

MINUTES OF THE RESUMED TOWN COUNCIL MEETING HELD AT 7.00PM ON MONDAY 2ND DECEMBER 2013 AT THE CIVIC HALL, POYNTON.

PRESENT

Chairman: Cllr G Bartos

Cllrs. M Beanland, L A Clarke, C Gorst, I Hollingworth, Mrs S Horsman, P Hoyland, B Lewis, H Murray, G King, Mrs J Saunders, A Smith, G Smith, I Thornton-Maddocks and R E West

65. Apologies for absence

Cllrs. Ms R Horsman, Mrs J Sewart and M C G Sewart

66. Declarations of Disclosable Pecuniary or Other Interests

None declared

67. Review of Standing Orders

Cllr Clarke proposed that consideration of the revisions/additions to the Town Council's Standing orders be deferred to a subsequent meeting for two reasons. First, because Cllr Mrs Sewart, Chairman of the Standing Orders Working Group was not present to help guide Members through the recommended changes and second, because Cheshire East had suggested some redrafting of our Standing Orders too.

RESOLVED: That consideration of the recommended revisions/additions to the Town Council's Standing orders be deferred to a subsequent meeting (8 – 7 against)

68. Code of Conduct Complaint

Cllr Hoyland explained that a Code of Conduct complaint had been made against Cllrs. Hoyland, Murray and Mrs Saunders, and there was found to be no evidence of a breach of Code. No complaint was brought against the Town Council, any other Councillor or any other member of the Town Council staff. As a consequence no attempt was made to defend or explain any of these elements. On the basis that all three Councillors were vindicated and the Town Council was not accused or defended, Cllr Hoyland submits that the CE Local Resolution Panel went beyond its remit in its recommendations, and he therefore proposed that this report is received and no further action taken.

Cllr Clarke agreed with the proposal to receive the report, and moved an amendment which was to address the CE comments regarding the Town Council's Standing orders. Cllr Clarke proposed that Cheshire East is asked to clarify exactly which Standing Orders are not clear and their concerns around this. The Town Council's Standing Orders, he said, are considered and refreshed on a regular basis, and CE should be asked which of them they felt were in need of re-drafting, and the proposal they have for doing so. Cllr Clarke also suggested that CE are asked to clarify what they feel is the problem with the Town Council minutes, which he felt provided both detail and transparency of discussions held.

Cllr Lewis said in his opinion the three Councillors were proven neither innocent nor guilty. This is due to ambiguities in the Standing Orders and the inaccuracies in their application. Cllr Lewis added that it was also noted that the Clerk should not have been a witness but remained neutral, and not represented either side – this was criticised by the Panel. There was a letter from the CE Interim Monitoring Officer with a Decision Notice attached that the Clerk chose not to send out. This included a Note concerning remarks made by Cllr Murray which the Panel considered unacceptable. The Panel asked that Cllr Murray write formally to Cllr Lewis to apologise for the remarks regarding Mr Lewis' health. The letter was dated 6th November 2013 and Cllr Lewis said he has not received anything to date.

Cllr Murray clarified that the Clerk was not present as a witness to defend anyone but as a witness to fact. There were some problems with the Panel in that they appeared not to be very familiar with the Local Government Act and very few, perhaps none, had Town Council experience. Cllr Murray said that the disquiet with the process, the way it was handled and the composition of the Panel was registered. This was almost 10 months after Cllr Lewis's complaint. Cllr Murray continued that the issue was that the Panel was considering Standing Orders that were extant in March two years ago. They claimed the Standing Orders were unclear yet they were clear to others but confused by an individual's interpretation. Legal advice was taken from CHALC who confirmed that the interpretation was correct. Considering it has been said that the three Councillors were not found not guilty, Cllr Murray put to Members that if someone reads from a Local Government Act did they really think they would find them guilty of criminal conspiracy which was the charge brought on Cllr Murray. This was allegedly about three Members when there were at least 13 Members present at the meeting in question. If, as Cllr Clarke proposed, CE is approached on the clarification and reasons behind the Standing Orders, Cllr Murray said this would be difficult since they themselves are not clear on this issue. Also the Town Council's Standing Orders have moved forward quite considerably. Furthermore, had the amendments been taken at this meeting, they would have moved forward even more and never in the future would there be a situation where someone could so misinterpret the Local Government Act.

Cllr Murray suggested a substantive motion to confirm that the Town Council have the issue of Standing Orders under control.

Cllr Murray addressed the issue raised by Cllr Lewis, which Cllr Murray said was not on this agenda regarding remarks Cllr Murray made in answer to a question from the Chairman of the CE Panel. Cllr Murray explained that at the end of these proceedings they were asked what remedy they would like, and Cllrs. Hoyland and Mrs Saunders requested that Cllr Lewis be put on a Vexatious Complainants Register. Cllr Murray chose to give an honest answer and this was interpreted by the Panel in a different way. Whether Cllr Murray decides to apologise or not is for him to decide, and this will be after he takes further legal advice because other legal matters are pressing. Cllr Murray suggested that Cllr Clarke's amendment is not supported because it will waste time, given that the Panel failed to understand, and is two years behind on the Standing Orders.

The Mayor questioned why the letter was not included in the agenda pack. The Clerk in his defence explained that the letter from the Interim Monitoring Officer stated that she would be grateful if, "in accordance with your Parish Council Standing Orders you could arrange for an item to be included on the agenda of the next ordinary Parish Council meeting for the purposes of:

- i) reporting the outcome of the complaint; and
- ii) inviting Parish Council to consider the recommendations of the Panel".

The Clerk confirmed this is precisely what he had done in his written brief.

The Mayor agreed this was the instruction and quoted a little further from the letter.

Cllr West said that he was not aware of these proceedings and unhappy that he was not informed. He would however like to remain distant on this matter and seconded Cllr Clarke's proposal.

Cllr Lewis stated that the 10 month delay was due to subject members rewriting testimony and carrying on in an unbecoming manner. Cllr Murray said this was quite untrue and strongly disagreed with that statement.

RESOLVED: That the CE Local Resolution Panel's report is received with an amendment to reply to CE to clarify what they feel is wrong with the Town Council's meeting minutes and Standing Orders and how the latter can be redrafted (6 - 9 against)

Cllr Lewis then asked for a named vote on the original resolution put forward by Cllr Hoyland.

RESOLVED: That the CE Local Resolution Panel's report is received and no further action taken (9 for – Cllrs. Murray, King, Mrs Horsman, P Hoyland, G Smith, A Smith, L A Clarke, M Beanland, Mrs Saunders and 6 abstentions – Cllrs. R E West, Mrs Thornton-Maddocks, I Hollingworth, C Gorst, B Lewis, G Bartos)

69. Sustainable Communities Act

RESOLVED: That the report is received (14 - 1 abs)

70. Minutes of the Standing Committees

RESOLVED: That the minutes of the Finance and General Purposes meeting held on 23rd September 2013 be received and adopted (NC)

RESOLVED: That the minutes of the Management and Establishment meeting held on 24th September 2013 be received and adopted (NC)

RESOLVED: That the minutes of the Facilities, Infrastructure and Economic Development meeting held on 30th September 2013 be received and adopted (NC)

Cllr Clarke proposed that the minutes of the Planning and Environment meeting held on 7th October 2013 be received and the resolutions therein adopted by full Council.

On page 111 – Cllr Lewis said that he is not a member of this Committee. The Clerk noted that at the Town Council on the 16th September 2013 Cllr Clarke said he very much hoped that Cllr Lewis would attend and join their Committee meetings. Cllr Lewis wanted his name to be removed and Cllr Clarke explained that the process for this would be to request an agenda item at a future full Town Council to consider this. Further in the record the Mayor asked Cllr Lewis to send an e-mail if he would like this included as an agenda item at a future Town Council meeting. The Mayor thanked the Clerk for this information.

Cllr Lewis said he cannot resign from a Committee of which he has never been a member. Cllr Clarke explained that at the Annual Town Council meeting in May 2013 the Council did resolve to add Cllr Lewis to the Planning Committee as recorded in the minutes. He said that although Cllr Lewis was not present this decision was made. If Cllr Lewis genuinely feels he does not wish to be on that Committee then as Cllr Clarke had previously stated, it can be included as an agenda item at a subsequent meeting and ideally appoint a new member so that there are still nine members on the Planning Committee. Cllr Clarke reiterated that he still hoped that Cllr Lewis would remain on this Committee, and if not then alternative arrangements are made accordingly.

Cllr Lewis said he cannot be placed on a Committee unless he gives his approval. The Mayor asked Cllr Lewis to send an e-mail as required. Cllr Lewis said he would not do this.

RESOLVED: That the minutes of the Planning and Environment meeting held on 7th October 2013 be received and adopted (14 – 1 against)

RESOLVED: That the minutes of the Community, Order and Public Safety meeting held on 14th October 2013 be received and adopted (NC)

RESOLVED: That the minutes of the Additional Community, Order and Public Safety meeting held on 21st October 2013 be received and adopted (NC)

The meeting concluded at 7.30 pm