

# Congleton Town Council

## Minutes of the Meeting of the Council held on Thursday 1<sup>st</sup> March 2018 Town Hall Congleton.

### **PRESENT:** Councillors

Mrs S A Smith (Deputy Mayor)  
Mrs A L Armitt  
J G Baggott  
P Bates  
R Boston  
P Broom  
D Brown  
G R Edwards  
Mrs S A Holland  
Mrs A M Martin  
Mrs A Morrison  
Mrs J D Parry  
H Richards  
M Walker  
Mrs E Wardlaw  
G S Williams

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

Mrs D S Allen, L D Barker C Booth(Town Mayor) D Brown G Hayes

2. **Minutes** (enclosed)

To approve the Minutes of the meeting held on 18<sup>th</sup> January 2018.

**CTC/39/1718 RESOLVED** that the minutes of the meeting held on 18th January 2018 be approved and signed by the Mayor.

3. **Declarations of Disclosable Pecuniary Interest**

Members are requested to declare both “non pecuniary” and “pecuniary” interests as early in the meeting as they become aware of it.

Cllrs J G Baggott, P Bates, D T Brown Mrs E Wardlaw and G S Williams declared a non-pecuniary interest in any matters relating to Cheshire East.

4. **Outstanding Actions**

None

5. **Questions from Members of the Public**

To receive any questions from Members of the Public at the meeting and, notified in advance in writing.

## **From Mr M Proctor**

Dear Mr McGifford.

In November 2015, this council gave a planning recommendation for the approval of the new units at the west heath shopping centre, subject to the provision of 1 public toilet.

In the Cheshire east planning inspectors report and approval, at no point other than where they are obliged to state the town council's approval, gave any response to the aforementioned condition. The units have now been built and occupied, without any public toilets.

My question to the council is three fold.

Firstly, have they written to Cheshire East, as to why no response or explanation as to why the planning committee's condition was not

a) met

b) given a response in the report as to why it was not included as a condition.

If they haven't written, or no response was given, could the council outline its plan to ensure that Cheshire East at least gives a reply to its recommendations in the future.

Secondly, will they write to Cheshire East to impress upon them the importance of adopting a public convenience strategy? Public convenience strategies are used to ensure local authorities use the full extent of their powers to maximise provision, including using the full extent of their planning powers. It's likely that the existence of such a plan would have secured toilets as a planning condition at west heath. Publishing of such plans is considered best practice in England, and is now a statutory requirement across Wales. The absence of such a strategy is clearly damaging for Congleton residents.

Thirdly, will the town council meet with the appropriate representatives from Cheshire East, the development owners, and current lessees to find a solution to the lack of provision at the west heath precinct. I personally believe there still exists plenty of carrot and stick available to Cheshire East and the town council which is currently underutilised.

## **From Mr R Walton**

In the same way as is the case with Macclesfield Town Council along with Cheshire East Council, could the official Congleton Town Council web site be amended to show each Councillors attendance statistics for all their meetings?

If the Council are unwilling to do this could they please justify their reasoning?

### ***Mayors responses are recorded at the end of the minutes***

#### **6. Mayor's Announcements (enclosed)**

To receive any announcements by the Town Mayor and to receive a list of the Mayor's Engagements.

#### **7 Public Questions constitutional clarification**

To provide clarification for Councillors and members of the public with regards to raising questions at Council and Committee meetings.

**CTC/40/1718 RESOLVED** to the following amendments to the Constitution

1. On both the Council and Committee agendas it will read as follows

#### Questions from members of the public

To receive any questions from Members of the Public that have been:-

- Received in writing prior to the meeting (7 days)
- To be raised at the meeting

All questions to follow the Town Council's constitutional guidelines (as attached)

2. Constitutional Amendment

That section 73 is amended to show "a total of 15 minutes is allocated for members of the public to address the "rather than 10 minutes as stated in the constitution

8. Planning Committee

To receive the minutes of the meetings held on the 4<sup>th</sup> January 2018

**CTC/41/1718 RESOLVED** that the minutes of the meeting held on the 4<sup>th</sup> January 2018 be received and the recommendations therein be adopted

9. Finance & Policy Committee

To receive the minutes of the meeting held on 11<sup>th</sup> January 2018

**CTC/42/1718 RESOLVED** that the minutes of the meeting held on the 11<sup>th</sup> January 2018 be received and the recommendations therein be adopted

10. Community Environment and Services

To receive the minutes of the meeting held on the 9<sup>th</sup> of November 2017

**CTC/43/1718 RESOLVED** that the minutes of the meeting held on the 9<sup>th</sup> of November 2017 be received and the recommendations therein be adopted

11. Urgent Items

Members may raise urgent items but no discussion or decisions may be taken at the meeting.

There were no urgent items

12. Cheshire East Councillors' Reports

To suspend Standing Orders to allow Councillors from the principal authority to report on relevant issues and to receive questions from members.

Updates were received from Cllrs P Bates and GS Williams

**13 Youth Committee (enclosed)**

- a) To receive the minutes of the Youth Committee meeting held on 7<sup>th</sup> December 2017.

The minutes from the Youth Committee were approved and received

- b) To deal with Questions from Members of the Youth Committee present at the meeting.

There were no questions from the Youth Committee

To: All Members of the Town Council,

CC: Press 2, Burgesses (5), Mayor's Chaplain,  
Members of the Youth Committee  
MP, Cheshire East Councillors (1), Library, Congleton Tourist Information Centre.

**Mayors responses to questions**

**Mr M Proctor**

**Upon receipt of your question the Chief Officer forwarded your questions to Cheshire East Council for comment, it is worth noting that like other Town Councils we make observations and proposals against planning applications, however some of these may not be underpinned by Planning Law.**

**In response Cheshire East Council have stated the following – “Planning conditions, in law, need to be reasonable, necessary, enforceable, serve a town planning function, be fairly and reasonably related to the development for which planning permission is asked. It also has to have a planning policy justification. i.e. a condition that makes what would otherwise be an unacceptable planning impact as a result of the planning permission sought. It is not an opportunity to address a pre-existing issue in an existing shopping centre.**

**In this context there was no planning policy justification or requirement for a WC for the small scale development of 3 units in an existing shopping centre. In addition there is no planning policy upon which we could impose any such requirement. Who would maintain the WCs? if they are inside a building – how would access be maintained for the general public ? this is not enforceable and therefore is unreasonable and fails the tests in the National Planning Guidelines for conditions”**

If they haven't written, or no response was given, could the council outline its plan to ensure that Cheshire East at least gives a reply to its recommendations in the future.

**On the basis that we make observations and may have an opinion for a condition to be part of a planning approval process we are not qualified to associate this to any planning law. However on what could be considered as major applications we would put our thoughts forward during the consultation process and then be mindful of inclusion within the Planning Application. In these instances we would seek guidance or explanation from Cheshire East Council and have had a recent meeting to emphasise that point. We work with CEC Planning on the understanding that when it is felt that we, as a Town Council, make a valid and sustainable point that serves a planning function then they would certainly seek to ensure that mitigation is negotiated if it's possible.**

2. Will CTC write to Cheshire East to impress upon them the importance of adopting a public convenience strategy? Public convenience strategies are used to ensure local authorities use the full extent of their powers to maximise provision, including using the full extent of their planning powers. It's likely that the existence of such a plan would have secured toilets as a planning condition at West Heath. Publishing of such plans is considered best practice in England, and is now a statutory requirement across Wales. The absence of such a strategy is clearly damaging for Congleton residents –

**In response to this communication Cheshire East Council advised that there has to be a planning policy justification which we may wish to raise with the Planning Policy section for inclusion in areas such as the Bridestones redevelopment /large scale development briefs. It is possible that such a policy could be included in the Congleton Neighbourhood Plan with regards to future development.**

### **General Comment**

**During 2017 The Town Council, via its Community Environment and Services Committee, investigated the lack of toilet provision at the West Heath Shopping Centre. Actions included the following –**

- **Discussions with the owners – unwilling to provide facilities due to space, cost of maintenance and no requirement to do so.**
- **Through a survey discussed with businesses if they would be willing to open their private toilets to the public, some do on odd occasions but feel that it is the owners responsibility**
- **Too short staffed to cover accompanying people to staff toilets.**
- **One has a toilet for their customers but can't allow people under 18 on site.**
- **Most customers only stayed a short while so thought toilets would be give more problems than solved.**

**Although the Town Council has no responsibility for the provision of public toilets it has taken on the responsibility of maintaining the public toilets on Market Street and invested over £13,000 refurbishing them in 2017**

### **From Mr R Walton**

In the same way as is the case with Macclesfield Town Council along with Cheshire East Council, could the official Congleton Town Council web site be amended to show each Councilors attendance statistics for all their meetings?

If the Council are unwilling to do this could they please justify their reasoning?

**Thank you for your question Mr Walton, Initially I would like to advise what the Local Government Act 1972 states for Councillor attendance requirements**

**“If a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority”**

**Further guidance from the Cheshire Association of Local Councils has also been sought which is as follows:-**

**“It is good practice to record overall attendance to give an indication of the vibrancy of the Council but there is no requirement for this and anything further, such as naming individual councillors, can only be for the furtherance of some alternative agenda - it serves no purpose. The only other useful function of this is to ensure that no-one falls foul of the six month rule.”**

**In practice the Council do record the attendance of Councillors both within the published minutes and monitor individual Councillor attendance.**

**As a Council we seek to encourage attendance at meeting but also respect the fact that circumstances such as personal issues, health and work may prevent regular attendance, the Chief Officer is made aware of such circumstances.**

**You correctly state that Cheshire East Council and Macclesfield Town Council show attendance figures for Councillors – further research by the Chief Officer has identified the following local Town Councils do not show individual attendance records**

**Knutsford  
Poynton  
Sandbach  
Middlewich  
Holmes Chapel  
Alsager  
Biddulph**

**In response to your second question**

**There is no legal requirement to provide this information and guidance from the Cheshire Association of Local Councils state that “there is no requirement for this and anything further, such as naming individual councillors, can only be for the furtherance of some alternative agenda - it serves no purpose.”**