

# **CHESHIRE EAST COUNCIL**

## **Minutes of a meeting of the Council**

held on Thursday, 19th April, 2012 at Crewe Alexandra Football Club, Gresty Road, Crewe, CW2 6EB

### **PRESENT**

Councillor R West (Chairman)

Councillor G M Walton (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Baxendale, D Bebbington, G Boston, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartlidge, J Clowes, S Corcoran, W S Davies, D Druce, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, D Flude, H Gaddum, 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, L Jeuda, A Martin, M A Martin, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, H Murray, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, B Silvester, M J Simon, L Smetham, D Stockton, C G Thorley, D Topping, G Wait, M J Weatherill, P Whiteley, S Wilkinson and J Wray

### **Apologies**

Councillors H Davenport, R Domleo, J Macrae, B Murphy, L Roberts, J Saunders, M Sherratt and A Thwaite

### **101 APOLOGIES FOR ABSENCE**

### **102 MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2012**

#### **RESOLVED**

That the minutes be approved as a correct record.

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

Mrs Mabel Taylor used public speaking time to make a statement regarding the cessation of services at Bexton Court. She thanked the Councillors who had submitted the request regarding the call-in of the decision and stated that, what she considered to be the catastrophic loss of services seen in Knutsford, could happen in other areas of Cheshire East as the Council tried to balance its budget. She stated that those present at the call in meeting had been told that full consultation had taken place with the people of Knutsford and that the Chairman of the Committee had proposed a motion not to send advice to Cabinet and this motion had been adopted. She stated that whilst the Council may have consulted with former users of Bexton Court, at no time had the opinion of potential users been sought.

She referred to a recent e-mail which she had sent to the Council requesting details of how, where and when the people of Knutsford had been consulted. She

stated that, to date, she had not received a reply and requested that her questions be formally addressed and answers given.

She questioned what was planned for the Bexton Court building and in light of past unwelcome sales of publically owned buildings in Knutsford, made a formal request that the Council advise the people of Knutsford as to the plans for the abandoned building.

Mrs Charlotte Peters Rock used public speaking time to make a statement relating to her deep concerns regarding a number of statements made during a meeting of Adult Social Care Scrutiny Committee, which she felt were misleading. She felt that Cheshire East Council had not been honest with the electorate in respect of its closure of essential Social Care facilities for the elderly and disabled and that the Council seemed unconcerned about overseeing that its Scrutiny Committees acted according to its Constitution.

On behalf of Knutsford Area for Knutsford Action, she requested a meeting with the Council Leader and the Chief Executive of Cheshire East Council, so that these matters of great concern to her could be discussed.

## **104 MAYOR'S ANNOUNCEMENTS**

The Mayor announced :-

1. That the A-Team Apprentices had been out and about over Easter talking to people in Macclesfield, Nantwich, Crewe, Wilmslow and Congleton about what it's like to be a Cheshire East A-Team Apprentice. He was proud to be a member of the A-Team and had lent support to the apprentices by going along to the events and getting them an audience with local newspaper reporters. Local community radio stations had also been involved. The Council had around 90 apprentices and application forms were arriving from local young people all the time.
2. That Cheshire East had recruited more than 300 volunteers to help with the Olympic torch relay, which would pass through Crewe, Congleton, Macclesfield and Knutsford, on May 31. The response had been fantastic, so far, but there was still time for people to put their names forward to help out on the day.
3. That the Deputy Mayor had attended Crewe's Cumberland Sports Ground and the Athletics Track, at Macclesfield Leisure Centre, for the Sport Relief Mile run, on March 25, where money was raised for good causes. Both events had been a big success, with friends, families and work mates coming together to take part.
4. That the outstanding talents of Cheshire's young musicians were to be showcased alongside world-renowned pianist, Peter Donohoe, in a magical concert on June 24<sup>th</sup>, to celebrate the enduring success of the Cheshire Youth Orchestra and the Cheshire Youth Training Orchestra. This would be a wonderful occasion and anybody interested in attending should get in touch with the Liverpool Philharmonic.

5. That he had been alerted to the need for an urgent item, which would form part of Part 2 of the agenda. He was satisfied as to the legal justification for its inclusion and this item would be dealt with after item relating to the Waste Treatment PFI.

## **105 DECLARATIONS OF INTEREST**

Councillor Walton declared a personal and prejudicial interest in Item 9 of the agenda, relating to the Election of the Mayor and Deputy Mayor for the 2012/13 Civic Year, by virtue of the fact that it was recommended in the report that he be designated as Mayor Elect. In accordance with the Member Code of Conduct, Councillor Walton left the meeting during consideration of this matter.

Councillor Flude declared a personal interest in item 6 – Notice of Motion 3, by virtue of being a member of several organisations connected with heritage, including English Heritage.

Cllr Gardiner declared a personal interest in item 8 – Report back from Strategic Planning Board on Notice of Motion regarding Sydney Road Bridge, by virtue of being a Professional Town Planner.

## **106 NOTICES OF MOTION**

Consideration was given to the following Notices of Motion :-

### **1. Submitted by Councillor D Brickhill**

#### **M6/A500 Junction**

The Chief Executive of this Council be instructed to write immediately to the Highways Minister, and to local MPs, expressing this Council's concern in the strongest possible terms at any further delay in addressing the need for remedial works to ease the serious congestion at Junction 16 of the M6 and seeking an assurance that works can commence to the M6/A 500 junction before the end of 2012.

#### **RESOVED**

That the motion stands referred to Cabinet for consideration.

### **2. Submitted by Councillors L Jeuda and J Jackson**

#### **Adult Social Care**

Recent research carried out nationally by Which? into the domiciliary care people received at home found that many received a poor service. The results from the survey revealed shocking examples of neglect and a lack of respect by the care providers towards the people they were meant to be caring for. This follows a disturbing report published by the Equality and Human Rights Commission in November 2011, which found that the Human Rights of older people were being denied by a poor level of care and a lack of respect.

In the Which? report an improved service was received only after complaints had been made. Only four in ten people knew how to complain if they were not satisfied with the service provided.

Motion

1. This Council will ensure that policies are in place to prevent this happening to people in receipt of domiciliary care living in Cheshire East and that all Customers are provided with a copy of the relevant Complaints Procedure.
2. That Council ask Cabinet to request that the Adult Social Care Scrutiny Committee consider the findings from both the reports and re-examine the quality of services provided, including the Complaints Procedure, and how Cheshire East Commissioning Strategy deals with the issues raised.

That the motion stands referred to Cabinet for consideration.

**RESOVED**

**3. Submitted by Councillors K Edwards and D Flude**

**Culture Policy**

As Unitary Councils can and should be a powerful support to the sense of community in the area for which they have responsibility, Cheshire East Council will develop a cultural policy, that will support the rich ancient and industrial heritage of the borough, encourage the enjoyment of and the participation in the creative and performing arts and ensure a full range of facilities to enable residents to experience and enjoy a rich cultural life.

**RESOVED**

That the motion stands referred to Cabinet for consideration.

**4. Submitted by Councillors D Bebbington and M Jones**

**Parkers Road, Crewe Proposed Gypsy and Traveller Site**

Cheshire East Council's Conservative Group acknowledges the new Planning Policy for Gypsy and Traveller sites and the new National Planning Policy Framework announced by Government last week.

As a consequence of the new guidelines, Council is asked to resolve that the Parkers Road planning application should be withdrawn and that a further assessment of need should be undertaken and considered as part of the Local Plan process.

The Leader of the Council, Councillor Wesley Fitzgerald, should be thanked for aggressively pursuing a change of policy which places the destiny of gypsies and travellers in the hands of Members.

**RESOVED**

That the motion is approved.

## **5. Submitted by Councillor G Boston**

### **Response Time for Elected Members Enquires**

Elected Members as the representatives of local people often need to contact Cheshire East staff for information/explanation of particular actions, or as is more often the case inactions.

Recent experience is that officers are sometimes taking as long as three weeks to respond to enquiries made by Elected Members. Whilst that timescale is clearly unacceptable there isn't actually a protocol laid down for what is an acceptable response time to Elected Members. Following discussion with senior officers of this Authority we are told that the acceptable timescale for a response to an Elected Member is the same as the general public which is five days.

The Labour Group's view is that we are not members of the public but their elected representatives; furthermore we are almost always making an enquiry when for whatever reason the customer response protocols have broken down.

Other authorities have specific response times for elected member enquiries for example Manchester City Council has 24hrs with a clear expectation on officers that responding to elected members is a top priority.

On behalf of the Labour group I move that Cheshire East Council adopt a policy of responding to elected member enquiries within 2 working days even if that response is a holding reply pending the collection of further information.

### **RESOVED**

That the motion stands referred to Cabinet for consideration.

## **107 RECOMMENDATION FROM CONSTITUTION COMMITTEE - CREWE COMMUNITY GOVERNANCE REVIEW**

The recommendations of the Constitution Committee in respect of the Crewe Community Governance Review were submitted.

The Chairman of the Constitution Committee reported that he would be proposing that consideration of this matter be briefly deferred until the next full Council meeting and explained the reasons for this as follows :-

Council was to be asked to agree a second round of consultation, based upon the creation of a Parish Council for Crewe, this having 16 Parish Councillors, representing wards which would mirror the existing borough ward boundaries.

Elections would take place as soon as practicably possible, after conclusion of the second stage of public consultation, forming part of the Community Governance Review and it was hoped that it might be possible to combine them with the Police Commissioners Elections, in November 2012. However, these recommendations were based on advice and information from a number of

sources and Counsel's advice had been sought, in an attempt to bring clarity to a range of issues, including whether it was practicable for any elections to be combined with the Police Commissioners elections. This was felt to be particularly important, not just in respect of the Crewe Community Governance Review, but also in terms of the various options which would apply to the forthcoming Macclesfield Community Governance Review.

Counsel's advice had been received during the preceding two working days and it was considered important for this to be properly absorbed and fully understood, before Council was asked to make a decision on the matters in question. The advice received was complex and further clarity was likely to be needed from Counsel on a number of issues.

#### **RESOLVED**

1. That Consideration of the recommendations of the Constitution Committee be deferred.
2. That the meeting of the Community Governance Review Sub Committee, scheduled to take place on 27<sup>th</sup> April 2012, give urgent consideration to Counsel's advice.
3. That a special meeting of the Constitution Committee be convened to make recommendations to the 16<sup>th</sup> May meeting of Council on this matter.

#### **108 REPORT BACK TO COUNCIL FROM STRATEGIC PLANNING BOARD RE NOTICE OF MOTION SYDNEY ROAD BRIDGE, CREWE**

Consideration was given to the decision of the Strategic Planning Board in respect of the notice of Motion submitted to Council, by Cllr Hogben, on 23 February 2012, regarding Sydney Road Bridge, Crewe.

The Strategic Planning Board had resolved that :-

- (1) the Board notes that a decision was made on planning application 11/1643 for Coppenhall East on 19<sup>th</sup> October 2011;
- (2) the Board further notes that the Council has a duty to consider and determine any fresh planning application in the Coppenhall area strictly on its planning merits; and
- (3) the Officers be asked to pursue the inclusion of a scheme for the improvement of the Sydney Road Bridge in the Local Transport Plan to enable the scheme to receive suitable prioritisation, and the improvement of the Bridge be identified as an issue within the Local Plan Infrastructure Plan at the appropriate time.

#### **RESOLVED**

That the decision of the Strategic Planning Board be noted.

## 109 **ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE 2012/13 CIVIC YEAR**

Consideration was given to the nominations for the office of Mayor and Deputy Mayor for 2012/13.

Council was requested to resolve that Councillor G Walton be designated as Mayor Elect and that a second Member be designated as Deputy Mayor Elect, with a view to their formal election as Mayor and appointment as Deputy Mayor for Cheshire East for 2012/2013.

It was proposed and seconded that Councillor D Flude be designated as Deputy Mayor Elect.

### **RESOLVED**

That Councillor G Walton be designated as Mayor Elect and that Councillor D Flude be designated as Deputy Mayor Elect, with a view to their formal election as Mayor and appointment as Deputy Mayor for Cheshire East for 2012/2013, at the Mayor Making ceremony to be held on 16 May 2012.

*(Councillor G Walton, having declared a personal and prejudicial interest at the beginning of the meeting, left the meeting during consideration of this matter. Councillor D Flude, upon being nominated for designation as Deputy Mayor Elect, declared a personal and prejudicial interest and left the meeting during consideration of this matter).*

## 110 **QUESTIONS**

The following questions had been submitted in accordance with Procedure Rule 11:

### **Question 1 - From Councillor Jackson, to the Prosperity Portfolio Holder :-**

#### **Fire Procedure**

In the light of a recent incident at Macclesfield Town Hall what action will the Portfolio Holder take to ensure that the Fire Alarms can be clearly heard in all offices and meeting rooms throughout all Cheshire East buildings.

What action is being taken to ensure that there are fully trained staff always available to assist disabled visitors from Cheshire East buildings, particularly with reference to the use of Evac Chairs.

#### **Response**

In the absence of the Prosperity Portfolio Holder, Councillor Macrae, Cllr Wilkinson responded on his behalf, as follows :-

Weekly fire alarm tests are carried out in all buildings to ensure that the systems in place are working correctly and are audible. Any issues are immediately reported and remedial works are, and will continue to be, put in place to rectify any identified issues.

Fire evacuations procedures are currently being renewed in all meeting rooms. Meeting organisers are responsible for advising Building Support staff when they have disabled visitors to the building in order that a suitable personal evacuation plan put in place. This plan will be handed to the meeting organiser on arrival at the building. The electronic room booking system will also be amended to ensure that all meeting organisers are aware of this requirement.

### **Supplementary Question**

Councillor Jackson asked why people were allowed to return to the building and Councillor Wilkinson undertook to investigate and provide a written response to this question.

### **Question 2 - From Councillor Fletcher to the Environmental Services Portfolio Holder :-**

#### **Swallow Drive Play Area, Alsager**

Will the Cabinet Member, as a matter of urgency, advise me what action is being taken to make Swallow Drive play area in Alsager safe and usable.

Members of the public have been sending e-mails to officers for many years. A sample is included below. The Chief Executive and Director J Nicholson visited this site in 2011.

*Rod*

*The complaint & concerns have already been forwarded to... and I received a further update that they are now reviewing w/c 30th June .*

*The content of my note to you is the same content as that in correspondence with.*

*The purpose for writing to yourself is that, in my opinion, changes in Council structures & people has meant that the decision making process is far too long.*

*I have no idea what decision, if any, is to be made wc 30th June.*

*My neighbour originally contacted the Council in January 08 (yes, 2008) to highlight the lack of maintenance and ownership.*

*In the meantime, I feel the Health & Safety Risks at the Park are growing.*

*I hope this clarifies the position*

*Thanks*

**Sent:** 16 June 2009 13:31

**To:** FLETCHER, Roderick (Councillor)

**Subject:** Swallow Drive - Public Open Space/Play area

*Dear Mr Fletcher*

*My name is... and I am a resident of Swallow Drive, Alsager, ST7.*



*As a neighbourhood, we are becoming increasingly concerned at the lack of maintenance of the Public Open space/play area at the end of Swallow Drive.*

*From my personal point of view, I really believe the Health & Safety risks are increasing, as the grass levels are masking any potential, hidden dangers (holes etc).*

*In last year's storms, a large tree fell, and is currently lodged between two others. However I am not in a position to advise whether it is securely lodged, so as to avoid any risks to any passing walkers/Children.*

*The park has and continues to be used extensively by the children of the immediate vicinity, as well as the wider Alsager area.*

*As our local Councillor, can I please ask for your support in resolving this matter?*

*I really want for the park to be maintained to a suitable level, before any children or adults are hurt in this previously lovely park.*

*I have been in touch with the Council, and have asked them to provide feedback from a recent meeting with the Greenspace team, and what their longer term view on the ongoing upkeep of this park.*

### **Response**

The Environmental Service Portfolio Holder, Councillor Menlove, responded as follows :-

We acknowledge that the current position with regards to the Swallow Play area is not acceptable and we now need to remedy what is a long standing issue inherited from a planning permission many years ago which included a 'unilateral undertaking' from the developer and has never been delivered.

The Council does not currently have any operational or legal responsibility for the play area but given the concerns raised by local residents the Council has very recently completed a safety audit of the area which has reported that there are no immediate concerns but clearly a wider solution is required.

The Council is currently reviewing a number of options including transferring the play area into Council ownership, linking investment with other developments which may come forward, or removing the equipment completely. Liaison with the local Councillors will be important in deciding the right way forward and I can assure Cllr Fletcher that the options will be presented shortly for further review.

### **Question 3 – From Councillor Corcoran, to the Leader of the Council**

#### **Number of Further Redundancies**

At the last Council meeting, in responding to comments on the Council's budget and three year plan, Cllr Michael Jones said that there would be no more than 100 further redundancies.

Is he or the Leader of the Council willing to confirm this figure?"

### **Response**

The Resources Portfolio Holder, Councillor M Jones responded to say that it would be important to keep staff reassured. Whilst it was clear that there would not be more than 100 further redundancies, it would be necessary to work with market forces.

### **Supplementary question**

Councillor Corcoran asked a further question relating to the Council's reserves and Councillor Jones stated that this question did not relate to the original question, however, he undertook to provide a written response to it.

### **Question 4 – From Councillor Jeuda to the Performance and Capacity Portfolio Holder :-**

#### **Grants to Voluntary Organisations**

The demands on services provided by the Council and Voluntary Organisations are continuing to rise and many Voluntary Organisations are not only experiencing cuts in Council funding but also having to face up to grants only being given for a six-month period. This clearly presents difficulties for organisations in planning for the future both in provision for Service Users and for the continuity and viability of the service provided.

The uncertainty created for employees of Voluntary Organisation and the short-term nature of the funding is creating immense problems for many. The cuts in Government funding to the most vulnerable has created an increased demand for advice and support.

Will the Cabinet Member ensure that sufficient funding for a reasonable length of time, for example three years, will be provided to enable these organisations to deliver a viable and much needed service and to remove the uncertainty experienced by many?

### **Response**

The Performance and Capacity Portfolio Holder, Councillor Brown responded as follows :-

Cheshire East Council funds community, voluntary and not for profit organisations to deliver a wide range of services to support local communities. In 2011/12 this totalled over £5million of funding either through direct grants or commissioned services, the vast majority coming from the Children, Families and Adults directorate.

All services have reviewed the funding they provide as part of the 2012/13 business planning process. This process required savings to be made wherever possible, and this included funding provided to the community, voluntary and not-for-profit sector and paid sector. Members will be aware of the challenging savings requirements for the 2012/13 budget which has meant difficult decisions in many areas, including reducing funding to some community and voluntary organisations.

The issue of organisations receiving 6 months of funding for 2012/13 relates mainly to Adult services area, who are currently undertaking a review of all funding to the sector to ensure it is targeted at the most important services and

vulnerable residents, recognising the changing needs of our communities. This review has meant that all organisations have received an initial 6 months of funding for 2012/13, with further funding being subject to the outcome of the review. All organisations are being visited to ensure they are fully involved in the review. This review will also consider whether contracts of more than 12 months can be awarded.

In terms of providing contracts for up to 3 years this is desirable but, unfortunately, not always possible. For example, this year's funding to the sector from Children and Families has been contracted for 12 months with a potential 12 month extension due to the fact that this is funded through the Government's early intervention grant which at present only has 12 months to run. We are uncertain what funding will be available after this time. However, where ever possible, longer contracts are certainly something we aspire to.

All services recognise the difficulty faced by community and voluntary organisations in light of the uncertain financial future and seek to mitigate this by ongoing communication with individual community and voluntary organisations, and with the sector as a whole, particularly through the Cheshire East Council for Voluntary Services (CVS Cheshire East).

#### **Supplementary Question**

Councillor Jeuda asked whether there was a "safety net" for those organisations who would not receive further funding to help them through the transition period whilst waiting for funding.

Councillor Brown suggested that any such organisation should get in touch with the Council to see whether any help could be offered to them, in the short term.

### **111 EXCLUSION OF THE PRESS AND PUBLIC**

#### **RESOLVED**

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 or 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

### **112 RECOMMENDATION FROM CABINET - WASTE TREATMENT PFI**

Consideration was given to the recommendation from Cabinet regarding future options for the Waste Treatment PFI Project.

It was noted that the same recommendations had been considered and approved at the meeting of Cheshire West and Chester Council, on 23 February 2012.

#### **RESOLVED**

That Cheshire East Council approve the recommendations, made by the Joint Waste Board on 8 December 2011, that : -

1. The Waste Treatment PFI procurement project be formally abandoned.
2. That the write off of capitalised project expenditure be noted.

#### **113 URGENT ITEM OF BUSINESS**

The Mayor stated that, as indicated in his announcements earlier in the meeting, the following urgent item of business needed to be dealt with at the meeting. In view of the special circumstances of this matter, he was satisfied as to its urgency and that this item would not wait until the next Council meeting.

#### **114 APPOINTMENT OF INTERIM CHIEF EXECUTIVE**

Consideration was given to a report relating to the appointment of an interim Chief Executive for the period of the Chief Executive's absence from work due to ill health.

#### **RESOLVED**

- 1 That the Leader of the Council and the Chairman of the Staffing Committee be authorised, in consultation with the three Opposition Group Leaders and the Head of HR and Organisational Development, to agree all arrangements in connection with the funding for and appointment of an Interim Chief Executive.
- 2 That the Interim Chief Executive be empowered, for the duration of his/her term of office with the Council, with all Constitutional and such other powers as are currently given by Council to the Chief Executive as Head of Paid Service and otherwise.
- 3 That a Supplementary Revenue Estimate, up to a maximum of £80,000, for an initial period of 3 months, be approved.

#### **115 THANKS FROM THE MAYOR**

As this would be the last meeting that the Mayor would chair, before the Annual meeting of the Council, he thanked Members for their support during his term of office.

The meeting commenced at 6.00 pm and concluded at 9.50 pm

Councillor R West (Chairman)  
CHAIRMAN