

OVER ALDERLEY PARISH COUNCIL

Minutes of the Parish Council meeting held

Tuesday 5th September, 2023 at 7:00p.m.

at Over Alderley & Birtles Reading Room, Birtles Lane, Over Alderley

Present – Councillors D. Burns (Chairman), F. Douglas, S. Feather, S. Pett, J. Wilson.

Members of the public (2).

Cheshire East Ward Member Cllr. T. Jackson.

Dr. E. M. Maddock – Clerk & Responsible Financial Officer.

1. **Apologies for absence** – Councillor I. Beaumont – Personal commitment.

115/23 **RESOLVED** (a) **To receive and approve the apology for absence above.**
(All in favour)

2. **Declarations of interest** – None.

116/23 **RESOLVED** (a) **To note that no declarations of interest were made.**
(All in favour)

3. **Minutes**

(a) Minutes of the Parish Council meeting held 4th July, 2023 had been previously circulated to all Members.

117/23 **RESOLVED** (a) **That the minutes of the Parish Council meeting held 4th July, 2023 be approved as a correct record and signed by the Chairman.**
(All in favour)

4. **Public forum for questions** – A member of the public provided background information regarding an intention to apply for planning permission to build a house on a plot of land had recently been bought within the parish.

118/23 **RESOLVED** (a) **To receive and note the information from the member of the public.**
(All in favour)

5. **Reports from external organisations**

(a) **Cheshire East Ward Member Cllr. T. Jackson** – Councillor T. Jackson reported that planning application 22/0692M (Adders Moss) had recently been refused by the Cheshire East Council Northern Planning Committee.

119/23 **RESOLVED** (a) **To receive and note the report of Borough Councillor T. Jackson.**
(All in favour)

(b) **Alderley Edge & Prestbury Wards Policing Team** – The local PCSO had forwarded a report outlining that there had been no recent incidents reported within Over Alderley.

120/23 **RESOLVED** (a) **To receive and note the report from the Police.**
(All in favour)

6. **Finance**

(a) **Financial Statement 2023/24 as at 5th September, 2023** – Members considered the financial statement 2023/24 which was unanimously accepted. (Appendix A)

(b) **Receipts** – The Chairman outlined the receipts listed at Appendix B.

(c) **Payments** – The Chairman outlined the payments listed at Appendix C.

121/23 **RESOLVED** (a) **That the Statement of Account as at 5th September, 2023 be received and the Chairman's observations duly noted.**
(Appendix A)

(b) **That the report on receipts since the last meeting be received and duly noted.** (Appendix B)

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(c) That the payments listed at Appendix C be approved.
(All in favour)

(d) **Grant towards Parish Picnic** – Item deferred.

(e) **Savings opportunities** – Members considered the merits of opening a 35 day notice savings account at NatWest Bank plc to maximise interest yield on funds held by the Parish Council.

122/23 RESOLVED (a) That approval be given for a 35 day notice savings account to be opened at NatWest Bank plc.
(b) That approval be given for £10,000 to be transferred to the savings account. (All in favour)

(f) **Quotations for asset improvement work** – It was reported that the quotation for the replacement bench had still not been received. Members considered quotations for work to refurbish the benches at Festival Drive and Finlow Hill Lane.

123/23 RESOLVED (a) To receive the update regarding the quotation for the replacement bench.
(b) That the quotation, in the sum of £75 per bench plus materials, be accepted. (All in favour)

7. Planning

(a) **Recent Planning Decisions** – Members noted the recent planning decisions that had been issued by Cheshire East Council in respect of development within the Parish. (Appendix D)

(b) **Planning applications for consideration**

i. **23/2978M** – Broadheath Farm, Macclesfield Road, Over Alderley. SK10 4SN
Rebuilding works to provide 2 no. dwellings with associated works (resubmission of 21/1848M).

124/23 RESOLVED (a) That no comments be submitted to Cheshire East Council in respect of application 23/2978M. (All in favour)

ii. **Application received following issue of the agenda:**

• **23/2510M** – 12 Ashbrook Road, Over Alderley. SK10 4SH
Certificate of lawful proposed use for the provision of hard surface to frontage of existing dwelling to form extended parking area. Hard surface to comprise compacted stone sub-base and decorative gravel surface.

125/23 RESOLVED (a) That no comments be submitted to Cheshire East Council in respect of application 23/2510M. (All in favour)

(c) **Planning enforcement updates** – It was reported that Cheshire East Council is currently reviewing existing enforcement matters within the Parish.

(d) **Environment Agency Update** – It was reported that there had been no updates relating to applications for activities within the Parish.

8. Neighbourhood Plan – It was reported that the Regulation 14 consultation had been completed and that responses received were being reviewed. A further grant application is to be submitted in the near future to support the final stages of the project.

126/23 RESOLVED (a) To receive and note the update. (All in favour)

9. Highway Maintenance and Enhancements

(a) Updates relating to the following highway matters – No updates had been received in respect of the following highway defects, other than for item (iv).

i. Holes on Birtles Lane (near to access point to Highlees Farm).
ii. Removal of surplus signs (change of priority) at School Lane.

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- iii. Deterioration of highway surface on Slade Lane.
- iv. Verge obstruction at Slade Lane.
Update: Matter referred to Highways Records Officer for investigation.
- v. Grit bin position at Slade Lane.
- vi. Potholes on Macclesfield Road near to Smithy Cottage.
- vii. Broken bridleway sign at Cross Lane.
- viii. Damaged sign on Macclesfield Road near to junction with Greyhound Lane.
- ix. Muddy section along Nether Alderley FP55
- x. Blocked drains at Slade Lane causing flooding of Hocker Lane.

127/23 RESOLVED (a) That the Clerk continue to pursue updates relating outstanding matters. (All in favour)

- (b) **Highway matters for attention from Members** – It was reported that some potholes remain outside Varden Town Cottages despite recent repairs in the area. Members suggested that consideration be given to funding the replacement of the School Lane street sign. It was also reported that the blocked drains at Slade Lane are still causing problems.

128/23 RESOLVED (a) That the Clerk report the above matters to Cheshire East Council. (All in favour)

- (c) **Highway priorities** – It was noted that no feedback had yet been received regarding the highway priorities which had been submitted to Cheshire East Council. ChALC was also pursuing, without success, responses from Cheshire East Highways.

10. Correspondence

- (a) To consider specific correspondence received by the Parish Council since the date of the last ordinary meeting and determine such actions as Members consider appropriate thereto -
- i. Cheshire East Council – Cheshire East Libraries Service Review: Final proposals.

129/23 RESOLVED (a) To receive and note the information. (All in favour)

- ii. Cheshire East Council – Garden waste subscription service.

130/23 RESOLVED (a) To receive and note the information. (All in favour)

- iii. ChALC – Invitation to Annual Meeting 2023.

131/23 RESOLVED (a) To note that no-one was available to attend the meeting. (All in favour)

- iv. Cheshire East Council – Consultation on proposed changes to car parking charges.

132/23 RESOLVED (a) To receive and note the information. (All in favour)

- v. Cheshire East Council – Consultation on proposed changes to street lighting.

133/23 RESOLVED (a) To note that no information is currently available regarding the consultation. (All in favour)

11. Community Issues

(a) Alderley Park

- i. **Alderley Park Liaison Committee** – It was reported that no meeting was currently scheduled. Interest had been expressed by several parties to re-start the meetings.
- ii. **Other matters relating to Alderley Park** – It was reported that the recent

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exhibition event had suggested that the proposed amended Symphony Park development would be of similar style to the original scheme.

- (b) **Over Alderley Primary School Charity** – It was reported that progress was awaited regarding the legal processes which would enable the sale of the site.
- (c) **Mobile phone coverage within the area** – It was reported that Prestbury and Mottram St. Andrew Parish Councils wish to lobby for improved mobile phone signal in the area. Over Alderley Parish Council had been invited to join this initiative.

134/23 RESOLVED (a) **That the Councillor F. Douglas represent Over Alderley Parish Council in respect of this initiative. (All in favour)**

12. Code of Conduct

- (a) **Adoption of Code of Conduct** – The updated Code of Conduct document, as provided by Cheshire East Council, had been previously circulated to Members.
- (b) **Registration of Member Interests** – The Clerk reported that during recent communications with Cheshire East Council it had been suggested that Clerks would be expected to be involved with the monitoring of Register of Interest forms. Following receipt of independent legal advice, the Clerk had informed Cheshire East Council that she was neither willing or obliged to accept such a role. Cheshire East Council had requested that this decision be notified to Members.

135/23 RESOLVED (a) **To approve the adoption of the updated Code of Conduct as presented. (Appendix E)**
(b) **To receive and note the report of the Clerk regarding Register of Member Interest forms.**
(c) **To confirm that responsibility for completing and maintaining the accuracy of register of interest forms rests individually with Members. (All in favour)**

13. Parish Councillor Vacancies – Item deferred.

14. Matters for inclusion on next/future meeting agenda

- (a) Several carried forward from previous meetings.
- (b) Maintenance of allotments.
- (c) Refurbishment work at Over Alderley Reading Rooms.

15. Dates of next meeting - Tuesday 7th November, 2023 at 7:00p.m.

To consider passing a resolution under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 (Section 100(a) of the Local Government Act 1972) to exclude the public and press from the meeting for the following item of business on the grounds that it could involve the likely disclosure of exempt information.

136/22 RESOLVED (a) **That it was not necessary to exclude the Public and Press from the remainder of the Meeting as no items were to be considered at Item 16.**

16. Matters for consideration including those transferred from above items – None.

The meeting was declared closed by the Chairman at 7:57p.m.

Signed:..... Approval date: 7th November, 2023

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APPENDIX A

Financial Statement – 2023/24 as at 5 th September, 2023					
Actual 2022/23 £	Details	2023/24 Budget £	Actual to Jul. 23 £	Agenda Sep. 23 £	Budget Balance £
	Receipts				
5,266.00	Precept	5,309.00	2,654.50		2,654.50
1,658.52	Balances	1,693.00	0.00		0.00
10.95	Investment interest		0.00	6.75	0.00
0.00	Sale of assets		0.00		0.00
7,117.00	Grants, donations & refunds		0.00		0.00
0.00	Community Infrastructure Levy		3,645.95		0.00
166.46	Allotment Rent		0.00		0.00
738.83	VAT refund		1,170.50		36.50
257.60	Unpresented cheque 2021/22		0.00		
14,957.76	Total receipts	7,002.00	7,470.95	6.75	2,691.00
	Payments				
2,199.08	Salary (Clerk)	2,742.00	0.00		2,742.00
0.00	National Insurance (Employer)	0.00	0.00		0.00
168.80	Allowances (Clerk)	175.00	0.00		175.00
50.83	Administration	110.00	0.00		110.00
0.00	Chairman/Member allowances	0.00	0.00		0.00
157.50	Audit fees (internal & external)	175.00	172.50		2.50
515.20	Insurance	300.00	0.00		300.00
1,500.00	Grants/Donations (inc. s.137)	1,800.00	0.00		1,800.00
51.50	Allotments – Water charges	145.00	15.96	52.63	76.41
144.44	Subscriptions/affiliation fees	195.00	112.48		82.52
135.00	Room hire	160.00	0.00		160.00
0.00	Notice board maintenance	100.00	0.00		100.00
8,195.19	Neighbourhood Plan	0.00	1,737.00		-1,737.00
669.72	Royal Events	1,000.00	0.00		1,000.00
0.00	Contingency	100.00	0.00		100.00
1,170.50	VAT		36.50		
14,957.76	Total payments	7,002.00	2,074.44	52.63	4,911.43

Cash/Bank reconciliation	01/04/23	04/07/23	05/09/23	31/03/24
Balance B/Fwd	8,622.56	8,622.56	14,019.07	13,973.19
Add total receipts	7,002.00	7,470.95	6.75	2,691.00
Less total payments	7,002.00	2,074.44	52.63	4,911.43
Balance C/Fwd	8,622.56	14,019.07	13,973.19	11,752.76
Cumulative balances	Balance	Balance	Balance	Balance
	01/04/23	04/07/23	05/09/23	31/03/24
General funds	3,675.56	10,519.07	6,827.24	8,252.76
Earmarked reserves	4,947.00	3,500.00	7,145.95	3,500.00
	8,622.56	14,019.07	13,973.19	11,752.76

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Cash/Bank Reconciliation as at 5th September, 2023

Cash

Balance brought forward 01/04/23	
Current Account	6,120.20
Business Reserve Account	2,502.36
	8,622.56
Plus receipts	7,477.70
Less payments	2,127.07
Balance carried forward 05/09/23:	13,973.19

Bank (NatWest)

Business Reserve Account	2,509.11		05/07/23
Add receipts/transfer since above statement			
	0.00		
		0.00	
Less unrepresented cheques			
	0.00		
		0.00	
		2,509.11	05/09/23
Current Account	11,528.71		04/08/23
Add receipts/transfer since above statement			
	0.00		
		0.00	
Less unrepresented cheques			
Approved	-12.00		
For approval	-52.63		
		-64.63	
		11,464.08	05/09/23
Total bank balances 05/09/23		13,973.19	

APPENDIX B

Receipts

NatWest Bank plc	£1.95	Gross interest – April 2023
NatWest Bank plc	£2.43	Gross interest – May 2023
NatWest Bank plc	£2.37	Gross interest – June 2023

APPENDIX C

Payment for approval

Direct Debit	United Utilities	£52.63	Allotment water charges (May-Jul.23)
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APPENDIX D

Outstanding planning applications & recent planning decisions

- 16/1420M Garage site at eastern end of Ashbrook Road, Over Alderley
Demolition of existing garages and construction of 5 no. 2 bed 4 person houses within curtilage parking and additional parking for use by visitors.
DECISION STATUS – 06/10/17 Recommended for approval subject to legal agreement and conditions
- 18/2585M Land south of Dunge Farm, Macclesfield Road, Over Alderley. SK10 4SN
Proposed erection of agricultural building and track, alteration of site levels (part retrospective) and associated landscaping works.
DECISION STATUS – Currently scheduled for Strategic Planning Board
- 21/0630M Land north-west of Mereside, Alderley Park, Congleton Road, Nether Alderley. SK10 4TF
Full planning application for the formation of a senior football pitch, associated ancillary building, access road, landscaping and other associated infrastructure.
DECISION STATUS – Undecided
- 21/1815M Birtles Farm, Hocker Lane, Over Alderley. SK10 4SB
Construction of garage.
DECISION STATUS – Appeal dismissed (03/07/23)
- 21/1945M Birtles Farm, Hocker Lane, Over Alderley. SK10 4SB
Retrospective application for conservatory and boundary wall.
DECISION STATUS – Undecided
- 21/2960M Land west of Springhill, Chelford Road, Prestbury. SK10 4PT
Retrospective application for hardstanding, chicken coop and shed.
DECISION STATUS – Undecided
- 21/4291M Land at The Old Vicarage, Birtles Lane, Over Alderley. SK10 4RX
Retrospective application for construction of a pond and associated rewilding and landscaping, proposed gate and hedgerow planting.
DECISION STATUS – Undecided
- 22/0692M Adders Moss, Macclesfield Road, Over Alderley. SK10 4UD
Replacement of existing dwelling and outbuildings with a new dwelling and outbuilding of exceptional design quality. Including landscaping scheme and new vehicle access from Prestbury Road, and associated development.
DECISION STATUS – Refused (11/08/23)
- 22/3327M Caravan at Herb Garden, Birtles Lane, Over Alderley.
Certificate of lawful proposed development of replacement of lodge style caravan.
DECISION STATUS – Withdrawn (04/07/23)
- 22/4414D Broadheath Farm, Macclesfield Road, Over Alderley. SK10 4SN
Discharge of condition 5 on application 21/1848M: Extensions to existing farmhouse, conversion of existing brickbuilt barn to a dwelling and erection of a new dwelling, repositioning of the existing northern access and demolition of all other existing buildings and structures (c. 1000m²)
DECISION STATUS – Approved (12/07/23)

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- 22/4903M Land off Hocker Lane, Over Alderley.
Demolition of existing buildings and erection of 1 no. dwelling, landscaping and associated works.
DECISION STATUS – Undecided
- 23/0668M Broadheath Farm, Macclesfield Road, Over Alderley. SK10 4SN
Variation of Condition 2 on approval 21/1848M for extensions to farmhouse, conversion of existing brickbuilt barn to a dwelling and erection of a new dwelling, repositioning of the existing northern access and demolition of all other existing buildings and structures.
DECISION STATUS – Undecided
- 23/1045M 3 Ashbrook Drive, Over Alderley. SK10 4SH
Rear single storey extension with associated raised terrace, steps and garden access ramp (or lift access).
DECISION STATUS – Undecided
- 23/1403M Daniel Hill, Oak Road, Mottram St. Andrew. SK10 4RA
Proposed re-development of existing barn structure to form 3 new dwellings, alterations to the site to form parking areas and garden areas.
DECISION STATUS – Undecided
- 23/1731M Wrigley Barn, Wrigley Lane, Over Alderley. SK10 4SA
Proposed change of use of Agricultural Building to a Dwellinghouse (Class C3) and for associated operational development.
DECISION STATUS – Undecided
- 23/2055D Broad Heath House, Slade Lane, Over Alderley. SK10 4SF
Discharge of conditions 9 and 10 on application 20/1765M Demolition of existing dwelling and construction of replacement dwelling.
DECISION STATUS – Undecided
- 23/2193M Valais Farm, Birtles Lane, Over Alderley. SK10 4RY
Agricultural determination for an agricultural building to store hay, straw and agricultural machinery.
DECISION STATUS – Determination – approval not required (stage 1) (05/07/23)
- 23/2287M The Old House, Hocker Lane, Over Alderley, Cheshire.
Restoration and refurbishment of listed building, demolition of brick lean-to and steel portal frame building, with extension and conversion of listed building to residential dwelling (resubmission of application reference 22/3450M & 22/3451M. (Application 23/2288M – Listed Building Consent)
DECISION STATUS – Undecided
- 23/2675M Mount Farm, Prestbury Road, Over Alderley. SK10 4SJ
Prior approval: Building for agricultural/forestry use.
DECISION STATUS – Determination – approval not required (stage 1) (10/08/23)

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APPENDIX E

Code of Conduct

Cheshire East Council has adopted the revised Code of Conduct as recommended by the Local Government Association. Town and Parish Councils within the Borough are encouraged to adopt this Code in order to provide consistency in expected standards of Councillors and to assist when Code of Conduct complaints are lodged with the Monitoring Officer.

The adopted Cheshire East Council Code of Conduct is as follows:

Cheshire East Council – Councillor Code of Conduct

Cheshire East Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the Authority and its Councillors and co-opted Members (referred to collectively in this Code as “Councillors”).

1. All Town and Parish Councils that are within the Borough boundary have been invited to adopt this Code. It is acknowledged that town and parish councils that choose to adopt this Code may wish to amend its provisions to reflect local circumstances and preferences.
2. It is important that as Councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Conduct as an individual Councillor affects the reputation of all Councillors. The Council wants the role of Councillor to be one that people aspire to. The Council also wants individuals from a range of backgrounds and circumstances to be putting themselves forward to become Councillors.
3. As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
4. Importantly, we should be able to undertake our role as a Councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.
5. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.

Introduction

This Councillor Code of Conduct has been adopted under the Localism Act 2011 and is supported by a process that will be followed if a complaint is made. A complaint should be made to the Monitoring Officer with sufficient information to substantiate it. The form may be found on the Cheshire East Council website.

Support for Town and Parish Councils may be accessed through their membership of the Cheshire Association of Local Councils (ChALC) or the National Association of Local Councils (NALC).

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Guidance that may assist Councillors in interpreting and understanding aspects of the code can be found here; <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Definitions

For the purposes of this Code of Conduct, a “Councillor” means an elected Councillor or co-opted Member of Cheshire East Council or of one of the Town and Parish Councils that have adopted this Code of Conduct

A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes Cheshire East Council and / or one of the parish councils, town councils within the Borough.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, local authority officers and the reputation of your Council and of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles (as set out at Appendix A). The Nolan Principles are:

1. Selflessness;
2. Integrity;
3. Objectivity;
4. Accountability;
5. Openness;
6. Honesty;

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7. Leadership.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member, and it continues to apply to you until you cease to be a Councillor or Co-Opted Member.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor or Co-opted Member which may include if:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters

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that may relate to the Code of Conduct. Town and parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from others. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant local authority, social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member/officer protocol.

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm

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or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Because bullying and harassment can be subjective by its very nature, any complaints of such behaviour will be subject to an objective assessment of all the circumstances surrounding the allegation.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (there are no political assistants in Cheshire East). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, for having acted in a particular way, or in respect of the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Councillors should always use the appropriate routes to raise issues and inform decision making.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information given to me in confidence by anyone, or acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:

- a) I have received the consent of a person authorised to give it;*
- b) I am required by law to do so;*
- c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or*
- d) the disclosure is:*
 - i. reasonable and in the public interest; and*
 - ii. made in good faith and in compliance with the reasonable requirements of the access to information procedure rules; and*

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iii. I have sought the views of the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Cheshire East Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or Council into disrepute;

5.2 I am seen as a representative of Cheshire East Council or my Town or Parish Council and seek to uphold the image and reputation of the Council and will not bring my Council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your Council and may lower the public's confidence in you or your Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the Council and fellow Councillors to account and are able to bring legitimate challenge in relation to Council functions and operation, criticise and express concern about decisions, services and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct. The Code of Conduct does not stifle political debate, or prevent Councillors from campaigning on issues of local concern.

6. Use of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a Councillor of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others.

However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a Councillor:

7.1 I do not misuse council resources.

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7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business, personal, or political gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my Council.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Councillors of the Council this includes Town and Parishes.

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You need to register your interests so that the public, council employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a Councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I will only accept gifts and hospitality when on a scale appropriate to the circumstances, and where it is apparent that no cause could reasonably arise for adverse criticism about the acceptance of the gift or hospitality. Hospitality is usually acceptable when the invitation is corporate not personal.

10.3 I will register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

Whatever gift or hospitality is provided to you, other than a gift or hospitality of nominal value only (such as drink, or small items of stationery), you should report the circumstances and the type of hospitality to the Monitoring Officer. Small insignificant gifts of a value of less than £50, such as pens, diaries, calendars, mouse mats or mugs, may be accepted.

In order to protect your position and the reputation of your Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

Corporate gifts and/or hospitality may on occasion be offered to Councillors carrying out duties associated with a ceremonial role such as Mayor. If the gift or hospitality is offered in ceremonial capacity, it can be accepted and noted on the register for the office being held. For example, the Mayor receives a gift on behalf of the Council, the gift will be recorded in the Mayors register and retained by the Council. A gift received by the Mayor as a token of thanks for attending a function, such as flowers, will be recorded as a personal gift within the register as appropriate. Gifts of a greater value should only be accepted on the basis that the gift or hospitality is declared. Gifts or hospitality (if appropriate) accepted in a ceremonial

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capacity may be donated to charitable or other appropriate causes such as the Mayors Charity.

You do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact the Monitoring Officer for guidance.

11. Predetermination, predisposition and bias

Issues of predetermination, predisposition and bias can arise in parallel to the provisions of the Code of Conduct, but are not part of the Code itself. For further information, please consult specific guidance available at the following links:

<https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should

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actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a Councillor or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here:

<https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you are the Chairperson of any committee and have a disclosable pecuniary interest on a matter to be considered by you or you are being consulted upon for an officer decision, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for the Vice Chairperson or someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on

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the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (**and is not a Disclosable Pecuniary Interest set out in Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here:

<https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

8. Where a matter arises at a meeting which **affects** –

a. your own financial interest or well-being;

b. a; or

c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. You are able to make a brief statement prior to leaving the meeting to describe the context of your decision. Specific guidance regarding the declaration of interests at planning committee is available here:

<https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you are the Chairperson of any committee and have another Registrable Interest or Non-Registrable Interest on a matter to be considered by you or you are being consulted upon for an officer decision, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for the Vice Chairperson or someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the

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Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Subject Description Employment, office, trade, profession or vocation Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council—

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land and Property - Any beneficial interest in land which is within the area of the council.

'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses - Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

Corporate tenancies - Any tenancy where (to the Member's knowledge)—

- (a) the landlord is the council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities - Any beneficial interest in securities* of a body where—

- (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and
- (b) either—
 - (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the

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total issued share capital of that class.

- **'director'** includes a member of the committee of management of an industrial and provident society.
- **'securities'** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.