its submission to the Secretary of State;
- 4 authorises the Head of Planning to write to the Inspector at the start of the examination requesting them, under section 20(7C) of the Planning and Compulsory Purchase Act 2004, to recommend any main modifications necessary to make the Plan sound and legally compliant;

- 5 authorises the Head of Planning to respond to questions raised by the Inspector during the examination; and
- 6 authorises the Head of Planning to approve any non-material changes to the Revised Draft Site Allocations and Development Policies Document or within its supporting documents as necessary.

56 **TRANSITIONAL PROVISIONS AND FUTURE CONSTITUTIONAL WORK**

Consideration was given to proposed provisions for the transition of past executive decisions into the new committee system.

The report also set out the consequential impacts relating to some sub committees, external boards, and appointments, provided an indicative process for budget-setting for next year and summarised the further work that would be undertaken on the constitution.

RESOLVED: That Council

- 1 agrees the transitional provisions, as set out in paragraph 4.6 of the report and Appendix 1 to the report;
- 2 notes and approves the indicative approach to budget setting, as set out in Appendix 2 to the report; and
- 3 agrees the scope of the further constitutional review work, as set out in Appendix 3 to the report.

57 **RECOMMENDATION FROM CONSTITUTION COMMITTEE: CALENDAR OF MEETINGS 2021-22**

The Constitution Committee, at its meeting on 6 April 2021, had considered a report on the draft Calendar of Meetings for Cheshire East Council for 2021/22. The draft Calendar was appended to the report.

Since the Constitution Committee meeting, and following discussions with Cheshire West and Chester Council, the dates for the Shared Services Joint Committee meetings had been amended and the revised dates included with the proposals before Council.

The recommendations from the Constitution Committee, along with date changes for the Shared Services Joint Committee, were moved and seconded.

Amendment

An amendment to the Calendar of Meetings was proposed and seconded:

“That the Corporate Parenting Committee meet bi-monthly.”

The mover and seconder of the recommendations from the Constitution Committee to Council agreed to accept this amendment and therefore the amendment became part of the substantive proposition.

RESOVLED:

That the Calendar of Meetings for the 2021/22 Municipal Year be approved.

58 **CONSTITUTIONAL UPDATE TO IMPLEMENT THE COMMITTEE SYSTEM**

Consideration was given to the report on the Constitutional Update to Implement the Committee System.

The Constitution Committee, at its meeting on 6 April 2021, had considered these matters, and made recommendations to Council.

The recommendations, set out at paragraphs 2.1 to 2.1.4 in the report, were moved and seconded by the Chairman and Vice Chairman of the Constitution Committee.

During the debate two amendments were proposed.

Amendment 1

“The wording of resolution 2.1.4 is changed to

2.1.4 Council adopt the Constitution, as set out in Appendix 1, from the next Annual General Meeting and that no formal time limits on the total length of meetings is included in the Constitution and the terms of reference of the Staffing Appeals Committee reflect the current Constitution.”

The amendment was moved and seconded. The mover and seconder of the recommendations to Council agreed to accept this amendment and therefore the amendment became part of the substantive proposition.

Amendment 2

“That a vote be taken separately on each of the four resolutions.”

The amendment was proposed. An amendment to this proposal was then proposed.

“That a vote be taken on resolutions 2.1.1 to 2.1.3 and a separate vote on resolution 2.1.4”.

This proposal was moved and seconded and the mover and seconder of the recommendations to Council agreed to accept this amendment and therefore the amendment became part of the substantive proposition.

The substantive recommendations 2.1.1, 2.1.2 and 2.1.3 were put to the vote and declared carried.

Council then considered the amended proposition 2.1.4.

Following debate, the recommendation was put to the vote. In accordance with the provisions in the Constitution a recorded vote was requested with the following results:

FOR

Councillors Q Abel, S Akers Smith, J Barber, L Braithwaite, J Bratherton, S Brookfield, C Browne, J Buckley, C Bulman, B Burkhill, P Butterill, S Corcoran, L Crane, A Critchley, D Edwardes, H Faddes, A Farrall, K Flavell, R Fletcher, T Fox, M Goldsmith, S Handley, A Harewood, S Hogben, M Houston, M Hunter, D Jefferay, L Jeuda, I Macfarlane, N Mannion, D Marren, A Moran, R Moreton, B Murphy, D Murphy, J Nicholas, J Parry, S Pochin, B Puddicombe, J Rhodes, J Smith, L Smith, A Stott, R Vernon, M Warren and P Williams.

AGAINST

Councillors M Addison, M Asquith, R Bailey, M Beanland, M Benson, J Clowes, S Davies, T Dean, S Edgar, JP Findlow, A Gage, S Gardiner, L Gilbert, A Gregory, P Groves, G Hayes, S Holland, A Kolker, C Leach, A Martin, K Parkinson, P Redstone, L Roberts, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, L Wardlaw, J Weatherill, J Wray and N Wylie.

NOT VOTING

None

The motion was declared carried with 46 votes for, 32 against and 0 not voting.

RESOLVED:

That Council agree for inclusion in the Constitution:

- 1 the Mayoralty Protocol
- 2 the revised terms of reference and composition of 9 elected members for the Audit and Governance Committee

3 the revised terms of reference for the Health and Wellbeing Board;

and

4 Council adopt the Constitution, as set out in Appendix 1 to the report, from the next Annual General Meeting and that no formal time limits on the total length of meetings is included in the Constitution and the terms of reference of the Staffing Appeals Committee reflect the current Constitution.

59 **POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES**

Consideration was given to a report relating to the political representation on the Council's Committees and addressed the changes which would take place following the Council's Annual General Meeting when the new committee system was implemented.

Following consideration by the political groups and agreement in respect of the requisite balance, a revised Appendix A to the report had been circulated which set out the political representation on the Council's committees and sub committees, which was based on the political structure of the Council as a whole.

RESOLVED:

That the political group and other representations, as set out in the revised Appendix A to the report, and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted, and the allocation of places to Committees be approved.

The meeting commenced at 11.00 am and concluded at 3.35 pm

Councillor B Burkhill
MAYOR/CHAIRMAN