

Middlewich Town Council
Victoria Building
Lewin Street
Middlewich
CW10 9AS
Telephone – 01606 833434
Email – Clerk@middlewich.org.uk



Minutes of the Five Hundred and Seventeenth Meeting of Middlewich Town Council, held in the Victoria Hall, Civic Way, Middlewich on Monday 17th February 2020, commencing at 7.15 pm

PART ONE

Present

Councillors Mike Hunter (Chairman) Sean Boyle, Graham Orme, Carol Bulman, Pauline Hickey, Gareth Williams, Jonathan Parry, Vicky Perez, David Latham, Chris Jones and Helen Watkinson

Council Officers:

Lisa Benskin, Interim Town Clerk and Nicola Antoney, Administrative Assistant

1. To receive and approve apologies for absence

Apologies for absence were received from Cllr Russell Watkinson (Health)

FEEDBACK AND REPORTS

2. To receive any announcements to be made by the Chairman

Councillor Hunter proposed a motion that he read the draft statement v5 regarding the Community Mayor that had been circulated amongst Councillors.

Resolution 8294

It was **RESOLVED** that Cllr Hunter read the statement approved by the majority of Councillors with respect to the Community Mayor. A copy of the full statement is provided at Appendix 1 to these minutes.

3. To note any declarations of Members' Interests on any agenda item

Councillor Orme declared a personal interest with respect to item 4 in that his wife is employed by the Police and Crime Commissioner and with respect to item 20 as a former employee of Compass Minerals.

Councillors Parry, Bulman and Hunter declared personal interests as members of Cheshire East Council (CEC).

4. Public Participation

This agenda item was increased from 15 minutes to 30 minutes at the Chairman's discretion to try and answer all questions submitted in advance of the meeting as detailed in report F1902 as well as questions from members of the public present at the meeting.

With respect to the questions raised in advance and contained in report F1902:

1. a) Cllr Hunter advised that he agreed that residents should not be facing continuing increases in Council Tax, while services reduce. Cllr Parry agreed and noted that there are increases in all areas of the CEC Council Tax, some of which are unavoidable. He supported the suggestion that Councillors should seek Service Level Agreements (SLA) with CEC and their wholly owned subsidiaries. It was noted that SLAs have been requested with respect to ANSA, Drainage and other provisions and that these would be pursued forcibly.
 - b) Cllr Hunter advised he has spoken to David Keane and he is happy to come and discuss an SLA with the Council. Cllr Hunter and Cllr Parry requested that Mr Keane and his team be invited to meeting with Councillors to discuss the current policing provision and the putting in place of an SLA. Cllr Latham indicated that he felt Mr Keane should come to a public meeting, such as the Full Council meeting to address the concerns of members of the public about the policing in Middlewich.
2. a) The Interim Town Clerk advised that £313 was held by the Council up until it was collected by Mr Roberts on 13th February. The Council does not know how much is held by Mr Roberts personally or the total number of events that took place.
 - b) Cllr Hunter advised that the s106 working group has not met since. Cllr Hunter advised that the s106 officer at CEC has been asked to investigate as to where some s106 funds due to Middlewich have gone. There is approximately £217,000 of s106 money allocated to Middlewich. The Council would be in a better position to investigate potential projects when the audit work was complete, and the permanent Town Clerk was in post. At present there was insufficient officer time to look at new projects until the legal issues were resolved.
 - c) Cllr Hunter advised that the delay in resuming the Neighbourhood Plan was also due to insufficient officer time. Cllr Hunter made it clear that the Neighbourhood Plan could not stop proposed development, it was subordinate to the Cheshire East Council Local Plan which has allocated housing sites and numbers. Until there was a full compliment of staff in place it was not possible to have the required officer support for the project. Officers were working flat out at present on the auditor's recommendations and it would be irresponsible to divert their time from this until the issues were resolved.

Additional questions raised at the meeting by members of the public were as follows:

3. A question was raised as to the actions been taken with respect to the issues with the Bellway roundabout. Cllr Hunter advised that the roundabout had not yet been handed over to Cheshire East Council, and before it was there would be a highways survey and safety audit. Cllr Hunter also advised that he'd had a meeting with Highways in Crewe and raised the issues that had been highlighted by residents. It is important that all incidents are reported to Police so the data is there to support the issues.
4. A question was raised about the changes to Gritting routes and how Middlewich would be impacted. Cllr Hunter advised that this was an item on the Agenda later in the meeting, but that he could advise that the decision had been called in by CEC Cllrs. The reasons for the decision being reviewed were in respect of how the decision was arrived at and the risk assessment and scoring process.
5. A member of the public asked as to how much the services of the auditor JD Henry were costing and whether these costs were necessary given the previous annual audits. Cllr Hunter advised he did not have the figures available as to the costs but that the previous audits had not been carried out correctly, hence all the issues that had to be resolved. The Interim Town Clerk advised that the items that had been highlighted by the JD Henry meant that the Council had not been complying with the required rules and regulations for some time and as such, the previous internal auditor could not have been reviewing the processes, procedures and documents properly or these issues would have been highlighted sooner.

5. To receive and adopt the Minutes of the Five Hundred and Fifteenth Meeting of Middlewich Town Council held on Monday 17th February 2020

Resolved 8295

It was **RESOLVED** that the minutes of the meeting held on 17th February 2020 be received and confirmed as a true record.

6. To note the minutes of committees which have been published since the previous ordinary meeting

The minutes were noted.

7. To consider the future of the Community Mayor Project

Resolved 8296

It was **RESOLVED** that the Council would not accept the contents of the report prepared by the Interim Clerk and supported by Cllr Helen Watkinson, as a full and

accurate report, until a meeting to attempt to agree a report that could also be supported by Dave Roberts and Lynne Hardy took place¹.

The Interim Clerk indicated that no matter the Council's views on the contents of her report, a decision needed to be taken on the future of the project. She stated that it was her view that if the project continued in its current format, the Council would be at real risk of legal proceedings being instigated by the auditor for acting beyond their powers (ultra vires).

Resolved 8297

It was **RESOLVED** that the Community Mayor project be suspended pending further investigations.

8. To consider the adoption of a Social Media Policy

Resolved 8298

It was **RESOLVED** that the consideration of the draft Social Media Policy be deferred until the next meeting. The Policy should first be considered by the Internal Committee at their next meeting and compared to the Cheshire East Council Social Media Policy.

9. To consider the adoption of the 2018 Cheshire East Council Code of Conduct

Resolved 8299

It was **RESOLVED** to adopt the 2018 version of the Cheshire East Council Code of Conduct as the Code of Conduct applicable to Middlewich Town Council Councillors.

10. To consider the adoption of a policy with respect to Public Questions

Resolved 8300

It was **RESOLVED** that the consideration of the draft Public Questions Policy be deferred until the next meeting. The Policy should first be considered by the Internal Committee at their next meeting.

11. To consider as to whether the recruitment of a Town Clerk should include the RFO role or as to whether this should be a separate role

Resolved 8301

It was **RESOLVED** that the Council seek to appoint a Town Clerk and separate Responsible Financial Officer (RFO) or an Assistant Clerk/RFO.

It was agreed that the Advert, Job Description and Person Specification as approved by the Recruitment Sub-Committee be used to advertise the role.

¹ A named vote took place on this item.

.....

12. To consider the location for the Annual Funfair

Resolved 8302

It was **RESOLVED** that the fair continue in its usual location of Civic Way Car Park for 2020 event.

13. To consider any Members' Items previously submitted in writing;

- a) That the Interim Town Clerk please provide a cost benefit analysis for being a member of ChALC and if possible, provide a list of which parish/town councils are members *(Cllr Chris Jones)*

Resolved 8303

It was **RESOLVED** to support this motion.

- b) This council reinstate the use of name plates for all future meetings for which the public are free to attend *(Cllr Gareth Williams)*

Resolved 8304

It was **RESOLVED** to support this motion.

- c) This council resolves to make public in this meeting what advice has been sought about the honorary community mayor situation, what advice has been sought to make the position compliant with the law? *(Cllr Jonathan Parry)*

It was noted that this advice received was included in the report provided at item 7 of the Agenda Pack.

- d) This council resolves to state publicly at this meeting who made the decision to end the honorary community mayor position. *(Cllr Jonathan Parry)*

It was noted that there had been no decision to end the Community Mayor project. Cllr Parry advised he would wait until the results of the further investigation before continuing with this motion.

- e) This council resolves to publicly announce at this meeting who conducted the review into the honorary community mayor position as recommended by the auditor and what were the results of that review? *(Cllr Jonathan Parry)*

The Interim Clerk had carried out a detailed review which formed the contents of the report at item 7 of the Agenda. It was noted that there were to be further investigations into the project too.

- f) We are due to advertise for a permanent Town Clerk, and the Interim Town Clerk has made it known that she is interested in the applying for the position. In the interest of fairness to all candidates applying for the permanent position, no councillors involved in the recruitment of the Interim Clerk should be involved

.....

in the recruitment of the permanent Town Clerk. I therefore propose that the Recruitment Sub-Committee be disbanded and that the decision on the permanent Town Clerk be taken by the remaining members of the Council (*Cllr Mike Hunter*)

Resolution 8305

It was **RESOLVED** that the Recruitment Sub-Committee members be varied for the review of applications and interviews. The members would be Cllr Bulman (Chairman), Cllr Boyle, Cllr Latham, Cllr Williams, Cllr Jones and Cllr Hickey. It was further **RESOLVED** that the interview panel contain Jackie Weaver from ChALC or an alternative non-voting independent person to assist members.

- g) The Council will begin ASAP a feasibility Study into the Town Hall which should consist of: -
 - i. The costs of renovation of the Town Hall against moving to a suitable location if one can be found;
 - ii. A new build on land next to the Civic Hall
 - iii. Renovation of the Civic Hall including new layout to allow for business conferences
(*Cllr Mike Hunter*)

Resolution 8306

It was **RESOLVED** to support this motion.

Resolution 8307

At this point it was highlighted that the meeting was due to go beyond the two-hour limit imposed by Standing Orders. As such members RESOLVED to suspend Standing Orders for the remainder of the meeting and complete the agenda.

- h) The Council will investigate the costs and feasibility of the recording of all Full Council Meetings, Internal Committee Meetings and External Committee Meetings and making them available through our Website or Facebook Page (*Cllr Mike Hunter*)

Resolution 8308

It was **RESOLVED** that the Council investigate the costs of obtaining a sound system and the costs and feasibility of recording all Council meetings and making them available online.

.....

- i) In relation to all motions submitted and approved a tracker system must be used and regular updates must be provided to the proposer and seconder of the motions (*Cllr Mike Hunter*)

Cllr Hunter withdrew this motion as the Interim Town Clerk is already in the process of preparing a resolutions log which will serve this purpose.

14. To receive verbal reports from Members of Cheshire East Council

Cllr Parry advised that he had been mainly dealing with Health and Social Care issues. Cllr Parry highlighted that it was the annual budget setting meeting in Sandbach on Thursday and that members of the public who were not able to attend could listen to the meeting on the CEC website.

Cllr Bulman advised that she had been carrying out some spotlight reviews as part of Childrens Mental Health week. She had also been in training to carry out frontline visits for at risk children. Cllr Bulman advised that she had also attending a useful meeting in Crewe with respect to bus services. The new Sunday service was due to commence in April.

Cllr Hunter advised that he had been on Gully duty, had dealt with the Kings School application on Strategic Planning and the Environment and Regeneration Committee had been focused on Crewe Town Centre. It was noted that when Crewe does well the surrounding Town's do well and HS2 Hub was going to be important in the area.

15. Member questions to the Clerk

Cllr Latham asked as to whether the old Council chamber could be used for meetings as the acoustics would be better. The Interim Town Clerk advised that this was not possible as it was not accessible to all. It was noted that this was one of the items that would be reviewed as part of the feasibility study and whether adding a lift to the building would be financially viable.

16. To consider the proposed meeting calendar for the year 2020/21

Members approved the proposed calendar.

FINANCE

17. To consider the most recent Income and Expenditure Reports

Members reviewed and noted the reports.

18. To consider and approve items due for payment

Resolution 8309

It was **RESOLVED** to approve the items due for payment.

.....

19. To note payments made

Members reviewed and noted the payments made.

HIGHWAYS AND TRANSPORTATION

20. To consider the decision made by Cheshire East Council to approve the Winter & Adverse Weather Policy 2020 and the effect on Middlewich as a result

Resolution 8310

It was **RESOLVED** to submit a Freedom of Information Act request to Cheshire East Council requesting the following information:

- A Definitive map and list of the streets that have been removed from the gritting schedule in Middlewich
- Details of the criteria used to identify the potential hazard for gritting / not gritting
- Details as to how the change in circumstance from roads previously gritted to those now not to be gritted was identified
- For all roads in Middlewich removed from the gritting schedule a list of their previous scores and their scores under the revised policy
- For all roads in Middlewich added to the gritting schedule a list of their previous scores and their scores under the revised policy
- Details of the Road usage for both added and removed roads
- Details of all People / Transport interactions for both added and removed roads
- Details of previous incidents / accidents on both added and removed roads
- The mitigating circumstances applied to reduce the score below one hundred, and the criteria / facts upon which this decision was made
- The competency and qualifications of the persons carrying out the risk assessments, scoring and making the decisions as to the roads to be included in the gritting schedule
- What contingency plans are in place if there is a failure of the policy?
- What likely cost is there to CEC if policy fails?
- What is the age of stored salt and is it covered or uncovered?
- The Frequency of quality checks carried out on the salt used
- Has CEC considered effective planning by installing temperature sensors in roads, rather than relying on the weather forecast?
- How much will CEC save by reducing the gritting vs the potential loss?

PLANNING

21. 20/0368D Land off Wheelock Street

Resolution 8311

It was **RESOLVED** to object to the discharge of conditions application on the following grounds;

- Serious concerns are raised with respect to the movement of construction vehicles who are exiting the site in the wrong direction and reversing down Wheelock Street, a one-way street;
- It is noted that there is no Fire Marshall provision on site;
- It is considered that air quality should be monitored around the site due to the numbers of diesel vehicles on and around the site.

Members also raised concerns with respect to the wall on Southway which had become unstable due to the excavation work. This was a serious Health and Safety issue and needed cordoning off urgently. The security of the site was also an issue, children had been seen posting on social media that they were able to gain access to the building site via Barclay House. Cllr Hunter advised he would raise both this issues with Planning Enforcement.

22. 20/0274C Alhambra, 33 Wheelock Street

Resolution 8312

It was **RESOLVED** to object to the application on the grounds that it was a loss of retail space in the Town Centre and there was insufficient parking for the proposed use.

PART 2

Resolution 8313

It was **RESOLVED** that the public and press be excluded from the meeting on the grounds that the matters to be discussed contain confidential information relating to staffing and financial matters

23. Internal Audit 2019-20 ²

To consider the next steps with respect to item 21 of the report

Resolution 8314

It was **RESOLVED** to seek advice on staff interviews from Wirehouse and then pass all information through to the relevant authorities.

² Nicola Antoney left the meeting for this item

24. To consider obtaining temporary administration staff to assist the Administration Assistant and the Interim Town Clerk with the current extremely high workload.

Resolution 8315

It was **RESOLVED** to allow the Interim Town Clerk to obtain a Full-Time Agency Administration Assistant for a period of 3-6 months.

25. To consider the proposal from RD Wines with respect to wine provision at Folk and Boat 30

Resolution 8316

It was **RESOLVED** to enter into a two-year contract with RD Wines with a break clause after one year if the actual figures aren't as projected within the proposal.

.....

Appendix 1 - Statement regarding Community Mayor

What I am about to read has been agreed by the majority of Middlewich Town Councillors. We unreservedly apologise to Dave Roberts, Lynne Hardy, Linda and John Boden for the hurt, embarrassment and inconvenience this council has caused them in relation to the Honorary Community Mayor and Deputy roles.

We would like to place on record our sincere thanks to all four for stepping up, carrying out their duties with dignity and doing everything possible to make a success of the new roles. Under no circumstances can any blame be attributed to Dave, Lynne, Linda and John. The fault lies with Middlewich Town Council. We seek not to make excuses and residents deserve an explanation of what happened and assurances that it cannot happen again.

After the election the council were keen to get on with delivering the Honorary Community Mayor, rather than elect a new mayor under the old system. The council sought advice from CHALC who gave us the go ahead. So, a new Chair of the council was elected, and a truncated process was used to appoint Dave Roberts, with Lynne Hardy as his companion, which was all done correctly and voted on by the full council. We would therefore have a chairperson to do all the chairing of meetings and a community mayor to carry out all the functions. Once this was in place, the Council then pushed on with a full external audit of the council's finances, which is still being delivered. Among the many issues uncovered and recommendations made, one related to the payment of expenses to the Honorary Community Mayor and requested that the council conduct a review and make changes. This was agreed by councillors and we very much believed at this stage any issues were resolvable.

Key to the initial advice we received that allowed us to proceed, was that it is an honorary position and that no statutory duties would be performed by the holder. A full application process for a deputy mayor was conducted; Linda Boden was selected with John Boden as her companion.

Further advice was obtained from SLCC and NALC which appeared to contradict our original advice; specifically, that the council did not have the necessary power to create a Community Mayor. Due to this apparent contradiction, councillors felt that further advice should be obtained and all advice clarified. However, some councillors believed there was little choice but to suspend the mayoral position until all the problems had been investigated.

In conclusion. We could not have wished for better first post holders for the Honorary Community Mayor, Deputy and companions in Dave, Lynne, Linda and John. Middlewich Town Council apologises for the actions we took and resolve to ensure that cannot happen again.