

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Thursday, 21st February, 2019 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, G Baxendale, M Beanland, D Bebbington, J Bratherton, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, J Clowes, S Corcoran, H Davenport, S Davies, M Deakin, T Dean, B Dooley, S Edgar, I Faseyi, J P Findlow, R Fletcher, D Flude, H Gaddum, S Gardiner, M Grant, C Green, P Groves, A Harewood, G Hayes, S Hogben, D Hough, O Hunter, J Jackson, L Jeuda, A Kolker, D Mahon, N Mannion, A Martin, R Menlove, G Merry, A Moran, B Moran, J Nicholas, M Parsons, S Pochin, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, D Stockton, A Stott, B Walmsley, G M Walton, L Wardlaw, M J Weatherill, G Williams and J Wray

## **Apologies**

Councillors S Carter, C Chapman, T Fox, L Gilbert, M Hardy, J Macrae, D Marren, S McGrory, G Wait and M Warren

## **52 PRAYERS**

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

## **53 DECLARATIONS OF INTEREST**

The Mayor advised Members that they did not have to declare an interest as a Council Tax payer, or as a member of a parish council, on the item of business relating to the Council Tax, as there was a dispensation in place which removed this requirement.

With reference to item 13 – Election of Mayor and Deputy Mayor for the 2019/20 Civic Year, Cllr Liz Durham declared a non pecuniary interest as being the person to be designated as Mayor and it was noted that she would leave the Chamber during consideration of this matter.

The Leader of the Council declared that she was a member of the Cheshire and Warrington LEP.

## **54 MINUTES OF PREVIOUS MEETING**

## **RESOLVED**

That the minutes be approved as a correct record, subject to an amendment to minute 51 to state that the question from Cllr A Moran related to car parking charges in Crewe and Nantwich and an amendment to minute 50 – Notices of Motion, to state that motions 4,5 and 6 would stand referred to a special meeting of Council.

## **55 MAYOR'S ANNOUNCEMENTS**

The Mayor:-

1. Announced, with sadness, that over recent months four of the Council's Honorary Aldermen had passed away. Since the last Council meeting she had represented the Council at the funerals of Andrew Thwaite, Michael Roberts and Kathleen Thompson. In the previous week the Council had been notified of the sad death of Honorary Alderman Ray Westwood, whose funeral was taking place on the day of the Council meeting and her Consort was, representing her at the funeral. She stated that she was sure that a number of Members would have attended the funeral had it not clashed with the Council meeting. The Leader of the Council, Cllrs Steve Hogben, Arthur Moran and Rod Fletcher said a few words of tribute, on behalf of their respective groups; following which a minute's silence was observed and Council stood as a mark of respect to those Aldermen who had passed away.
2. Reported that, since the last Council meeting, she and the Deputy Mayor had represented the Council at 26 events, details of which had been circulated around the Chamber.
3. Reported that, in the run up to Christmas, she had had the pleasure of attending a number of very enjoyable festive events, including a number of pantomimes and the beautifully decorated Hall at Tatton. She also congratulated Tatton Park who had been highly commended for best in education at the recent National Farm Attractions Network annual awards in Edinburgh.
4. Reported that it had been her pleasure, earlier in the month, to attend the Best Kept Station Awards evening and congratulated Alsager Station for their success in being named Cheshire's Best Kept Station. She also congratulated Chelford, Crewe, Goostrey, Handforth, Knutsford and Sandbach stations, who had also won awards.
5. Referred to the impact of knife crime on society and reported that, over the last couple of months, it had been her privilege to have attended two events organised by Queensberry Alternative Provision, an organisation who were doing a wonderful job to educate young people on the impact of knife crime. She congratulated them on the work that they were doing and encouraged all Members to attend one of their events, should they have the opportunity to do so.

6. Referred to the Holocaust Memorial Day service, which had taken place at Macclesfield Town Hall on Friday 25<sup>th</sup> January. The event had been very well attended and there had been a very moving personal testimony from Danny Herman, who at the age of four had been brought out of Germany on one of the last trains to leave before the start of the War. There had also been a wonderful performance from a children's choir from the North Cheshire Jewish Primary School.
7. Announced that, on 10<sup>th</sup> March, she would be holding a charity Sunday lunch at the Swettenham Arms. Some Members had already purchased tickets and she encouraged those who had not to consider attending. Money would be raised for her two very deserving charities.
8. Noted that, had it not being for the Special meeting of Council scheduled for 5<sup>th</sup> March, this meeting would have been the last Council before the elections. She was aware that Cllr Janet Jackson could not be present on 5<sup>th</sup> March, and that Cllr Jackson was standing down in May, so today's meeting would be her last. She had served two terms on Cheshire East Council and had been a Macclesfield Borough Councillor for 18 years. The Mayor asked Members to join with her in thanking Cllr Jackson for her service and in wishing her well for the future. The Mayor also thanked all other Members who would not be standing for re-election.

Cllr Corcoran also paid tribute to Cllr Jackson and thanked her for her support to the Labour group and wished her well for the future. He also added his thanks to other the Members not standing for re-election.

Cllr Jackson responded and returned the thanks.

9. Noted that Council had the difficult and important task of setting the Council's budget for 2019/20, at today's meeting. She stated that allocation of funding had been consulted upon widely and was balanced within the papers in front of Council and that an increase in funding in one area would inevitably mean a decrease in another. She then outlined the process and expected behaviours in respect of the debate on the budget.

## 56 PUBLIC SPEAKING TIME/OPEN SESSION

1. Mr B Douglas asked a question, which he had submitted in advance of the meeting, regarding the Council's policy on the environment. - The Leader of the Council undertook to provide a written response.
2. Mrs S Helliwell asked a question, which she had submitted in advance of the meeting, regarding the Little bus. - Cllr Bates, Finance and Communication Portfolio Holder, responded.
3. Middleswich Town Cllr J Parry asked a question regarding pothole repairs. - Cllr D Stockton, Environment Portfolio Holder, responded.

4. Middlewich Town Cllr C Bulman asked a question relating to mental health services.-Cllr Wardlaw, Deputy Leader and Portfolio Holder for Health, responded.
5. Middlewich Town Cllr M Hunter asked a question relating to highway issues on Nantwich Road Middlewich. - The Leader of the Council undertook to provide a written response.
6. Ms J Dale asked a question relating to hunting with dogs in Cheshire. – Cllr J Clowes, Portfolio Holder for Adult Social Care and Integration, responded.
7. Mr G Goodwin spoke in respect of Solutions EU Ltd. – The Acting Monitoring Officer responded.
8. Mr A Wood spoke in respect of teaching engineering and crafts to children.
9. Mr R Vernon spoke in respect of parking issues at Macclesfield hospital and reports regarding the design of and child safety at Upton Priory Park.
10. Ms H Faddes spoke in respect of improving awareness of the Increasing Social Care bill/Autism consultation.– Cllrs P Bates, Finance and Communication Portfolio Holder, and J Clowes, Portfolio Holder for Adult Social Care and Integration, responded.
11. Ms C Jones spoke in respect of the state of the pavements in Crewe, asking that the highways section look at this and also asked whether something could be done regarding the floors at the Royal Arcade in Crewe, which became slippery when wet.
12. Honorary Alderman P Kent spoke in respect of the increased pressure on building control bodies, referring to the Notice of Motion later on the agenda, requesting that Cabinet support this. – Cllr P Bates, Finance and Communication Portfolio Holder responded with thanks.
13. Mr M Unett spoke in respect of potholes and the Fix my Street app. - Cllr D Stockton, Environment Portfolio Holder responded.

## **57 LEADER'S ANNOUNCEMENTS**

The Leader of the Council made a number of announcements including reference to the budget, the Council's Culture Review, service delivery, awards to Council departments, the Council's Corporate Peer Challenge, Children's Rights Month, Cheshire East Youth Challenge and provided updates in respect of the Crewe Green Roundabout, Sydney Road Bridge, the Congleton Link Road, Poynton relief Road and the Middlewich Eastern by pass. She also reported that preparatory work was about to take place in respect of the appointment of a Chief Executive to the Council, with a view to making a recommendation to Council in July 2019.

## **58 RECOMMENDATION FROM CABINET - 2018/19 THIRD QUARTER REVIEW OF PERFORMANCE**

Cabinet, at its meeting on 5 February 2019, had considered a report on the third quarter review of performance for 2018/19 and had recommended that Council approve fully funded supplementary capital estimates above £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 8 to the

report and a supplementary revenue estimate of £1,450,638 relating to Adult Social Care Winter Funding, as detailed in Appendix 11.

## **RESOLVED**

1. That the fully funded supplementary capital estimates above £1,000,000, in accordance with Financial Procedure Rules, as detailed in Appendix 8 of the Cabinet report be approved.
2. That a supplementary revenue estimate of £1,450,638, relating to Adult Social Care Winter Funding, as detailed in Appendix 11 of the Cabinet report be approved.

## **59 RECOMMENDATION FROM CABINET - MEDIUM TERM FINANCIAL STRATEGY 2019-22**

Cabinet, at its meeting on 5 February 2019, had considered a report presenting the Medium Term Financial Strategy for Cheshire East Council for the years 2019/20 to 2021/22. The report set out how the Council would approach the financial challenges over the medium term and forecast a balanced budget for 2019/20. Cabinet had recommended to Council the items at Appendix A to the report.

The recommendation from Cabinet was proposed and seconded.

Following the proposing and seconding of the recommendation, an amendment was proposed and seconded.

(At this point the meeting was adjourned for lunch).

Following debate, the provision of advice from the Section 151 Officer and the Acting Director of Legal Services and Monitoring Officer, and following a short adjournment to consider the validity of the proposed amendment, the amendment was deemed invalid.

Following this, two further amendments were proposed and seconded:-

### **AMENDMENT 1**

The following amendment was proposed and seconded:-

#### **Section a:-**

Scrap the rubble charges for local residents at Household Waste Recycling Centres. The details of any scheme would be worked out at scrutiny. For budget purposes it has been calculated that to give every resident one free bag of rubble per month would cost £65,000.

Increase the number of wardens and monitor and publish prosecutions for dog fouling and fly tipping. - For budget purposes it has been calculated that 2 new officers would cost £80,000. Ensure air quality action plans are drawn up and implemented. - Appointing a staff member to pursue implementation would cost

£40,000. It should be noted that spend on improvement schemes (incl cycling schemes) would be capital.

Ask scrutiny to look into a scheme to give new entrepreneurial businesses up to 2 years exemption from business rate and allocate £90,000 to the scheme  
Improve recycling rates £50,000

**Funded by:-**

Reduce the exemption on empty properties from 6 weeks to 4 weeks £195,000  
Reduce energy consumption across the Council £5,000 Promote town mayors and reduce the support for the Cheshire East Mayor including abolishing the allowances saving £85,000 – rising to £95,000 if the mayoralty is abolished.  
Reduce the Communications Team budget by £40,000 to concentrate on health & education campaigns supporting council services and reduce the work done on issuing press releases that attempt to promote the image of the Council.  
(see Budget Consultation item 54)

It was noted that legislation required the recording in the minutes of how each Member voted on matters relating to the Budget. Accordingly, a recorded vote was carried out in respect of this amendment, with the following results:-

**For**

Councillors D Bailey, J Bratherton, S Brookfield, B Burkhill, S Corcoran, I Faseyi, D Flude, A Harewood, S Hogben, J Jackson, L Jeuda, N Mannion, J Nicholas, J Rhodes, B Roberts and A Stott.

**Against**

Councillors C Andrew, A Arnold, G Baggott, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, M Beanland, D Bebbington, E Brooks, D Brown, C Browne, P Butterill, J Clowes, H Davenport, S Davies, M Deakin, T Dean, L Durham, S Edgar, JP Findlow, H Gaddum, S Gardiner, C Green, P Groves, G Hayes, O Hunter, A Kolker, D Mahon, R Menlove, G Merry, A Moran, B Moran, M Parsons, J Saunders, M Sewart, D Stockton, B Walmsley, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray.

**Not Voting**

R Fletcher, D Hough, M Simon and L Smetham.

The amendment was declared lost with 16 votes for, 45 against and 4 not voting.

**AMENDMENT 2**

The following amendment was proposed and seconded:-

Reverse recently proposed car parking charge increases – Specifically removal of 10p uplift would reduce income by c.£208,000. Foregoing Thomas Street Car Park income £3,000-£10,000.

**Funded by:-**

Reduce the exemption on empty properties from 6 weeks to 4 weeks £195,000.  
Reduce the Communications Team budget by £23,000.

As legislation required the recording in the minutes of how each Member voted on matters relating to the Budget, a recorded vote was carried out in respect of this amendment, with the following results:-

**For**

Councillors D Bailey, J Bratherton, S Brookfield, C Browne, B Burkhill, P Butterill, S Corcoran, D Flude, A Harewood, S Hogben, J Jackson, L Jeuda, D Mahon, N Mannion, A Moran, J Nicholas, M Parsons, J Rhodes, B Roberts and A Stott.

**Against**

Councillors C Andrew, A Arnold, G Baggott, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, M Beanland, D Bebbington, E Brooks, D Brown, J Clowes, H Davenport, S Davies, T Dean, L Durham, S Edgar, JP Findlow, R Fletcher, H Gaddum, S Gardiner, P Groves, G Hayes, D Hough, O Hunter, A Kolker, A Martin, R Menlove, G Merry, B Moran, J Saunders, M Sewart, M Simon, D Stockton, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray.

**Not Voting**

M Deakin, B Dooley, L Smetham and B Walmsley.

The amendment was declared lost with 20 votes for, 39 against and 4 not voting.

**SUBSTANTIVE MOTION**

The vote on the substantive budget proposals was taken.

As legislation required the recording in the minutes of how each Member voted on any decision relating to the Budget, a recorded vote was carried out in respect of this item, with the following results:-

**For**

Councillor C Andrew, A Arnold, G Baggott, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, M Beanland, D Bebbington, E Brooks, D Brown, P Butterill, J Clowes, H Davenport, S Davies, M Deakin, T Dean, B Dooley, Liz Durham, S Edgar, JP Findlow, H Gaddum, S Gardiner, P Groves, G Hayes, O Hunter, A Kolker, D Mahon, A Martin, R Menlove, G Merry, B Moran, M Parsons, J Saunders, M Sewart, M Simon, D Stockton, B Walmsley, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray.

**Against**

Councillor D Bailey, J Bratherton, S Brookfield, C Browne, S Corcoran, R Fletcher, D Flude, A Harewood, S Hogben, J Jackson, L Jeuda, N Mannion, J Nicholas, J Rhodes, B Roberts and A Stott.

**Not Voting**

Councillors B Burkhill and L Smetham.

The motion was declared carried with 44 votes for, 16 against and 2 not voting.

## **RESOLVED**

### **That Council approves:-**

The Revenue estimates for the 2019/20 budget and the medium term Capital Programme estimates 2019-22, as detailed in the Medium Term Financial Strategy Report (MTFS) 2019-22 (**Appendix C**).

2 Band D Council Tax of £1,446.27 representing an increase of 2.99%. This is below the referendum limit and arises from the provisional finance settlement (**Appendix C, Section 2**).

3 The 2019/20 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 C, Annex 8**).

4 The 2019/20 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 C, Annex 9**).

5 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 2019/20 funding position are received.

6 The recommended Prudential Indicators for Capital Financing (**Appendix C, Annex 11**).

7 The Portfolio Holder for Children and Families to agree any necessary amendment to the 2019/20 Dedicated Schools Grant (DSG) of £138m 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 2018/19 (**Appendix C, Annex 8**).

8 The recommended Capital Strategy (**Appendix C, Annex 11**).

9 The recommended Treasury Management Strategy (**Appendix C, Annex 12**).

10 The recommended Investment Strategy (**Appendix C, Annex 13**).

11 The recommended Reserves Strategy (**Appendix C, Annex 14**).

12 The Portfolio Holder for Finance and Communication to agree to the Authority being the Entrusted Entity for the Urban Development Fund as referred to in the Investment Strategy (**Appendix C, Annex 13**) subject to the necessary due diligence being undertaken.



13 The Authority to submit an application for European Regional Development Fund financing to support the sub regional Urban Development Fund as referred to in the Investment Strategy (**Appendix C, Annex 13**) and for authority to be delegated to the Portfolio Holder for Finance and Communication to approve the signing of a funding agreement in relation to the ERDF funding subject to the necessary due diligence being undertaken.

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

14 The Budget Engagement exercise undertaken by the Council, as set out in the attached (**Appendix C, Annex 2**).

15 The results of the Budget Consultation (**Appendix B**).

16 The comments of the Council's Acting 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 C, Comment from the Acting Section 151 Officer**).

17 The Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (**Appendix C**).

## 60 **COUNCIL TAX STATUTORY RESOLUTION**

Consideration was given to a report relating to the setting of the Council tax for 2019/20.

It was reported that 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  
Town & Parish Council precepts  
Police & Crime Commissioner for Cheshire precept  
Cheshire Fire Authority precept

Council was recommended to set the Council Tax for Cheshire East Council for the financial year 2019/20, at £1,446.27, in accordance with the formal resolutions as shown in section 13 of the report.

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 Council Tax. Accordingly, a recorded vote was carried out in respect of this item, with the following results:-

**For**

Councillor C Andrew, A Arnold, G Baggott, Rachel Bailey, Rhoda Bailey, G Barton, P Bates, M Beanland, D Bebbington, J Bratherton, S Brookfield, E Brooks, D Brown, C Browne, B Burkhill, P Butterill, J Clowes, S Corcoran, H Davenport, S Davies, M Deakin, T Dean, B Dooley, L Durham, S Edgar, I Faseyi, JP Findlow, R Fletcher, D Flude, S Gardiner, P Groves, A Harewood, G Hayes, S Hogben, O Hunter, J Jackson, L Jeuda, A Kolker, D Mahon, N Mannion, A Martin, R Menlove, G Merry, A Moran, B Moran, J Nicholas, M Parsons, J Rhodes, B Roberts, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, A Stott, B Walmsley, G Walton, L Wardlaw, J Weatherill, G Williams and J Wray.

The motion was declared carried with 62 votes for, 0 against and 0 not voting.

**RESOLVED**

That the Council Tax for Cheshire East Council for the financial year 2019/20, be set at £1,446.27, 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 13<sup>th</sup> December 2018 the Council calculated the Council Tax base 2019/20:-
  - (a) for the whole Council area as 149,517.54 (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** to the report.
2. Calculated that the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish precepts) is £216,242,730.
3. That the following amounts be calculated for the year 2019/20 in accordance with Sections 31 to 36 of the Act:
  - a. £677,736,101 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. £453,597,622 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.

- c. £224,138,479 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. £1,499.08 being the amount at 3(c) above divided by the amount at 3.1(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. £7,895,749 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act
- f. £1,446.27 being the amount at 3(d) above less the result given by dividing the amount at 3.3(e) above by the amount at 3.1(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 2019/20 was not excessive in accordance with principles approved under Section 52ZB and 52ZC of the Local Government Finance Act 1992.

61 **RECOMMENDATION FROM STRATEGIC PLANNING BOARD AND CABINET - ADOPTION OF THE COMMUNITY INFRASTRUCTURE LEVY**

The Strategic Planning Board, at its meeting on 30 January 2019, and Cabinet, at its meeting on 5 February, had considered a report on the adoption of the Community Infrastructure Levy.

The Strategic Planning Board and Cabinet had endorsed the Community Infrastructure Levy Charging Schedule, attached as Appendix 1 to the report, including the identified charging rates and zones and recommended to Council that the Community Infrastructure Levy be adopted, with an implementation date of 1<sup>st</sup> March 2019.

**RESOLVED**

That the Community Infrastructure Levy be adopted, with an implementation date of 1<sup>st</sup> March 2019.

62 **RECOMMENDATION FROM STAFFING COMMITTEE - PAY POLICY STATEMENT**

Consideration was given to a report in respect of the Pay Policy Statement for 2019/20.

Staffing Committee, at its meeting on 24 January 2019, had considered the draft Pay Policy Statement and resolved that Council be recommended to approve and publish the Pay Policy Statement for 2019/20.

Section 38 of the Localism Act (2011) required Local Authorities to produce a Pay Policy Statement by 31<sup>st</sup> 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 2019/20, which reflected the expected position as at 1<sup>st</sup> April 2019 was attached as Appendix 1 of the report. Changes since the previous year's Statement were outlined in section 6.4 of the report.

## **RESOLVED**

1. That the changes since the 2018/19 Pay Policy Statement be noted, as outlined in section 6.4 of the report.

2. That the Pay Policy Statement for 2019/20 be approved and published accordingly.

## **63 ELECTION OF MAYOR AND DEPUTY MAYOR FOR THE 2019/20 CIVIC YEAR**

(The Deputy Mayor, Councillor Liz Durham, 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 2019/20 Civic Year. Council was requested to resolve that Councillor Liz Durham 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 2019/20, at the Mayor Making ceremony to be held on 22 May 2019.

There were two nominations proposed and seconded to be designated as the Deputy Mayor Elect - Cllr Steven Edgar and Cllr Bernice Walmsley.

(Following their nomination, Cllrs Edgar and Walmsley declared a non-pecuniary interest and left the meeting during consideration of this matter).

A vote was taken in respect of the two nominations and it was resolved that Councillor Steven Edgar be designated as the Deputy Mayor Elect.

## **RESOLVED:**

That Cllr Liz Durham be designated as the Mayor Elect and that Cllr Steven Edgar 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 2019/20, at the Mayor Making ceremony to be held on 22 May 2019.

## 64 NOTICES OF MOTION

Consideration was given to the following Notices of Motion, submitted in accordance with paragraph 1.34 of the Council Procedural Rules:-

### **1 Parental Leave for Councillors**

**Proposed by Cllr Jill Rhodes and Seconded by Cllr Steve Hogben.**

This Council notes:

- That the role of a councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

This Council resolves:

- To adopt the parental leave policy set out below

### **Parental Leave Policy for Cheshire East Council**

#### **Introduction**

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office.

#### **(1) Leave Periods**

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

## **(2) Basic Allowance**

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

### **(3) Special Responsibility Allowances**

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

### **(4) Resigning from Office and Elections**

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

### **RESOLVED**

That the motion stand referred to the Constitution Committee.



## **2 Taxi Licensing**

### **Proposed by Cllr Dorothy Flude and seconded by Cllr Michael Beanland**

The Department for Transport is planning a raft of new measures aimed at improving safety for taxi passengers, including the installation of CCTV in all cabs. Drivers also face tougher criminal record checks, and ministers intend to set up a national database to prevent them from working away from the area where they hold a licence. It follows a review into the industry after a number of sexual exploitation scandals in towns such as Rotherham and Rochdale. A consultation on the statutory guidelines for all local authorities will be published this week.

This Council, Children and Family's Scrutiny Report, Child Sexual Exploitation December 2014 to August 2016

At Conclusions 14.2

*"Although not directly falling within the terms of reference of this review, many individuals we met raised genuine concerns about the current Taxi/Private Hire Licensing arrangements. This became a recurring theme throughout our investigations which inevitably led us to the conclusion that the concerns expressed by the group in phase 1 of the review should be reiterated in this final report and be the subject of a formal recommendation. We acknowledge this is a national issue that only the Government can address, but if we at Cheshire East can at least start the ball rolling by taking the lead at regional level, enough impetus may be generated to begin a national debate. "*

We are pleased to see that national actions are being taken, after lobbying by Cllr Rhoda Bailey and Cllr Dorothy Flude.

Council resolves that

- this Council will take part in the consultation
- any reports / consultation documents prepared by this council will be presented for comment at Children and Family's Scrutiny before they are submitted to the Department of Transport.

I propose this motion in memory of Councillor Phil Hoyland past Chair of Children and Family's Scrutiny who sadly died when we were compiling our report.

### **RESOLVED**

That the motion stand referred to the Licensing Committee.

### **3 Cessation of On Line Betting Adverts Before the Water Shed**

**Proposed by Cllr Ainsley Arnold and Seconded by Cllr Liz Wardlaw**

The gambling industry has confirmed plans to press ahead with a [voluntary ban on betting adverts](#) during sport programmes from next summer, amid mounting pressure to protect children from [excessive exposure to gambling](#). Sport programs only does not go far enough. We would like to see a total ban on all online gambling pre watershed and the notice of motion is to lobby the government to adopt this as a policy. As it is now possible through phones, tablets and PC s to place bets.

#### **RESOLVED**

That the motion stand referred to Cabinet.

### **4 Children with Special Educational Needs**

**Proposed by Cllr Laura Jeuda and Seconded by Cllr Dorothy Flude**

Article 7 and 24 of the UN Convention on the Rights of Persons with Disabilities places an obligation on Government and Local Authorities to promote, fund and develop capacity in mainstream schools to cater for the needs of disabled pupils.

At the heart of the 2014 Children and Families Act there is the ‘presumption of mainstream education’ for all our children, it places a duty on local authorities to support the provision of placements for all disabled children living in their catchment area.

The progress made towards inclusive education has stalled and increasingly disabled children are segregated in special schools. Ofsted’s Annual Report 2017/18 highlighted concerns about the poor quality of Special Educational Need provision for Disabled pupils in mainstream education.

The Department of Education introduced the policy in 2013 which placed the responsibility on mainstream schools to fund the first £6000 for every pupil with special educational needs out of their own budget; this has done nothing to incentivise schools to accept these pupils.

This Council resolves to adopt a policy with a general presumption that children with Special Educational Needs will be integrated into mainstream schools, with adequate resources to support the teaching staff and put an end to segregation.

#### **RESOLVED**

That the motion stand referred to Cabinet.

### **5 Strengthening of the Building Control Regime**

**Proposed by Cllr Nick Mannion and seconded by Cllr B Roberts**

This Council notes the conclusions that have been reached so far concerning the Grenfell Tower disaster. In particular it notes the section in the Hackitt report which highlights the “mindset of doing things as cheaply as possible and passing on responsibility for problems and shortcomings”. One longstanding and illogical result of this is that building control remains the only regulatory function of local government to be subjected to competition. Commercially compromised regulation sees safety margins engineered out and corners cut.

The private sector recruits people who have been trained at public expense, and cherry-picks the most lucrative schemes, while leaving the rest to councils – who of course pick up the bill for enforcement and other essential regulatory tasks.

We call for:

- (a) the use of inflammable cladding materials on high rise residential buildings to be banned without further delay
- (b) adequate compensation for councils faced with essential but significant costs in remediation
- (c) local authorities to be the sole provider of building control services in high residential buildings
- (d) recognition of the essential role of regulation and an end to the constant denigration of Health and Safety
- (e) the eventual return of this essential regulatory service to local authorities.

## **RESOLVED**

That the motion stand referred to Cabinet.

## **65 QUESTIONS**

Cllr L Jeuda referred to safer walking routes to schools and asked whether assurance had been given that lighting would be provided on the Middlewood Way. – Cllr J Clowes, Portfolio Holder for Adult Social Care and Integration, undertook to provide a written response.

Cllr A Moran referred to people paying to park on the Civic Hall car park, Nantwich, at a time when it was free to park. He asked how much revenue had been taken on a Sunday from the car parking machines, as this was not widely publicised. He said that this was stated on the machines, but the writing is too small. He stated that the same applied to the another car park in Nantwich, which was free after 3pm and he asked how much revenue was taken from that car park. - Cllr D Stockton, Environment Portfolio Holder, undertook to provide a written response.

Cllr D Flude referred to HS2 and asked how a scheme with as much impact on a ward as this had reached RIP 2 , without Ward Members being informed and how a bridge could be connected to the main part of Nantwich Road without Ward Members being informed. - Cllr D Stockton, Environment Portfolio Holder, undertook to provide a written response.

Cllr P Groves asked the Council to undertake a review of car parking arrangements in Nantwich, as part of its new Local Transport Plan, on a similar basis to that being launched in Wilmslow and asked that the review be undertaken as soon as possible.- The Leader of the Council responded in part and undertook to provide a written response.

Cllr S Hogben asked what action had been taken to date, by the Council, to submit an expression of interest in the Future High Streets Fund and whether there were plans to link such an expression of interest with the Crewe Station Hub Area Action Plan Development Strategy that was currently subject to consultation. – Cllr A Arnold, Housing, Planning and Regeneration Portfolio Holder, undertook to provide a written response.

Cllr R Fletcher revisited a question that he had asked at the December Council meeting, relating to Car parks in Alsager. – Cllr Stockton, Environment Portfolio Holder, responded. (Note - Cllr Fletcher had received a holding response and a commitment that a response would be provided by the end of February).

Cllr S Corcoran referred to Mr G Goodwin's comments, made under public speaking, and the Leader's statements, made at the last Council meeting, stating that they were incompatible and he asked the Leader whether she would like to clarify her statement. – The Leader of the Council and the Acting Monitoring Officer responded.

Cllr Harewood referred to a question that she had asked at the last Council meeting regarding the figures for Cared for Children and thanked the Portfolio Holder for the update. She sought further clarification on the figures and requested regular updates. – Cllr J Saunders, Children and Families Portfolio Holder, provided clarification and undertook to keep Cllr Harewood updated.

## **66 MAYOR'S CLOSING REMARKS**

The Mayor reiterated her thanks to those Members who would not be standing for re-election.

The Mayor also thanked those officers responsible, for their work in producing the budget.

The meeting commenced at 11.00 am and concluded at 5.05 pm

Councillor L Smetham (Chairman)

CHAIRMAN