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## CHESHIRE EAST COUNCIL

Minutes of a Special meeting of **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.

### 98 DECLARATIONS OF INTEREST

Councillor G Wait declared a non-pecuniary interest in item 4 of the agenda, by virtue of being Chair of Transport Service Solutions Ltd and Councillors B Dooley, and D Hough declared an interest in the same item, by virtue of being Directors of Transport Service Solutions Ltd.

### 99 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Ted Wall used public speaking time to address Council regarding his views about the Cabinet decision relating to walking routes to schools from Bollington to Tytherington High School. He stated that, in the interest of equality, money should be found for the bus and that he considered it the Council's duty to defend children. He did not consider that the proposal for a toucan crossing would make a difference.

Mr Manny Botwe, Head Teacher of Tytherington High School, used public speaking time to address Council regarding his views about the Cabinet decision relating to walking routes to schools from Bollington to Tytherington High School. He referred to the strength of public feeling in respect of this issue and to the consultation with the emergency services. He also referred to the views of parents and stated that parts of Bollington

were rural. He noted that an amendment was to be proposed when this matter was considered and he questioned whether the Ambulance service had been consulted on this. He also referred to the Schools National Funding Formula, which he stated, would reduce funding for schools and asked that the Council keep the buses running.

Honorary Alderman, Ken Edwards used public speaking time to address Council on behalf of Bollington Town Council, regarding the Cabinet decision relating to walking routes to schools from Bollington to Tytherington High School. He referred to an amendment, which he believed, was to be proposed in respect of this issue. He stated that one of the fundamental issues was that there was a safe route to walk from Bollington. He noted that the Council had decided to abandon the bus service and asked whether there was now some new late process to try to turn the Silk Road into a safe route. He stated that Cheshire East Council was rightly proud of its provision of education and that children in Bollington had excellent access to education. He stated that safe routes had been provided previously and rightly so. He also stated that the Middlewood Way was isolated and that this had been recognised when this matter had been considered previously. The Town Council had also recognised that single parents were disadvantaged and considered that there was a threat to children's safety.

Mrs Miller, Strategic Business Manager, Malbank Sixth Form College, used public speaking time to address Council regarding her views about the Cabinet decision relating to walking routes to schools from Willaston to Malbank School. She expressed concern regarding the safety of the rail crossing and barrier and safety of students. She asked that the Council put safety first before monetary value. She also referred to the comments, proposals and considerations of Network Rail. She stated that the route would require over 100 students to walk to Willaston and she considered it necessary to consider whether this route was safe.

## **100 WALKING ROUTES TO SCHOOLS**

On 18 October 2016, Cabinet gave consideration to the Available Walking Routes to Schools programme, in the light of recommendations of the Children and Families Overview and Scrutiny Committee and the officer response to the recommendations.

Cabinet had resolved as follows:-

That having reconsidered its decisions of 14<sup>th</sup> June 2016, and the minutes and recommendations of the Children and Families Overview and Scrutiny Committee meeting of 19<sup>th</sup> July 2016, Cabinet resolves as follows:

"That the decisions taken by Cabinet on 14<sup>th</sup> June 2016 be confirmed subject to the following:

1. Middlewood Way be confirmed as an available walking route;
2. the implementation of changes to the availability of routes be postponed until September 2017;
3. the Executive Director - People be given delegated authority (in consultation with the Portfolio Holder for Children and Families) to discuss with relevant schools and academies, and arrange such transitional grant funding as the Executive Director considers appropriate, so that where practicable any child who currently receives free school transport will continue to receive subsidised transport until they either conclude their education at their current school or move to another school, and the Executive Director report back on progress;
4. the highway improvements recommended by the Children and Families Overview and Scrutiny Committee, and identified as 'to be implemented' in Appendix A to the report, be approved and monitored by the relevant Portfolio Holders with a view to implementation by 2017;
5. for any future route assessments, where changes to the classification are being considered, local members to be invited to accompany officers on a route review;
6. the Executive Director - Place be requested to review the Council's Sustainable Modes of Travel Strategy and bring a revised strategy to Cabinet for consideration and approval; and
7. Cabinet note the Children and Families Overview and Scrutiny Committee's disappointment at a perceived lack of consultation in relation to the proposals and log the ongoing engagements with overview and scrutiny on this policy as a whole, but in particular with regard to the routes before Cabinet today".

Under powers set out in legislation, five Councillors had requisitioned a Special meeting of Council, and had provided information in support of this request, which was contained in a report to Council.

The submitted report enabled Council to consider issues raised on behalf of the Members who had called the Special Council meeting.

On behalf of those Members, Councillors Pochin and Stott had provided information in support of the request for the Special meeting, which was set out in Appendix 1 to the report. Appendix 1 also contained three motions for debate at the Special meeting, if moved and seconded; together with a map for the information of Council. Appendix 2 to the report, set out the minute of the Cabinet meeting on 18 October 2016. Appendix 3 set out the response to the motions put forward by the five

Members, prepared by Councillor Liz Durham, Children and Families Portfolio Holder. Appendix 4 set out the Portfolio Holder's "Update on Progress" and Appendix 5 contained clarification from the Network Rail Operations Risk Advisor (Level Crossings) on issues of concern. The legal implications which applied to the October 2016 Cabinet report were also set out in the report.

### **Motion 1**

Motion 1 was proposed and seconded as follows:-

"This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, and the Council continues to fund the bus as this route cannot be made safe".

### **Amendment**

An amendment to the wording of the motion was proposed and seconded. During the debate on the amendment, the proposer and seconder of the amendment agreed to some additional wording. The resultant amendment was as follows:-

"The Council requests that Cabinet defers implementation of its decision made on 18<sup>th</sup> October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, until a toucan crossing for pedestrians and cyclists has been installed and is operational, and its operational safety has been assessed and evaluated, adjacent to the roundabout on the A523 Silk Road, at the junction with the B5090".

A requisition for a named vote was submitted and duly supported. The amendment was put to the meeting with the following results:-

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 C Browne, Cllr J Clowes, Cllr H Davenport, Cllr M Deakin, Cllr T Dean, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr H Gaddum, Cllr S Gardiner, Cllr S Gardner, Cllr L Gilbert, Cllr P Groves, Cllr J Hammond, Cllr G Hayes, Cllr D Hough, Cllr A Kolker, Cllr J Macrae, Cllr D Marren, Cllr A Martin, S McGrory, Cllr R Menlove, Cllr G Merry, 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 G Walton, Cllr L Wardlaw, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray

### **Against**

Cllr D Bailey, Cllr S Brookfield, Cllr B Burkhill, Cllr S Carter, Cllr S Corcoran, Cllr I Faseyi, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr M Grant, Cllr A Harewood, Cllr S Hogben, Cllr J Jackson, Cllr L Jeuda, Cllr D

Mahon, Cllr N Mannion, Cllr J Nicholas, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott, Cllr B Walmsley, Cllr M Warren.

### **Not Voting**

Cllr S Davis, Cllr O Hunter, Cllr M Jones, Cllr A Moran, Cllr S Pochin.

The amendment was declared carried with 49 votes for, 22 against and 5 not voting.

A vote was then taken on the substantive motion, which was carried.

### **Motion 2**

Motion 2 was proposed and seconded as follows:-

“This Council requests that Cabinet reverses the decision made on 18th October 2016 to withdraw free school transport from Willaston to Malbank School & Brine Leas School, and the Council continues to fund the bus until the London Road railway crossing is upgraded by Network Rail”.

An amendment to the wording of the motion was proposed and seconded. During the debate on the amendment, the proposer and seconder of the amendment agreed to some additional wording. The resultant amendment was as follows:-

“The Council requests that Cabinet defers implementation of its decision made on 18<sup>th</sup> October 2016 to withdraw free school transport from Willaston to Malbank School and Brine Leas School until such time as Network Rail have provided an assessment as to whether they consider the London Road level crossing to be safe for pedestrians to use, and this Council has accepted the assessment, in the light of the fact that there is potential for an additional 64 pupils to walk that route”.

A requisition for a named vote was submitted and duly supported. The amendment was put to the meeting with the following results:-

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 C Browne, Cllr J Clowes, Cllr H Davenport, Cllr M Deakin, Cllr T Dean, Cllr B Dooley, Cllr L Durham, Cllr S Edgar, Cllr JP Findlow, Cllr H Gaddum, Cllr S Gardiner, Cllr S Gardner, Cllr L Gilbert, Cllr P Groves, Cllr G Hayes, Cllr G Hayes, Cllr A Kolker, Cllr J Macrae, Cllr A Martin, S McGrory, Cllr R Menlove, Cllr B Moran, Cllr H Murray, Cllr S Pochin, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr D Stockton, Cllr G Wait, Cllr G Walton, Cllr L Wardlaw, Cllr J Weatherill, Cllr H Wells-Bradshaw, Cllr G Williams, Cllr J Wray

### **Against**

Cllr D Bailey, Cllr S Brookfield, Cllr B Burkhill, Cllr S Carter, Cllr S Corcoran, Cllr I Faseyi, Cllr R Fletcher, Cllr D Flude, Cllr T Fox, Cllr M

Grant, Cllr A Harewood, Cllr S Hogben, Cllr B Hough, Cllr J Jackson, Cllr L Jeuda, Cllr D Mahon, Cllr N Mannion, Cllr J Nicholas, Cllr J Rhodes, Cllr B Roberts, Cllr A Stott, Cllr B Walmsley, Cllr M Warren.

### **Not Voting**

Cllr J Hammond, Cllr O Hunter, Cllr D Marren, Cllr G Merry, Cllr A Moran, Cllr L Smetham.

The amendment was declared carried with 45 votes for, 23 against and 6 not voting.

A vote was then taken on the substantive motion, which was carried.

At this point the meeting was adjourned for lunch.

The meeting was reconvened.

Notice had been given of the intention to propose the following motion, which was withdrawn, on the reconvening of the meeting.

### **Motion 3**

In respect of the two other routes under consideration, namely the Elton Road to Wheelock Primary School route and the Higher Poynton to Poynton High School route, this Council requests that funding be made available to those children already in receipt of free school transport for continuation of this arrangement whilst they remain at their current school.

### **RESOLVED**

1. That the Council requests that Cabinet defers implementation of its decision made on 18<sup>th</sup> October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, until a toucan crossing for pedestrians and cyclists has been installed and is operational, and its operational safety has been assessed and evaluated, adjacent to the roundabout on the A523 Silk Road, at the junction with the B5090.
2. The Council requests that Cabinet defers implementation of its decision made on 18<sup>th</sup> October 2016 to withdraw free school transport from Willaston to Malbank School and Brine Leas School until such time as Network Rail have provided an assessment as to whether they consider the London Road level crossing to be safe for pedestrians to use, and this Council has accepted the assessment, in the light of the fact that there is potential for an additional 64 pupils to walk that route.

The meeting commenced at 11.30 am and concluded at 2.30 pm  
Councillor O Hunter (Chairman)