



# Congleton Town Council

Historic market town

Town Clerk: **BRIAN HOGAN**



9th March 2012

Dear Councillor,

Special Town Council Meeting – Thursday 15th March, 2012

You are summoned to attend a meeting of the Council, to be held in the Town Hall, Congleton on **Thursday 15<sup>th</sup> March 2012 commencing at 6.00 pm.**

**The Public and Press are welcome to attend the meeting.** There may be confidential items towards the end of the meeting which the law requires the Council to make a resolution to exclude the public and press.

Yours sincerely,

B. Hogan  
TOWN CLERK

## AGENDA

1. Apologies for absence. (Members are respectfully reminded of the necessity to submit any apology for absence in advance and to give a reason for non attendance).

2. Minutes

To approve the Minutes of the meeting held on 8th March 2012. (enclosed)

3. Declarations of Interest

Members are requested to declare both "personal" and "personal and prejudicial" interests as early in the meeting as they become aware of it.



Congleton  
**beartown**  
*where friends are made*

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4. Casual Vacancy

To receive and consider a report of the recruitment process to fill the casual vacancy for a Town Councillor and its accompanying recommendation on whom to appoint (enclosed)

5. Resignation of Councillor M Carey

To receive a letter of resignation from Cllr Mathew Carey. (enclosed)

6. Outstanding Actions

None.

7. Resolution to exclude the Public and Press (if necessary)

To consider passing a resolution in accordance with the Public Bodies (Admission to Meetings) Act 1960, that public and press be excluded from the meeting for the matters set out below on the grounds that it could involve the likely disclosure of private and confidential information or staff matters.

To: Members of the Town Council, Press 3, Burgesses (4), Mayor's Chaplain,  
Members of the Youth Committee  
MP, Cheshire East Councillors (4), Library, Congleton TIC.

# Congleton Town Council

Minutes of the Meeting of the Council held on Thursday,  
8th March, 2012 in the Town Hall, Congleton.

**PRESENT:** Councillors      Mrs D S Allen  
   L D Barker  
   G Baxendale  
   D T Brown  
   J S Crowther  
   G R Edwards  
   D Fletcher  
   G P Hayes  
   Mrs S A Holland  
   M J Hutton  
   Mrs A M Martin  
   D A Parker  
   Mrs J D Parry  
   N T Price  
   Mrs E Wardlaw  
   G S Williams

## 1. APOLOGIES

Apologies for absence were received from Councillor R I Brightwell.

## 2. MINUTES

**CTC/67/1112 RESOLVED** – That the Minutes of the meeting held on 12<sup>th</sup> January, 2012, be approved and signed by the Mayor.

## 3. DECLARATIONS OF INTEREST

Members are requested to declare both "personal" and "personal and prejudicial" interests as early in the meeting as they become aware of it.

Councillor G Baxendale and D Brown declared a personal interest in any matters related to Cheshire East Borough Council.

Councillor D Brown also declared a personal interest in item 22 and refrained from discussing or voting on this issue.

## 4. MAYOR'S ANNOUNCEMENTS

The Mayor drew attention to the various engagements that he and the Deputy Mayor had fulfilled since the last Council meeting.

## 5. THOMAS FATTORINI JUBILEE LINK

A proposal to purchase a Jubilee Link for the Mayoral Chain was discussed by the members.

**CTC/68/1112 RESOLVED:-**

1. Not to proceed with purchasing the link with Council funds.
2. To identify a suitable sponsor to purchase the Jubilee Link for the Town Council.
3. Town Clerk to provide a report from the Jewellers on the suitability of the proposed link.

**6. OUTSTANDING ACTIONS**

None.

**7. QUESTIONS FROM MEMBERS OF THE PUBLIC**

Mr Graham Goodwin submitted the following question.

My questions relating to Devolved Services: -

1. Since it is evident that such a large rise in the Town Council budget of £681,000 includes costs associated with taking over services devolved from CEBC could you please advise when the council accepted the principal of taking over devolved services and, in light of the Town Clerk's statement "we have agreed to go along with devolved services" when this principal was debated and agreed in the council?
2. Which of the services currently provided by CEBC may become services devolved to Congleton Town Council and will the money currently being spent by CEBC in providing those services be transferred in its entirety to Congleton Town Council?
3. Since it is an established CEBC policy to devolve services to town and parish councils to the town and parish councils, why are the CEBC councillors on the Town Council not excluded from any discussion on the subject since this is a prima facia case of conflict of interest?
4. When will the factual cost of devolved services be finally established leading to the preparation of a proper business case and a debate in the council in the presence of the Congleton public?

Graham Goodwin

## RESPONSE BY THE TOWN MAYOR

First of all thank you for your question Mr Goodwin. I will respond to the points you made in the order in which you have raised them.

1. The Town Council has now moved to the second phase of negotiations with Cheshire East Borough Council on Devolved Services although little additional progress has made to date. The Council is represented by councillors Bob Edwards and Mrs Sally Holland together with Town Council officers.
2. You are incorrect in saying that the Town Council agreed to an increase in its budget of £681,000, the actual increase was £45,721 which represents a 5.9% increase or 7.2p per week on a Band D property.
3. The Town Council has not accepted in principle any part of devolved services and will not consider the issue until sufficient information is gained to produce a business case which can then be put to the Council for consideration and decision making. What we have done is to put a small amount of money into the budget for service enhancement as the implementation date for devolved services is the 1<sup>st</sup> October 2012 which is half way through our financial year. The relatively modest increase in the precept however, was not solely the result of an enhancement to service provision; part of it was the result of inflationary pressures, particularly utility costs amongst others.
4. The services under consideration for transfer under devolved series are Street Cleaning and Grounds Maintenance. Insofar as will the money currently being spent on devolved services be transferred to the Town Council in its entirety, that is our hope and expectation, but, is still the subject of on-going discussions as the final budget is still some way off from being agreed.
5. In terms of conflict of interest in respect of Cheshire East Councillors who are also Town Councillors, they regularly declare an interest in matters related to Cheshire East as outlined in the Code of Conduct; however, this is a matter for individual members to decide for themselves whether or not there is a conflict of interest not the Town Council. They will take into account the subject matter and possibly their status within Cheshire East and may perhaps take advice on the matter from the Monitoring Officer. It is not though the role of the Town Council to exclude any councillor from voting.
6. I cannot give you an actual date when the costs of devolved services will be established, that is still the subject of on-going discussions with Cheshire East. As soon as all the information is available the business case will be produced and passed to the Town Council for discussion and resolution.

### 8. CHESHIRE EAST COUNCILLORS' REPORTS

There were no reports from Cheshire East Councillors.

### 9. PLANNING COMMITTEE

**CTC/69/1112 RESOLVED-** That the minutes of the meeting held on 26<sup>th</sup> January and 23<sup>rd</sup> February 2012 be received and the recommendations therein be adopted.

10. **AMENITIES AND SERVICES COMMITTEE**

**CTC/70/1112 RESOLVED-** That the minutes of the meeting held on 9<sup>th</sup> February, 2012 be received and the recommendations therein be adopted.

11. **COMMUNITY AND ENVIRONMENT COMMITTEE**

**CTC/71/1112 RESOLVED** – That the minutes of the meeting held on 9<sup>th</sup> February, 2012 be received and the recommendations therein by adopted.

12. **ACCOUNTS**

**CTC/72/1112 RESOLVED-**

- (a) That the Council approve the payment of the accounts listed.
- (b) That the Council approve payment of any expenditure agreed at the meeting.

13. **URGENT ITEMS**

There were no urgent matters raised

14. **YOUTH COMMITTEE/JUNIOR COUNCIL**

**CTC/73/1112 RESOLVED** - That the minutes of the meetings held on the 17<sup>th</sup> January and 29<sup>th</sup> February, 2012 be received.

The Youth Council pointed out that they have a new Chair Person Madie Somerfield and Vice Chairman Matthew Proctor.

15. **CONSTITUTION**

The constitution including the Standing Orders and Financial Regulations were reviewed.

**CTC/74/1112 RESOLVED** – That the following amendments be made to the constitution effective from the new Civic Year.

1. Amenities and Services and Community and Environment to be combined into one committee, to be known as Community, Environment and Services.
2. Membership of Committees to be increased from 8 to10.
3. Approval of payment of accounts to be re-assigned from the Town Council to Finance and Policy.

16. **INFORMATION AND DATA PROTECTION POLICY**

The Town Councils Information and Data Protection Policy was presented for members to consider and approve.

**CTC/75/1112 RESOLVED** – That the Information and Data Protection Policy be approved.

**17. MERCIAN REGIMENT**

Correspondence from Lieutenant Colonel (retired) R.Spiby concerning an invitation from the Town Council for the Mercian Regiment to parade and march through Congleton prior to their deployment in Afghanistan was considered.

**CTC/76/1112 RESOLVED** – To receive the correspondence.

**18. DEVOLVED SERVICES PANEL**

Members were requested to consider adding additional councillors to the Negotiating Panel for devolved services.

**CTC/77/1112 RESOLVED** - That Councillors N Price and G Williams become members of the Negotiating Panel.

**19. MAYOR'S ANNUAL AWARD**

The Mayor pointed out that many of the Town's residents make a significant contribution to the well being of Congleton, much of which is not recognised and suggested that there ought to be a Mayor's Annual Award.

**CTC/78/1112 RESOLVED** – That a Mayor's Annual Award be introduced.

**20. POLLING DISTRICT REVIEW**

Correspondence from Cheshire East Borough Council regarding the inclusion of Mossley Village Hall as a Polling Station was considered.

**CTC/79/1112 RESOLVED** – That the correspondence be received and noted.

**21. CHALC AREA MEETINGS**

A letter from Chalc setting out the new arrangements for area meetings in Cheshire was considered.

**CTC/80/1112 RESOLVED** –That the correspondence be received and recommendations noted.

**22. PUBLIC REALM STRATEGY**

The Public Realm Strategy accompanied by three caveats was considered by the members.

**CTC/81/1112 RESOLVED** - That the Public Realm Strategy with its accompanying caveats be approved.

*That the submission of the Congleton Public Realm Strategy to Cheshire East Council be conditional upon:*

- *The undertaking of a full Feasibility Study and Safety Audit specifically related to the shared surface proposals and that, in respect of the Safety Audit, the Royal National Institute for the Blind and other organisations representing disabled persons be consulted and material consideration be given to any reasonable recommendations that such organisations put forward;*

- *That, subject to the Council's procurement policy and having due consideration to competitive pricing, wherever possible materials, street furniture and lighting are sourced from UK suppliers and*
- *That, subject to available funding, the prioritisation of projects be decided by the Congleton Town Council and that the detailed design of all projects to be undertaken and determined in conjunction with the Town Council.*

### **23. RESOLUTION TO EXCLUDE THE PUBLIC AND PRESS (IF NECESSARY)**

There was no resolution to exclude the press and public.

At the end of the meeting the Deputy Mayoress Mrs Pat Martin presented the Town Council with a Statue of a bear and a bible on behalf of her late husband Councillor David Martin which the Mayor and Deputy Mayor received on behalf of the Town Council.



**CONGLETON TOWN COUNCIL**  
**SPECIAL COUNCIL MEETING AT 6pm THURSDAY 15<sup>TH</sup> MARCH 2012**  
**REPORT OF TOWN CLERK**

**WEST WARD- CASUAL VACANCY FOR COUNCILLOR**

1. As a consequence of the unfortunate death of Councillor David Martin which was reported to the January 2012 Council meeting, this gave rise to a casual vacancy. Subsequently, the statutory public notice of the vacancy was published on 13<sup>th</sup> January 2012 and no notice was received by the Returning Officer requiring a Bye Election. Accordingly it fell to the Town Council to fill the vacancy by co-option.
2. As a consequence it was decided to publish a public notice inviting expressions of interest from persons who wished to be considered for the casual vacancy. This was published on the 9<sup>th</sup> February 2012 with a closing date for receipt of applications by 24<sup>th</sup> February 2012 and as a result eight persons registered an interest.
3. A small Panel consisting of the Leader of The Council, R Edwards and Councillors D Brown, G Hayes, Mrs S Holland and D Parker were appointed to consider the applications and to make a recommendation to Council.
4. The Panel meetings took place on the 6<sup>th</sup> and 7<sup>th</sup> March to interview six of the applicants. Two of the applicants were unable to attend the date offered for interview and were subsequently ruled out.
5. The Applicants who attended the interview were:-

Mr G Baggott  
Mr P Bates  
Mrs L Bours  
Mr E Clarke  
Mr K Fieldhouse  
Mr D Murphy

Mr G Brittain and Mr R Williams were unable to attend

6. At the interview meeting, each applicant was asked eight questions designed to test the following criteria:-

Knowledge of the Town  
Understanding/experience of local government at town/parish level  
Understanding/experience of a principal council  
Experience of other public sector organisation. E.g. NHS, Police  
Active in the community/voluntary sector

Can bring particular skills/ experience to Council  
Able to devote time to the role  
Particular knowledge/resident of Ward  
Good reasoning skills  
Good communication skills  
Passion to see the Town develop

7. At the end of the two sets of interviews, the Panel Members assessed the written submissions of the six applicants, together with their responses to the eight questions and agreed to make a recommendation to Full Council as set out below.

**RECOMMENDATION**

That Mr. Denis Murphy of Congleton be appointed to fill the casual vacancy of Councillor for the West Ward until the date of the next ordinary elections for the Town Council in 2015.

Brian Hogan  
08.03.12

## Brian Hogan

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**From:** Matthew Carey <matthew.carey1@btinternet.com>  
**Sent:** 06 March 2012 16:45  
**To:** Brian Hogan  
**Cc:** bobed@sky.com  
**Subject:** Matthew CAREY -moving abroad

Brian,

I spoke with Bob Edwards this afternoon. I have, at very short notice, been offered an opportunity to take up a position with my company Bosch in Switzerland. As this would be a permanent long term position (4 years) and I would be resident in Switzerland during this time, I am afraid that I must stand down from my position on the Town Council.

I intend to keep strong links with Congleton during this time and return to visit. I look forward to seeing the changes being championed by the Town Council. Please accept my apologies for the short notice and accept my thanks for the help and assistance you have provided to me over the last few years. I hope to return in the second week of April to sort out some personal affairs and if you need to contact me before then or need to see me at this time please let me know by contacting me on my work email: [matthew.carey@bosch.com](mailto:matthew.carey@bosch.com).

Kind Regards  
Matthew Carey