

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Wednesday, 16th May, 2012 at Tatton Park - Knutsford

PRESENT

Councillor R West (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors C Andrew, Rachel Bailey(pm only), Rhoda Bailey, G Baxendale, D Bebbington, G Boston, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartledge, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo(am only), D Druce(pmonly), K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, D Flude, H Gaddum, S Gardiner, L Gilbert, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, M Jones, S Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, A Martin, M A Martin, P Mason, S McGrory(pm only), R Menlove, A Moran, B Moran, B Murphy, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, M Sherratt, B Silvester, M J Simon, L Smetham, D Stockton, C G Thorley, A Thwaite, D Topping, G Wait, M J Weatherill, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors Domleo(pm only) M Grant, P Hoyland, G Merry, H Murray and L Roberts, Rachel Bailey (am only), Druce (am only), McGrory(am only).

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Councillors G Walton and D Flude declared a personal interest in the agenda items relating to appointment of Mayor and Deputy Mayor 2012/13 by virtue of being the persons nominated.

3 ELECTION OF MAYOR 2012/13

Council was requested to elect a Mayor for the Borough of Cheshire East for 2012/13, who would also act as Chairman of the Council for that period.

It was proposed by Councillor Macrae , seconded by Councillor Wilkinson, and :-

RESOLVED

That Councillor G Walton be elected Mayor of the Borough of Cheshire East for the year 2012/13 and Chairman of the Council for that period.

The Mayor completed his Declaration of Acceptance of Office and was then invested with the Chain of Office. The Mayor thanked the Council for electing him to this office and informed Members that his wife, Veronica Walton, was to be his Mayoress; she was then invested with the Chain of Office.

4 APPOINTMENT OF DEPUTY MAYOR 2012/13

Council was requested to appoint a Deputy Mayor of the Borough of Cheshire East, who would also act as Vice-Chairman of the Council for that period.

It was proposed by Councillor Thorley, seconded by Councillor Jackson, and

RESOLVED

That Councillor D Flude be appointed as Deputy Mayor of the Borough of Cheshire East for the year 2012/13 and Vice-Chairman of the Council for that period.

The Deputy Mayor thanked the Council for appointing her to this office.

5 APPOINTMENT OF MAYOR'S CHAPLAIN

The Mayor announced that his Chaplain for the forthcoming Municipal Year would be Rev Canon Michael Walter. He thanked Rev Canon Walter for attending the meeting and looked forward to his guidance during his term of office.

6 VOTE OF THANKS TO THE RETIRING MAYOR

Councillor Fitzgerald paid tribute to the retiring Mayor and Mayoress, Councillor West and Mrs West, for the dedicated work they had undertaken during their term of office and for the money they had raised for charity.

The Mayor presented Councillor West with his Past Mayor's medal. The Mayor's daughter, Carrie West, accepted the Past Mayoress's Medal on behalf of Mrs West, who was unable to attend the meeting.

Councillor West gave a speech of thanks.

7 ADJOURNMENT FOR LUNCH AND RECONVENING OF MEETING AT 2.30PM

At this point the meeting stood adjourned and was reconvened at 2.30pm, to consider the remaining items of business on the agenda.

8 **DECLARATIONS OF INTEREST**

The Mayor asked whether there were any declarations of interest relating to the remaining items of business on the agenda.

There were no further declarations of interest.

9 **APOLOGIES FOR ABSENCE**

It was noted that Councillors McGrory, Druce and Rachel Bailey had submitted apologies for absence for the morning session of the meeting, but were in attendance for the afternoon session and that Councillor Domleo had left the meeting.

10 **MINUTES OF THE MEETING HELD ON 19 APRIL 2012**

RESOLVED

That, subject to the addition of Councillors Mahon, S Jones, Kolker, Livesley and Marren to the list of those present and the addition of Councillor Bebbington to the list of apologies, the minutes be approved as a correct record.

11 **PUBLIC SPEAKING TIME/OPEN SESSION**

1. Mr John Mc Cann, representing the Diocese of Shrewsbury, used public speaking time to address Council regarding Home to School Transport. There were a number of issues, which the Diocese had drawn to the attention of the Cabinet, at its meeting on the 30th April. The Director had posed a number of questions to which answers were sought on the understanding that such answers may not be have been available at that meeting. He repeated the questions and indicated that the Diocese still sought answers.

He also stated that the Resolution passed at the Cabinet meeting represented a significant change in policy, which he considered should have been the subject of consultation and phased in.

Mr Mc Cann indicated that failure to have due regard to statutory guidance could leave the Council open to challenge. He urged the Council urged to reconsider the timing and impact that the introduction of this policy would have on students, their families and the schools.

2. Mrs Judie Collins used public speaking time to speak on behalf of KAFKA, the group which had been formed to fight for local services in Knutsford.

She referred to the democratic processes which had been gone through - a large petition, overview and Scrutiny, call ins. She felt that the problem was that the old administration did not take any action and she hoped that perhaps the new one would.

Over a month ago she had met with Senior Officers to discuss a number of issues and was still awaiting a response. She had attended a talk on Participatory Budgets and Localism in the preceding week, when it was pointed out that some Councillors believed that after voting them in, the public had no further right to opine. She stated that the Cheshire East Councillors representing Knutsford all had Cabinet support responsibilities, which she felt meant that they followed the party line, rather than listening to their constituents.

She stated that the new administration began without local elections and who knew what might have happened if the public had been able to vote. Much had been promised and she felt that there now needed to be a complete rethink on officers/public relationships.

3. Mrs Mabel Taylor, also speaking on behalf of KAFKA, stated that, as the Council would be well aware, she had previously spoken about the loss of social care services in Knutsford, and specifically about the way the closure of Bexton Court had been handled. It has been asserted by officers that full consultations had taken place with the public regarding the closure and mention has been made of the meeting at the Civic Centre, called to discuss the future of the Stanley Centre.

Officers maintained that Bexton Court was discussed at the meeting, but she claimed to have a list of people who would attest to the fact that it was not discussed. She, therefore, requested that all interested parties be advised as to where and when proper consultations would take place regarding the closure of Bexton Court.

4. Mrs Charlotte Peters Rock, also speaking on behalf of KAFKA, used public speaking time to congratulate the New Mayor, Cllr George Walton on his ascent to office.

She had made numerous statements in defence of the care of the disabled and elderly dementia sufferers and their family carers, refuting the claims made by Senior Council Officers, Portfolio Holders and by the retired Council Leader. She considered that they had rung on deaf ears, so having consulted Cheshire East Constitution for styles of speaking, she had chosen to present her views in song to the Council.

5. Honorary Alderman Terry Beard used public speaking time to ask a question regarding the cessation of the Dial-a-ride service in Crewe. He stated that the elderly and disabled relied on the service and asked what the Council was planning to put in its place.

12 **MAYOR'S ANNOUNCEMENTS**

The Mayor :-

1. Informed Members, that as this was the first business meeting of the new Municipal Year, he would like to share with them a little about the way in which he intended to fulfil his responsibilities as Chairman of Council meetings. He was intent upon ensuring that the meetings were well run and also that they afforded a fair opportunity for Members of the Council and members of the public to participate. He was confident that the officers of the Council would facilitate this in their preparations for meetings, but he would require Members of the Council to also play their part.
2. Informed Members that, since this was his first formal business meeting, he would not be able to report to them upon previous civic activities as Mayor. However they could be assured that he would give a good account of his engagements in the future.
3. Reported that Councillor Brian Silvester had asked him to pass on the good wishes of Cheshire East Council to Crewe Alexandra Football Club in the Division Two play-off semi final, with the hope that they would win through to Wembley, were successful in the final and would achieve a much deserved promotion to Division One. He was, of course, happy to do this and he had already sent a letter to the Club, which included his own good wishes.
4. Requested that Members note that his Civic Service would be held on Sunday 15 July, in Knutsford and his Charity Ball would take place on Friday 14 September, at Tatton Park.

13 **ELECTION OF LEADER OF THE COUNCIL**

Consideration was given to the election of Leader of the Council for the statutory four year term of office.

Three nominations were received as follows:-

Councillor Michael Jones

(Proposed by Cllr Fitzgerald and seconded by Cllr Groves).

Councillor Ken Edwards

(Proposed by Cllr Hogben and seconded by Cllr Nurse).

Councillor Arthur Moran

(Proposed by Cllr P Edwards and seconded by Cllr Parsons).

In accordance with the requirements of the Constitution, a secret ballot was conducted.

The result of the secret ballot was as follows:-

Councillor M Jones - 48 Votes
Councillor K Edwards – 14 votes
Councillor A Moran - 10 Votes
Unmarked – 1

RESOLVED

That Councillor Michael Jones be appointed Leader of the Council for a four year term of office.

Councillor Jones thanked the Council for appointing him to this office and paid tribute to the very effective Leadership of the Council, by Councillor Fitzgerald since 2008 and offered thanks and appreciation, on behalf of the Council, for his commitment to this work over the past 4 years.

14 APPOINTMENTS TO THE CABINET/LEADER'S ANNOUNCEMENTS

The Leader of the Council, Councillor Michael Jones, presented to Council information about executive functions in the forthcoming year, including the names, addresses and electoral divisions of those Members appointed to the Cabinet, as attached.

RESOLVED

That the information on executive functions in respect of the forthcoming year be noted.

15 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report inviting the Council to determine political representation on the Council's Committees.

Documentation showing the proportional distribution of seats on Committees, amongst the political groups (Appendix 1 of the report) was also submitted.

RESOLVED

That the political group representation, as set out in Appendix 1 of the report and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted.

16 APPOINTMENT OF MEMBERS TO COMMITTEES

Details of the political groups' nominations of Members to Committees were circulated at the meeting.

RESOLVED

That, the existing Committees, listed on the circulated Appendix, be appointed with their existing powers, together with the memberships as shown, subject to the following changes to the nominations from the Independent Group :-

Children and Families Scrutiny Committee – Delete Cllr Mahon and add Cllr Butterill.

Environment and Prosperity Committee – Delete Cllr Butterill and add Cllr Brickhill.

Audit and Governance Committee – Delete Cllr Moran and add Cllr Roberts.

Northern Planning Committee – Delete Cllr Roberts and add Cllr Mahon.

(An appendix, which includes all the approved appointments is attached to these minutes).

17 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

Consideration was given to the appointment of Chairmen and Vice-chairmen of the Council's decision making and other bodies.

The Political Group Leaders' nominations of Chairmen and Vice-chairmen of the Council's decision-making and other bodies was circulated at the meeting.

It was proposed by Councillor M Jones, seconded by Councillor Brown and:-

RESOLVED

That the Chairmen and Vice-chairmen of the Council's decision-making and other bodies, as listed in respect of the previous minute, as circulated at the meeting (and as attached to the minutes) be appointed.

18 APPOINTMENTS TO CHESHIRE FIRE AUTHORITY, CHESHIRE POLICE AUTHORITY AND CHESHIRE POLICE AND CRIME PANEL

Consideration was given to appointments to the Cheshire Fire Authority, the Cheshire Police Authority and the Cheshire Police and Crime Panel.

It was proposed by Councillor M Jones, seconded by Councillor Brown and :-

RESOLVED

1. That Councillors M Simon, J Weatherill, W Livesley, D Topping, G Merry, C Thorley, D Flude and D Brickhill be nominated to serve on the Cheshire Fire Authority.

2. That Councillors P Findlow, H Murray, and P Nurse be nominated to serve on the Cheshire Police Authority.
3. That Councillors P Findlow, H Murray, W Fitzgerald and P Nurse be nominated to serve on the Cheshire Police and Crime Panel.

19 **APPOINTMENTS TO PANELS**

Consideration was given to appointments to the Adoption Panel, Fostering Panel and Cheshire Admissions Forum.

It was proposed by Cllr M Jones and seconded by Cllr Brown and:-

RESOLVED

1. That Councillor G Wait be appointed to the Adoption Panel.
2. That Councillors R West and P Nurse be appointed to the Cheshire Admissions Forum.
3. That Councillor P Hoyland be appointed to the Fostering Panel.

(The Leader of the Council agreed to give further consideration to the appointment of an additional representative from the Labour group on the Adoption Panel).

20 **RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - PROPOSED COUNCIL GOVERNANCE ARRANGEMENTS**

The recommendations of the Constitution Committee relating to proposed new Council Governance Arrangements were proposed by Cllr A Martin and seconded by Cllr Marren.

RESOLVED

That :-

- (1) with effect from the end of a shadow period of operation, which shall end no earlier than September 2012, the existing Overview and Scrutiny Committees will be dissolved and be replaced with two Overview and Scrutiny Committees with the names and provisional terms of reference set out in Appendix 1 of the submitted report;
- (2) with immediate effect Council establishes, initially in shadow form, up to nine Policy Groups, aligned with the Cabinet, with the provisional terms of reference set out in Appendix 2 of the submitted report;

- (3) the Leader will determine the size and cross party composition of the Policy Groups and invite the Political Groups to notify the Borough Solicitor of their nominations;
- (4) the consideration of the terms of reference of the two new Overview and Scrutiny Committees be referred to the Overview and Scrutiny Chairmen in the June/July cycle of meetings and the terms of reference thereafter be finalised by Council, following consideration by the Constitution Committee;
- (5) the consideration of the terms of reference of the new Policy Groups be referred to the shadow Policy Groups in the June/July cycle of meetings and thereafter be finalised by Council, following consideration by the Constitution Committee; and
- (6) the Borough Solicitor submit a further report to Council which will enable Council to formalise all remaining arrangements following the shadow period.

21 RECOMMENDATION FROM STANDARDS COMMITTEE - STANDARDS REGIME UNDER THE LOCALISM ACT

The recommendations of the Standards Committee relating to the Standards Regime under the Localism Act were proposed by Cllr Hammond and seconded by Cllr Groves.

RESOLVED: That :-

- 1 the Council's existing model code of conduct for elected members and the procedure for the investigation of complaints under the code remain in force on an interim basis until the next meeting of the Council in July 2012, when further recommendations will be brought forward for the adoption of a new code of conduct;
- 2 the Audit and Governance Committee establish, on an ad-hoc basis, a Sub-committee with delegated powers to deal with standards issues, with effect from the next meeting of the Council in July 2012;
- 3 the draft terms of reference at Appendix (i) of the report submitted be adopted in respect of the Audit and Governance Sub-committee;
- 4 the Monitoring Officer be given delegated authority to undertake a recruitment process for up to three Independent Persons as required under Section 28(7) of the Localism Act 2011 once details of the transitional provisions have been received;
- 5 if necessary, in order to comply with statutory timescales, the Council's Urgency Sub-committee shall approve the provisional appointment of the Independent Persons subject to formal ratification by the Council at its July meeting; and

6 Members note that work is ongoing to draft a new standards code of conduct with a view to it being adopted across the Cheshire authorities which will include Town and Parish Councils and the Fire Authority.

22 **REAFFIRMATION OF COUNCIL'S CONSTITUTION**

Council was requested to reaffirm the provisions of the Council's Constitution.

It was proposed by Councillor A Martin, seconded by Councillor Marren and :-

RESOLVED

That the provisions of the Council's Constitution be reaffirmed.

23 **QUESTIONS**

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

1. From Councillors G Merry, M Simon and J Weatherill

Sprinkler Systems in New Properties

In view of the recent highly successful sprinkler demonstration, conducted by Cheshire Fire and Rescue Services in conjunction with Wulvern Housing, is this Council prepared to follow the lead taken by the Welsh assembly in asking all developers to consider fitting all new properties with sprinkler systems when finalising the new Local Plan 2015 -2030.

Response from Councillor D Brown:

Fire Safety regulations come under building regulations and there have been many policies covering them.

There are considerable considerations to be taken into account before we simply imply all new homes should be fitted with them.

The matter of fire safety within new dwellings has been the responsibility of the Building Control service and I think that the Local Plan is the best way to introduce planning considerations for securing a requirement for sprinklers.

Supplementary question

Councillor Simon stated that the recent demonstration in Crewe, had demonstrated how effective sprinkler systems could be and requested the Leader to lobby MPs to require the installation of them in all new buildings.

The Leader confirmed his support and undertook to do so.

2. From Councillor S Hogben

Meeting Rooms with Microphones and Webcams

The leak of a confidential report that was considered in private by the meeting of the Council on 19th April is regrettable. The maintenance of confidentiality, however, must depend on more than the integrity of officers and members.

It has been drawn to my attention that in the past the Committee Suite at Westfields and the Council Chamber at Crewe were equipped with microphones and other devices to facilitate live broadcasts of council meetings held there. Other locations may have been similarly equipped. Can users of such council premises be assured that this equipment has been removed, and that the proceedings of private meetings held in these locations, including councillor briefings and political group meetings, are not being monitored remotely by third parties who may not be subject to appropriate codes of conduct?"

Response from Councillor D Brown

It is confirmed that there is no recording equipment or other devices to facilitate live broadcasts in the Committee Suite in Westfields. With regard to the Council Chamber in the Municipal Buildings, webcasting has previously been delivered from that building as part of Planning Inquiries. However, on any such occasion this has been properly managed and no third party would have access to record any meeting without prior approval from the Council. The equipment installed for the hearing last year is out of action and has been for some time. No such equipment exists in meeting rooms in any other Corporate Building.

As the Mayor stated earlier in the meeting, Council meetings are not for recording. It is upon all Councillors to keep confidential items confidential and not to leak them to the Press.

No such equipment exists in meeting rooms in any other Corporate Building.

Supplementary question

Cllr Hogben asked what steps were being taken in respect of the handling of private meetings to avoid confidential information being inadvertently disclosed, particularly in respect of Policy Groups.

Cllr Brown undertook to look at this issue. He stated that the Council had a process for marking up and numbering confidential papers and that he agreed that every step should be taken to maintain confidentiality and that what was discussed in private should remain private.

24 RECOMMENDATION FROM THE CONSTITUTION COMMITTEE - DELEGATED POWERS RELATING TO DEVELOPMENT MANAGEMENT

The recommendations of the Constitution Committee regarding delegated powers relating to development management were proposed by Cllr A Martin and seconded by Cllr Marren.

RESOLVED

That approval be given to the function of dealing with applications for Certificates of Appropriate Alternative Development under Section 17 of the Land Compensation Act 1961 being added to the functions delegated to the Strategic Planning Board and the Board's Terms of Reference within the Constitution be amended accordingly.

25 RECOMMENDATION FROM CONSTITUTION COMMITTEE - CREWE COMMUNITY GOVERNANCE REVIEW

The recommendations of the Constitution Committee relating to the Crewe Community Governance Review were proposed by Cllr A Martin and seconded by Cllr Marren.

At its meeting on 22 March 2012, the Committee had recommended to Council that:

- a Crewe Parish Council should be created;
- there should be 16 members representing 6 wards mirroring the Borough Wards;
- the electors from the unparished part of Leighton Borough Ward should be asked whether they would prefer to be included in the proposed parish of Crewe or the existing parish of Leighton; and
- elections should take place as soon as practicably possible.

Council, at its meeting on 19 April 2012, had deferred consideration of the recommendations of the Constitution Committee on the draft recommendation for the Crewe Community Governance Review in order that advice received from Counsel on some aspects of the Review could be taken into consideration. The matter was considered further by the

Community Governance Review Sub-Committee on 27 April 2012, in the light of advice received from Counsel.

Having considered the advice of Counsel, the Sub-Committee had confirmed its support for the original recommendations of the Constitution Committee to Council but asked that further consideration be given to budgetary and precepting arrangements and to the transitional arrangements for the period leading up to parish elections.

Since the Sub-Committee's meeting, further advice had been sought and received from Counsel, which was summarised in the minutes of the Constitution Committee.

RESOLVED

That :-

(1) the reaffirmed recommendations of the Constitution Committee, previously made to Council on 19 April 2012 be approved, namely:

- a. that the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a Parish Council for the unparished area of Crewe and that Parish Council be advised to consider its designation as a Town Council;
- b. that the Parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards except that, subject to recommendation c. below, the unparished part of Leighton (Polling District 1FJ4) be incorporated into the St Barnabas parish ward, and that each ward should have the number of Parish Councillors as follows:

St Barnabas	2
Crewe Central	2
Crewe North	2
Crewe South	3
Crewe East	4
Crewe West	3
TOTAL	16

- c. that the electors of the unparished part of the Borough ward of Leighton be asked whether they would prefer to be included within the proposed parish of Crewe or within the existing parish of Leighton;
- d. that elections to the Crewe Parish Council should be held as soon as is practicably possible and should thereafter be synchronised with the ordinary date of Parish Council elections; and

- e. that these proposals form the basis of a second stage of public consultation and that the Boundary Commission be informed of the proposals.
- (2) the proposed arrangements for the Stage 2 consultation process, as set out in paragraph 4.2 of the report to the Community Governance Review Sub-Committee on 27th April 2012, be approved, subject to the dates being altered in line with paragraph 4 below;
- (3) the proposed consultation with the electors for the unparished part of Leighton be conducted by means of a formal ballot;
- (4) the indicative timetable proposed by the Sub-Committee for the latter stages of the Review be approved as follows and the project plan be amended accordingly:
- | | |
|---------------------------------------------------|----------------------------------------------------------------------------------------------|
| 28 th May 2012 | Publish Notice of Stage 2 consultations |
| 11 th June – 2 nd July 2012 | Stage 2 public consultations
Postal Ballot in unparished part of
Leighton Borough Ward |
| 20 th September 2012 | Constitution Committee |
| 11 th October 2012 | Council makes final decision and
approves Order |
| 1 st April 2013 | Order comes into effect |
| 4 th April 2013 | Elections to new parish council |
- (5) it be noted that Gresty Brook (Polling District 1GM2) in the Crewe South Borough Ward is already located within the parish of Shavington and accordingly does not form part of this Review; and
- (6) the Community Governance Review Sub-Committee be asked to consider the detailed arrangements for setting a budget and precepting and the extent and timing of the transfer of assets to the new Parish Council, to enable the relevant provisions to be included in the Order.

The meeting commenced at 11.00 am and concluded at 5.05 pm

Councillor G Walton CHAIRMAN