

CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Council**
held on Wednesday, 21st October, 2020

PRESENT

Councillor B Burkhill (Mayor)
Councillor S Edgar (Deputy Mayor)

Councillors Q Abel, M Addison, S Akers Smith, M Asquith, R Bailey, J Barber, M Beanland, M Benson, L Braithwaite, J Bratherton, S Brookfield, C Browne, J Buckley, C Bulman, P Butterill, S Carter, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, T Dean, D Edwardes, B Evans, H Faddes, A Farrall, JP Findlow, K Flavell, R Fletcher, T Fox, A Gage, S Gardiner, L Gilbert, M Goldsmith, A Gregory, P Groves, S Handley, A Harewood, G Hayes, S Hogben, S Holland, M Houston, M Hunter, D Jefferay, L Jeuda, A Kolker, C Leach, I Macfarlane, N Mannion, D Marren, A Martin, A Moran, R Moreton, B Murphy, D Murphy, J Nicholas, K Parkinson, J Parry, S Pochin, B Puddicombe, P Redstone, J Rhodes, L Roberts, J Saunders, M Sewart, M Simon, L Smetham, J Smith, D Stockton, A Stott, R Vernon, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

1 PRAYERS

The Reverend Ralph Kemp said prayers at the request of the Mayor.

2 APOLOGIES FOR ABSENCE

Apologies were received from Councillor D Brown.

3 DECLARATIONS OF INTEREST

In the interests of openness, Councillor B Puddicombe declared a non-pecuniary interest in Item 14 - Appointments to the Adoption Panel and Fostering Panel.

4 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 20 February 2020 be approved as a correct record.

5 MAYOR'S ANNOUNCEMENTS

The Mayor:

- 1 reported that in August, on the 75th anniversary of VJ Day, he was joined by the Lord Lieutenant, Chief Constable, Councillor Ashley Farrall, our Armed Services Champion, the Chief Executive, and a small number of other guests, for a simple, but very moving service in Macclesfield.
- 2 congratulated all those from Cheshire East who featured in the Queen's Birthday Honours which were announced a couple of weeks ago, including former Councillor Ainsley Arnold, who was awarded an MBE.
- 3 reported that seven parks and green spaces across the Borough had been awarded a Green Flag Ward from Keep Britain Tidy.
- 4 reported that in earlier honours announcement Mr Rodney Cottrell from Audlem was awarded a British Empire Medal. He had been due to receive his award from the Lord Lieutenant last month at an investiture at Tatton but, unfortunately, he was too ill to attend and had heard this week that he has passed away. The Mayor invited Councillor Rachel Bailey to say a few words.
- 5 informed Council of the deaths of two former Congleton Borough Councillors, Colin Burgess, who was the last Mayor of the Borough, and his wife Jill.
- 6 welcomed David Brown, the new Director of Governance and Compliance Services to Cheshire East Council and invited him to say a few words.

6 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Graham Goodwin, who was unable to attend the meeting, had submitted a question in relation to Confidentiality within the Council's Code of Conduct Complaints system. Mr Goodwin had asked a similar question at the meeting of the Audit and Governance Committee on 12 March 2020. The Audit and Governance Committee at that meeting agreed that a review of the Code of Conduct would be added to the Committee's Work Plan and that it should be linked to the Local Government Association's expected publication of a revised Model Code of Conduct. The Mayor therefore proposed that Mr Goodwin's question be forwarded to the Chairman of the Audit and Governance Committee to consider alongside the work already programmed-in.

Mrs Sue Helliwell referred to the document co-signed by the Leader and Deputy Leader and Cheshire West and Chester Council and Warrington

Council asking the Government for more money and control on the Covid-19 restrictions and asked the Leader if the move into Tier 2 addressed many of the requests in the document or did he want the Government to impose Tier 3 restrictions? She also asked if the Leader had been working with Stoke on Trent and Staffordshire councils in light of shared hospital services. The Leader and Deputy Leader responded by saying the document Mrs Helliwell had referred to was available on the Council's website and stated that the decision by central government to impose tier 2 did not address many of the requests and that he did not want the government to impose tier 3 restrictions. The Council was working closely with neighbouring local authorities including those to the south through the Constellation Partnership and North Midlands Growth Corridor, and with Cheshire and Warrington local enterprise partnership, who were the voice of businesses for the sub region.

7 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader of the Council, in summary:

- briefed the Council on the move into the Covid-19 Tier 2 restrictions
- reported on how the Council had adapted to dealing with Covid-19 issues
- commented on the financial situation facing the Council and local government as a result of Covid-19
- encouraged everybody to follow the 'Hand, Face, Space' guidance, to get a test if they have symptoms and to download the NHS Covid-19 App to their phones
- announced that a development agreement had been signed for the Crewe Royal Arcade Scheme.

The Deputy Leader of the Council, in summary:

- paid tribute to all Council staff who had worked hard to keep the Council services running during the pandemic
- thanked the Democratic Services Team for making today's first virtual meeting of full Council possible
- highlighted the work with local business and the Cheshire and Warrington LEP to allow the exchange of information on the effects of covid-19 on the business community
- reported on the progress of the Congleton Relief Road, the Middlewich Bypass, HS2 Phase 2b and the redevelopment in Crewe.

8 RECOMMENDATION FROM CONSTITUTION COMMITTEE: HIGH SPEED RAIL 2 PHASE 2A - PROCEDURE FOR DECISION-MAKING

Consideration was given to the recommendations of the Constitution Committee on 5 October 2020 in relation to the proposed decision-making arrangements for High Speed Rail 2 Phase 2a.

It was proposed that the reference to the 'Parish Liaison Group' in recommendation 1 be amended to read 'Combined Parishes Liaison Group'.

RESOLVED:

That the decision making arrangements, as set out in the report, be approved for the determination of all planning matters in relation to works along the route of Phase 2a of HS2 only, submitted under schedule 17 (the planning conditions schedule of the High Speed Rail (West Midlands – Crewe) Bill, as set out in the Constitution Committee report ,and that all necessary amendments to the Council's Constitution as required to secure these provisions be made, subject to:

- 1 the Combined Parishes Liaison Group be added to the application notifications list; and
- 2 the determination arrangements for Schedule 17 Applications, as set out in paragraph 6.2 of the Constitution Committee's report , being amended to *'All live applications, including Member call-ins, to be reviewed fortnightly and considered for Planning Committee determined by the Head of Planning and Principle Planning Officer, in consultation with the Chair of the Strategic Planning Board and affected Ward Members'*.

**9 RECOMMENDATION FROM CONSTITUTION COMMITTEE:
INDEPENDENT REMUNERATION PANEL: REVIEW OF MEMBERS'
ALLOWANCES SCHEME**

Council considered the report on the Independent Remuneration Panel's review of the indexation arrangements for the Cheshire East Council's Scheme of Members Allowances.

The Constitution Committee, at its meeting on 5 October 2020, had considered the report, and in the light of current circumstances of the pandemic and likely increased financial hardship faced by residents in the borough in the coming months, had thanked the Independent Remuneration Panel for their work but had made no recommendation to Council and had decided to refer the matter to Council for consideration.

The following motion was moved, seconded and voted on: -

'that in view of the pressures on Council finances created by essential spending needed to deal with the Covid-19 pandemic, this Council resolves to freeze all members' allowances at the 2019-20 level until at least May 2021, pending the introduction of new governance arrangements'.

RESOLVED:

That in view of the pressures on Council finances created by essential spending needed to deal with the Covid-19 pandemic, this Council resolves to freeze all members' allowances at the 2019-20 level until at least May 2021, pending the introduction of new governance arrangements.

10 RECOMMENDATION FROM CONSTITUTION COMMITTEE: REVIEW OF THE MEMBER TRAINING PROGRAMME

Consideration was given to the recommendations of the Constitution Committee on 5 October 2020 in relation to the review of the Member Training Programme.

RESOLVED: That

- 1 delegated authority be granted to the Monitoring Officer to formally identify within the Constitution, those subjects which have been designated as foundation skills, and which are therefore required training for Councillors in accordance with the Member Training Programme – Corporate Parenting, Safeguarding Children and Adults, Equality, Diversity and Inclusion, General Data Protection Regulations (GDPR), Members' Code of Conduct.
- 2 the wording '*Before any Councillor who is a member of the (insert name) Committee can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee, as a requirement of their membership of the Committee*' be added to the Council's Constitution in respect of the functions of the following Committees: Public Rights of Way Committee, Licensing Committee, Staffing Committee and Appeals Sub Committee;
- 3 in respect of the three Planning Committees, the wording '*Any Councillor appointed to Northern Planning Committee, Southern Planning Committee or Strategic Planning Board (including planning pool Members), must attend all planning training sessions held each year (including induction when held), as a requirement of the membership of the Committee they are appointed to, in order to properly discharge their planning committee obligations. Any Member who cannot attend must submit their apologies in advance to the event organiser. If a Member fails to attend, they must undertake refresher training, in line with the Committee training programme*' be inserted into the Council's Constitution at the appropriate juncture.

- 4 the wording at paragraph 21, page 47 of the Constitution be replaced with '*A cross party pool of 9 planning substitutes shall be maintained to supplement the arrangements referred to above. Each member of the pool must receive appropriate and up to date planning training without which they may not serve as a member of a planning committee. Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements referred to above.*'

11 ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE 2019/20

Cllr Rod Fletcher, Chairman of the Audit and Governance Committee, presented the Audit and Governance Committee Annual Report 2019/20 to Council.

The report provided details of the work undertaken by the Committee and the assurances received during that year.

The Annual Report was received and noted.

12 OVERVIEW AND SCRUTINY ANNUAL REPORT 2019/20

Cllr Janet Clowes, Chairman of Corporate Overview and Scrutiny Committee presented the Overview and Scrutiny Annual report for the municipal year 2019/20

The report detailed the work of the Council's four Overview and Scrutiny Committees and development of the overview and scrutiny function.

The Annual Report was received and noted.

13 RECOMMENDATIONS FROM CABINET - FINANCE REPORTS

Council considered the recommendations from Cabinet to approve supplementary revenue estimates, supplementary capital estimates and capital virements from the following reports:

- 2020/21 Financial Outturn – considered by Cabinet on 9 June 2020
- Capital, Investment and Treasury Management Strategies Annual Review 2019/20 – considered by Cabinet on 8 September 2020
- Mid-Year Review (Finance) 2020/21 – considered by Cabinet on 6 October 2020.

RESOLVED: That

- 1 the fully funded supplementary revenue estimate above £1,000,000 be approved in accordance with Financial Procedure Rules, as detailed in 2019/20 Financial Outturn Appendix 2 Table 1;

- 2 the capital virements above £1,000,000 be approved in accordance with Financial Procedure Rules, as detailed in Capital, Investment and Treasury Management Strategies Annual Review 2019/20 Appendix 1 Annex C;
- 3 the supplementary capital estimates above £1,000,000 be approved in accordance with Financial Procedural Rules, as detailed in Capital, Investment and Treasury Management Strategies Annual Review 2019/20 Appendix 1 Annex D; and
- 4 the fully funded supplementary revenue estimate above £1,000,000 be approved in accordance with Financial Procedure Rules, as detailed in Mid-Year Review (Finance) 2020/21 Appendix 2 Table 1.

14 APPOINTMENTS TO THE ADOPTION PANEL AND FOSTERING PANEL

Consideration was given to a report inviting Council to approve the appointments to the Adoption Panel and to the Fostering Panel.

RESOLVED: That

- 1 Councillor Brian Puddicombe be appointed to the Adoption Panel;
- 2 Councillor Carol Bulman be appointed to the Fostering Panel; and
- 3 it be noted that Mrs Gillian Merry will continue as a member of the Fostering Panel under the Panel's own arrangements.

15 APPOINTMENT OF INDEPENDENT PERSONS FOR STANDARDS MATTERS

Consideration was given to a report inviting Council to appoint up to two Independent Persons to work with the Monitoring Officer and the Audit and Governance Committee on standards matters, in accordance with the Localism Act 2011 ('the Act') and the Council's code of conduct complaints procedure.

The Council currently had two Independent Persons who were appointed by Council on 28 July 2016 for a term of 4 years.

The process for the recruitment of Independent Persons planned for Spring 2020 had been put on hold due to the Covid-19 pandemic and it was proposed that the appointment of the two existing Independent Persons be extended for a further year to 26 July 2021.

RESOLVED:

That Patricia Rathbone and Peter Bryant be appointed to serve as Independent Persons for a 1-year term until 26 July 2021 pursuant to section 28 of the Localism Act 2011.

16 **APPROVAL OF THE CONTINUING ABSENCE OF ANY ELECTED MEMBER, ARISING FROM ISSUES RELATING DIRECTLY OR INDIRECTLY TO COVID-19**

Consideration was given to a report which set out a proposal to approve the continuing absence of any Elected Member, arising from issues relating directly or indirectly to Covid-19, until 28 February 2021.

Section 85 of the Local Government Act 1972 set out a number of provisions in respect of attendance of Members at Council meetings and stated that if a Member fails to attend a meeting of the authority for a period of six consecutive months from the date of their last attendance, they cease to be a member of the Authority.

The Covid-19 pandemic had made it necessary to cancel several full Council and committee meetings which Elected Members would ordinarily have attended. A decision taken under Urgency Procedures in July 2020 had approved the continuing absence of any Elected Member, arising from issues relating directly or indirectly to Covid-19 until 31 October 2020, thereby securing their continued membership of the Council until that day. Approval was now sought to extend this period to 28 February 2021.

RESOLVED:

That the continuing absence of any Elected Member arising from issues relating directly or indirectly to Covid-19 be approved until 28 February 2021.

17 **NOTICES OF MOTION**

Consideration was given to the following Notice of Motion, which had been submitted in accordance with paragraph 1.34 of the Council Procedure Rule:

Local Electricity Bill

Proposed by Councillor D Murphy and Seconded by Councillor Q Abel

A Private Members Bill - Local Electricity Bill, which has the support of a significant number of Members of Parliament, is due before Parliament very soon. Council supports the aims and content of the Bill, given that this approach may help local authorities promote the use of sustainable and renewable sources of energy.

Council asks the Chief Executive to report the Council's support of the Bill to the appropriate Government Minister and the Borough's Members of Parliament.

RESOLVED:

That the Motion be referred to Cabinet.

18 QUESTIONS

Cllr T Dean referred to the letter the Leader, along with the Leaders of Warrington Council and Cheshire West and Chester Council, had sent to the Government prior to the announcement of the latest restrictions asking for higher delegated powers to instigate tighter restrictions Covid restrictions on the Cheshire and asked the Leader where these requests had been approved by the Council prior to submission and why had it taken so long for them to be shared with elected members. The Leader and Deputy Leader responded and stated that the document had been intended as a discussion document with the Government, but this had not happened and was published as soon as the Tier 2 restrictions were imposed. As the Council operated a Leader and Cabinet model, it was within the Leader's powers to agree the document with the other Council leaders.

Cllr R Bailey referred to the confusion motorist, cyclists and pedestrians faced with the increasing number of 20 mph zones being put in place and the low key, not easily accessible, online consultation on Active Travel scheme. She referenced a suggestion from Audlum Parish Council which had not yet received a response from the Council and asked if all the Government Grant had been spent. Cllr L Crane, Portfolio Holder for Highways and Waste responded that all the measures in place were temporary and experimental and that tweaks could be made to the and asked that anybody with specific concerns raise them on the consultation page or with their local ward councillors. Not all the funding had been received and it was expected that the second tranche would be received shortly.

Cllr P Groves asked a question in relation to the provision of bus services in rural areas and the absence of consultation with local ward members before services were suspended or removed. Cllr C Browne, Deputy Leader, responded that the Council had submitted an expression of interest to the Rural Transport Fund earlier this year and sought the support of local MPs to support this submission. The consultation on the Bus Strategy had been delayed due to Covid and was expected to take place early in the next financial year. Covid Bus Support Grant money had been used to save a few bus services which may have ceased due to financial losses made by commercial operators due to a reduced number of passengers.

Cllr L Wardlaw referred to the proposed eight committees under the Committee System and asked how much had been spent between May 2019 and now and the predicted future costs of this governance. Cllr J Nicholas, Chairman of the Constitution Committee, responded by saying that it was six policy committees and a sub-committee that were being proposed, and that he did not have the costings to hand but the new arrangements were expected to be cost neutral.

Cllr J Clowes referred to the tests that needed to be met for schemes to receive funding from the Active Travel Scheme and asked to what extent had the Council had to scale back and revise submissions in round one, and whether the Council was confident that phase 2 schemes would meet the tests. Cllr L Crane, Portfolio Holder for Highways and Waste responded that the early measures had been introduced exceptionally quickly due to the funding arrangements and they had to be in place by a certain date and had been based on schemes proposed in the past. There was more time for consultation for the second tranche of funding. A number of the early schemes had been tweaked but the Government did not have any problems with our schemes.

Cllr A Gage referred to the condition of the road in Gladstone Street and other roads in Willaston and stated that they had been waiting some time for repairs and improvement. He asked why Edleston Road was scheduled to be resurfaced when this road was in good condition. Cllr L Crane, Portfolio Holder for Highways and Waste responded that she was aware of many roads which needed attention in the Borough. The Council used an asset-led approach to repairs which considered several criteria, such as the nature of the road and the level of traffic, from the Well Management Highways and Infrastructure Code of Practice.

Cllr A Farrall referred to the progress made by the Council on its responsibilities to the Armed Forces community, having received the first award under the Armed Forces Covenant employer recognition scheme and asked the Portfolio Holder for Communities whether he agreed with him that, although there was still more work to be done, this authority was now taking real steps to support the Armed Forces community in Cheshire East. Cllr M Warren, Portfolio Holder for Communities, responded by stating that the Council in its draft Corporate Plan had stated that one of its ambitions was to achieve the Gold Award under the Armed Forces Covenant employer recognition scheme by 2023.

Cllr A Gregory asked if Cheshire East was moved into Tier 3 Covid restrictions whether this ensure that it would receive a financial package which would support businesses. Cllr S Corcoran, Leader of the Council, responded that he hoped that the Government would not impose Tier 3 restriction on Cheshire East. It would be a decision by the Government on how much funding would be provided for businesses. It was noted that under Tier 2 business which remained open were not getting financial help, but it was expected that funding would be made available soon.

Cllr A Moran referred to the increased use of computers and laptops for work by Council officers and elected members and asked if that the Council ensured that there was health and safety guidance provided on their use. Cllr J Rhodes, Portfolio Holder for Public Health and Corporate Services, responded that the Council has circulated documents on good working practice to officers and members.

Cllr S Gardiner referred to the many schemes and projects which were coming to fruition, such as the Crewe Town regeneration and the Congleton Relief Road, and had been commenced under the previous Administration and asked if the present leadership would be willing to recognise the work they had done on these projects. Cllr S Corcoran, Leader of the Council, responded that it was great to see these projects come to fruition and was happy to rejoice with all members of the Council on the success of these projects.

Cllr P Redstone referred to the forthcoming Disability Month and asked what the Council was doing to promote disabled people's rights and their struggle for equality. Cllr M Houston, Equalities and Diversity Champion, agreed to provide a written response.

Cllr S Akers Smith referred to the Active Travel funding and asked if a third tranche was being made available. Cllr L Crane, Portfolio Holder for Highways and Waste, responded that she not yet seen anything about on a further tranche of funding for this scheme.

19 REPORTING OF URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE ON BEHALF OF COUNCIL

Council received a schedule of urgent decisions taken on behalf of the Cabinet and Council which was reported for information in accordance with Appendix 4 of the Council procedure rules.

The Head of Democratic Services and Governance provided an oral update to the meeting on a further urgent decision which had been taken after the agenda papers for the Council meeting had been printed. This related to a Supplementary Revenue Estimate of £4.71m relating to funding from the Infection Prevention Fund.

RESOLVED:

That the schedule of urgent decisions, and the update provided by the Head of Democratic Services and Governance, be noted.

The meeting commenced at 11.00 am and concluded at 3.44 pm

Councillor B Burkhill
MAYOR/CHAIRMAN