

# Public Document Pack

## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**  
held on Thursday, 23rd February, 2017 at The Ballroom, Sandbach Town  
Hall, High Street, Sandbach, CW11 1AX

### **PRESENT**

Councillor O Hunter (Mayor/Chairman)

Councillor A Moran (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, Baggott, P Bates, G Baxendale, M Beanland, D Bebbington, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, S Carter, J Clowes, S Corcoran, H Davenport, W S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, I Faseyi, P Findlow, R Fletcher, T Fox, D Flude, H Gaddum, S Gardiner, S Gardner, L Gilbert, M Grant, P Groves, J Hammond, A Harewood, G Hayes, S Hogben, D Hough, J Jackson, L Jeuda, M Jones, A Kolker, J Macrae, D Mahon, N Mannion, D Marren, A Martin, S McGrory, R Menlove, G Merry, B Moran, H Murray, D Newton, Nicholas, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, A Stott, G Wait, B Walmsley, G M Walton, L Wardlaw, M Warren, M J Weatherill, H Wells-Bradshaw, G Williams and J Wray

### **Apologies**

Councillors G Barton, P Butterill, C Chapman, M Hardy and M Parsons

### **82 PRAYERS**

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

### **83 DECLARATIONS OF INTEREST**

The Mayor reported that Legal advice had been obtained to the effect that the Chief Executive, Monitoring Officer and Section 151 Officer should declare an interest in item 13 of the agenda relating to New JNC Handbook for Chief Executives and Consequential Amendments to the Constitution and that they would leave the meeting during consideration of this matter.

The Deputy Mayor, Cllr A Moran, declared a non pecuniary interest in item 12 of the agenda, relating to the election of the Mayor and Deputy Mayor for the 2017/18 Civic Year.

### **84 MINUTES OF PREVIOUS MEETINGS**

### **RESOLVED**

That the minutes of the Special Meeting of Council and the Ordinary Meeting of Council held on 15 December 2016 be approved as a correct record.

## **85 MAYOR'S ANNOUNCEMENTS**

The Mayor:-

1. Welcomed Councillor James Nicholas, who had been elected to represent Bollington at the recent by-election, to his first meeting of Council.
2. Reported that, since the last Council meeting, she and the Deputy Mayor had attended over thirty events. She thanked all those who had attended her Civic Service and particularly thanked her Chaplain for conducting such a moving service.
3. Reported that the Cheshire East Holocaust Memorial Day Service had over recent years become an important part of the civic calendar and that, on 27 January, it had been her privilege to lead the Council's remembrance at the service and that she was delighted that BBC Radio had been able to broadcast the event.
4. Announced that her Deputy, Cllr Arthur Moran, had organised a charity dance at Nantwich Civic Hall, on Friday 10 March. This would raise money for her two charities. There were still tickets available and she encouraged all Members to attend.
5. Announced that her Charity Sunday lunch would be held at the Swettenham Arms, on Sunday 30 April and that she would be writing to all Members about this shortly.

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

1. Mrs Sue Helliwell, representing Alsager Town Council, used public speaking time to ask a question concerning recent land clearance of open space on Cheshire East owned land in Alsager. She was aware that there was Japanese Knotweed on the site and asked whether Cheshire East guaranteed that this would be removed with a lifetime guarantee. She also asked that if the Council went ahead with the sale of this site, that all money raised would be regenerated back into the town of Alsager.

Cllr D Stockton, Regeneration Portfolio Holder, responded to say that the money could not be ring fenced for Alsager, as it was required for all of Cheshire East. He stated that any Japanese Knotweed would be cleared, but any guarantee would be for the contractor to give. He also undertook to provide a written response.

2. Mr A Wood used public speaking time to refer to the proposed closure of Chelford market and the development of the site. He asked the Council to consider the final decision in respect of this carefully.

The Leader of the Council, Cllr Rachel Bailey, responded to say that this was a private enterprise, but that the Council had engaged to look at alternative sites and would continue to do so with interested parties.

3. Cllr. Carolyn Lowe, representing Sandbach Town Council, used public speaking to address Council in respect of the budget and options for change regarding recycling centres, which included the closure of the Arclid site. She stated that the Town Council strongly objected to the proposal and would like to work with the Council to explore other options before any decision was made to close the site and remove it from the budget.
4. Mrs J Deans used public speaking time to support the comments made by Town Cllr Lowe and stated that the tip was well used and easy to get to.

The Leader of the Council responded to say that this would be fully considered as part of the budget debate and that the speakers' comments would be taken into account.

5. Mr J Parry used public speaking time to welcome the progress being made with the Middlewich Eastern Bypass. He thanked the Council for its work and for listening to the residents of Middlewich. He was glad that Chester Road has now been declared an Air Quality Management area, but felt there was also a need for this to be done on Lewin Street, having read in the local papers that the Council had said that the levels were just below the maximum. He asked the Council to go back to these figures and look at them again, especially over the past 12 months. He stated that the current pollution level was not going to decrease due to increased development in Middlewich and Sandbach, putting extra strain on Lewin Street. He also referred to the impending opening of a fully operational Waste Transfer depot, which he considered would increase traffic levels significantly.

The Communities and Health Portfolio Holder, Cllr P Bates, responded to say that pollution levels on Chester Road, Middlewich indicated that levels of nitrogen dioxide NO<sub>2</sub> were above the annual mean objective in 2013 and 2014 and only slightly below the objective in 2015. The Detailed Assessment completed as part of the Council's 2016 Annual Status Report had indicated that there would be an ongoing exceedance and as such the area would be declared an Air Quality Management

Area in the next few weeks. The levels on Lewin Street had showed a decreasing concentration of NO<sub>2</sub> from 2013, and in 2015 the levels had been below the objective by a small margin. The Council had undertaken a detailed assessment of the area in the same Annual Status Report and concluded that, at present, there was no likelihood of an exceedance. However, this situation would be kept under constant review and should the results in 2016 show the need to revisit the above then the Council would do so. Further, the Council had put an additional 3 monitoring sites along Lewin Street to further increase its knowledge of pollution in the area. The Council had committed to reviewing the Air Quality Action Plan for the Borough within 2017, and work had commenced on this. There would be an opportunity for public engagement with the process to ensure that proposed actions met the needs of the area.

## **87 LEADER'S ANNOUNCEMENTS**

The Leader of the Council:-

1. Welcomed the new Bollington Councillor, James Nicholas, to his first meeting of Council and congratulated him on his election.
2. Welcomed Councillor David Newton to the Council meeting following his absence due to illness.
3. As the meeting was taking place in Sandbach, highlighted some of the many examples of how local groups are making a real difference. The Leader referred to the well-established Sandbach partnership, which had instigated many improvements to Sandbach Park, to name but one. She stated that the Council's recent participatory budgeting initiative had seen some great community programmes funded. These included opportunities for local gymnastic clubs to provide more sessions and activities in the park to improve people's physical and mental health.
4. Reported that, in November 2016 the Minister for Children, Edward Timpson, had written to the Council to confirm that he was satisfied with the good progress being made in relation to the OFSTED Children's services Inspection recommendations, that the support and supervision monitoring period was now complete; and the DfE's involvement with Cheshire East Council was ended. This was a reflection of the significant progress made. It has been agreed that oversight of progress against the remaining actions within the Improvement plan would be taken by the Health and Wellbeing Board, with regular reports to the Board to demonstrate progress being made and to highlight areas requiring further work.

5. Reported that there was to be a renewed focus on Member Training and Development, with the benefit of team e-learning, to equip all Members with the tools they needed to perform specialist and community roles. Further announcements would be made in respect of this.
6. Reported that Cheshire East Council continued to work with its partners, Cheshire West and Chester and Warrington Councils and the Cheshire and Warrington Local Enterprise Partnership, to develop proposals for a possible devolution deal. At present it was proposed that consultation would start on draft proposals in April and any final deal would be brought back to this Council for final approval in July.
7. Referred to the Special Meeting of Council, to take place later in the morning, where consideration would be given to motions submitted in respect of the Cabinet decisions regarding walking routes to schools from Bollington to Tytherington High School and from Willaston to Malbank School and Brine Leas School. She referred to additional information and a feasibility study which had been produced, in respect of highway matters. Cllr David Brown, Highways and Infrastructure Portfolio Holder, provided an update in respect of proposed highway improvements, including the installation of a Toucan crossing on the Silk Road, Macclesfield. He also referred to work which was ongoing with British Rail in respect of pedestrian lighting and the sequence of trains on London road, Nantwich.

**88 RECOMMENDATION FROM CABINET : THE COUNCIL'S CORPORATE PLAN AND MEDIUM TERM FINANCIAL STRATEGY 2017-20**

Cabinet, at its meeting on 7 February 2017, had considered the Council's Corporate Plan and Medium Term Financial Strategy 2017-20.

Cabinet had recommended that Council approve the items at Appendix A of the Cabinet report, as follows:-

1. The updated Corporate Plan 2017/20 as provided at **Appendix B**.
2. The Revenue estimates for the 2017/18 budget and the medium term Capital Programme estimates 2017/20, as detailed in the Medium Term Financial Strategy Report (MTFS) 2017/20 (**Appendix D**).
3. Band D Council Tax of £1,324.92 representing an increase of 4.99%. This is below the referendum limit and arises from the provisional finance settlement allowing up to a 3% additional

charge to fund Adult Social Care pressures (**Appendix D, Section 2**).

4. The 2017/18 non ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix D, Annex 8**).
5. The 2017/18 Capital Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix D, Annex 9**).
6. The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2017/18 funding position are received.
7. The recommended Prudential Indicators for Capital Financing (**Appendix D, Annex 11**).
8. The Children and Families Portfolio Holder to agree any necessary amendment to the 2017/18 Dedicated Schools Grant (DSG) of £143m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2016/17 (**Appendix D, Annex 8**).
9. The recommended Reserves Strategy (**Appendix D, Annex 13**).

*That Council recognises that Cabinet has noted:*

10. The Budget Engagement exercise undertaken by the Council, as set out in the attached (**Appendix D, Annex 2**).
11. The results of the Budget Consultation (**Appendix C**).
12. The comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (**Appendix D, Comment from the Chief Operating Officer**).
13. The risk assessment detailed in the MTFS Report (**Appendix D, Annex 5**).
14. That the estimates and profiling contained within the proposed Capital Programme 2017/18 to 2019/20 reflect the scale of ambition and future investment plans of the Council. The programme may vary to take advantage of external funding

opportunities, maximise private sector investment, prudential borrowing considerations, operational capacity and to ensure optimal delivery of the overall programme (**Appendix D, Annex 12**).

15. That projects will be robustly governed through the Executive Monitoring Board. The Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (**Appendix D, Annex 12**).

In moving the Cabinet recommendations, the Finance and Assets Portfolio Holder, Cllr P Groves, proposed the following additional matter, which was circulated around the Chamber:-

"In terms of the review of the Household Waste Recycling Centre Provision, described on page 174 in the agenda pack, it is proposed that the closure of the Arclid site is paused.

It is further proposed that:

- a. The savings impact, shown as £150,000.00 on page 174, remains intact.
- b. Operating costs [£50k] for the Arclid site are now to be included till September 2017, as an adjustment in the financial/economic element of the business case;
- c. Charging for rubble/construction waste is now to be brought forward and introduced in early 2018, rather than the 2018-19 financial year, as the compensatory factor, at £50K.
- d. During the paused period, Cheshire East works in partnership with Sandbach Town Council, and also local members, to establish and evaluate viable and workable alternatives to the closure of the Arclid site, along with an appropriate strategy".

Following the proposing and seconding of the above recommendation of Cabinet and the additional motion a number of amendments were proposed and seconded:-

#### **AMENDMENT 1**

That this Council should write to the five local MPs expressing its support for the LGA call to give local government full flexibility over council tax setting.

The amendment was proposed and seconded and put to the vote. The amendment was declared lost.

#### **AMENDMENT 2**

That a review should be carried out into ways to reduce Delayed Transfers of Care from hospitals (DTC) which should include the option of setting up a wholly owned company to provide services on a commercial basis.

The amendment was proposed and seconded.

Legislation required the recording in the minutes of how each Member voted on this matter, which related to the Budget. Accordingly, a recorded vote was carried out in respect of this amendment, with the following results:-

#### **For**

Cllr D Bailey, Cllr S Brookfield, Cllr S Carter, Cllr S Corcoran, Cllr D Flude,  
Cllr T Fox, Cllr M Grant, Cllr A Harewood, Cllr S Hogben, Cllr J Jackson,  
Cllr L Jeuda, Cllr N Mannion, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott.

#### **Against**

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D Bebbington, Cllr E Brooks, Cllr D Brown, Cllr J Clowes, Cllr H Davenport, Cllr M Deakin, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr S Gardiner, Cllr L Gilbert, Cllr P Groves, Cllr G Hayes, Cllr A Kolker, Cllr J Macrae, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr B Moran, Cllr H Murray, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, L Smetham, Cllr D Stockton, Cllr G Wait, Cllr G Walton, Cllr L Wardlaw, M Warren, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray.

#### **Not Voting**

Cllr C Browne, Cllr B Burhill, Cllr R Fletcher, Cllr D Hough, Cllr O Hunter, Cllr D Mahon, Cllr A Moran, Cllr J Nicholas, Cllr B Walmsley.



The amendment was declared lost with 15 for, 43 against and 9 not voting.

### **AMENDMENT 3**

Pilot programmes address residents' concerns about verge parking and the damage and nuisance it creates, with at least one in Crewe and one in Macclesfield, should be implemented to test the value and practicality in converting verges into parking bays or treating with grasscrete. The total cost of these pilots should be £50,000 and this will be funded out of a review of car parking charges to make them fairer across the borough. This will also provide a saving on the repair of verges currently costing highways money.

Following the proposing and seconding of the above amendment, the Highways and Infrastructure Portfolio Holder, Cllr D Brown, undertook to establish a pilot scheme for Council owned verges only and to take up to £50,000 from the Infrastructure and Highways line in the budget, as set out at page 311 of the agenda and, on this basis, the proposer and seconder agreed to withdraw the amendment.

### **AMENDMENT 4**

That during 2017/18 the Council consult on a compulsory residential landlord licensing scheme for all privately let residential accommodation situated within Cheshire East, including all houses in multiple occupation (HMOs). The administration of the scheme will be cost neutral, with its set-up and running costs to be covered by income from licence and inspection fees within the forthcoming three year budget cycle.

Following the proposing and seconding of the above amendment, the Finance and Assets Portfolio Holder, Cllr P Groves, undertook to submit a report to a future Cabinet meeting, to enable further consideration of this matter and the Leader of the Council undertook to provide a verbal update at the next meeting of Cabinet. On this basis, the proposer and seconder agreed to withdraw the amendment .

The vote on the substantive budget proposals, including the recommendations of Cabinet and the additional motion was taken.

Legislation required the recording in the minutes of how each Member voted on any decision relating to the Budget or Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

#### **For**

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D

Bebbington, Cllr E Brooks, Cllr D Brown, B Burkhill, Cllr J Clowes, Cllr H Davenport, Cllr M Deakin, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr S Gardiner, Cllr L Gilbert, Cllr P Groves, Cllr J Hammond, Cllr G Hayes, Cllr A Kolker, Cllr J Macrae, Cllr D Mahon, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr A Moran, Cllr B Moran, Cllr H Murray, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr L Smetham, Cllr D Stockton, Cllr G Wait, Cllr B Walmsley, Cllr G Walton, Cllr L Wardlaw, Cllr M Warren, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray

**Against**

Cllr D Bailey, Cllr S Brookfield, Cllr S Carter, Cllr S Corcoran, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr M Grant, Cllr A Harewood, Cllr S Hogben, Cllr D Hough, Cllr J Jackson, Cllr L Jeuda, Cllr N Mannion, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott.

**Not Voting**

Cllr O Hunter, Cllr J Nicholas.

The motion was carried by 47 votes for, 17 against with 2 not voting.

**RESOLVED:**

**That the items at Appendix A of the report be approved, as follows:-**

1. The updated Corporate Plan 2017/20 as provided at **Appendix B**.
2. The Revenue estimates for the 2017/18 budget and the medium term Capital Programme estimates 2017/20, as detailed in the Medium Term Financial Strategy Report (MTFS) 2017/20 (**Appendix D**).
3. Band D Council Tax of £1,324.92 representing an increase of 4.99%. This is below the referendum limit and arises from the provisional finance settlement allowing up to a 3% additional charge to fund Adult Social Care pressures (**Appendix D, Section 2**).
4. The 2017/18 non ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix D, Annex 8**).
5. The 2017/18 Capital Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (**Appendix D, Annex 9**).

- 6 The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2017/18 funding position are received.
- 7 The recommended Prudential Indicators for Capital Financing (**Appendix D, Annex 11**).
- 8 The Children and Families Portfolio Holder to agree any necessary amendment to the 2017/18 Dedicated Schools Grant (DSG) of £143m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2016/17 (**Appendix D, Annex 8**).
- 9 The recommended Reserves Strategy (**Appendix D, Annex 13**).
10. That, in terms of the review of the Household Waste Recycling Centre Provision, described on page 174 in the agenda pack, that the closure of the Arclid site be paused and :-
  - a. The savings impact, shown as £150,000.00 on page 42, remains intact.
  - b. Operating costs [£50k] for the Arclid site are now to be included till September 2017, as an adjustment in the financial/economic element of the business case;
  - c. Charging for rubble/construction waste is now to be brought forward and introduced in early 2018, rather than the 2018-19 financial year, as the compensatory factor, at £50K.
  - d. During the paused period, Cheshire East works in partnership with Sandbach Town Council, and also local members, to establish and evaluate viable and workable alternatives to the closure of the Arclid site, along with an appropriate strategy”.

**That Council recognises that Cabinet has noted:-**

- (a) the summary results of the Budget Consultation, attached at Appendix C and the Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix D, Annex 2);
- (b) the comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix D, Comment from the Chief Operating Officer);

- (c) the risk assessment detailed in the MTFS Report (Appendix D, Annex 5);
- (d) that the estimates and profiling contained within the proposed Capital Programme 2017/18 to 2019/20 reflect the scale of ambition and future investment plans of the Council. The programme may vary to take advantage of external funding opportunities, maximise private sector investment, prudential borrowing considerations, operational capacity and to ensure optimal delivery of the overall programme (Appendix D, Annex 12); and
- (e) that projects will be robustly governed through the Executive Monitoring Board. The Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (Appendix D, Annex 12).

**89 RECOMMENDATION FROM CABINET: TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION POLICY STATEMENT 2017/18**

Cabinet, at its meeting on 7 February 2017, had considered a report in respect of the Treasury Management Strategy and Minimum Revenue Provision Policy Statement 2017/18.

Cabinet had recommended to Council the approval of the Treasury Management Strategy and the MRP Statement for 2017/18, as set out at Appendix A to the Cabinet report.

**RESOLVED:**

That the Treasury Management Strategy and the Minimum Revenue Provision Policy Statement for 2017/18, as set out at Appendix A to the Cabinet report, be approved.

**90 COUNCIL TAX 2017/18 - STATUTORY RESOLUTION**

Consideration was given to a report relating to the setting of the Council tax for 2017/18.

Cheshire East Council, as a billing authority, was responsible for the billing and collection of Council Tax due from local taxpayers and must, therefore, make a resolution to set the overall Council Tax level. This meant that the Authority also collected Council Tax income to cover not only its own services but also precepts set by other authorities.

The Council Tax levied was, therefore, made up of four elements:

- Cheshire East Borough Council element (includes Social Care Precept)
- Town & Parish Council precepts
- Police & Crime Commissioner for Cheshire precept
- Cheshire Fire Authority precept

The motion in respect of the setting of the Council Tax was proposed and seconded.

Legislation required the recording in the minutes of how each Member voted on any decision relating to the Budget or Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

**For**

Cllr C Andrew, Cllr A Arnold, Cllr G Baggott, Cllr D Bailey, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr P Bates, Cllr G Baxendale, Cllr M Beanland, Cllr D Bebbington, Cllr S Brookfield, Cllr E Brooks, Cllr D Brown, Cllr B Burkhill, S Carter, Cllr J Clowes, Cllr S Corcoran, Cllr H Davenport, Cllr M Deakin, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr S Gardiner, Cllr L Gilbert, Cllr M Grant, Cllr P Groves, Cllr J Hammond, Cllr A Harewood, Cllr G Hayes, Cllr S Hogben, Cllr O Hunter, Cllr J Jackson, Cllr L Jeuda, Cllr A Kolker, Cllr J Macrae, Cllr D Mahon, Cllr N Mannion, Cllr A Martin, Cllr R Menlove, Cllr G Merry, Cllr A Moran, Cllr B Moran, Cllr H Murray, Cllr J Nicholas, Cllr J Rhodes, Cllr B Roberts, Cllr J Saunders, Cllr Sewart, Cllr M Simon, Cllr L Smetham, Cllr D Stockton, Cllr A Stott, Cllr G Wait, Cllr B Walmsley, Cllr G Walton, Cllr L Wardlaw, Cllr M Warren, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray.

**Against** - None

**Not Voting** - None

The motion was declared carried with 65 votes for, 0 against and 0 not voting.

**RESOLVED:**

That the Council Tax for Cheshire East Council for the financial year 2017/18, be set at £1,324.92, in accordance with the formal resolutions as shown in section 13 of the report, as follows:-

**Formal Resolution**

1. That it be noted that on 15th December 2016 the Council calculated the Council Tax base 2017/18:-

(a) for the whole Council area as 144,201.51 (item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the “Act”)).

(b) for individual parishes, as in **Appendix A**.

2. Calculated that the Council Tax requirement for the Council’s own purposes for 2017/18 (excluding Parish precepts) is £191,055,465.

3. That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Act:

a. £641,840,165 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.

b. £443,893,706 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

c. £197,946,459 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year (Item R in the formula in Section 31B of the Act).

d. £1,372.71 being the amount at 3(c) above divided by the amount at 1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

e. £6,890,994 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act

f. £1,324.92 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

g. **Appendix A** being the amounts calculated by the Council, in accordance with regulations 3 and 6 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its total council tax base for the year and council tax base for dwellings in those parts of its area to which one or more special items relate.

h. **Appendix B** being the amounts given by adding to the amount at (f) above, the amounts of special items relating to dwellings in

those parts of the Council's area mentioned above divided by in each case the appropriate tax base from Annex A, calculated by the Council in accordance with Section 34(3) of the 1992 Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which one or more special items relate. (Band D charges for each Parish area).

i. **Appendix C** being the amounts given by multiplying the amount at (h) above by the number which, in the proportion set out in Section 5(1) of the 1992 Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the 1992 Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (Local charges for all Bands).

j. **Appendix D** being the aggregate of the local charges in (i) above and the amounts levied by major precepting authorities, calculated in accordance with Section 30(2) of the 1992 Act (The total Council Tax charge for each band in each Parish area).

4. That it be noted that the Police & Crime Commissioner and the Fire Authority had issued precepts to Cheshire East Council in accordance with section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as shown in sections 10 and 11 of the report.
5. It was accepted that Cheshire East Council's basic amount of Council Tax for 2017/18 was not excessive, in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.

## 91 **RECOMMENDATION FROM STAFFING COMMITTEE: PAY POLICY STATEMENT 2017/18**

Consideration was given to a report in respect of the Council's Pay Policy Statement 2017/18.

Section 38 of the Localism Act 2011 required Local Authorities to produce a Pay Policy Statement by 31 March on an annual basis. Regard continued to be given to any guidance from the Secretary of State in producing this statement and the Local Government Transparency Code 2015.

The Pay Policy Statement for 2017/18, which reflected the expected position as at 1<sup>st</sup> April 2017, was attached at Appendix 1 of the report. Changes since last year's Statement are outlined in Section 12 of this summary report.

The Staffing Committee, at its meeting on 26 January 2017, had considered the Statement and recommended it to Council for approval and publishing.

**RESOLVED:**

1. That the changes since the 2016/17 Pay Policy Statement be noted, as outlined in Section 12.2 of the report.
2. That the Pay Policy Statement for 2017/18, as recommended by Staffing Committee, as set out at Appendix 1 of the report, be approved and published accordingly.

**92 ELECTION OF THE MAYOR AND DEPUTY MAYOR FOR THE 2017/18 CIVIC YEAR**

The Deputy Mayor, Councillor A Moran, had declared a non-pecuniary interest in respect of this item and left the Chamber during its consideration.

Consideration was given to a report relating the election of the Mayor and Deputy Mayor for the 2017/18 Civic Year. Council was requested to resolve that Councillor Arthur Moran be designated as the Mayor Elect and that a second Member be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2017-18, at the Mayor Making ceremony to be held on 17 May 2017.

It was proposed and seconded that Councillor Lesley Smetham be designated as the Deputy Mayor Elect.

Following her nomination, Councillor Smetham, declared a non-pecuniary interest and left the meeting during consideration of this matter.

**RESOLVED:**

That Councillor Arthur Moran be designated as the Mayor Elect and that Councillor Lesley Smetham be designated as the Deputy Mayor Elect, with a view to their formal election and appointment as Mayor and Deputy Mayor for Cheshire East for 2017-18, at the Mayor Making ceremony to be held on 17 May 2017.

**93 RECOMMENDATION FROM CONSTITUTION COMMITTEE: NEW JNC HANDBOOK FOR CHIEF EXECUTIVES AND CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION**

The Chief Executive, Monitoring Officer and Section 151 Officer had declared an interest in this item and left the meeting during consideration of this matter.



The Constitution Committee, at its meeting on 13 February 2017, had considered a report setting out the changes made in the new JNC handbook for Chief Executives, which reflected changes made to the statutory employment protections for the Head of Paid Service, Chief Finance Officer (the Section 151 Officer) and Monitoring Officer who, together, were referred to as the “Protected Officers”. The report also recommended changes to the Constitution to comply with the new requirements. The changes were required to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and followed the issuing of the revised JNC handbook in October 2016.

In addition to the report, the Committee had had regard to a supplementary paper which set out a number of points of clarification in respect of matters within the main report and its appendices. This had followed discussion with the Chairman of the Staffing Committee who had provided additional helpful perspectives and suggestions on the matter. The clarification paper had recommended a number of consequential amendments to the appendices to the report.

The Constitution Committee had made a number of recommendations to Council and Council:-

**RESOLVED:**

1. That a single, uniform dismissal and disciplinary procedure, as set out in the report, be adopted in relation to the Head of Paid Service, the Section 151 Officer and the Monitoring Officer; and
2. That, subject to the additional recommendations set out in paragraphs 13, 14 and 15 of the clarification paper:
  - a) the Staff Employment Procedure Rules be amended as set out in Appendix 2;
  - b) the Terms of Reference of the Staffing Committee be amended as set out in Appendix 3;
  - c) an Investigation and Disciplinary Committee (comprising 7 elected Members) be established with the terms of reference set out in Appendix 4;
  - d) a Disciplinary Appeals Committee (comprising 7 elected Members) be established with terms of reference as set out in Appendix 5;
  - e) an Independent Persons Panel be established with the terms of reference set out in Appendix 6;

- f) the Committee may commission and have access to external legal and professional advice. If a protected officer chooses to retain professional advice and/or representation at or in respect of any meeting of or hearing before the Committee, then the protected officer in question shall be responsible for the cost of that advice or representation.
- g) the Director of Legal Services and Monitoring Officer be authorised to invite the Council's current Independent Persons (being those persons appointed to advise on member conduct complaints under the Localism Act 2011) and if necessary one or more of the Independent Persons of neighbouring authorities (following consultation with the Monitoring Officers of those authorities), to be considered for appointment to the Independent Persons Panel;
- h) the Constitution Committee be authorised to confirm appointments to the Independent Persons Panel;
- i) the Constitution Committee be authorised to approve the payment of a reasonable and proper allowance/expenses for the work undertaken by those Independent Persons appointed to the Independent Persons Panel; and
- j) the Director of Legal Services be authorised to make any further consequential amendments to the Constitution to ensure consistency with the above changes.

#### 94 **POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES**

Following approval of the recommendations at minute 94, which had resulted in the creation of two new decision-making bodies, it was necessary for Council to determine any consequential changes to the political representation on the Council's Committees.

In addition, the result of the Cheshire East Council-Bollington Ward by-election had resulted in a change to the Council's political proportionalities and the Council similarly needed to determine the changed political representation on the Council's Committees, to ensure that political proportionality was achieved.

A revised proportionalities appendix was circulated at the meeting.

#### **RESOLVED:**

1. That the political group representation, as set out in the circulated and amended Appendix to the report and the methods, calculations and conventions used in determining this, as outlined in the report be adopted, and the revised allocations of places to Committees be approved.

2. That the adjustments to Committee places indicated as being required in such Appendix, to achieve the correct political proportionality across all Committees, be agreed.
3. That the unchanged Committee Chairman and Vice Chairmen allocations be noted, as set out in the Appendix ; “(C)” denoting the allocation of the office of Chairman to political groups and “(VC)” denoting the allocation of the office of Vice Chairman to political groups.

## 95 QUESTIONS

The following Member questions were submitted:-

1. Cllr L Jeuda referred to the September 2016 Cabinet meeting, where a report had been considered relating to the net cost of accepting asylum seeking children. She asked what representations the Council had made to Government and if it could be confirmed that Cabinet would receive a further update on progress at the end of the financial year. -The Leader of the Council, Cllr Rachel Bailey and Communities and Health Portfolio Holder, Cllr P Bates, responded and undertook to provide an update at the next Cabinet meeting.
2. Cllr D Flude stated that she was Mental Health Champion for Cheshire East. She asked whether there were support systems in place for staff who found themselves in difficulty, for example when suspended from duty. – The Leader of the Council and the Corporate Policy and Legal Services Portfolio Holder, Cllr P Findlow, responded and also undertook to provide a written response.
3. Cllr S Corcoran asked whether the Council would start to provide Fair Trade coffee at its meetings. - The Leader of the Council, Cllr Rachel Bailey responded.
4. Cllr D Bailey asked whether the Leader of the Council had been in discussion with the MP for Crewe in respect of the Schools National Funding Formula. - The Leader of the Council, Cllr Rachel Bailey responded.
5. Cllr Janet Jackson asked whether Cabinet would consider the Council’s policy in respect of new developments, with regard to public open space, where there was an option to pay a commuted sum, or to set up a Residents’ Management Company to manage the open space. – The Housing and Planning Portfolio Holder, Cllr A Arnold responded.

6. Cllr N Mannion referred to the Air Quality Management Areas in the Borough. He considered that, had the correct figures been recorded, there could have had been contributions from developers and grounds for objecting to applications. He asked when the report relating to the internal investigation in respect of this would be made available to Members.- The Communities and Health Portfolio Holder, Cllr P Bates, responded that once results available they would be provided.

The meeting commenced at 3.15 pm and concluded at 6.30 pm

Councillor O Hunter (Chairman)  
CHAIRMAN