

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Council

held on Thursday, 13th December, 2012 at Main Hall Congleton Hall -
Congleton Town Hall, High Street, Congleton CW12 1BN

PRESENT

Councillor G M Walton (Chairman)
Councillor D Flude (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Boston, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartlidge, J Clowes, S Corcoran, H Davenport, W S Davies, R Domleo, K Edwards, P Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, P Hayes, S Hogben, D Hough, P Hoyland, O Hunter, 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, R Menlove, G Merry, A Moran, B Moran, B Murphy, H Murray, D Neilson, D Newton, P Nurse, M Parsons, P Raynes, L Roberts, J Saunders, M Sherratt, B Silvester, M J Simon, L Smetham, D Stockton, A Thwaite, G Wait, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors G Baxendale, D Bebbington, D Druce, H Gaddum, M Hardy, A Harewood, J Jackson, S McGrory, C G Thorley and D Topping

67 MINUTES OF THE MEETING HELD ON 11 OCTOBER 2012

RESOLVED

That the minutes be approved as a correct record, subject to an amendment to minutes 47 and 50 to confirm that, Cllr Cartlidge declared a disclosable pecuniary interest in Item 50, which related to the recommendation regarding the Crewe Community Governance Review and absented himself from the meeting during consideration of this item.

68 MAYOR'S ANNOUNCEMENTS

The Mayor:-

- 1 Referred to the Deputy Mayor's road traffic accident on the way to previous Council meeting held in Macclesfield and was pleased to report that she has made an excellent recovery and had had a safer journey to Congleton today.
- 2 Announced that, since the last Council meeting, in October he and the Deputy Mayor had attended over 70 events. This included civic

services in Mobberley and Disley, the annual Cheshire Legal Profession Service at Chester Cathedral and on 10th November, the annual ex-serviceman's Service in Congleton.

- 3 Announced that, on Remembrance Sunday he had the privilege of attending services in Chelford, Tatton Park, Alsager and Brereton. He would like to thank very sincerely those Members who attended other services across Cheshire East on his behalf. It was right and proper that each November the Borough remembered those who gave their lives for their country.
- 4 Announced that, on 6th November, he was at Tatton Park to witness the Lord Lieutenant present British Empire Medals to a number of very worthy recipients from across Cheshire East. Nationally these were the first such medals awarded since 1992. Tatton Park's facilities proved to be an excellent and very fitting venue for such a prestigious ceremony. A little later in the month he had again visited Tatton, where he had the pleasure of being presented with the first pineapple grown in the restored Pinery.
- 5 Announced that he was very keen that the Cheshire East Mayoralty cemented its links with the Cheshire Business community, which played such a vital role in the economic vitality of the Borough. On 9 November, he had attended a very interesting and informative breakfast meeting, organised by Business Networking International. As this event started at 6.30am it also went down as the earliest engagement that he have undertaken as Mayor.

The above was just a brief flavour of the many events he had attended in representing and trying to promote Cheshire East Council.

- 6 Announced that Cheshire East Council's A-Team had recently been awarded best apprenticeship scheme in the country at the national Training Journal Awards. The A-Team had triumphed in the face of tough opposition from the likes of Thomas Cook Group, BAM Nuttall Ltd and Manchester marketing agency McCann and had been told that the Council had raised the bar and set a new standard in apprenticeships. He was sure that all Members would join him in congratulating everyone involved in the A-Team and all of the amazing apprentices. He was delighted that two members of the A Team, Ciaran Murphy and Emma Parsons were at today's Council meeting and he presented them with the trophy which they had won in London.
- 7 Announced that Item 8 of the agenda, Leaders announcements would be moved to the end of the agenda.

69 **DECLARATIONS OF INTEREST**

Cllr S Gardiner declared a disclosable pecuniary interest in Notice of Motion number 2, relating to countryside policy, by virtue of being employed by a Member of Parliament and would leave the room during consideration of this matter.

Cllr A Moran declared a non-pecuniary interest in Item 11, Capital Programme and Treasury Management Strategy Update (supplementary capital estimate for additional Sustrans grant for Connect 2, Phase 3), by virtue of being the Chairman of the Beam Heath Trust, the landowner and which had received compensation from Cheshire East Council.

Cllr Findlow declared a non-pecuniary interest in the recommendation from Cabinet relating to item 9, Council Tax Base 2013/14.

70 **PUBLIC SPEAKING TIME/OPEN SESSION**

Mrs Charlotte Peters Rock used public speaking time to draw the Council's attention to the two consultations which were purportedly taking place in the Council's area. The first was in respect of the permanent closure of the permanently closed Tatton Ward, in Knutsford and the second the Foundation Trust public consultation. She considered that this had not been publicised adequately and she questioned whether members of the public were aware of the public consultation.

She wished to point out to Councillors what she considered to be a dire situation in the Knutsford area of Cheshire East and West in respect of Health and Social Care services, stating that there was a serious problem in respect of Congleton and Macclesfield Intermediate Care Wards.

She requested that the Leader of the Council set up that meeting with her to discuss what the Council would do to mitigate the effects of what she considered to be poor NHS planning in this Council area.

Mrs Mabel Taylor used public speaking time to refer to a letter which she had sent to the Rt Hon George Osborne MP and forwarded, by e-mail, to the Interim Chief Executive, Kim Ryley, which related to her enquiries regarding the public consultation exercise in respect of the closure of Bexton Court, Knutsford. She noted that a response to her e-mail had been promised by no later than 16 December and she requested reassurance that she would receive a response.

Mr Derek White, representing CRASH used public speaking time to express concern regarding two recent applications on Greenfield sites which had been considered at the recent Strategic Planning Board meeting and which CRASH had opposed. Whilst not being against development, the organisation believed that this should be where it would

bring employment and prosperity and should be focused on the route of the link road.

71 **NOTICES OF MOTION**

Consideration was given to the following Notices of Motion :-

1. Submitted by Cllr M Sherratt

Youth Homelessness

It is important that this Council recognises its responsibility in providing safe and secure routes for young people who find themselves temporarily homeless.

This Council notes that Centrepoint estimates 80,000 young people experience homelessness every year nationally. The Council acknowledges that, due to the fact that some young people who are without a secure home are sofa surfing, the full figures of youth homelessness may be higher than recorded figures collected both locally and nationally.

This Council resolves to:

- Identify ways of collating more data locally on youth homelessness. Work with local colleges, NHS trusts, Job Centres and other local services to identify additional ways this data can be obtained
- Work with local and national charities and homelessness organisations to ensure that every young person who needs help, including those who are not deemed a priority or are 'intentionally' homeless, is at a minimum directed to where help and advice may be available if it cannot be delivered by the local authority.
- Ensure that the online and face-to-face advice services include specific information on obtaining housing support if you have a disability, addiction or have mental health issues.
- Use proactive channels to reach young people at risk to ensure they have the info about advice channels that are available.

RESOLVED

That the motion be approved.

(Cllr Gardiner had declared a disclosable pecuniary interest in the following item and left the meeting during its consideration).

2. Submitted by Cllr P Nurse

Countryside Policy

Cheshire East Council draws attention to aspects of Government policy towards the Countryside and in particular:-

- The failure of policy to deal with Bovine TB which will now have a further year to develop;
- The slow response to the spread of Ash disease which threatens to destroy the stock of one of our finest trees;
- The decision to permit the wider development of agricultural land which reverses long established planning policies;
- The Council believes a change of approach is urgently required to deal with the problems facing the Countryside.

RESOLVED

That the motion be not accepted.

3. Submitted By Cllr S Corcoran

Request for Audit Investigation into Collapse of East Cheshire Community Transport

This Council requests that an internal audit investigation is carried out into the collapse of East Cheshire Community Transport and the withdrawal of Community Transport Macclesfield from providing Dial-a-Ride services. The investigation should specifically look at :-

- 1) whether the Council is obtaining better value for money through the private companies now running the Dial-a-Ride and Adult Care transport services or whether they were obtaining better value for money through the charities that previously ran the service
- 2) whether factually incorrect information has been given in answers to questions in full Council and in press releases issued by Cheshire East Council.

RESOLVED

That the motion be not accepted.

4. Submitted by Cllr L Jeuda and Seconded by Cllr G Boston

The Living Wage

Recent research by the Joseph Rowntree Foundation has found that it is becoming increasingly difficult for people on low incomes to maintain a decent standard of living and that many people are experiencing 'in work poverty'.

Other research shows that a Living Wage of £7.45 an hour would help to lift these families out of poverty and its introduction has been widely supported across all the major political parties, by the Mayor of London, the Anglican General Synod and the Catholic Bishops of England and Wales.

Cheshire East Council therefore welcomes and supports the adoption of the Living Wage by the Mayor of London and thirty five councils across the country and will adopt the policy for its own employees.

Cheshire East Council will also ensure that companies and organisations commissioned to carry out work on its behalf pay the Living Wage of £7.45 an hour to their employees.

RESOLVED

That the motion stands referred to Cabinet.

72 RECOMMENDATIONS FROM CABINET

Consideration was given to the following recommendations from Cabinet:-

(a) Connecting Cheshire Superfast Broadband Partnership Arrangement

Cabinet at its meeting on 17th September 2012, had given consideration to the partnership arrangements proposed for the delivery of the above project to provide superfast broadband services in areas of market failure, these being predominantly outlying rural areas and recommended that Council approve the partnership arrangement. It was proposed that Cheshire East be the accountable body and delivery agent for the project partners of Cheshire West and Chester, Warrington and Halton.

RESOLVED

- 1 That Cheshire East Council enter into a partnership arrangement with Cheshire West and Chester Council, Warrington Borough Council and Halton Borough Council for the delivery of the Connecting Cheshire Superfast Broadband Project.

- 2 That Cheshire East Council lead the partnership and fulfil the role as the accountable body and principal delivery agent of the Connecting Cheshire Partnership.

(b) Revised Statement of Gambling Principles

Cabinet at its meeting on 10th December 2012, gave consideration to the content of the Revised Statement of Principles under the Gambling Act 1985. The Statement formed part of the Council's Policy Framework and was, therefore, required to be formally adopted by Council. The Council was required to review its existing Statement of Principles by 31 January 2013 and a consultation with stakeholders had been carried out as part of that process. Cabinet resolved to support the content of the Statement of Principles and that their formal adoption be recommended to the Council.

The relevant Cabinet minute was circulated at the meeting.

RESOLVED

That the Revised Statement of Principles under the Gambling Act 1985, as set out in Appendix 1 of the report, be approved and adopted.

(c) Council Tax Base 2013/14

Cabinet, at its meeting on 10th December 2012, gave consideration to and made recommendations to Council in respect the Council Tax Base for 2013/14 and to important changes in its calculation. Approval of the Tax Base was required before 31 January 2013, so that the information could be used by the Cheshire Police Authority and by the Cheshire Fire Authority, for their budget purposes.

The relevant Cabinet minute was circulated at the meeting.

RESOLVED

- 1 That, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, Council approves the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2013/14 as 137,122.19 for the whole area.
- 2 That the Cheshire East Council Tax Support Scheme be approved, in accordance with Appendix A of the report.
- 3 That the calculation of the Council Tax Base for Local Preceptors be approved, in accordance with Appendix B of the report.

73 RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE

Consideration was given to a number of recommendations from the Constitution Committee, as follows:-

(a) Re-organisation of Community Governance (Crewe) Order 2012 and Mini Review of Electoral Arrangements for the Parish of Leighton

At its meeting on 11th October 2012, Council had agreed that the draft Re-Organisation of Community Governance Order for Crewe be updated and submitted to Council on 13 December, following a mini review of electoral arrangements for the Parish of Leighton. In the light of the decision of Council on 11th October, which dealt with all other community governance arrangements for Crewe, all that remained to be decided were the arrangements for the area of Leighton and the final approval of the Reorganisation Order to give effect to the Council's decisions.

The Constitution Committee had reviewed when elections for the Leighton Parish Urban ward should be held and whether the number of Councillors for the parish should be amended. In respect of the area of Leighton, the Committee made a number of recommendations to Council.

RESOLVED: That :-

1. the change to the boundary of the Leighton Parish take effect from 1st April 2013;
2. no parish elections be held until 2015 but Cheshire East Council take steps to advertise the current vacancies on the Parish Council;
3. the number of Parish Councillors for Leighton remain unchanged at the present time but the number be reviewed when Cheshire East Council conducts its community governance review of parish councils;
4. accordingly, paragraph 10 of the draft order be retained in its present form; and
5. the draft Re-Organisation order, as appended to the report to the Constitution Committee, at Appendix A, be approved.

(b) Notice of Motion - Motions to Council

At the Council meeting on 19th July 2012, the following motion was proposed by Councillor Arthur Moran and was seconded by Councillor David Brickhill: -

“That all motions that are referred by Council to a Committee or Cabinet must be put on the agenda of the next meeting of that body or brought back to the next Council meeting for vote on a final decision.”

The Constitution Committee had considered the Motion and made recommendations to Council as to how Notices of Motion should be dealt with. The recommendations were moved and seconded as follows:-

(1) That the Democratic and Registration Services Manager be a nominated recipient of Notices of Motion, in addition to the Monitoring Officer, in order to enable Members to lodge Notices of Motion when the Monitoring Officer is not available.

(2) Members should be permitted to submit Notices of Motion by email, and a hard copy signature of the Members in question should not be a requirement of the process.

(3) The wording of the Rules should be amended to make it clear that the full text of the notice of motion would be reproduced with the agenda papers for Council meetings.

(4) A Notice of Motion should be regarded as withdrawn:

prior to the Council meeting if an indication to this effect is given in writing to at least one of the above-named officers by the Member who submitted the Notice; or

at the Council meeting if oral notice to this effect is given by the Member who submitted the Notice; or

if the Notice of Motion is not moved and seconded at the meeting of Council.

(5) There should be no distinction in the Rules between executive and non-executive functions; there being just one Rule, which simply requires the motion in question to be referred to the relevant decision-making body, which will be announced at Council by the Mayor.

(6) That each motion should then be referred to the relevant decision-making body for determination, without the need for any reference back to Council except where:

arising from consideration of the motion, the Constitution Committee recommends to the Council a change to the Constitution; or

there is some other legal or Constitutional requirement for the matter to be referred back to Council.

(6) That, following the moving and seconding of the motion in question; the mover and seconder having been given the opportunity to speak, the motion should stand referred to the appropriate decision-making body without debate.

(7) That, unless the chairman of the appropriate decision-making body agreed there were good reasons not to do so, notices of motion must be referred to that body within two meeting cycles, and that the proposer of the motion would be consulted before the chairman decided the matter.

(8) That the existing provision be retained whereby the Mayor may determine that it is conducive to the despatch of business for a motion to be dealt with in full at the initial Council meeting.

(9) That no notice of motion which, in the opinion of the Mayor, deals with the same or a similar matter to one which had come before Council during the previous 6 months, should be included on the Council agenda.

Amendment

The following amendment was moved and seconded and carried:-

“Whilst the Borough Solicitor will need to produce the detailed wording, the existing rules which allow 30 minutes for questions on notice to Cabinet members at Council meetings should be replaced by an alternative arrangement. Notice of these questions would not need to be given in advance of the meeting. The existing constitutional provisions which apply to questions on notice would continue to apply to the new arrangements eg questions should be clear and focussed; they should not be frivolous or derogatory; a single supplementary question which relates to the subject matter of the original question would be allowed etc. In summary, whilst delegated authority would need to be given to the Borough Solicitor to finesse the wording of the Rules, the existing provisions relating to questions on notice would apply to the new provisions which apply to Cabinet members, except that there would be no requirement for notice to be given to Cabinet members.

The existing rule which allows for questions on notice to be put to Chairmen of Committees to remain”.

RESOLVED

That, subject to the above amendment, the recommendations from the Constitution Committee be approved.

(c) Notice of Motion - Right to Speak at Meetings

At the Council meeting on 19th July 2012, Councillor A Moran had proposed and Councillor P Edwards seconded the following motion:

“That visiting Members to all Cabinet meetings, Committees, and Sub-committees have the right to speak once on each separate item on the agenda before the debate proper commences. This will apply to all items on the agenda, including Part II items”.

The current rules allowed any Member to attend any meeting and, with the consent of the Chairman, to speak on any matter on the agenda. Special provisions applied to meetings of Licensing and Planning meetings.

The motion had been referred to the Constitution Committee for consideration. The Committee had considered the motion and recommended that no action be taken.

RESOLVED

That no action be taken.

(d) Notice of Motion - Start Time of Council Public Meetings

On 12th October 2012, Council had considered the following motion, which had been proposed by Councillor Brickhill and seconded by Councillor A Moran:

“That in view of the increasingly bad traffic congestion in the morning rush hours all this Council’s public meetings, which cause additional traffic to travel in these periods, should never start before 10am if held in Sandbach and not before 10.30am if held elsewhere”.

The motion had been referred to the Constitution Committee for consideration. The Committee had considered the motion and recommended that no action be taken.

RESOLVED

That no action be taken.

(e) Scheme of Members' Allowances: Report of the Independent Remuneration Panel

During 2012, the Independent Remuneration Panel had conducted a review of the Scheme of Members’ Allowances.

The Constitution Committee, at its meeting on 26th November, considered the report of the Panel, as appended to the report at Appendix D and recommended that the Panel's recommendations be accepted by Council.

The recommendation from the Constitution Committee was moved and seconded.

Amendment

An amendment was proposed in respect of recommendation 3 of the Independent Remuneration Panel report, to require that there should be no retrospective payments to Local Service Delivery Committee Chairmen and Vice-chairmen. This was moved and seconded and carried.

RESOLVED:

- 1 That, subject to the above amendment, the recommendations of the Independent Remuneration Panel be approved.
- 2 That the Borough solicitor be authorised to make such changes to the Constitution as she considers are necessary, to give effect to the wishes of the Council in respect of all its resolutions relating to the recommendations of the Constitution Committee.

(At this point the meeting was adjourned for 10 Minutes).

74 CAPITAL PROGRAMME & TREASURY MANAGEMENT STRATEGY UPDATE

Consideration was given to a report which brought forward Cabinet recommendations for amendments to the Capital Programme and Treasury Management Strategy contained within the 2012/13 Mid Year Review of Performance report for Council approval.

RESOLVED

1. That the revised Capital Programme, as set out at appendix 4 of the report, be noted.
2. That the reductions in the approved Capital Programme (Appendix 1), the Supplementary Capital Estimates and Virements (Appendix 2) and the amendments to the Treasury Management Strategy (Appendix 3), be approved.

75 ANNUAL AUDIT LETTER

Consideration was given to a report which presented and provided a brief overview of the recently received Annual Audit Letter from the District

Auditor. This important document provided an objective external view of the good progress made by the Council in recent months and of the likelihood of further improvement under the new three year Council Plan and Medium Term Financial Strategy.

RESOLVED

That Council notes and acknowledges the positive view of the District Auditor on its recent progress and its prospects for further improvement and supports the Leader and Cabinet in the implementation of the new Council plan and related financial strategy.

76 REVIEW OF CONTRACT PROCEDURE RULES

Consideration was given to a report, which sought approval of the proposed amendments to the Council's Contract Procedure Rules. The proposed amendments were appended to the report.

RESOLVED

That the amendments to the Councils Procedure Rules, as set out in the Appendix to the report, be approved and that the Constitution be amended accordingly.

77 APPOINTMENTS TO CHESHIRE POLICE AND CRIME PANEL

At its Annual Meeting, Council had appointed Councillors Findlow, Fitzgerald, Murray and Nurse to the shadow Cheshire Police and Crime Panel. The shadow Panel would exist until the Police Commissioner elections. At the time Council made its nominations the shadow Panel of 10 Councillors appointed by the constituent Councils. Based upon the size of population Cheshire East Council believed that it would need to appoint 4 members to the Panel. Cheshire West and Chester Council would appoint 3, Warrington 2 and Halton 1.

Subsequent to the meeting of Annual Council, there had been protracted debate between the constituent authorities upon the question of membership of the Panel and how this should be composed after the end of the shadow period. Discussions between the authorities resulted in it being accepted that the allocation of seats would result in Cheshire East Council having 3 Panel members. Cheshire West and Chester Council would appoint 3, Warrington 2 and Halton 2. In the light of this change, Council was asked to formally appoint three Councillors to represent it on the Cheshire Police and Crime Panel.

RESOLVED

That Councillors Murray, Fitzgerald and Findlow be appointed as the Council's representatives on the Cheshire Police and Crime Panel.

78 **RECOMMENDATION FOR THE CONSTITUTION COMMITTEE - COUNCIL GOVERNANCE ARRANGEMENTS**

The Constitution Committee, at its meeting on 26th November 2012, had considered a report on proposed changes to the governance arrangements of the Council, which gave effect to the decision taken at the Annual Council meeting in May 2012. The report recommended changes to the Council's scrutiny structure and the establishment of new Policy Development Groups.

Six new Policy Development Groups would be established which would play a central role in the Council's decision-making processes. The groups would actively involve backbench Members on a cross-party basis, giving them a key role in the formulation of policy. They would operate closely with both scrutiny committees and the Cabinet, both being informed by and informing the work of those bodies. The groups would hold some meetings in private, particularly in the initial stages, but would also meet regularly in public to ensure open accountability for their decisions.

Further details of the proposals, including Policy Development Group membership and Chairmen and Vice-chairmen, were set out in the Constitution Committee report and its appendices, which were submitted to Council. The proposed membership and the Chairman and Vice-Chairman of each Scrutiny Committee were circulated at the meeting and a number of additional nominations to the Committees were also submitted. The agreed membership details are appended to these minutes.

RESOLVED

- 1 That the arrangements set out in the report be adopted with immediate effect;
- 2 That the new Policy Development Groups referred to in the report be formally established, with the terms of reference and compositions as set out in Appendices A and E of the report;
- 3 That the new Scrutiny Committees referred to in the report be formally established, with the terms of reference and compositions as set out in Appendices D and E of the report, and that the existing Council scrutiny structure be dissolved;
- 4 That the terms of reference of the Policy Development Groups and Scrutiny Committees, and the operation of the Policy Development Groups, be reviewed after six months;
- 5 That when a Policy Development Group meets to agree its formal recommendations to Cabinet, the meeting be held in public and be open to all Members of the Council;

- 6 That the membership of each Policy Development Group be noted and the Chairman and Vice-Chairman of each Policy Development Group be formally appointed to those offices, as set out in Appendix E of the report;
- 7 That the membership of each Scrutiny Committee be noted and the Chairman and Vice-Chairman of each Scrutiny Committee be formally appointed, as circulated at the meeting and appended to these minutes; and
- 8 That the Borough Solicitor be authorised to make such changes to the Council's Constitution as she determines are necessary to give effect to the wishes of Council.

79 **QUESTIONS**

Due to the lateness in the day, at the suggestion of the Mayor, Council agreed that the responses to all the Member questions submitted should be circulated by e-mail to all Members of the Council. The questions and responses are also attached to these minutes.

80 **LEADER'S REPORT TO FULL COUNCIL**

The Leader of the Council:-

1. Announced recent changes to his Cabinet (Details are appended to these minutes).
2. Made a short statement in respect of the Council's proposed Economic Growth Plan, which would create new jobs and the Draft Development Strategy, which would provide development land and infrastructure for growth. The Leader stated that assets could be used more effectively and that there would be stronger links with developers and investors. He intended to bring forward proposals for a Council owned regeneration company, which would create jobs, deliver new housing and infrastructure and deliver investment to the Council.
3. Announced that the Director Places and Borough Solicitor/Monitoring Officer had resigned from their posts.

The meeting commenced at 2.00 am and concluded at 6.40 pm

Councillor G M Walton (Chairman)