

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 18th July, 2013 at Crewe Alexandra Football Club, Gresty
Road, Crewe, CW2 6EB

PRESENT

Councillor D Flude (Chairman)

Councillor W Fitzgerald (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, G Barton, G Baxendale, D Bebbington, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, Carter, R Cartlidge, S Corcoran, H Davenport, W S Davies, R Domleo, D Druce, I Faseyi, J P Findlow, R Fletcher, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, M Jones, S Jones, A Kolker, W Livesley, D Mahon, M A Martin, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, B Murphy, H Murray, D Neilson, D Newton, M Parsons, L Roberts, B Silvester, M J Simon, L Smetham, D Stockton, A Thwaite, D Topping, G M Walton, M J Weatherill, R West, P Whiteley, S Wilkinson and J Wray

Apologies

Councillors A Barratt, J Clowes, K Edwards, P Edwards, H Gaddum, P Hayes, P Hoyland, F Keegan, J Macrae, D Marren, A Martin, P Nurse, P Raynes, J Saunders, M Sherratt, C G Thorley and G Wait

23 PRAYERS

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

24 MINUTES OF THE ANNUAL MEETING OF THE COUNCIL HELD ON 15 MAY, 2013

RESOLVED

That, subject to amendment to minute 14 to add the words "be approved" at the end of the first sentence and an amendment to minute 17, to delete the second resolution, the minutes be approved as a correct

25 MAYOR'S ANNOUNCEMENTS

The Mayor :-

1. Announced that since the last Council meeting, she and the Deputy Mayor had attended over 70 events across the Borough. A list of the events had been circulated around the Chamber. The Mayor made particular reference to the three Mercian Regiment Homecoming parades in June. She had been delighted to see the

Borough welcome the troops back with such enthusiasm and had been pleased to see so many Members in attendance. She had received a letter of thanks from Lt Col Kimber, Commanding Officer of the Regiment stating that that the Regiment “were received so well, leaving all our officers and soldiers truly humbled with the welcome”. She was sure that all Members would agree, that the Mercians would always be welcome in the Borough. She thanked all those Council staff, from across almost all Service areas, who had helped to make the Parades possible. She also thanked the public in Macclesfield, Crewe and Congleton. Through their generosity £473.03 had been raised for ABF, the Soldiers Charity and for Blind Veterans UK.

2. Gave Members advance notice that there would be a series of specially arranged meetings in late September or early October in order that Council could give appropriate consideration to the important issue of the Local Plan. Additional meetings of the Strategic Planning Board, Cabinet and Council were being arranged and Officers would notify all Members at the earliest opportunity, once dates had been finalised.
1. Announced that she would be holding her Civic Service on the afternoon of Sunday 20th October at St Andrew’s Church, Bedford Street, Crewe. All Members would be receiving a formal invitation, in due course.
3. Finally, it was her pleasure to be able to inform Council that the newly appointed Chief Executive, Mike Suarez, was in attendance at today’s meeting. He would not formally take up appointment until the following month, but she was delighted that he has been able to find the time, in his extremely busy schedule, to attend. Mr Suarez was invited to step forward and shake hands with Mayor, Deputy Mayor and the four Group Leaders.

The Leader of the Council, Councillor Michael Jones, also added a few words of welcome.

26 DECLARATIONS OF INTEREST

Ms Suki Binjal declared an interest in item 10 of the agenda, Designation of Monitoring Officer, as she was the subject of the report and would leave the meeting during consideration of this matter.

Cllr S Wilkinson declared a non-pecuniary interest in item 13, Notice of motion 2, relating HS2, by virtue of owning land which could be affected by the proposed HS2 route.

27 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Paul Blurton asked the following question:-

CREWE HERITAGE CENTRE AND THE LEASE

Representatives from Crewe Historical Society, Crewe Family History Society, LNWR Society, Willaston History Group and the Heritage Trust formed, some 5 years ago, the Crewe & District Local History Association the aim of which is to preserve our local history and heritage and develop a study centre where local people can find out about our past and where archives such as photographs and documents can be safely deposited. We hope to be able to make a bid to the lottery for funds to achieve this, but find that we cannot move forward because of the situation at the Heritage Centre.

We ask if the Council has any plans for the Heritage site and when the matter of the lease is likely to be settled so that we can begin to make definite proposals for how we can progress?

Response

The Leader of the Council responded to say that the Council was still in negotiations. The Council was working with all parties on the Heritage Centre site to achieve a way forward. Terms had not been concluded, however, the lease remained in place and was solid and Crewe Heritage would have access, as the lease agreed”.

28 LEADER'S ANNOUNCEMENTS, INCLUDING CHANGES TO CABINET

The Leader of the Council informed Council of recent changes to his Cabinet, namely the appointment of Cllr Don Stockton as Cabinet Member for the newly created Planning and Housing Portfolio and the reallocation of some of the Cabinet responsibilities. The revised list of Cabinet responsibilities was circulated at the meeting and is appended to these minutes, for information.

The Leader also reported on the two recent Cabinet resolutions in respect of the formation of the new delivery vehicles for, Leisure, Sport, Play and Development Services and for Waste Management Services. The Chairman of the Waste Board would be Cllr J Hammond and the Chairman of the Leisure Board would be Cllr A Kolker.

Other delivery vehicles would be created in the forthcoming months and would deal with the following functions :-

- Bereavement, led by Cllr D Marren
- Enforcement, led by Cllr Baxendale
- Transport, led by Cllr R Menlove
- Energy, led by Cllr P Mason

The Leader of the Council reported that each Board would include an opposition or Independent member. An example of this was his intention that Cllr D Brickhill would be a member of the Enforcement Board.

The Leader also informed Council that he intended to make some changes to his group's Committee places and Chairmanships. These changes were considered and agreed by Council under the following item. A document outlining the changes was circulated at the meeting and is appended to these minutes, at minute 29.

29 CHANGES TO APPOINTMENTS OF CHAIRMEN AND VICE-CHAIRMEN

A document outlining a number of changes to Committee memberships and Chairmanships was circulated at the meeting.

RESOLVED

That the changes to Committee memberships and Chairmanships, as circulated at the meeting be approved.

30 APPOINTMENT OF CHIEF OPERATING OFFICER/ DESIGNATION OF SECTION 151 OFFICER

Consideration was given to a report relating the Appointment of Chief Operating Officer and designation of that officer as the Council's Section 151 Officer.

RESOLVED

That Mr Peter Bates be appointed as Cheshire East Council's Chief Operating Officer and Section 151 Officer, with effect from a date to be arranged and that it be confirmed that the salary of the Chief Operating Officer be £110,000 with an additional performance related payment of up to £10,000 per annum.

31 DESIGNATION OF MONITORING OFFICER

(Ms Suki Binjal had declared an interest in this item and left the meeting during its consideration).

Consideration was given to a report relating to the designation of the Council's Monitoring Officer.

RESOLVED

That Ms Suki Binjal be designated as Monitoring Officer of Cheshire East Council.

32 CAPITAL PROGRAMME APPROVAL - PROPOSED SCHOOL EXPANSION LACEY GREEN PRIMARY ACADEMY

Consideration was given to a report relating the capital programme approval relating to the proposed school expansion at Lacey Green Primary Academy.

The report had been amended, since the publication of the agenda and the revised report had been circulated around the Chamber, this also having been sent to all Members in advance of the meeting and had been published on the Council's website.

RESOLVED

That the Supplementary Capital Estimate to finance the proposed expansion of Lacey Green Primary Academy at a cost of £1.273m be approved.

33 OFFICER DELEGATION SCHEME

In the absence of the Chairman and Vice-chairman of the Constitution Committee, Cllr Groves referred to the Council decision of 15 May, following a recommendation from the Constitution Committee, regarding the Officer Delegation Scheme. In order to ensure that the Council's decision-making arrangements properly reflected the emerging officer structure under the management review, it had been resolved that all existing delegations would remain effective pending further review and would accrue to the relevant post holders as appropriate, such arrangements to have effect until 1st September 2013.

Although the management review was progressing well, it was now apparent that it would not be completed by 1st September and it was proposed that the deadline be extended to the December meeting of the Council.

RESOLVED

That a report in respect of the above matter be submitted to the 12th December 2013 meeting of the Council and that the arrangements authorised by Council on 15th May would continue to have effect until 12th December 2013.

34 NOTICES OF MOTION

Consideration was given to the following Notices of Motion, submitted in accordance with Procedure Rule 12.

1. HIGHWAYS COMMITTEES

Proposed by Councillor David Brickhill and seconded by Cllr Michael Parsons.

That

- Three Highways Committees be formed to correspond to the three old District boundaries with one Member from each local Ward entitled to sit on them.
- All highways alterations must first be discussed by the appropriate Committee, which will send a recommendation to the Cabinet Member.
- All delegated powers to alter or make highways orders, other than temporary closure orders, must first be subjected to this process.
- That priorities for implementation will be decided by the appropriate Committee if there are budgetary constraints.

RESOLVED

That the motion stand referred to Cabinet.

2 HS2

Proposed by Councillor David Brickhill and seconded by Cllr Brendan Murphy

That if HS2 is to be built, Council will only support its construction, if the entire Cheshire East section is underground.

Note: The sections under Crewe and Manchester are already planned to be underground. This motion suggest that the intervening section is also in a tunnel, thus preserving all the agricultural land that would otherwise be destroyed.

In proposing and seconding the motion, the mover and seconder included the additional words "where possible, to avoid agricultural land and buildings" after the word "if" and deleted the word "entire", the motion to now read :-

That if HS2 is to be built, Council will only support its construction if, where possible, to avoid agricultural land and buildings, the Cheshire East section is underground.

RESOLVED

That, subject to the above changes to the wording, the motion stand referred to Cabinet.

3 LATE NIGHT LEVY

Proposed by Councillor David Brickhill and seconded by Councillor Michael Jones

That the Cabinet investigate the cost and likely income of imposing a levy on those establishments which sell alcohol after midnight in order to help fund the cost of control of the late night economy..

Background : The Financial Times reports that Newcastle City Council could become the first local authority in the country to impose a late night levy on pubs, bars and clubs which sell alcohol after midnight to help fund the cost of policing the night-time economy. The paper adds that a further 30 councils are thought to be considering introducing similar levies.

RESOLVED

That the motion stand referred to Cabinet.

4 FIRE SPRINKLERS

Proposed by Councillor Gillian Merry and seconded by Councillor Jacqueline Weatherall

The Council recognises the consequences of fire and the benefits of fitting fire sprinklers in properties.

The Council welcomes the decision of Cheshire Fire Authority to assist social landlords by part-funding the retro-fitting of sprinklers in some high-rise buildings.

The Council urges social landlords to complete a programme of sprinkler retro-fitting to all of their high-rise buildings and to act as advocates for the fitting of sprinklers.

The Council instructs its officers to use whatever powers are available to it to secure the fitting of sprinklers by others, where necessary changing Council's own policies and its approach to implementation.

The Council instructs its officers to investigate the fitting of sprinklers in Council-owned properties.

The Council calls on the Secretary of State to legislate for sprinklers as a requirement in all new residential buildings.

RESOLVED

That the motion stand referred to Cabinet.

5 FUNDING OF ADULT CARE

Proposed by Councillor Laura Jeuda and seconded by Councillor Janet Jackson

Council notes that the Coalition Government has issued new Draft Rules for consultation on the future funding of Adult Social Care. In an attempt to prevent the 'postcode lottery' that currently exists all councils will be required, from 2015, to fund services for those deemed to have 'substantial needs'.

Council further notes that that several important national charities and voluntary organisations believe that the barrier is being set too high and that many elderly people currently receiving care will not meet the threshold of 'substantial needs', which would therefore have the effect of excluding people who need help with everyday tasks. The Local Government Association questions the relevance of trying to provide clarity over who is eligible for care if the money is not available in the system to enable local authorities to provide, appropriate, effective, and responsive services.

This motion calls on Council to join with Age UK, Scope, the Alzheimer's Society, and the National Autistic Society, in opposing the proposals as they stand, because they fail to meet the needs of those who rely on them most, and who will not benefit from these reforms.

RESOLVED

That the motion stand referred to Cabinet.

6 DIAL A RIDE

Proposed by Councillor Sam Corcoran and seconded by Councillor Steve Hogben

In order to limit its potential exposure the Council should make an offer to the Trustees of East Cheshire Community Transport of £2,000 for the Chair of Trustees and £250 for each other Trustee in 'full and final settlement' of all claims they might have against the Council as a result of the demise of East Cheshire Community Transport and any actions by the Council, its staff or Members.

RESOLVED

That the motion be not accepted.

7 LYME GREEN DIP REPORT

Proposed by Councillor Brendan Murphy and seconded by Councillor Arthur Moran

In the light of the findings of the Designated Independent Person - as published by the former Interim Chief Executive in the matter Lyme Green - and to have this matter finally concluded, the Council requests its Leader to publish on its behalf a formal apology for the following reasons:

1. The matter has caused widespread anxiety and considerable unnecessary and avoidable expense for taxpayers and employees.
2. The handling of the crisis has seriously damaged the reputation of the Council and its employee; furthermore it is undermining public confidence in local democracy.
3. The published report clearly indicates a failure of the Council's Executive body to maintain due diligence in its oversight of the Council's affairs.

RESOLVED

That the motion stand referred to Cabinet.

8 STAFFING COMMITTEE REMIT

Proposed by Councillor Brendan Murphy and seconded by Councillor Arthur Moran

The Council requests an immediate review of the Staffing Committee's terms of reference with a view to widening its remit to encompass matters that are normally entailed in the work of a staffing committee such as corporate culture, employee relations and communications, senior appointment, disciplinary matters and management structures.

RESOLVED

That the motion stand referred to the Constitution Committee.

9 TRANSPARENCY

Proposed by Councillor Brendan Murphy and seconded by Councillor Arthur Moran

The Council believes openness and rigorous accountability are essential components in sustaining trust and confidence in the democratic process and therefore calls for a review of the use, justification and value of Compromise Agreements and for this purpose requests the matter be considered by the Staffing Committee.

RESOLVED

That the motion stand referred to the Chief Executive, as Head of Paid Service.

10 LOCALISM IN PLANNING

Proposed by Councillor David Brickhill and seconded by Councillor Lloyd Roberts

Noting the Government's anti-democratic determination to override local opinion in local planning and noting in particular that the Council's Strategic Planning Board was required to ignore the 82% majority of Macclesfield residents, including over 3000 individual written representations, opposed to the Wilson Bowden planning application, the Council calls upon all Cheshire East MPs to demonstrate a definite commitment to localism in especially in planning matters by taking a more proactive stance in relation to planning matters in Parliament; we call upon them furthermore to repudiate any attempt to impose "special measures" on Cheshire East on account of its record in relation to the determination of planning applications.

RESOLVED

That the motion be not accepted.

35 QUESTIONS

The following Members asked questions at the meeting:-

Cllr Hardy – In respect of the potential relocation of Macclesfield Library.

Cllr Rhoda Bailey – In respect of how the Council was progressing with road repairs, evenly spread across the Borough.

Cllr Cartlidge – In respect of Crewe Heritage Centre.

Cllr Simon – In respect of when the new Local Plan would be ready for submission to the Planning Inspectorate.

Cllr Kolker – In respect of the future of the former Astra Zeneca site at Alderley Park.

Cllr A Moran – In respect of the Council's policy regarding the unit price for alcohol.

Cllr Corcoran – In respect of the Council's policy with regard to checking that employees have the necessary qualifications for the post they have been appointed to.

Cllr Wilkinson – In respect of the Council's proposed response to the public consultation regarding HS2

Cllr Murphy – In respect of the appointment of the new Chief Executive.

Cllr Roberts – In respect of Macclesfield Town Football Club Community Trust Board.

The meeting commenced at 4.00 pm and concluded at 6.50 pm

Councillor D Flude (Chairman)
CHAIRMAN