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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 13th December, 2018 at The Ballroom, Sandbach Town
Hall, High Street, Sandbach, CW11 1AX

PRESENT

Councillor L Smetham (Mayor/Chairman)
Councillor L Durham (Deputy Mayor/Vice-Chairman)

Councillors C Andrew, A Arnold, D Bailey, Rachel Bailey, Rhoda Bailey, G Baggott, G Barton, P Bates, M Beanland, J Bratherton, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, S Carter, C Chapman, J Clowes, S Corcoran, S Davies, M Deakin, B Dooley, I Faseyi, J P Findlow, R Fletcher, T Fox, D Flude, H Gaddum, S Gardiner, L Gilbert, C Green, P Groves, M Hardy, A Harewood, G Hayes, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, A Kolker, J Macrae, D Mahon, D Marren, A Martin, S McGrory, R Menlove, G Merry, A Moran, B Moran, H Murray, J Nicholas, M Parsons, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, D Stockton, A Stott, G Wait, B Walmsley, G M Walton, L Wardlaw, M Warren, M J Weatherill, G Williams and J Wray

Apologies

Councillors G Baxendale, H Davenport, T Dean, S Edgar, M Grant, N Mannion and S Pochin

38 PRAYERS

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

39 DECLARATIONS OF INTEREST

The Acting Head of Legal stated that Members of Town and Parish Councils were not required to declare an interest on the item relating to the Domestic Tax Base, as they had a dispensation.

There were no other declarations of interest, at this stage.

40 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were submitted for approval.

The minutes were proposed and seconded as a correct record.

AMENDMENT

An amendment to minute 35 – Annual Report of the Audit and Governance Committee 2017/18, to remove the word "Resolved" and to add the words

“No vote was taken and despite objections from some Members, the Mayor ruled that” before the words “That the Annual Report of the Audit and Governance Committee 2017/18 be received and noted” was proposed and seconded.

A requisition for a named vote in respect of the amendment was submitted and duly supported.

The amendment was put to the meeting with the following results:-

For

Cllr D Bailey, Cllr J Bratherton, Cllr S Brookfield, Cllr B Burkhill, Cllr S Carter, Cllr C Chapman, Cllr S Corcoran, D Flude, Cllr T Fox, Cllr S Hogben, Cllr L Jeuda, Cllr J Nicholas, Cllr J Rhodes, Cllr B Roberts and Cllr A Stott.

Against

Cllr A Arnold, Cllr G Baggott, Cllr Rachel Bailey, Cllr Rhoda Bailey, Cllr G Barton, Cllr P Bates, Cllr M Beanland, Cllr P Butterill, Cllr J Clowes, Cllr S Davies, Cllr M Deakin, Cllr L Durham, Cllr JP Findlow, Cllr S Gardiner, Cllr L Gilbert, Cllr C Green, Cllr P Groves, Cllr M Hardy, Cllr G Hayes, Cllr A Kolker, Cllr S McGrory, Cllr G Merry, Cllr J Saunders, Cllr M Sewart, Cllr M Simon, Cllr D Stockton, Cllr B Walmsley, Cllr G Walton, Cllr L Wardlaw, Cllr M Warren, Cllr J Weatherill, and Cllr J Wray.

Not Voting

Cllr C Andrew, Cllr E Brooks, Cllr D Brown, Cllr C Browne, Cllr B Dooley, Cllr I Faseyi, Cllr R Fletcher, Cllr H Gaddum, Cllr A Harewood, Cllr D Hough, Cllr O Hunter, Cllr J Jackson, Cllr J Macrae, Cllr D Marren, Cllr A Martin, Cllr R Menlove, Cllr A Moran, Cllr B Moran, Cllr M Parsons, Cllr L Smetham, Cllr G Wait and Cllr G Williams.

The motion was declared not carried with 15 votes for, 32 against and 22 not voting.

The substantive motion to approve the minutes as correct record was then voted upon.

RESOLVED

That the minutes be approved as correct record.

41 MAYOR'S ANNOUNCEMENTS

The Mayor:-

1. Referred to the recent sad death of Councillor John Hammond and stated that it had been her privilege to attend his funeral on 23 November; many other Members had attended and had expressed how much they admired him.

She also reported that, sadly, the Council had recently been notified of the death of Honorary Alderman Andrew Thwaite, a former Congleton Borough and Cheshire East Councillor until 2015.

Members stood for a minutes silence in tribute and in recognition of their service to the Borough over many years.

Cllrs Rachel Bailey, Sam Corcoran, Arthur Moran and Derek Hough spoke in tribute to Cllr Hammond and Honorary Alderman Thwaite on behalf of their groups.

2. Reported that, since the last meeting of Council, she and the Deputy Mayor had attended over 60 events and that details had been circulated around the Chamber.
3. Reported that, as was customary for the Mayor during November, she had attended a number of Remembrance events and had felt very honoured to be the Mayor of Cheshire East during the centenary of the ending of the First World War. She understood that all of the Remembrance Services held across Cheshire East on 11th November had been very well attended. She had noted that later in the meeting there was a Notice of Motion thanking those staff and Members who have been involved with the Cheshire East Reflects Programme over the last four years.
4. Welcomed Mark Taylor, Interim Executive Director of Corporate Services, to the meeting.
5. Thanked those Members who had attended her Christmas Ball and had helped make it such a success and reported that the money raised for her charities would be more than £2,000. She also thanked Crewe Hall and all those staff who had worked so hard on the night to ensure that everyone enjoyed themselves.
6. Reported that, in October she had attended a very hard hitting knife crime awareness event, where the effects of such crime were brought home in a very graphic and effective way. She stated that this was an issue that affected all communities and one where everyone had a role to play. She commended the work that Cheshire Constabulary were doing to combat this problem across Cheshire.
7. Stated that, in Cheshire East, it was believed that corporate parenting was one of the most important responsibilities held by elected Members, partner agencies and individual staff working with children and young people in the care of the local authority. Being a good corporate parent meant working together to advocate and champion the needs of cared for children and care leavers in everything that was done, having high aspirations for their future,

keeping them safe, happy and healthy and supporting them into adulthood. It also meant celebrating their successes and supporting them when things didn't go so well. Put in other words, doing what any good parent would do for their own child.

8. She reported that she was delighted that a number of care leavers were in attendance at the Council meeting and that it had been a pleasure, to meet them, along with the Group Leaders, just before the Council meeting had started. She considered that this was an issue that went beyond party politics where she knew that all Members spoke as one.

The Mayor reported that in the next agenda item, Council would be considering a formal item on Corporate Parenting, but before then she invited the Chair of the Corporate Parenting Committee, together with representatives from the four Groups, to each read out the five pledges contained in the Corporate Parenting Strategy.

Councillors Jos Saunders (Chairman of the Corporate Parenting Committee), Rachel Bailey, Sam Corcoran, Arthur Moran and Rod Fletcher read out the five pledges:

- 1 "We will be good corporate parents."
- 2 "We will improve education, employment and training outcomes."
- 3 "We will work to achieve permanence and keep children safe."
- 4 "We will improve health and wellbeing outcomes."
- 5 "We will prepare young people for adulthood."

The Mayor announced that Council would now consider item 6 of the agenda - Pledges to Cared for Children and Care Leavers.

42 PLEDGES TO CARED FOR CHILDREN AND CARE LEAVERS

Following on from the focus upon Corporate Parenting under the Mayor's Announcements Council was requested to formally agree that the five pledges, spoken about by the Chairman of the Corporate Parenting Committee and the Group Leaders, be accepted and endorsed by Council.

Councillor Saunders, as Chairman of the Corporate Parenting Committee, formally proposed the recommendations as set out in the report to Council and this was seconded.

RESOLVED

- 1 That the Pledges be accepted and endorsed, in order to make the commitment to cared for children and care leavers by the Council's Members and officers and to ensure that there is a clear and joint

vision about Corporate Parenting in Cheshire East as being everyone's responsibility.

2. That all key council decisions be considerate of the potential consequences, unintended consequences and benefits to cared for children and care leavers, and that this be achieved by asking a mandatory question in each report about the impact of the decision upon cared for children and care leavers.

43 PUBLIC SPEAKING TIME/OPEN SESSION

Mr R Douglas asked a question regarding bin charges. - The Leader of the Council responded.

Mr D Harrison asked a question regarding tree protection. – Cllr A Arnold, Housing, Planning and Regeneration Portfolio Holder, responded.

Mrs S Helliwell asked a question regarding Section 106 monies relating to Hassal Road playing field, Alsager. - Cllr D Stockton, Environment Portfolio Holder, responded.

Mrs H Faddes asked a question regarding the little bus. - Cllr D Stockton, Environment Portfolio Holder, responded.

Mrs J Unsworth and Ms S Chambers spoke in support of the Notice of Motion submitted by Cllr P Bates relating to car washing. – Cllr P Bates, Finance and Communication Portfolio Holder, responded with thanks.

Mr G Goodwin asked a question concerning information obtained by the Leader of the Council in respect of Solutions EU Ltd and where this information had come from. - The Leader of the Council responded.

Town Cllr J Parry spoke in respect of pothole repairs in Middlewich. - Cllr D Stockton, Environment Portfolio Holder, responded.

Town Cllr Bulman spoke in respect of keeping services local and waiting lists for treatment, including gambling addiction in Middlewich. – Cllr J Clowes, Adult Social Care and Integration Portfolio Holder, responded and undertook to follow this up.

Mr M Hunter spoke in respect of the planning application for the Middlewich Eastern by-pass, asking for assurance from the Council that the shortfall in funds would be made up, that construction must start from Booth Lane and that there be no occupation along the route until the by-pass and link road is completed. - The Leader of the Council responded and undertook to provide a written response.

Mr T Wall spoke in respect of the improvements to Macclesfield Town Centre.- Cllr A Arnold, Housing, Planning and Regeneration Portfolio Holder, responded.

Ms J Dale spoke in respect of the proposed increase in car parking charges in Alsager and Crewe. - Cllr D Stockton, Environment Portfolio Holder, responded.

Town Cllr J Place asked whether the Leader of the Council had written to Government regarding funding pressures on the Council. - The Leader of the Council and Cllr P Bates, Finance and Communication Portfolio Holder, responded.

Mr M Unett spoke in respect of the risk of the Council being put in to special measures. - The Leader of the Council and the Acting Chief Executive responded.

44 **LEADER'S ANNOUNCEMENTS**

The Leader of the Council made a number of announcements including the outcome of the Council's Ofsted inspection, the Brighter Future Together Programme, the opening of the Crewe Green Roundabout scheme and the Council's current pre-budget consultation.

At this point the meeting was adjourned for lunch.

45 **RECOMMENDATION FROM CABINET - DOMESTIC TAX BASE 2019/20**

(During consideration of this item, the Leader of the Council declared that she owned two properties and that she occasionally rented one of them out. The Acting Director of Legal Services and Monitoring Officer confirmed that the Leader could vote on this matter).

Cabinet, at its meeting on 4 December 2018, had considered a report on the Council Tax base calculation 2019/20 for recommendation to Council.

The calculation set out the estimates of new homes, less the expected level of discounts and the level of Council Tax Support. This resulted in a band D equivalent tax base position for each Town and Parish Council.

The tax base reflected growth of £3.6m (1.7%) on the 2018/19 position, highlighting the positive changes locally. Additional new homes and more properties being brought back into use over the last nine years had increased the tax base by 13%.

The recommendation from Cabinet was proposed and seconded.

AMENDMENT

An amendment to include an additional recommendation to delegate authority to the Acting Section 151 Officer, in consultation with the Finance Portfolio Holder, to further reduce the period of discount to four weeks, without changing the Council tax base, was proposed and seconded.

The amendment was put to the meeting and declared not carried.

The substantive motion was then put to the meeting and was declared carried.

RESOLVED

- 1 That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire

East Council as its Council Tax Base for the year 2019/20 be 149,517.54 for the whole area.

- 2 That no changes be made to the Council Tax Support Scheme for 2019/20, other than the annual increase in the allowances used and clarification following changes in other state benefits.
- 3 That the following changes be made in respect of empty property charges:
 - (a) the period for the award of discount in respect of empty rental property be reduced from 8 weeks to 6 weeks; and
 - (b) the premium charged for property that has been empty for 2 years or longer be increased from 50% to 100%.

46 RECOMMENDATION FROM CONSTITUTION COMMITTEE - CALENDAR OF MEETINGS 2019/20

The Constitution Committee, at its meeting on 22 November 2018, had considered a report on the draft Calendar of Meetings for Cheshire East Council for 2019-20. The draft Calendar was appended to the report.

It was noted that the proposed scheduling of meetings for 2019-20 followed the pattern adopted in previous years.

Since the Constitution Committee agenda had been published, Cheshire West and Chester Council had notified a change of date for the Shared Services Joint Committee from 31st May 2019 to 28th June 2019.

The following comments on the draft calendar had been received from consultees:-

- The Chairman of the Strategic Planning Board had suggested that it would be beneficial for meetings of the Board to commence at 10.00 am, rather than 10.30 am, to bring the Board into line with the other two planning committees.
- Councillor A Stott had expressed concern that Council meetings were held on a Thursday in Sandbach, when there were difficulties with parking due to it being Market Day. She had proposed that consideration be given to changing the day of the week for full Council.

It had been suggested that the question of an alternative day for Council meetings could be considered by the new Council following the elections in May 2019; in the meantime, the officers would consider what measures could be put in place now to assist Members with mobility problems attending Council meetings.

In considering this matter, Members of the Council raised a number of issues, including a request that the start times for meetings be agreed by the individual Committees, with a range of start times, including evenings.

RESOLVED

- 1 That the draft Calendar of Meetings for Cheshire East Council for 2019-20 as appended to the report be approved, subject to the following amendments:-
 - (a) The change of date for the Shared Services Joint Committee from 31st May 2019 to 28th June 2019.
 - (b) Meetings of the Strategic Planning Board to commence at 10.00 am.
- 2 That the question of an alternative day for Council meetings and the above requests from Members be considered by the new Council, following the Borough Council elections in May 2019, with a report to the Constitution Committee at the appropriate time.

47 RECOMMENDATION FROM CONSTITUTION COMMITTEE - AUDIT AND GOVERNANCE COMMITTEE TERMS OF REFERENCE

The Constitution Committee, at its meeting on 22 November 2018, had considered revised terms of reference for the Audit and Governance Committee.

The Audit and Governance Committee, at its meeting on 27th September 2018, had approved the revised terms of reference set out in Appendix A to the report to the Constitution Committee. The revised terms of reference reflected updated best practice guidance from CIPFA (Practical Guidance for Audit Committees).

Since the meeting of the Audit and Governance Committee, the following provision from the original terms of reference, which had been excluded from the revised terms of reference, had now, with the agreement of the Chairman and Vice-Chairman of the Audit and Governance Committee, been included in the revised terms of reference:

“To approve and monitor Council policies relating to whistleblowing and anti-fraud and corruption.”

Appendix A to the report to the Constitution Committee had included this amendment.

The recommendation from Constitution Committee was proposed and seconded.

AMENDMENT

An amendment, which would require that, when the regular report to full Council on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose is considered, the Chairman of the Committee be asked and be required to answer questions on the report, was proposed and seconded.

The amendment was put to the meeting and declared not carried.

The substantive motion was then put to the meeting and was declared carried.

RESOLVED

That the Constitution be amended to include the revised terms of reference for the Audit and Governance Committee, as set out in Appendix A to the report.

48 OVERVIEW AND SCRUTINY ANNUAL REPORT 2017/18

The 2017/2018 Overview and Scrutiny Annual report, which summarised the activities of the Council's four Overview and Scrutiny Committees during the period of the 2017/2018 Municipal Year, was submitted to Council.

Representatives from each of the political groups spoke in respect of the report.

The Annual Report was received and noted.

49 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report to determine the political representation on the Council's Committees and to appoint to those Committees, following recent changes, which required that a review of the allocation of seats to political groups be undertaken.

An Appendix to the report set out the political representation on ordinary committees and sub committees, this being based on the political structure of the Council as a whole.

RESOLVED

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

50 NOTICES OF MOTION

Consideration was given to the following Notices of Motion:-

1. Supplementary Planning Guidance – Hand Car Washes

Proposed by Councillor Paul Bates and Seconded by Councillor Janet Clowes

To have a supplementary planning document outlining best practice in terms of location and operation of hand car washes and valets in Cheshire East, taking into account the Government report on Hand Car Washes, local impact on the environment and location.

Background Document:

[House of Commons Environmental Audit Committee - Hand Car Washes](#)

RESOLVED

That the motion stand referred to the Strategic Planning Board.

2. OFSTED Inspection

Proposed by Councillor George Hayes and Seconded by Councillor Martin Deakin

That this Council recognises and celebrates its recent OFSTED Inspection – paying particular attention to the improvements made by all colleagues and broader stakeholders to improve and sustain opportunities and outcomes for our children in care. And that this Council reaffirms its commitment to continuing to provide the best possible services for our cared for and care leaver population.

RESOLVED

That the motion be approved.

3. Cheshire East Reflects

Proposed by Councillor David Brown and Seconded by Councillor Gordon Baxendale

This Council congratulates all those staff and Members involved with the delivery of the very successful four year Cheshire East Reflects programme which has marked the centenary of the First World War. The programme, which has seen Cheshire East work with community groups, town and parish Councils, schools, the Royal British Legion, artists and organisations such as the Imperial War Museum North has hosted a very wide range of events. These have included artist led workshops, dozens of education sessions, heritage events, community choir performances, artist commissions, parades, building projection artworks and services of commemoration and remembrance. The programme concluded with two

very well attended and poignant events in Crewe (10th November) and Tatton (11th November).

RESOLVED

That the motion be approved.

With regard to Notices of Motion 4,5 and 6, following discussion with the proposers of the motions, and with the Independent Group Leader, the Mayor proposed from the chair that there be no debate upon these important matters now and that a special meeting of Council be convened to consider these items in full in February 2019, or as soon as possible thereafter, but in the current Municipal year, based upon a fully reasoned officer report, or reports, and this was seconded:-

4. Comparative Analysis

Proposed by Councillor James Nicholas and Seconded by Councillor Craig Browne

This Council requests that a comparative analysis be published to enable a special meeting of Council, to be held in February 2019, or as soon as possible thereafter, to discuss and debate changing to a committee system form of governance.

Background information:

The Independent Group are calling for a report to be written and presented to Full Council in February 2019, or as soon as possible thereafter, as to why this council should change to a committee system form of governance.

- *Conservative held Canterbury Council unanimously voted to change to a committee system to prevent holding, what they deemed to be, an unnecessary and costly referendum.*
- *Two other Conservative councils were forced to hold referenda and now operate a committee system.*
- *A committee system is considered a more open, democratic and transparent form of governance, which aligns with the current drive to bring about cultural change at CEC.*
- *Residents perception is of a small 'clique' of 8 members having almost total control and decisions being made out of the public arena at informal cabinet.*
- *A cost neutral change to a committee system was achieved in Basildon, West Dorset, Sutton and Reading Unitary Council to name a few.*
- *The Independent Group is organising a petition for a referendum which is being widely supported across the borough.*

- *If a referendum is forced upon residents, the issue cannot be discussed again for a further 10 years. If the Council voluntarily decides to change then the issue can be revisited after 5 years.*
- *The cost to hold a stand-alone referendum is estimated to be between £500 - £700k.*
- *The committee system has wider Councillor engagement in the decision-making process.*
- *Macclesfield, Congleton and Crewe & Nantwich all successfully used the committee system, until it was abolished in 2001.*
- *The committee system was re-introduced by the coalition Government in 2011.*
- *The only negative comments regarding the committee system is the length of time taken for some decisions to be made. However, a fast-track procedure can be incorporated.*

5. Allocation of Chairs of Overview and Scrutiny Committees

Proposed by Councillor Craig Browne and Seconded by Councillor Arthur Moran

This Council agrees to allocate all Chairs of Overview & Scrutiny Committees to opposition members as soon as is practicable.

Background information:

The Corporate Policy and Legal Services portfolio holder said he “was not against the principle of opposition chairs” at full council on the 19th Oct 2017. Nothing has progressed since.

Taken from the minutes of the Constitution meeting 14th May, 2014 (item 12) said:

That, in acknowledgement of recommendation 12 of the report by Professors Leach and Copus, as set out in Appendix A of the report to the Constitution Committee, the Council move to a position where there is some sharing of committee chairs and vice chairs with opposition parties, subject to an appropriate behavioural protocol being adopted.

The Leach report, commissioned by CEC, in 2014 said:

“The sharing of chairs amongst all represented groups is widely regarded as ‘good practice’ and conducive to effective scrutiny.”

6. Allocation of Committee Chairs across Political Groups

Proposed by Councillor Arthur Moran and Seconded by Councillor Bernice Walmsley

This Council agrees to allocate all remaining Committee Chairs across the political groups in line with the principle of proportionality.

RESOLVED

That motions 3, 4 and 5 stand referred to a special meeting of Council, to be convened to consider these matters in February 2019, or as soon as possible thereafter, but in the current Municipal year.

51 QUESTIONS

Cllr M Warren, regarding funding for pot hole repairs. – Cllr D Stockton, Environment Portfolio Holder, responded.

Cllr A Kolker, regarding the Chief Constable being exonerated of misconduct and asking whether the Portfolio Holder would be raising a motion of no confidence in the Police and Crime Commissioner. – Cllr P Findlow, Corporate Policy and Legal Services Portfolio Holder, responded.

Cllr A Harewood, regarding children in care, requesting future updates to Members in respect of the numbers. - Cllr J Saunders, Children and Families Portfolio Holder, responded.

Cllr A Moran, regarding the proposed increase to car parking charges in Crewe and Middlewich. - Cllr D Stockton, Environment Portfolio Holder, responded.

Cllr T Fox, regarding the proposed increase in car parking charges and the high level parking strategy. – Cllr D Stockton, Environment Portfolio Holder, and the Leader of the Council responded.

Cllr M Hardy, regarding homelessness, referring to a representative from Cheshire Street Life, who had been sleeping rough to raise awareness of this issue. - Cllr A Arnold, Housing, Planning and Regeneration Portfolio Holder, responded.

Cllr D Flude asked how many members of staff had taken, or were taking, the Council to industrial tribunal and how much the cost would be to the Council in barrister's fees etc., from the inception of the Council to date.- Cllr P Bates, Finance and Communication Portfolio Holder, undertook to provide a written response.

Cllr J Nicholas asked for assurance that the Conservative group Members would be voting on all motions as a free vote. - The Leader of the Council responded.

Cllr J Rhodes, regarding the Council's e-mail retention policy. She asked how the Council would ensure that all information needed for FOI requests would be retained. - Cllr P Bates, Finance and Communication Portfolio Holder, responded and referred Cllr Rhodes to the Cabinet report on this matter.

Cllr R Fletcher, regarding car parks in Alsager, suggesting that there were inconsistencies in the conditions of service in Alsager.- Cllr D Stockton, Environment Portfolio Holder, undertook to provide a written response.

Cllr S Corcoran, regarding publication of the advice from 2016 and 2018 relating to Solutions EU Ltd. - The Acting Chief Executive and the Acting Director of Legal Services and Monitoring Officer responded.

Cllr D Marren, regarding an article in the Crewe Chronicle relating to the Crewe MMU being turned into a medical health science facility. - The Leader of the Council responded.

Cllr C Browne, regarding the meeting of the ASDV Shareholder Committee and papers being received late by some Members. – The Acting Director of Legal Services and Monitoring Officer responded.

Cllr B Roberts, regarding the large number of rough sleepers in Crewe and asking for confirmation that measures would be taken to ensure that this would not occur again in the following year. – Cllr A Arnold, Housing, Planning and Regeneration Portfolio Holder, responded.

The meeting commenced at 11.00 am and concluded at 3.43 pm

Councillor L Smetham (Chairman)
CHAIRMAN