

Cabinet

Agenda

| | |
|---------------|--|
| Date: | Monday, 1st February, 2010 |
| Time: | 2.00 pm |
| Venue: | Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ |

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos. 11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

In order for an informed answer to be given, where a member of the public wishes to ask a question of a Cabinet Member three clear working days notice must be given and the question must be submitted in writing. It is not required to give notice of the intention to make use of public speaking provision but, as a matter of courtesy, a period of 24 hours notice is encouraged.

4. **Minutes of Previous Meeting** (Pages 1 - 6)

To approve the Minutes of the Meeting held on 19 January 2010.

5. **Appropriation of Land for Car Parking Purposes** (Pages 7 - 60)

To consider the appropriation of land for car parking purposes.

In accordance with Access to Information Procedure Rule 14 Members are asked to note that this matter has not been considered in the Forward Plan of Key Decisions to be taken between 1 January 2010 and 30 April 2010. Prompt action is, however, required in order to meet the planned implementation date and it would be impracticable to defer the decision until it could be included in the next Forward Plan.

The Chairman of the Environment and Prosperity Scrutiny Committee has agreed that in accordance with Scrutiny Procedure Rule 13 this decision shall be considered as urgent. The decision will therefore be exempt from call-in on the basis that any delay caused by the call-in process would be likely to seriously prejudice the Council's or the public's interest and would mean that the Council's timetable for implementation of the proposed off-street parking places order could not be met.

6. **Proposed Off-Street Parking Places Order for the former Congleton Borough Council Area** (Pages 61 - 92)

To consider amendments in relation to the approval of an off street parking places order for the former Congleton Borough Council area.

In accordance with Access to Information Procedure Rule 14 Members are asked to note that this matter has not been considered in the Forward Plan of Key Decisions to be taken between 1 January 2010 and 30 April 2010. Prompt action is, however, required in order to meet the planned implementation date and it would be impracticable to defer the decision until it could be included in the next Forward Plan.

The Chairman of the Environment and Prosperity Scrutiny Committee has agreed that in accordance with Scrutiny Procedure Rule 13 this decision shall be considered as urgent. The decision will therefore be exempt from call-in on the basis that any delay caused by the call-in process would be likely to seriously prejudice the Council's or the public's interest and would mean that the Council's timetable for implementation of the proposed off-street parking places order could not be met.

7. **Appointment of Cabinet Lead Member**

For the Leader to recommend to Cabinet the appointment of a further Cabinet Support Member.

8. Exclusion of Press and Public

The report relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter may be determined with the press and public excluded.

Cabinet may decide that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

PART 2 - MATTERS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

9. Managing Workforce Change (Pages 93 - 100)

To consider the report of the Head of Human Resources and Organisational Development.

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 19th January, 2010 in The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor B Silvester (Vice-Chairman)

Councillors R Domleo, D Brown, P Findlow, F Keegan, A Knowles, J Macrae
and P Mason.

Councillors in attendance:

Councillors A Arnold, Rhoda Bailey, R Fletcher, D Flude, D Hough, O Hunter,
S Jones, D Neilson, L Smetham and A Thwaite.

Officers in attendance:

Chief Executive

Borough Solicitor

Borough Treasurer and Head of Assets

Head of Property Services

Head of Human Resources and Organisational Development

Strategic Director People

Strategic Director Places

166 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Rod Menlove.

167 **DECLARATIONS OF INTEREST**

Councillor D Flude declared a personal interest in agenda item 5 (Free Early Years Childcare for 3 – 4 Year Olds - Funding Formula) by virtue of being a Director of EIPC Ltd, and of Westminster Nursery Crewe.

Councillor S Jones declared a personal interest in agenda item 8 (Land Adjacent to Fairview Public Car Park, Alsager) by virtue of being a member of the Co-operative Society.

168 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from members of the public.

169 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 22 December 2009 be approved as a correct record.

170 **KEY DECISION CE09/10-07 FREE EARLY YEARS CHILDCARE FOR 3-4 YEAR OLDS, FUNDING FORMULA**

Councillor D Flude had declared a personal interest in this item.

Consideration was given to responses to the consultation on the proposed early years single funding formula. One of the aims of the single funding formula was to create greater parity between maintained and private, voluntary and independent sectors in the payments system. The report sought approval to the revised formula for implementation as a pathfinder in Cheshire East with effect from 1 April 2010.

RESOLVED

For the reasons set out in the report: -

1. That the response to the consultation on the early years single funding formula, set out in Appendix 2 of the report, be noted.
2. That approval be given to the early years single funding formula, set out in Appendix 3 of the report, for implementation in Cheshire East as a pathfinder from 1 April 2010.

171 **KEY DECISION CE09/10-31 NEW PROVISION FOR ADULTS WITH LEARNING DIFFICULTIES**

Consideration was given to the development of a new provision for adults with learning disabilities and associated complex conditions. This would provide purpose built accommodation to support individual adults with a learning disability, to maximise their potential and independence, at a location that would be nearer their families and access to local health services

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the transfer of the site from the Children's Services to Adult Services at the valuation of £155,250.
2. That approval be given to procure a development partner for the Redsands site to provide supported living facilities for adults with a learning disability.
3. That Counsels opinion be sought to ensure that the disposal of land to the chosen Registered Social Care Landlord does not fall within the definition of a Public Works Contract and so be caught by Public Contracts Regulations 2006 as referred to in paragraph 9.2 of the report.

4. That approval be given to go out to consultation to look at future need for respite for people with very complex conditions, in line with personal budgets and use of alternative provision.

172

FINANCIAL UPDATE THREE QUARTER YEAR REVIEW

Consideration was given to the Council's financial position at the end of the third quarter of 2009/10. The report focussed on areas of high financial risk to the Council and included updates on Treasury Management, the Capital Programme and in-year collection rates for Council Tax and Business Rates.

RESOLVED

For the reasons set out in the report: -

1. That the pressures on the Council's revenue budget in the third quarter of 2009/10, detailed in Section 11 and Appendix 1 of the report, and the proposed remedial actions, shown in Appendices A to C of the report, be noted.
2. That the Treasury Management update detailed in Section 12 of the report be noted.
3. That the Council's in-year collection rates for Council Tax and Business Rates, detailed in Section 13 of the report, be noted.
4. That progress to date on delivering the 2009-10 capital programme, detailed in Section 14 and Appendix 3 of the report, be noted.
5. That the Delegated Decisions approved by Directors, shown in Appendix 2b of the report, be noted.
6. That the Delegated Decisions approved by Directors in consultation with the relevant Portfolio Holder and the Portfolio Holder for Resources for Supplementary Capital Estimates and virement requests over £100,000 and up to and including £500,000, shown in Appendix 2a of the report, be noted.
7. That approval be given to the revised in-year capital budget for 2009-10 as set out in Section 14 of the report, including
 - Supplementary Capital Estimates/Virements over £500,000 and up to and including £1.0m, shown in Appendix 2a of the report
 - Reductions in approved budgets, shown in Appendix 2c of the report
8. That Council be requested to approve the following Supplementary Capital Estimates and Virement requests over £1.0m, those which

require funding from later years and those funded from reserves, detailed in Appendix 2a of the report

- Housing Grants (ex Macclesfield BC) £1,044,904

173 ITEM OF URGENT BUSINESS - LAND ADJACENT TO FAIRVIEW PUBLIC CAR PARK, ALSAGER

Councillor S Jones had declared a personal interest in this item. During its discussion Councillors D Hough and S Jones each declared a personal interest by virtue of being Members of Alsager Town Council.

In accordance with Section 100B(4)(b) of the Local Government Act 1972 the Chairman had agreed that by reason of special circumstances this report should be considered as a matter of urgent business on the grounds that an early decision was required to facilitate the transaction and the unusual adverse weather conditions meant that it had not been possible to complete the report within the normal timescales.

Members passed the resolution at minute 174, noted the matter as minuted in 175, and then by passing a resolution reconvened in part 1.

Consideration was given to the sale and acquisition of land adjacent to Fairview public car park to enable the redevelopment of the existing Co-operative Retail Store located on Lawton Road, Alsager.

Members were informed that in the light of work which was progressing in relation to an Off Street Parking Places Order for various car parks in the former Borough of Congleton, including this car park, recommendations (d) and (e) of the report had been rendered unnecessary at this stage. It was, therefore, now recommended that (d) and (e) be removed and replaced instead with a recommendation as follows: -

To confirm that officers will provide a further report, following implementation of the scheme, in relation to any necessary appropriation of land for open space or car parking purposes.

RESOLVED

Following separate consideration of the part 2 item at minute 175, for the reasons set out in the report and as detailed above: -

1. That authorisation be given to the advertisement of the Councils intention to dispose of the open space shown hatched black on Plan Appendix B of the report.
2. That, subject to no objection being received at (1) approval be given to the sale of land shown hatched black on Plan Appendix B of the report.

3. That approval in principle be given to the acquisition of land located adjacent to Fairview public car park, Alsager, shown cross hatched black on Plan Appendix B of the report, from the Co-operative Society and Kimberley Developments for use as a public car park.
4. That it be confirmed that officers will provide a further report, following implementation of the scheme, in relation to any necessary appropriation of land for open space or car parking purposes.
5. That the principle of sale and acquisition detailed in (1) and (2) above be conditional on the Co-operative Society gaining a planning permission for the redevelopment of the existing Co-operative retail store located on Lawton Road, Alsager.
6. That the terms and conditions of sale be determined by the Borough Treasurer and Head of Assets and the Borough Solicitor paying particular attention to the obligation under Section 123 of the Local Government Act 1972.

174 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

175 **ITEM OF URGENT BUSINESS - LAND ADJACENT TO FAIRVIEW PUBLIC CAR PARK, ALSAGER**

Councillor S Jones had declared a personal interest in this item.

Consideration was given to the report of the Borough Treasurer and Head of Assets.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

| | |
|--------------------------|---|
| Date of Meeting: | 1 February 2010 |
| Report of: | Borough Treasurer and Head of Assets |
| Subject/Title: | Appropriation of land for car parking purposes |
| Portfolio Holder: | Cllr Peter Mason |

1.0 Report Summary

- 1.1 The purpose of the report is to seek authority for the appropriation for car parking purposes of certain parcels of land belonging to the Council. The report provides the details of objections received to the proposed appropriation and invites Cabinet to consider these objections.

2.0 Decision Requested

- 2.1 In accordance with section 122 of the Local Government Act 1972 Cabinet is requested to consider the objections received in relation to the proposed appropriation of the land described within Appendix 1 to this report, and to determine, in the light of these objections, whether to appropriate the land for parking purposes.

3.0 Reasons for Recommendations

- 3.1 In circumstances where objections have been received in relation to the proposed appropriation of land, the Council is required to consider the objections.

4.0 Wards Affected

- 4.1 Alsager, Congleton Rural, Congleton Town East, Congleton Town West, Middlewich, Sandbach, Sandbach East and Rhode.

5.0 Local Ward Members

- | | | |
|-----|-------------------|--|
| 5.1 | Alsager - | Rod Fletcher Derek Hough Shirley Jones |
| | Congleton Rural - | Les Gilbert Andrew Kolker John Wray |

| | |
|-------------------------|--|
| Congleton Town East - | David Brown Peter Mason Andrew Thwaite |
| Congleton Town West - | Gordon Baxendale Roland Domleo David Topping |
| Middlewich - | Paul Edwards Simon McGrory Michael Parsons |
| Sandbach | Stella Furlong Gillian Merry Barry Moran |
| Sandbach East & Rhode - | Elsie Alcock Rhoda Bailey Andrew Barratt |

**6.0 Policy Implications including - Climate change
- Health**

6.1 Not applicable.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 35 of the Road Traffic Regulation Act 1984 (the 1984 Act) allows local authorities to make provision by order for the use of any parking place provided by an authority under section 32 of the 1984 Act. Section 32(2) states that a local authority may adapt for use as a parking place any land acquired or appropriated by them for the purposes of the section, i.e for parking purposes.

9.2 Appropriation of land to any purpose is governed by Section 122 of the Local Government Act 1972 (the 1972 Act), which authorises councils to appropriate land to any purpose for which they are authorised to acquire land by agreement and which is no longer required for the purpose for which it was held immediately prior to the appropriation.

- 9.3 It should be noted that the appropriation of land by a council by virtue of sub-section 122(1) of the 1972 Act remains subject to the rights of other persons in, over, or in respect of the land concerned. Therefore a decision to appropriate land for a particular purpose does not extinguish any third party rights over the land in question.
- 9.4 Sub-section 122(2A) of the 1972 Act provides that a council may not appropriate any land consisting of or forming a part of open space without first providing public notice for two consecutive weeks in a local newspaper and thereafter considering any objections received. Taking into consideration the wide definition of 'open space' within relevant case law, it is felt that the land in question may be viewed as open space for the purposes of section 122, and for this reason notice under sub-section 122(2A) has been published.
- 9.5 Case law has confirmed that the decision about whether land is no longer required for a particular purpose is one for the local authority acting in good faith, however the Council is required by sub-section 122(2A) to consider objections to the Council's view on the question of whether the land is required for present purposes and not just the issue whether land not so required should be appropriated to a new purpose.

10.0 Risk Management

- 10.1 Full consideration of the objections received will mitigate any risk of challenge to the decision of Cabinet.

11.0 Background and Options

- 11.1 On 10th November 2009 Cabinet resolved to make an off-street parking places order in relation to prescribed car parks within the Congleton area, subject to a requirement that the necessary statutory public notice of the intention to appropriate the land to car parking purposes be published.
- 11.2 Notices of the Council's intention to appropriate the land described in the Appendix 1 to this report were published in local newspapers circulating in the area during the weeks commencing 14th and 21st December 2009.
- 11.3 As set out within the legal implications at paragraph 9 above, the Council is authorised by section 122 of the 1972 Act to appropriate land to any purpose for which it is authorised to acquire land by agreement and which is no longer required for the purpose for which it was held immediately prior to the appropriation. Whilst, as indicated within the table at Appendix 2, each parcel of land has been used as a car park for a number of years, the Council does not have evidence to indicate that all of the land in question is currently held for car parking purposes. The purposes for which the Council originally acquired the land are set out within Appendix 2.
- 11.4 The Council has received thirteen objections in relation to the proposed appropriation of the land. Copies of the objections are reproduced within Appendix 3 to the report.

- 11.5 A number of the objections are based on a perception that the notice of the proposed appropriation of the land relates directly to a decision to introduce charges on the car parks. For the purpose of confirmation, the decision to appropriate the land does not override the need for any decision in relation to the introduction of charges to be subject to a separate consultation exercise in accordance with the provisions of the Road Traffic Regulation Act 1984 and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996. The decision to appropriate the land relates purely to a decision about the purposes for which the Council holds the land, and, contrary to the concerns within the objections, does not of itself provide authority for the introduction of a charging regime.
- 11.6 A number of objections (including that of Middlewich Town Council) raise concerns about the appropriation of Civic Way car park in Middlewich on the basis that this site is used for “events, fairgrounds and festivals.” In addition Parking Services are aware that a market regularly takes place on Little Common car park in Sandbach. As a general point arising from these issues, it is suggested that the decision before Cabinet is to consider the purposes for which the land is currently held (as set out within Appendix 2) and to determine, firstly, whether it is required for those purposes, and secondly, whether it is required for the purposes for which it is proposed to be appropriated, i.e. for car parking. It is suggested that in considering this issue Cabinet take into account the fact that the land is currently used for car parking purposes and has been for a number of years. It is further submitted that Parking Services propose to continue to permit the events on Civic Way car park and the market on Little Common by formally closing the car park in accordance with the terms of the Order.
- 11.7 The representation from Alsager Town Council states that no objections are made to the appropriation of the land but state in relation to Fairview car park that this is conditional on “the existing covenant on this car park being resolved and that the land in question does not include the current play area.” As can be seen from the plans at Appendix 1 the land to be appropriated does not include the play area. Additionally, as set out within the legal implications at paragraph 9 of the report, the appropriation of land remains subject to the rights of other persons in, over, or in respect of the land concerned, for this reason it is suggested that the existence of third party rights over land would not prevent a decision to appropriate the land.
- 11.8 One representation queries why the Westfields car park was not included within the notice relating to appropriation. For the purposes of confirmation, Westfields was included within the notice under the list of Sandbach car parks and does form part of the land subject to the requested decision.
- 11.9 A number of representations raise concerns about the consultation process in relation to appropriation. As set out within paragraph 9.3 above, the consultation process in relation to appropriation is dictated by section 122(2A) of the Local Government Act 1972, which has been complied with.

12.0 Overview of Year One and Term One Issues

12.1 Not applicable.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Peter Hartwell

Designation: Head of Safer & Stronger Communities

Tel No: 01270 529614

Email: peter.hartwell@cheshireeast.gov.uk

Appendix 1 – Schedule of land (together with plans)

Appendix 2 – Schedule of purposes for which the land was originally acquired

Appendix 3 – Copies of objections to proposed appropriation

APPENDIX 1

SCHEDULE OF LAND
(as shown on plans attached)

SANDBACH CAR PARKS

Little Common, Hawk Street, Well Bank, Crown Bank, Westfields

CONGLETON CAR PARKS

Antrobus Street, Princess Street, Fairground, Roe Street, Back Park Street, Chapel Street, West Street, Park Street, Blake Street, Egerton Street, Rood Hill, Royle Street, Thomas Street

ALSAGER CAR PARKS

Fairview, Fanny's Croft, Station Road, Well Lane

MIDDLEWICH CAR PARKS

Seabank, Civic Way, Southway

HOLMES CHAPEL CAR PARKS

Parkway, London Road

SCHEDULE – PURPOSES FOR WHICH LAND ORIGINALLY ACQUIRED**SANDBACH**

| Name of Parking Place | History of site | Purpose of acquisition |
|------------------------------|---|---|
| Little Common | | Acquired in separate parcels. 27 th March 1963, 22 nd January 1918 and 5 th February 1890 (purchase of Market Hall). |
| Hawk Street | Used as a car park prior to 1979 (possibly prior to 1974) | Hawk St CPO 1960, confirmed 17 th May 1961. Purpose - part III of the Housing Act 1957. Acquired between 1964-1968. (Hawk St, Well Bank and Crown Bank are three separate parts of one car park). |
| Well Bank | As above | As above (Hawk St, Well Bank and Crown Bank are three separate parts of one car park). |
| Crown Bank | As above | None (not owned by Council) (Hawk St, Well Bank and Crown Bank are three separate parts of one car park). |
| Westfields | Planning permission for car park spaces granted in January 1980 | Purpose not specified. |

CONGLETON

| Name of Parking Place | History of site | Purpose of acquisition |
|------------------------------|--|--|
| Antrobus Street | First used as a car park from between approx 1974 - 1979 | Bought in as separate parcels of land. 1970 – garden of no. 29. 1974 – 5 & 6 Tanhouse Yard including property. 21 st January 1980 and 19 th January 1979 – purpose LGA 1972 s120. 1979 – covenants for use as a public car park. |

| | | |
|------------------|--|---|
| Princess Street | Used as a car park from 1990. | 125 year lease, 1 st June 1990. Purpose within lease, use as a public car park. |
| Fairground | | Acquired 8 th October 1906, purpose, powers conferred by Public Health Act. |
| Roe Street | | 1971 – 5 & 9 Spring St, assignment of 999 yr lease. 1982 – 1 – 5 (inc) Timber yard and workshop, Moor St. Assignment 999 yr lease. Purpose s112 & 119 Town and Country Planning Act 1971. 1971 – 1 – 3 Spring St, assignment. 1968 – 7 Spring St, assignment. 1974 – 20 Bromley Rd, assignment. 1981 – 16 Bromley Rd (freehold) supplemental to Bromley Rd no.s 5 & 6 Clearance Area, CPO 1978 (made 9 th Feb 1978) Part III Housing Act 1957. Restriction on disposition in accordance with HA 1957. 1982 – 18 Bromley Rd, restriction on disposition LGA. |
| Back Park Street | Used as a car park from early 1980's (associated with construction of Mountbatten Way) | 1963 – 29-37 (freehold) Back Park St, supplemental to Back Park St (no.2) CPO 1961, made 30 th Jan 1961, HA 1957 for purposes of part III, confirmed 30 th March 1962. 1963 – 29 Back Park St, assignment of lease, purpose as above. 1963 – 31 Back Park St, assignment of lease, purpose as above. 1963 – 37 Back Park St, assignment of lease, purpose as above. 1963 – 33 Back Park St, assignment of lease, purpose as above. 1963 – 35 Back Park St, assignment of lease, purpose as above. 1964 – 13 Back Park St (freehold) purpose as above. 1964 - 11 Back Park St, freehold and assignment of lease, purpose as above. 1964 – 15 Back Park St freehold and assignment, purpose as above. 1963 – plot of land (freehold and leasehold), purpose as above. 1964 – 1 Back Park Street, purpose as above. 1975 – 3 Back Park Street (freehold and leasehold), purpose as above. 1975 – 17 – 27 Back Park St (freehold and leasehold), purpose as above. 1963 – 7 Back Park St (assignment of lease), purpose as above. 1965 – 9 Back Park St (assignment of lease) purpose as above. |
| Chapel Street | | 1971 – 11 & 13 Chapel St, Chapel St no. 1 CA, CPO 1967 Part III HA 1957, confirmed 8 th May 1968. 1971 – 9 Chapel St (as above) 2002 – possessory title, part of car park. 1981 – 999 yr lease, for use as a public car park. 1982 – Land to the rear of 26 High St. 1982 – land on n/w side of Chapel St, possessory title, restriction on disposition LGA 1972. 1981 – 2 plots of land, purpose s120 LGA 1972. |
| West Street | | Acquired in separate parcels. 1971 – 31 Wagg St, CPO 1969, Congleton Lion St no.2 CA. Part III HA 1957, confirmed 30 th April |

| | | |
|----------------|---|---|
| | | <p>1970. 1975 – 29 Wagg St. 1970 – 11 Lion St (as above) 1973 – 7 Lion St (as above) 1972 – 9 Lion St (as above) 1967 (Conveyance main area of car park) grants rights of way over intended car park. 1967 – land to the rear of 36-42 West St. 1969 – 36 West St. 1967 – 38 West St. 1969 – garage to rear of 38 West St and common rear passage.</p> |
| Park Street | Used as a car park prior to CBC purchase, from approx early 1980's. | Marked out as a car park when purchased from CCC on 28 th January 2002. |
| Blake Street | Used as a car park approx 1974 (prior to CBC purchase). | <p>Conveyance 4th June 1981. Use limited to use for a <u>free</u> public car park.</p> |
| Egerton Street | Used as a car park approx 1974, after CPO/CA acquisitions. | <p>CPO, Blake St CPO 1961 for the purposes of part III of the Housing Act 1957. 14th May 1963. 8 & 10 Blake St acquired 1971.</p> |
| Rood Hill | Planning permission granted for formation of car park in July 1996. | <p>Acquired 19th February 1998. No confirmation of purpose/use.</p> |
| Royle Street | Used as a car park approx 1974, after CPO/CA. | <p>Clearance Area and CPO 1970. Part III of the Housing Act 1957. No. 33 purchased by agreement 1968. No. 21 purchased 1972 No.s 23,27, 29 & 31 purchased 1972 (supplemental to CA) 3, 5, 7, 9, 11, 13 & 14 purchased 1973 (supplemental to CA)</p> |
| Thomas Street | Used as a car park approx 1974, refurbished in 1990's. | <p>Assignment of a 999 year lease. Bought in as houses. Stopping up Order effecting entrance to car park dated 16th September 1986.</p> <p><u>Thomas St</u> No. 9 - 1970 No. 15 – 1969 No. 17 – 1969 No. 21 – 1975 for the purpose of the Highways Act 1959. No. 23 – 1968. Supplemental to no. 3 Clearance Area: - No. 31 & 35 – 1970 No.s 27-35 Assignment subject to above CPO – 1970 No.s 11 & 13 – 1979 – restriction, dispositions in accordance with Housing Acts 1957 – 1969. No.s 19 & 25 – assignments supp to Thomas St CPO 1970, Restriction on dispositions in accordance with LGA 1972.</p> |

| | | |
|--|--|--|
| | | <p>No. 7 – 1981. Restriction on disposition Housing Act 1957 No.s 1, 3 & 5 (part of 9 Brook St) – 1984.</p> <p><u>Brook St</u> No. 1 – 1973 No. 3 – 1972 No. 7 – 1975 for the purpose of Part V of the Housing Act 1957 No.s 11 & 11A – 1980 (assignment) No.s 11, 13 & 15 – 1980</p> <p><u>Willow St</u> No. 53 – 1973, assignment No. 55 – 1977, purpose Part V, Housing Act 1957 No. 57 – 1975 (purpose as above) No. 51 – 1976 (purpose as above) No. 61 – 1972, assignment No. 49 – 1974, Thomas St CA, CPO 1967. Purpose Part III Housing Act 1957. No. 69 – 1979. Restriction on dispositions in accordance with LGA 1972. No. 65 – 1984. Restriction on dispositions in accordance with Town and Country Planning Act 1971. No. 67 – 1982. Restriction on dispositions LGA 1972. No. 63 – 1982. Restriction on dispositions LGA 1972. No. 59 – 1981. Restriction on dispositions LGA 1972.</p> |
|--|--|--|

ALSAGER

| Name of Parking Place | History of site | Purpose of acquisition |
|-----------------------|---|---|
| Fairview | Planning permission for an extension to the then existing car park granted in July 1990 | Acquisition dated 14 th November 1922 - pursuant to s175 Public Health Act 1875. |
| Fanny's Croft | Planning permission for car parking spaces granted in December 1978 | Restriction on dispositions LGA 1972. |
| Station Road | Permission for change of use to car park granted in September 1986. | No purpose noted on acquisition docs. |
| Well Lane | | No purpose noted on acquisition docs. |

MIDDLEWICH

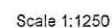
| Name of Parking Place | History of site | Purpose of acquisition |
|-----------------------|---|---|
| Seabank | Used as a car park approx 1974, after CPO/CA. | Acquired in separate parts. 30 th December 1915 for the purpose of s154 of the Public Health Act 1875 or any other purpose for which the Council are authorised to acquire land. 30 th May 1933 for the purpose of widening and improving Kinderton Street, Middlewich. Covenant to keep and maintain land as open space and parking ground. 2 nd October 1931 (houses and premises) 6 & 8 Seabank, acquired for the purpose of open space or parking ground or any of the purposes in the Public Health Act 1875. 2 nd October 1931 (house and premises) 4 Seabank, purpose as above. 14 th September 1974 – 14 Seabank (house), no purpose in Conveyance. 26 th April 1973 – 16 Seabank (house), no purpose in conveyance. 7 th January 1972 – 12 Seabank (house), no purpose in Conveyance. 6 th December 1972 – 10 Seabank (house), no purpose in Conveyance. |
| Civic Way | Used as a car park since at least 1974 | Acquired 4 th May 1892, for the purposes of several Acts e.g. The Public Health Act 1875, The Public Libraries (England) Acts 1855 to 1890, the Gymnasiums and Museums Act 1891, the Baths and Washhouses Act 1846 and others. |
| Southway | Used as a car park since at least 1984 | Main part of car park acquired for the purpose of the Public Health Act 1925, covenant 1961 to use as a public car park. |

HOLMES CHAPEL

| Name of Parking Place | History of site | Evidence of acquisition/appropriation |
|-----------------------|--|---|
| Parkway | Planning permission for car park granted October 2001. | Acquired 5 th November 2007. No purpose specified in the Transfer, however, land acquired pursuant to a s106 Agreement, for use as a car park. |
| London Road | | Acquired 17 th September 2003 from CCC. Covenant on the title to use the land as a public car park only. |

This page is intentionally left blank

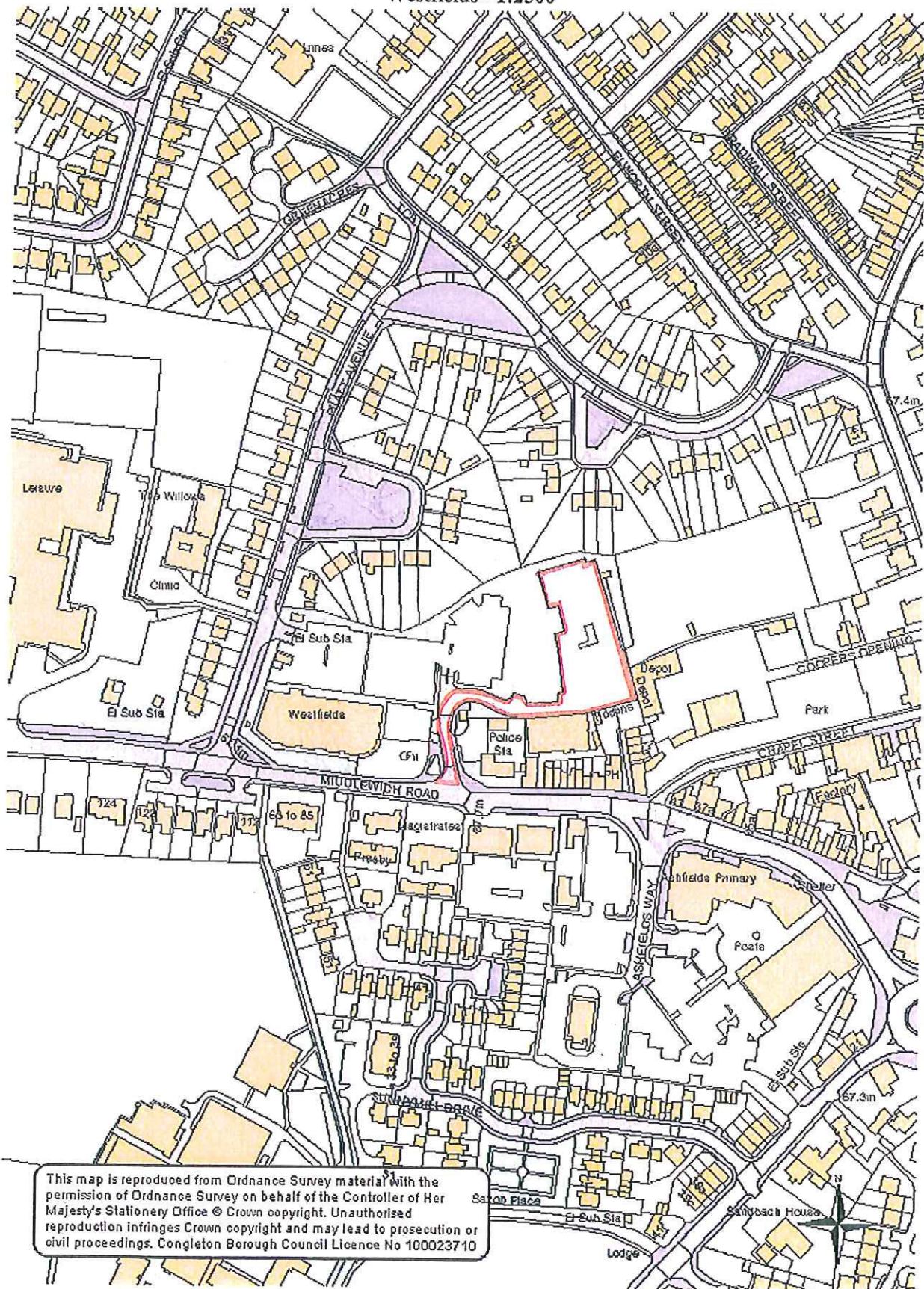
Reproduced from the Ordnance Survey map with the permission of HMSO.
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.

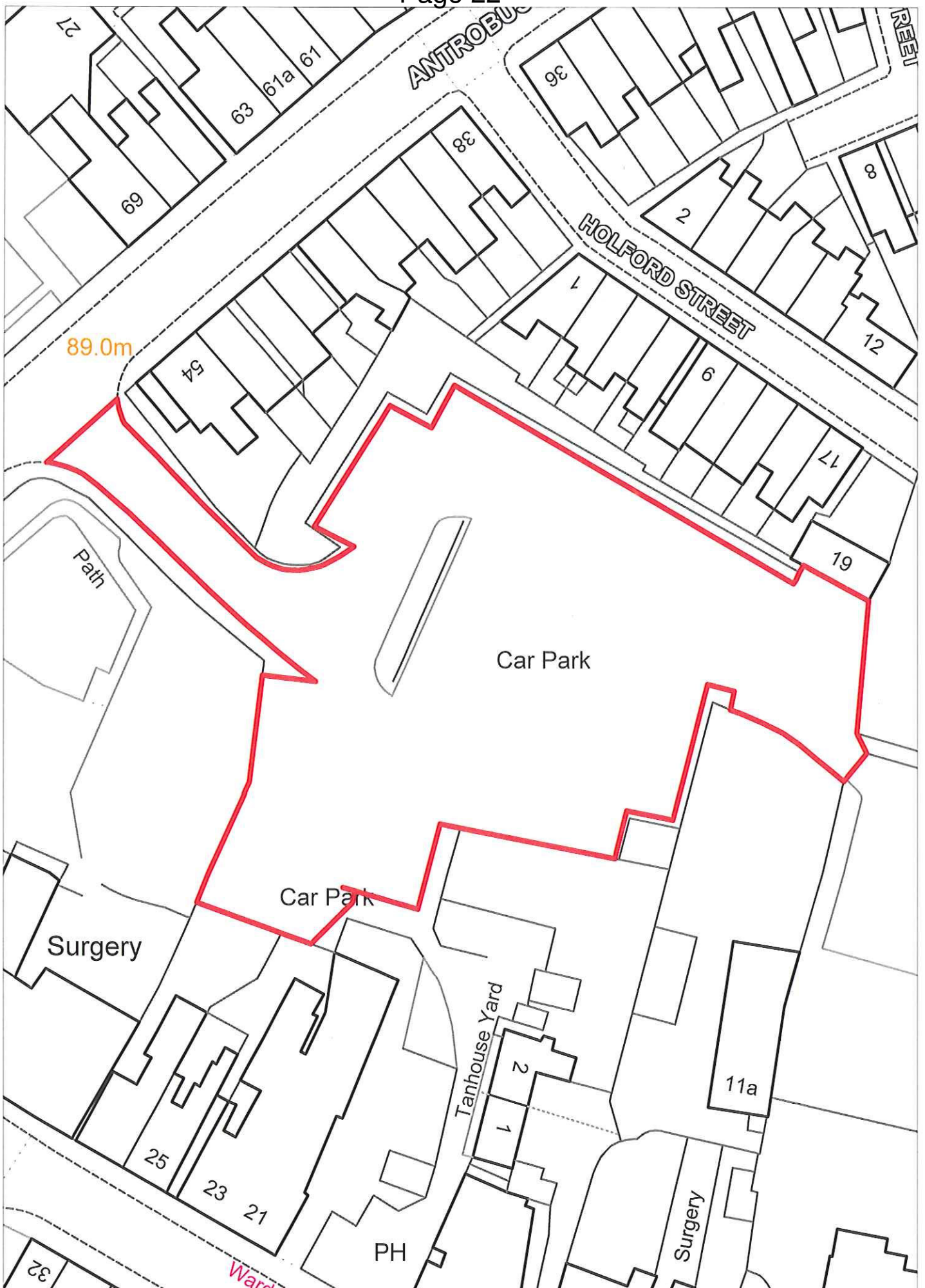




LITTLE COMMON, SANDBACH

Westfields - 1:2500





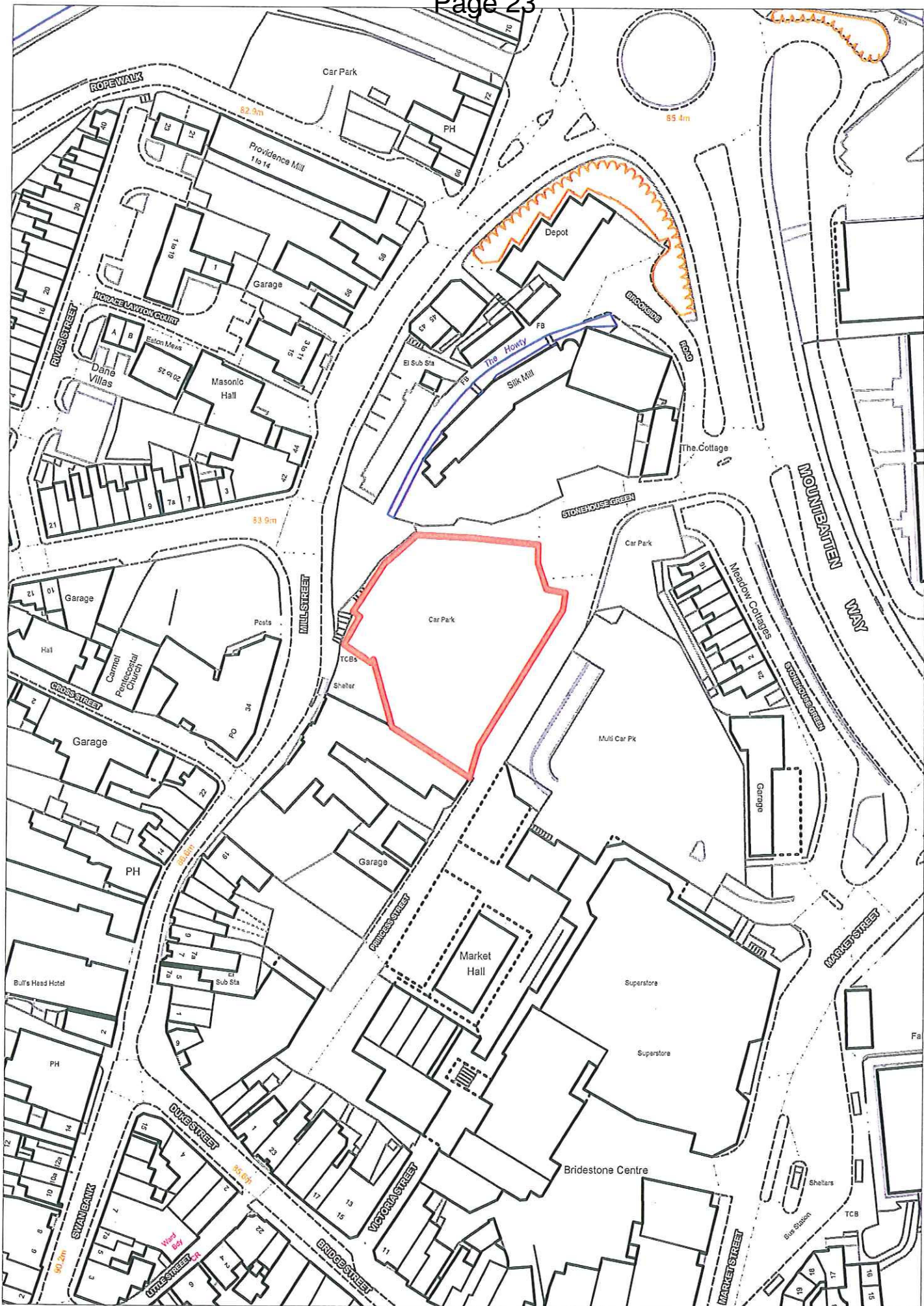
Antrobus Street, Congleton

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.

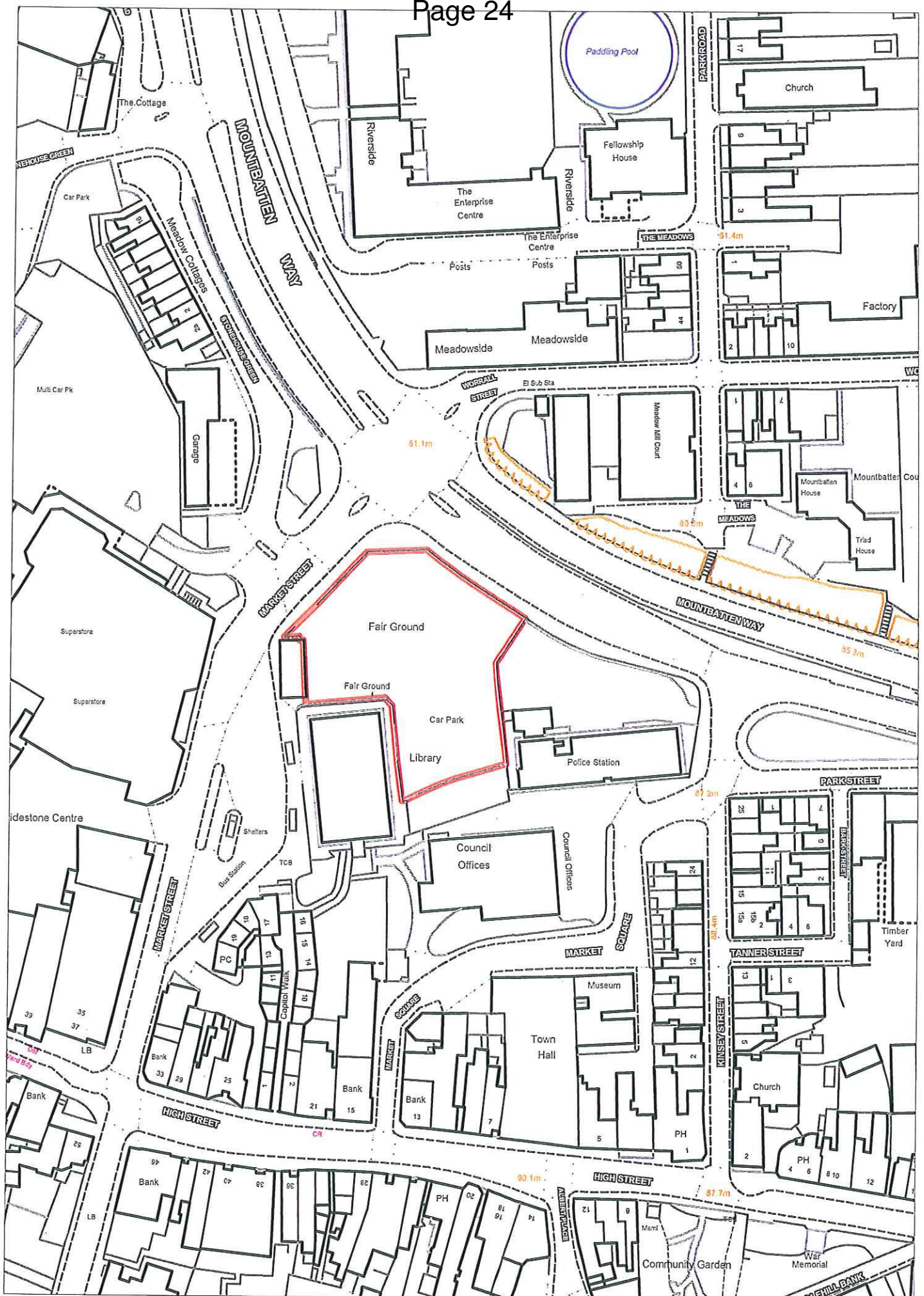


Scale 1:500



PRINCESS STREET, CONGLETON





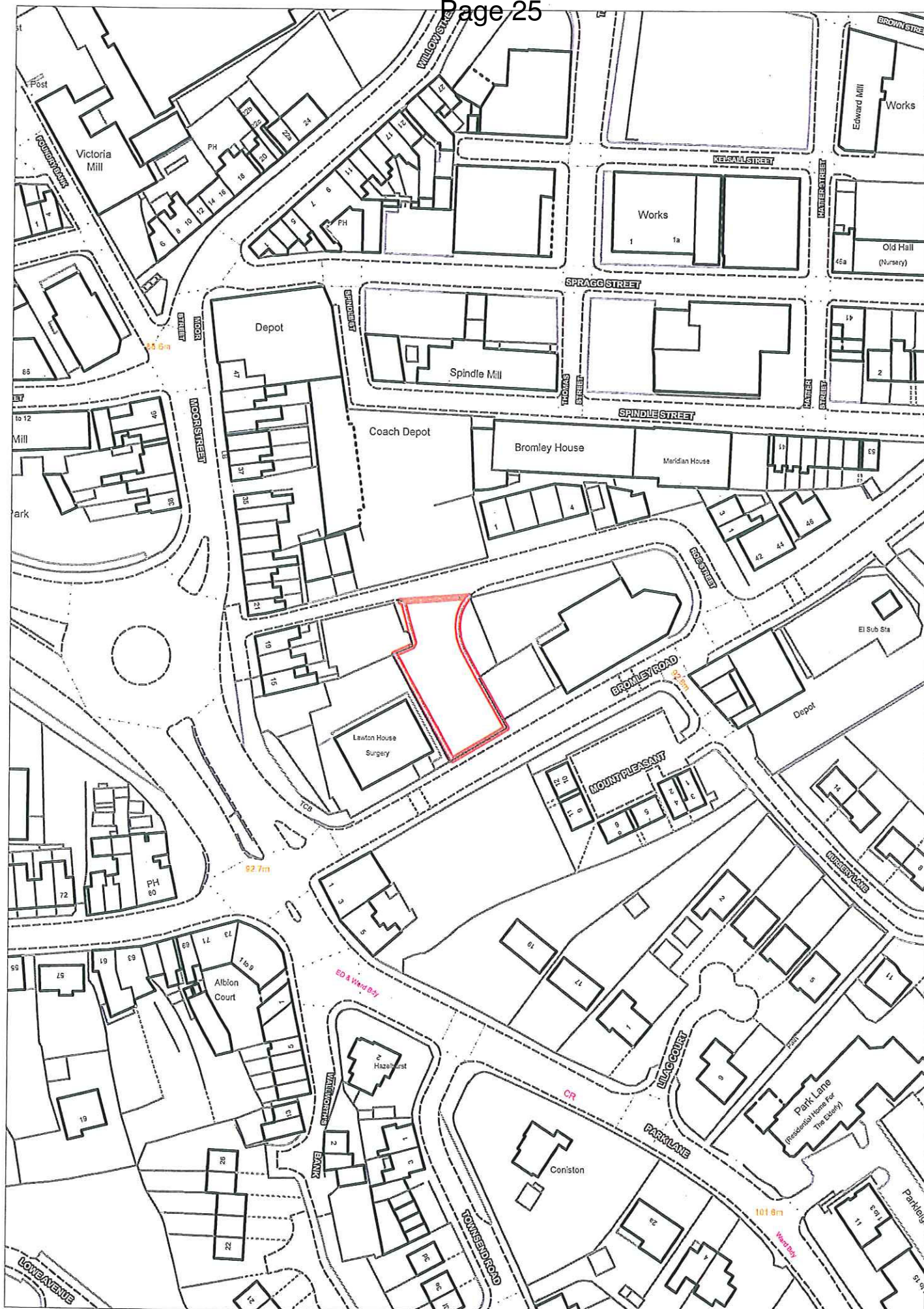
FAIRGROUND, CONGLETON

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.

NORTH

Scale 1:1250



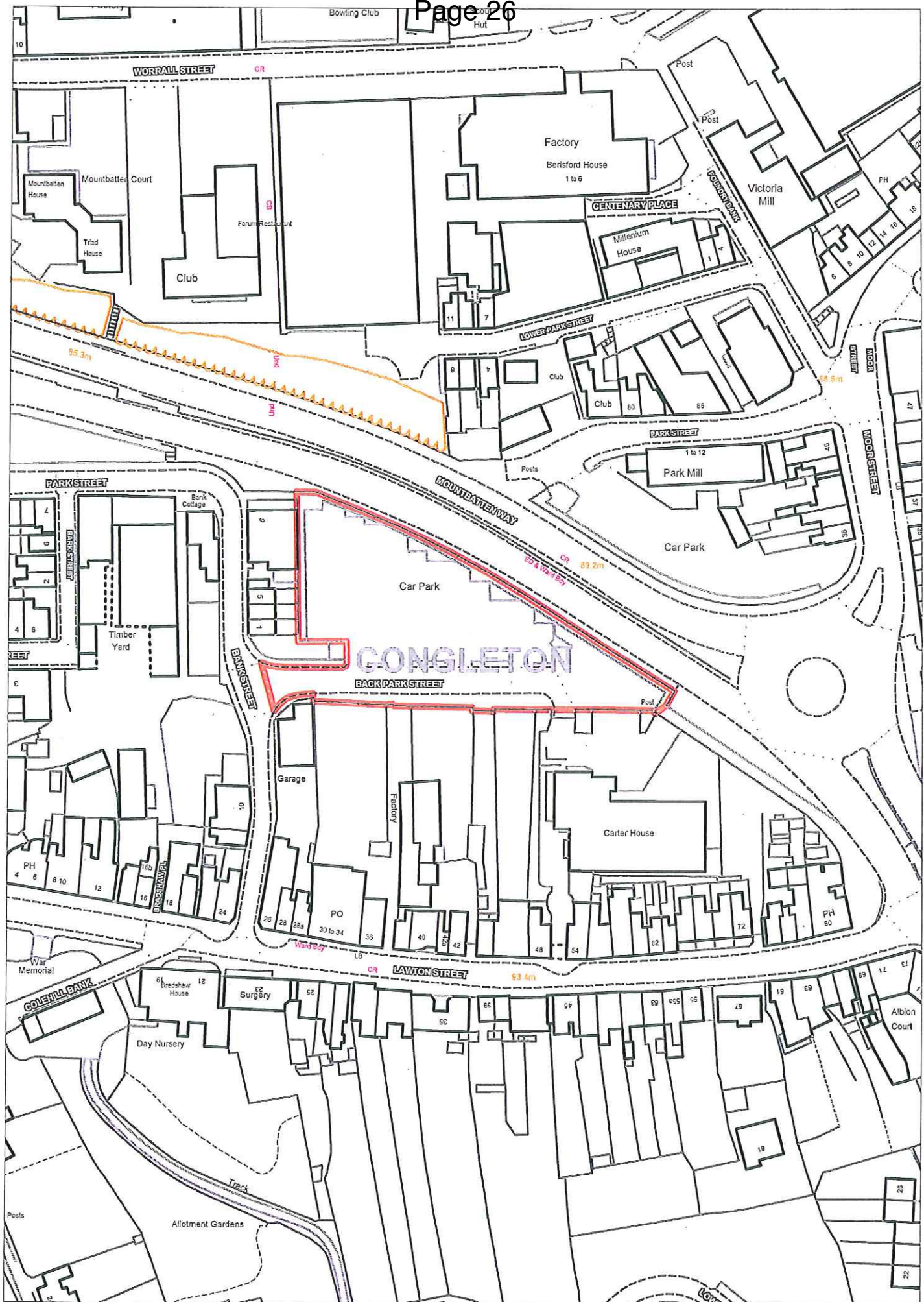
ROE STREET, CONGLETON

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.



Scale 1:1250



BACK PARK STREET, CONGLETON

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.



Scale 1:1250



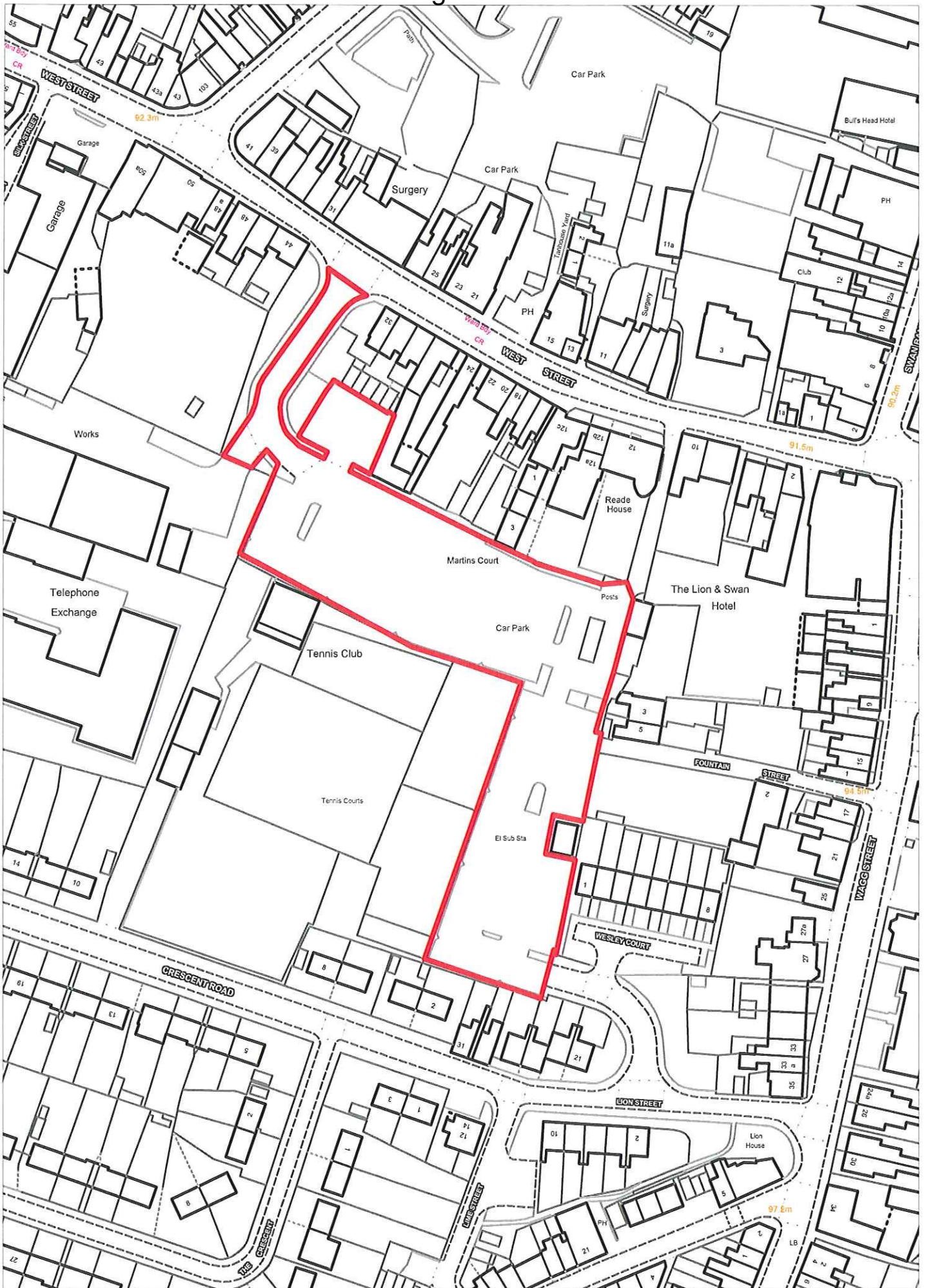
CHAPEL STREET, CONGLETON

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.

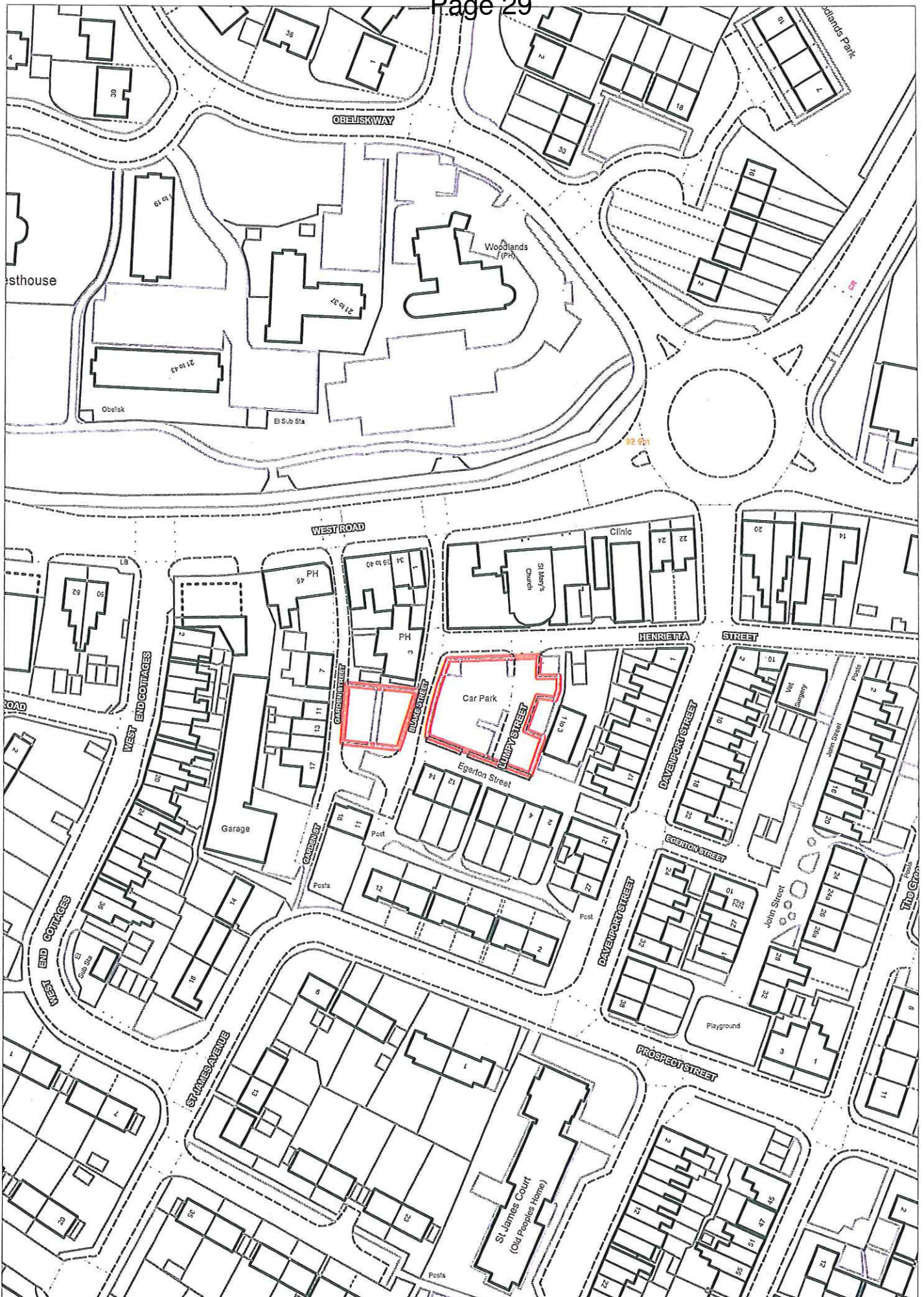


Scale 1:1250



West Street, Congleton





BLAKE STREET / EGERTON STREET, CONGLETON

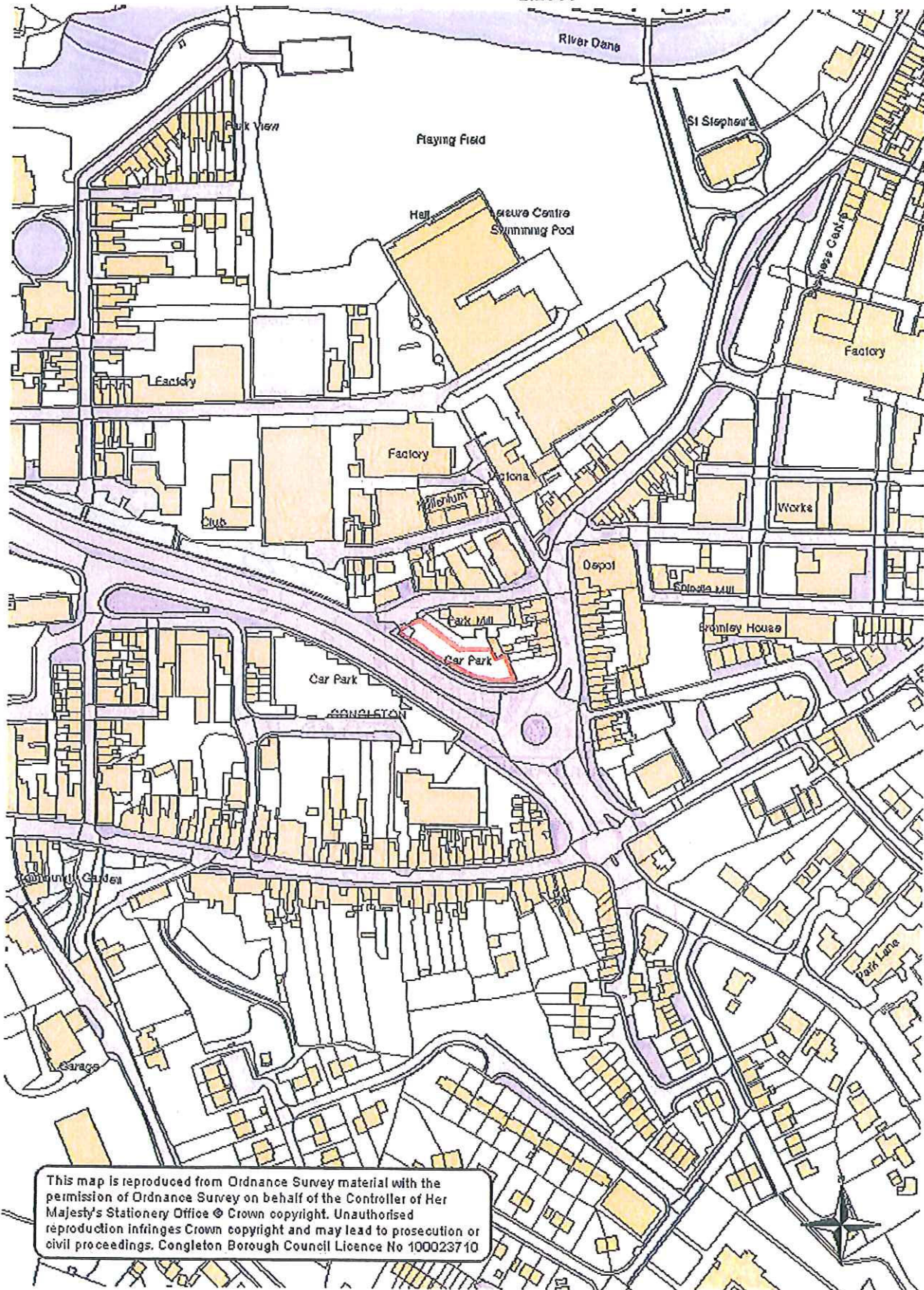
Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.

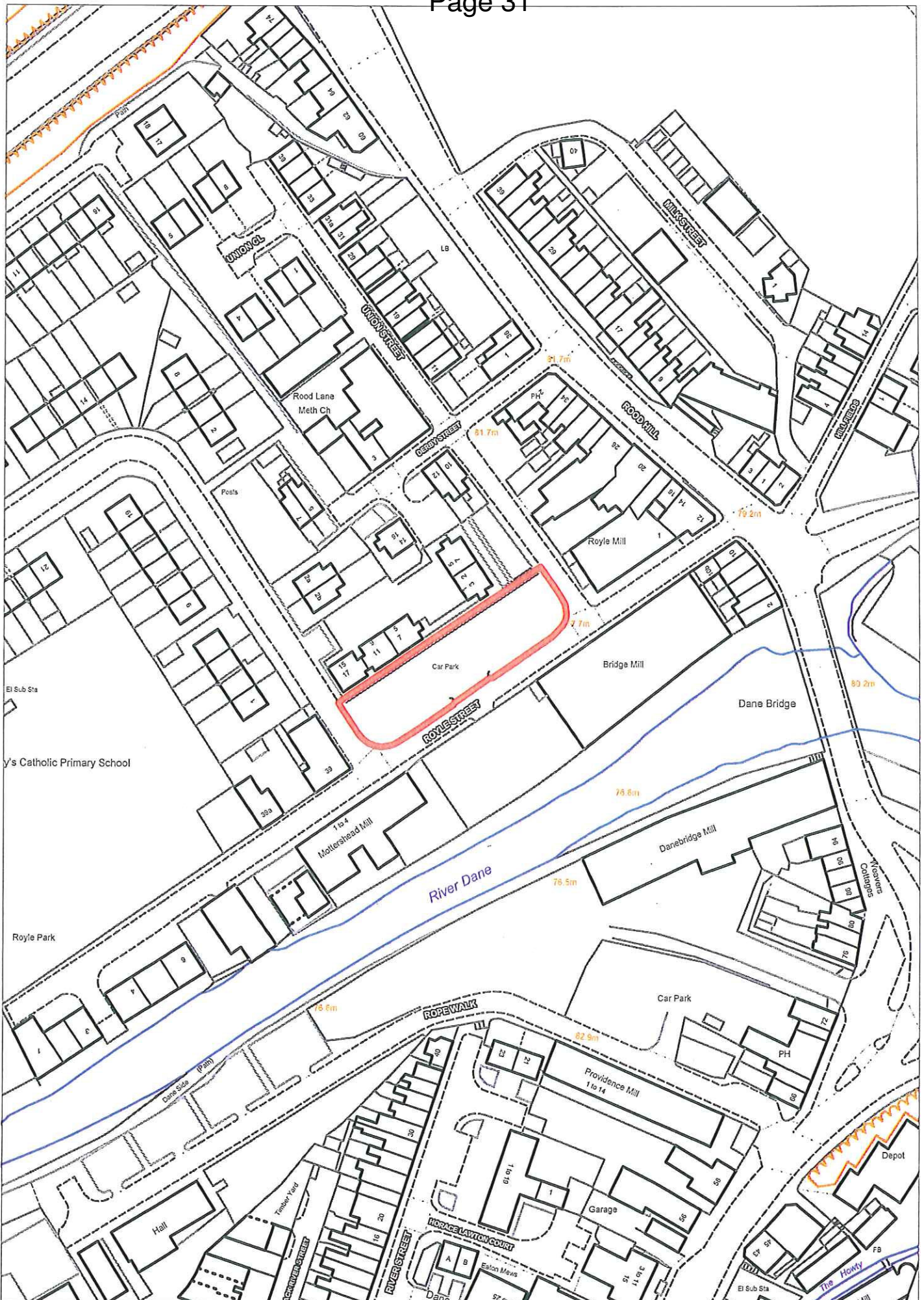


Scale 1:1250

Park Street 1:2500



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Congleton Borough Council Licence No 100023710



ROYLE STREET, CONGLETON

Reproduced from the Ordnance Survey map with the permission of HMSO.

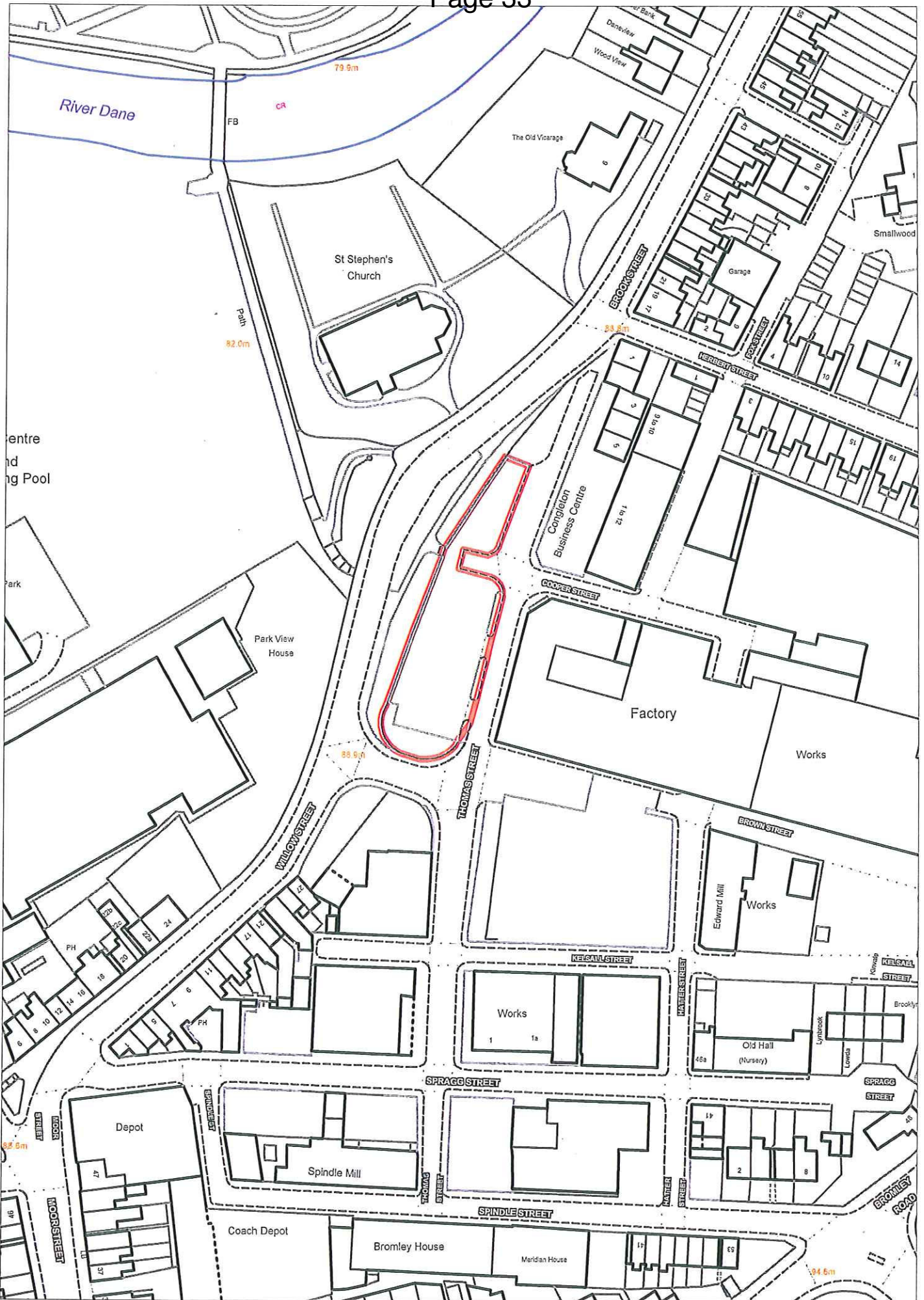
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.



Scale 1:1250

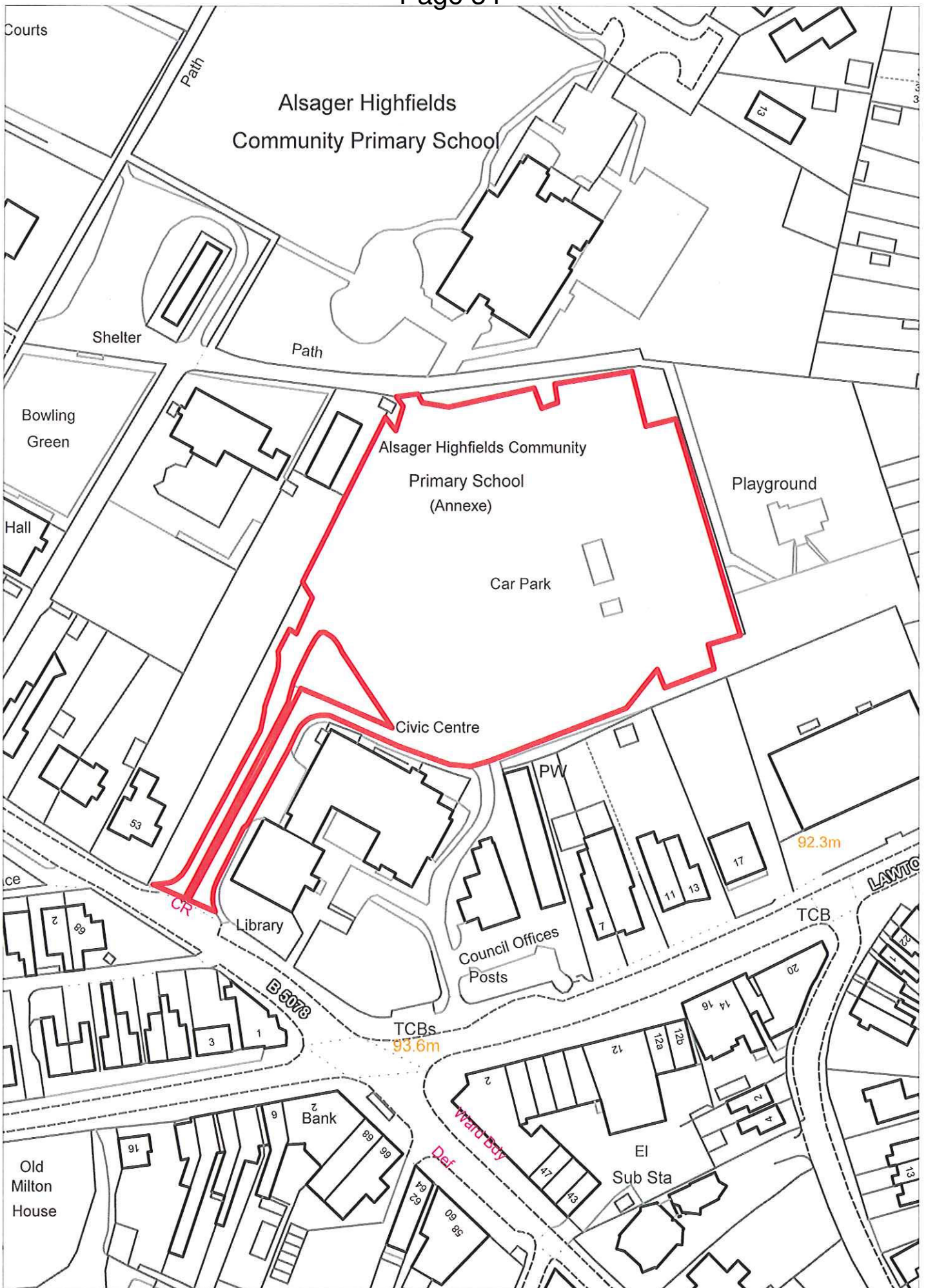
Rood Hill - 1:2500





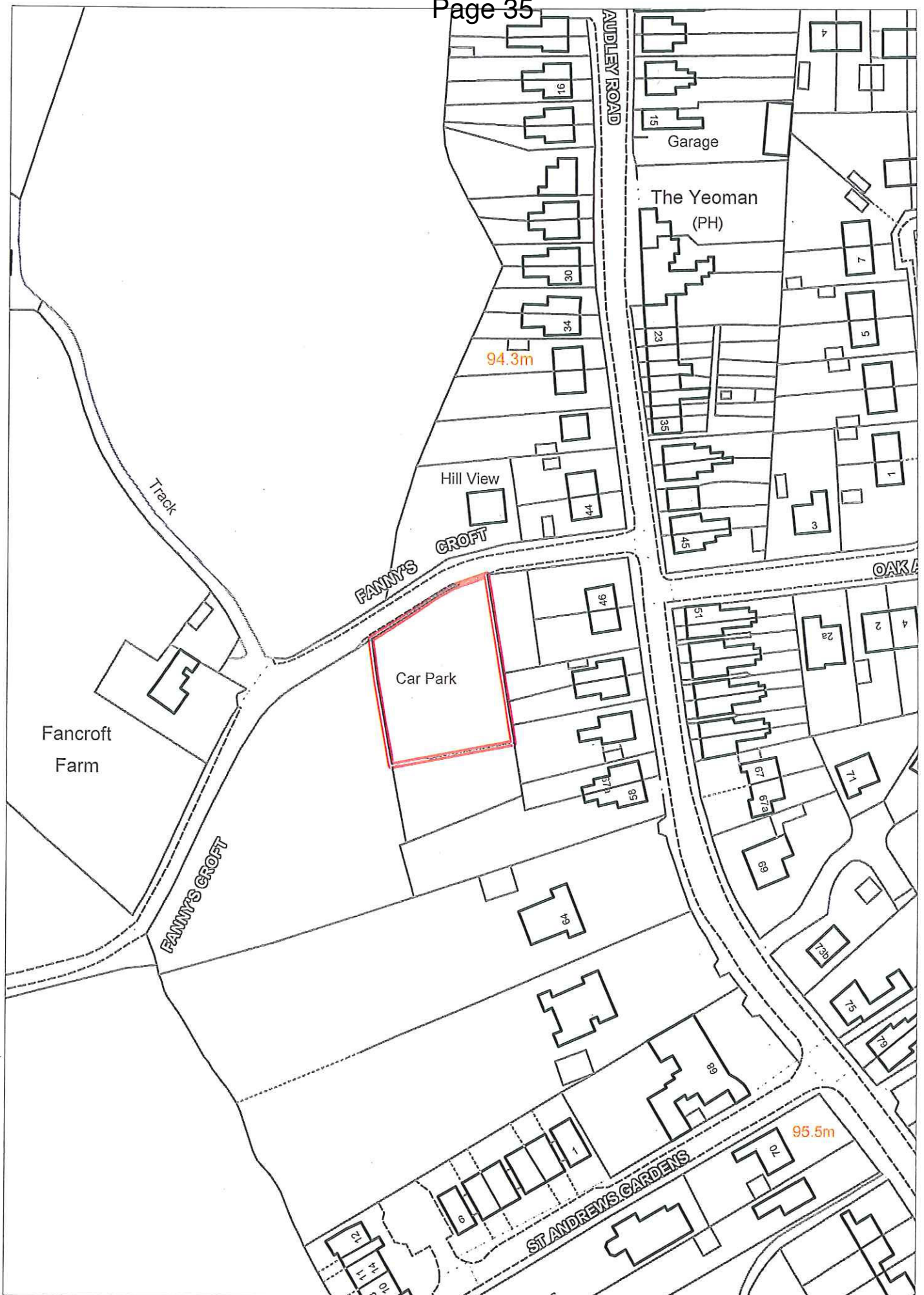
THOMAS STREET, CONGLETON



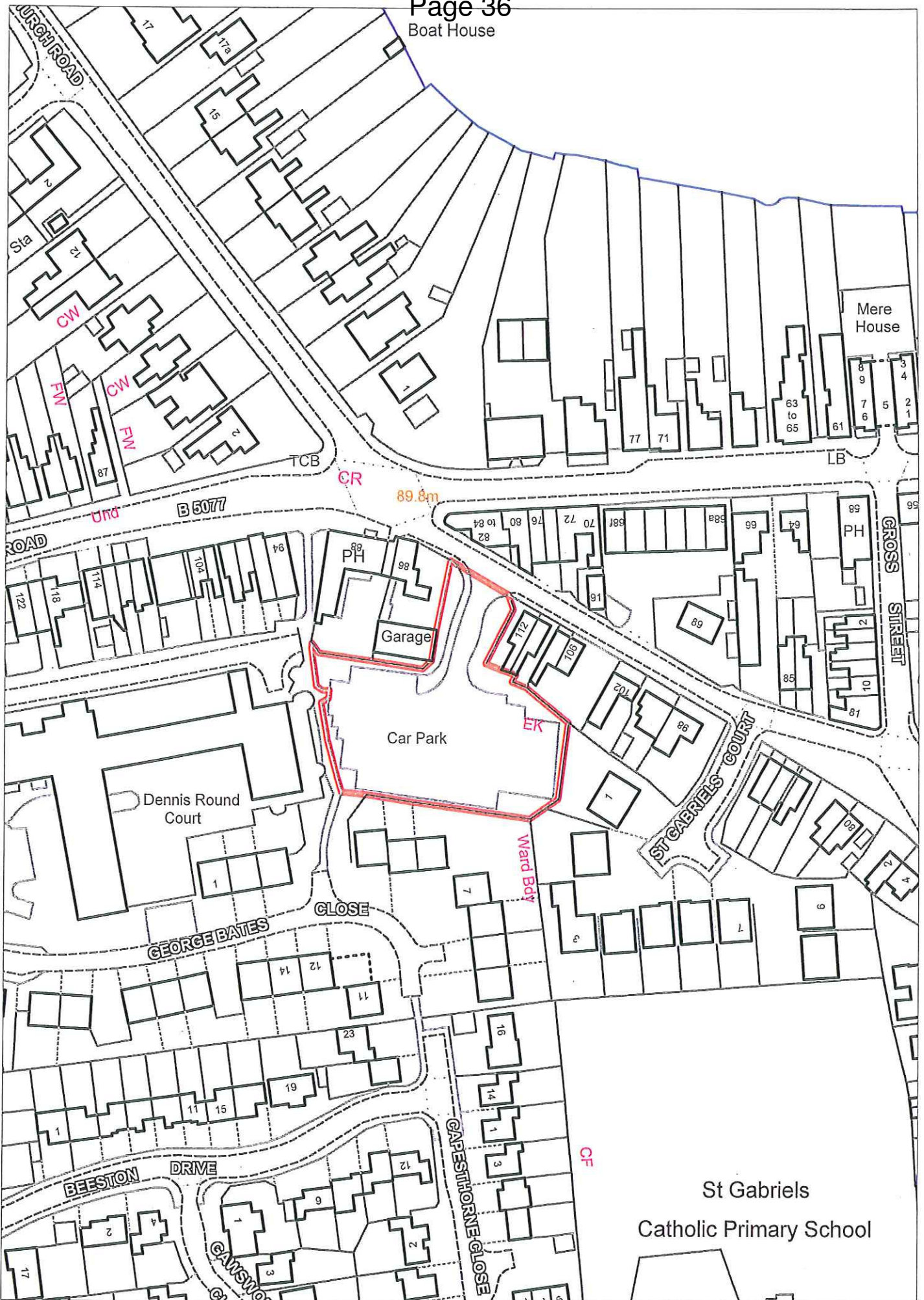


Fairview, Alsager





FANNY'S CROFT, ALSAGER



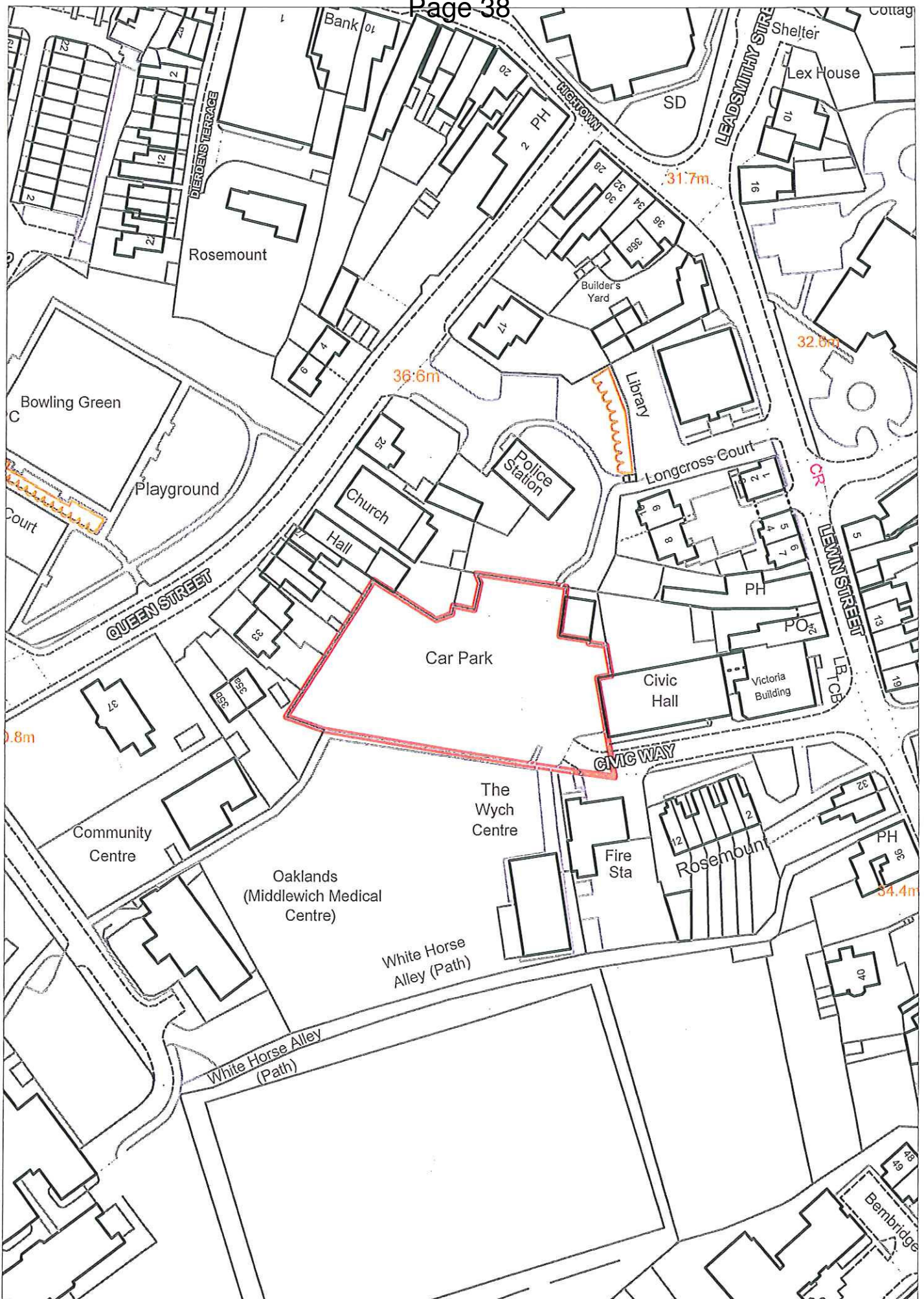
STATION ROAD, ALSAGER

Gardens



WELL LANE, ALSAGER





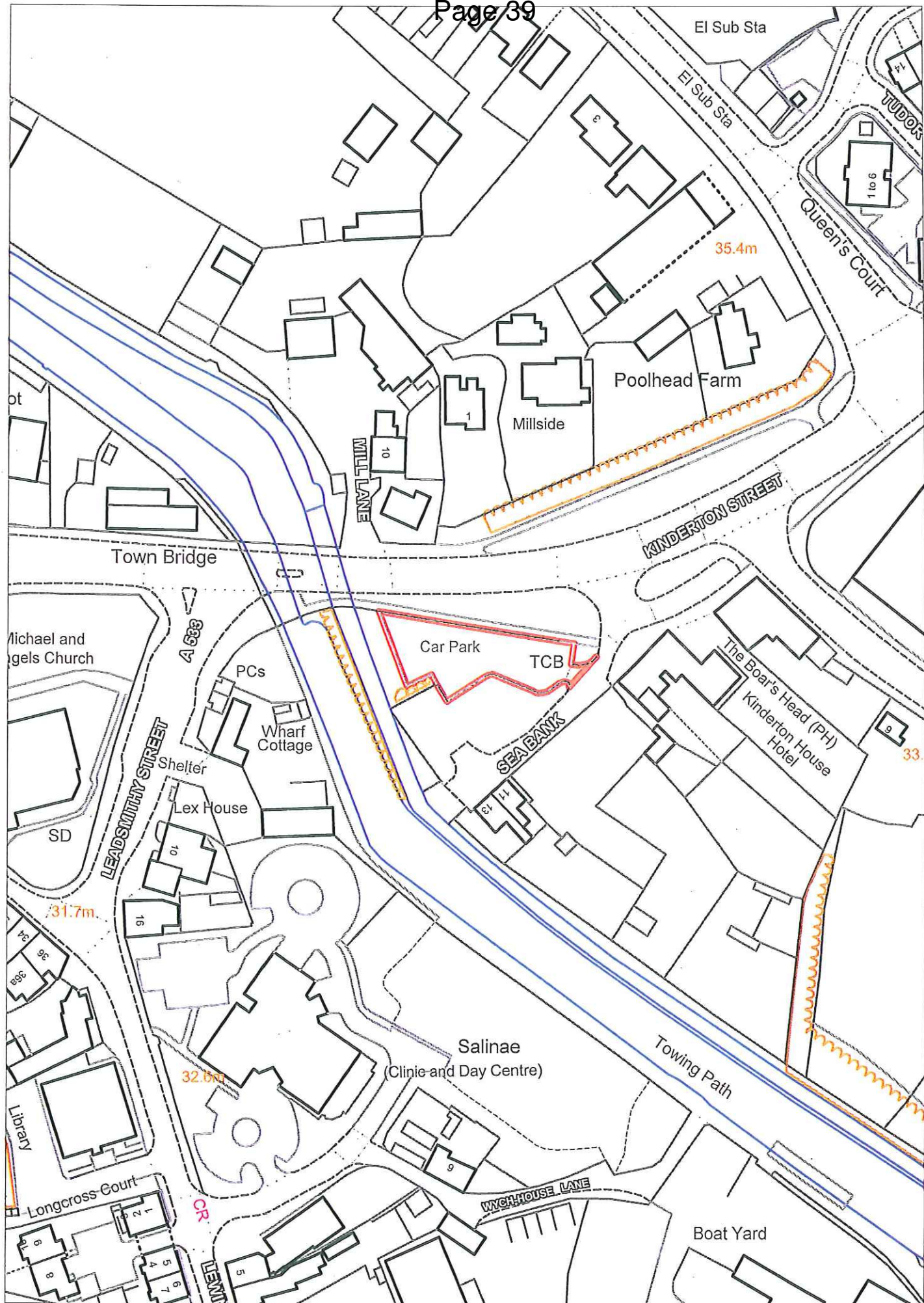
CIVIC WAY, MIDDLEWICH

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.



Scale 1:1250



SEA BANK, MIDDLEWICH





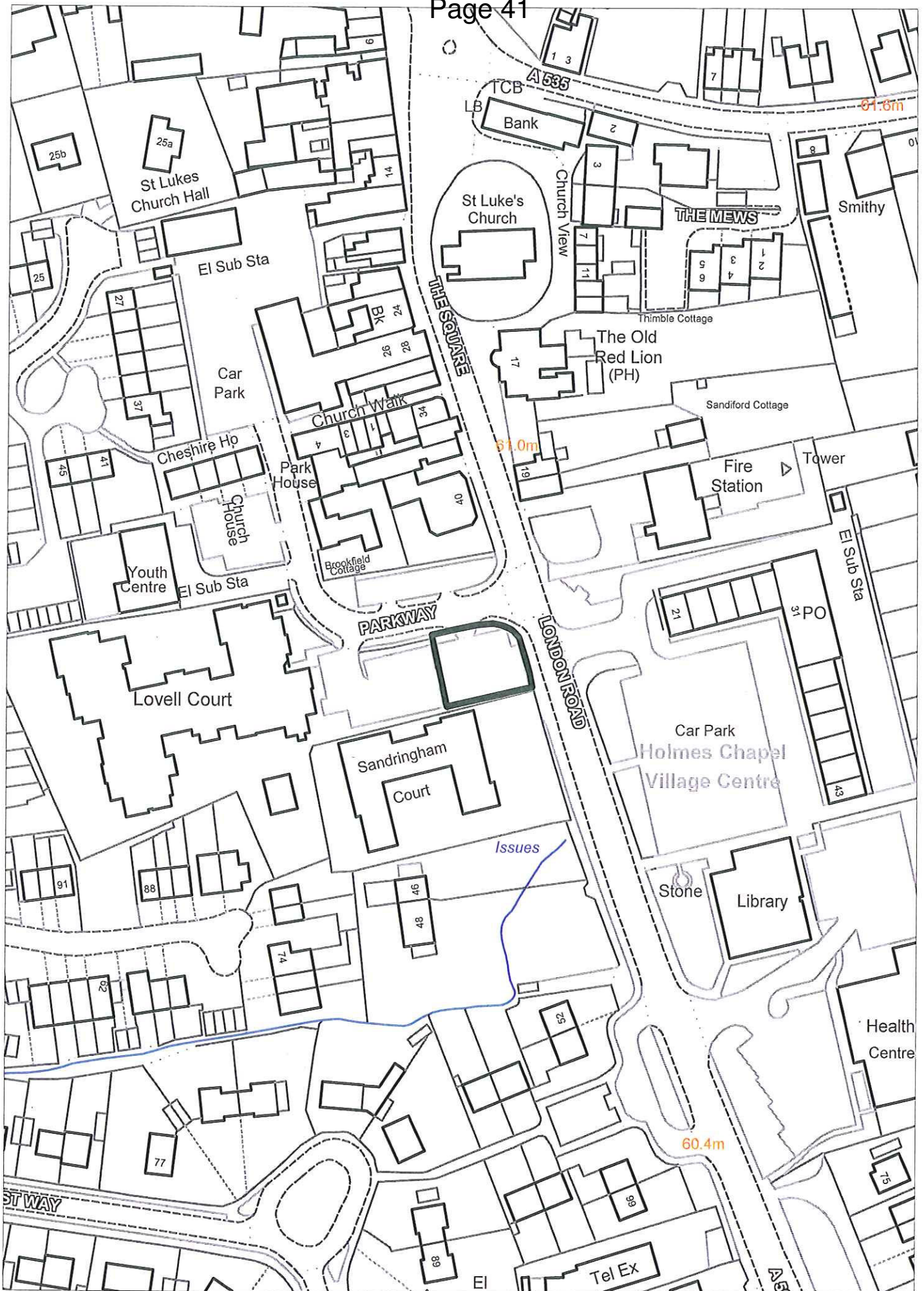
SOUTHWAY, MIDDLEWICH

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009.



Scale 1:1250



PARKWAY, HOLMES CHAPEL



LONDON ROAD, HOLMES CHAPEL



23 DEC 2009

18/12/09, ✓

Dear Mr Chapman,

We wish to object
to the appropriation of the open spaces
for car parking.

In the what was long been district
we don't want similar problems to
that involving the disgraceful episode
involving parents parking at Springfield
School

These currently unelected councillors
may have cause to regret the action
when objectors have chance to vote.

Yours sincerely

Bobin McLean

P.S. This notice is at a particularly
bad time when people are busy with
other activities.

19th December 2009.

Attn.Helen Cadwallander PA to John Nicholson (Dros)
Cheshire East Council
Middlewich Road
Sandbach
Cheshire. CW11 1HZ

Re; Appropriation of land as notice in Winsford and Middlewich Guardian Dec.16 2009

Dear Ms.Cadwallander

Further to our telephone conversation of 16th December 2009 in which you stated you knew nothing about this advertisement I am advised by CEC Customer section that I should write to you regarding this matter to which you are supposed to pass comments/objections on to John Nicholson, Director of open spaces.

Whilst you say that you are unaware you will no doubt remember typing correspondence from John Nicholson to myself regarding these car parks in Middlewich earlier in this year, regarding charging for parking, and our telephone call in which you said I would receive a reply if it warranted one, following John Nicholson saying he could not reply to a individual.

When the council say appropriation of land as far as I am aware these tracts of land as listed are already used as car parks through out the former Congleton Borough Council.

My concerns are that the Cheshire East council are appropriating these car parks which are described as land ready for the introduction of charging on the 11th January 2009.

Whilst I am no expert on other areas in the Cheshire East boundary I wish to point out that with regards to Middlewich that the Southway car park/land area did not appear to be listed for charging in the previous advertisements with regards to car parks within the former CBC.

If it is not the intention for future charging on or after the 11th January 2009 on Southway car park, I note that the Common at Sandbach is not listed in the above notice.

I believe the Common is exempt from charging and I must ask is the Sandbach Common to be dug up as I believe common rights prevail.

Also I note Westfields is included where the Council say charging will be made to the staff.

If charging is not to be made at Westfields what will the Council do when the more than five parking spaces being available is to be brought in where the amount of up to £350 is to be charged to staff using these spaces, will the Council dig up any spaces over five?

Further more regarding the Southway car park in Middlewich (which your Highways Office say is in Chester) Note that this land is currently used for the weekly market and as use as a "Marshalling" point area when events are on at the Market Fields/Civic Way area.
i.e. such as the Rose Fete.

Also this car park/land area is on the site of the former Orchard Lily Works owned by F.Coupe Lily Works - Newton Heath.

As Mr.Nicholson is passionate, about residents rights, he will no doubt be aware that the Fountain Fields Park was donated to the people of Middlewich I believe, and over seen by M.U.D.C. under the Public Health Act for the purpose of "Public Walks and Pleasure Grounds".

This area may have been the site where the dead soldiers had been buried following the Battle of Middlewich at the nearby St.Michaels Church during the Civil War. The troops being garrisoned at Newton Hall.

The end of the perimeter of land which was deemed to become Fountains Fields I believe was formally called The Green.

This area was to become the car parking area for the Fountains Fields Park.
This still being shown as the car park for Fountains Fields on O/S Maps at the time of formation of Congleton Borough Council.

Adjoining the land the council now refer to as Southway Car Park permission was given to construct a Food Store and was taken by Gateway Food Stores, Bristol or the site developer.

When this planning permission was granted it was given on the grounds of "Free Parking For Residents Maintained For Ever" made on a swap basis for the land taken by the construction of the "Access From Queen Street" taking the car park land of Fountains Fields.

If the Council are now "Grabbing" this land for future planning for charging or other, is probably braking this planning permission and might affect the present Tesco Store adjoining this land as rights given to the Store for "vehicular access".

Regarding the Civic Way Car Park/Land Area this was formerly known as "Market Fields".

This area I believe was donated by a "Middlewich Family" for use as the above mentioned land for public use and was the "Market Place".

Vehicle access was from next to the former Fire Station along side Rosemount this being redeveloped as Civic Way and "New Fire Station" constructed on the area approximately where the Market Fields Public Convenience was.

At the rear of Victoria Building the M.U.D.C. had their "Works Area" where I believe the "Soil Cart" was kept.

Where the Civic Hall is now this was approximately where the weekly Market was held along with the Middlewich Town Carnival.

The area of the now car park was extended over the years into the "Green" area of Market Fields along with the construction of the Fire Station, Doctors Surgery and Wyche Centre

Usage of this car park has been made for more than 20 years for events going back to the Carnival which was supported by amongst others Henry Seddon (Cerebos) the Middlewich Alkali Co/I.C.I and Murgatroyds and Bill Jones Construction.

In more recent times this car park area has been used by the Middlewich Town Council to stage events, some of which include temporary close of the car park.

These events benefit the residents of Middlewich along with visitors to the Town with enjoyment and further benefit the town traders with income.

Also this Civic car park is used by Library users when the car park behind the Library is full, this Library car park is also not on the list to be taken over.

My concern is that there is no other suitable spot within the town to hold events especially those which are held for charitable funds such as the Rose Fete and the "Showman's Fair" where the site is away from passing traffic for child safety.

Also residents use this car park when they go to the Medical Centre and I must ask will the yellow lines be removed from along St. Annes Walk or be enforced "when" charging is introduced to this car park, and will the Council introduce charging for residents using the car park for this purpose?

I am advised that a meeting was held 16th December 2009 by the parking cabinet and as the closure notice given for the above notice is the 7th January 2009 and the set date of 11th January 2009 was said to be by the Council for car park charges to be introduced once again I must ask is this a "Fait Accompli".

Please be aware that as at the 18th December 2009 no notice of Intent was displayed on the "site" of car parks/land listed in the paper and is it not a legal requirement to advise the public in the area(s) involved.

Yours faithfully

A.J.Langley.

N.B. Following our telephone call of the 16th December 2009 in which you said you would be passing on correspondence to the Council's planning section. I have forwarded them a copy of this objection, as they might have to consult their records.

APPENDIX 3C

Khan, Kate (Riordan)

From: HARTWELL, Peter
Sent: 22 December 2009 19:12
To: Khan, Kate (Riordan)
Subject: Fw: urgent: for attention of John Nicholson

From:
Sent: 21 December 2009 21:58
To: info
Subject: urgent: for attention of John Nicholson

For attention of John Nicholson re Car Parking and Open Spaces in Alsager

In reference to:

CEBC

Local Government act 1972- section 122 (1) &(2a)

Notice is hereby given that the Cheshire East Borough Council intends, after the expiry of the period mentioned below, to appropriate for car parking purposes certain land consisting of an open space,

The proposal to change the open spaces in Alsager currently know as Fairview, Fannys Croft, Station Road and Well Street to designated car parks is not to be treated lightly without considering the current usage of these open spaces. Why was this not made public when the public consultation was in place?

The Fairview car park in particular is in effect the centre of the community in Alsager. It serves various community events and services, for example the public library, the post office, pharmacies and the various churches located nearby as well as being used by parents of children in nearby school, for families using the children's the Fairview playground and for 'volunteer' events in the Civic Centre.

I am very concerned that this application is being submitted with little time for us, the people of Alsager to think about it and to respond. Is there not a minimum time period and a requirement for greater publicity about it than is currently being undertaken?

It is virtually impossible prior to the Christmas holiday period to submit a written objection, or to ensure that others are aware of what is being suggested too. I would be grateful if you could acknowledge receipt of this email.

It seems sensible given the short time span that the implementation of the charges be further suspended until a full public consultation can take place. This is a very important matter for the whole community of Alsager.

Yours,

Janet

Janet Major

resident, business owner, and Chair of Alsager Weavers, Spinners and Dyers.

11/01/2010

Khan, Kate (Riordan)

From: customerservices3
Sent: 22 December 2009 10:11
To: CADWALLADER, Helen
Subject: FW: URGENT: FAO Helen Cadwalder, PA to John Nicholson -appropriate for car parking purposes certain land consisting of an open space
Importance: High

From: John Poulson
Sent: 21 December 2009 17:13
To: Info
Subject: URGENT: FAO Helen Cadwalder, PA to John Nicholson -appropriate for car parking purposes certain land consisting of an open space
Importance: High

Dear Helen,

Regarding:

CEBC

Local Government act 1972- section 122 (1) &(2a)

Notice is hereby given that the Cheshire East Borough Council intends, after the expiry of the period mentioned below, to appropriate for car parking purposes certain land consisting of an open space,

I am greatly concerned this application is being submitted with little time for the public to respond and I **request that it is suspended until a proper public consultation can take place.**
The impact of such proposals should surely be more widely publicised?

The proposal to change the open spaces in Alsager currently known as Fairview, Fannys Croft, Station Road and Well Street to designated car parks is not to be treated lightly without considering the current usage of these open spaces.

Fairview in particular serves the community for various community events and services, the public library, the post office, the various churches located nearby as well as being used by parents of children in nearby schools and for families using the childrens the Fairview playground.

With so little time prior to the Christmas holiday period to submit a written objection, can you please confirm receipt of this objection.

Regards

John

John Poulson
Secretary - Alsager Chamber of Trade

Mr. J. Nicholson

Cheshire East Council

Westfields

Middlewich Road

Sandbach

22.12.2009

Cheshire

CW11 1HZ

Re: Appropriation of Land for Car Parking Purposes.

Dear Sir,

Following the notice of the above in last weeks Congleton Chronicle I would like some confirmation concerning the boundary marked on the street plan for Blake Street car park, Congleton.

I am a resident at the above address and am not opposed to the appropriation. However, unfortunately Lumpy Street does not physically exist as an actual street. Access to our, and the cottages either side, is through the current car park. Directly in front of the 3 cottages is a pedestrian path and then a grassed area approximately 3 metres in width, and the length of the cottages. Within the grassed area are tarmaced drives which used by myself and the other residents of Lumpy Street.

As the boundary marked on the plan is across the outer edge of the grassed area, am I correct in assuming that the tarmaced drives are not to be included in the appropriation and will continue to be for the use of residents of the Lumpy Street.

Adjacent to the above grassed area and near to the entrance of the car park is a small parking space suitable for 2 vehicles. Would the council consider selling this area for residents use?

Yours sincerely,

G. S. Garbett



MIDDLEWICH QUALITY TOWN COUNCIL

Helen Cadwallader
PA to John Nicholson
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

Victoria Building
Lewin Street
Middlewich
Cheshire
CW10 9AT

Tel: 01606 833 434
assistantclerk@middlewich.org.uk

23 December 2009

Dear Madam

Local Government Act 1972 – Section 122 (1) & (2A) – Appropriation of Land for Car Parking Purposes

I have been asked by the Town Council to make a formal objection to Cheshire East Council's proposal to appropriate land at Civic Way, Middlewich from open space to car parking on the ground that the land is still required on a regular basis for open space purposes.

The reason for this is that the land in question, along with the adjoining Market Field, is still used extensively for events, fairgrounds and festivals and it is the only land in the town which is suitable for that purpose. Events regularly held include:

- Middlewich Folk and Boat Festival
- Middlewich Transport Festival
- Middlewich Rose Fete
- Middlewich Companion Dog Show
- Middlewich Annual Fair
- Youth events (e.g. temporary skate park)
- Heritage events (in September 2010 there will be a 1940s event)

Additionally, the Town Council has asked me to seek an assurance from Cheshire East Council that the appropriation of the land at Southway to car parking purposes is not a precursor to the introduction of car parking charges at that location.

Yours faithfully

Stephen H Dent
Assistant Town Clerk



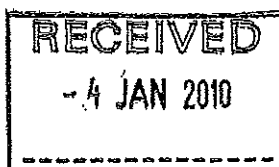
www.middlewich.org.uk

ALSAGER TOWN COUNCIL



30th December 2009

Helen Cadwallader
PA to John Nicholson
Cheshire East Council
Westfields
Middlewich Road
Cheshire
CW11 1HZ



Dear Ms Cadwallader

Local Government Act 1972 – Section 122 (1) & (2A) Order

Alsager Town Council has no objections to the proposed Order confirming that the lands at Fairview Car Park, Fanny's Croft, Station Road and Well Lane are held for car parking purposes.

However, with regard to Fairview Car Park, this decision is conditional on the existing covenant on this car park being resolved, and that the land in question does not include the current play area, which is subject to an outstanding Village Green Application and proposed Planning Application by Kimberley/Co-op.

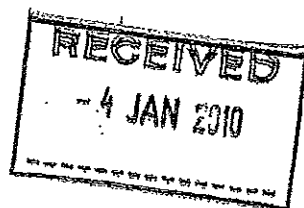
Yours sincerely,

T Fitton
Town Clerk

3 Lawton Road
Alsager
Cheshire
ST7 2AE

Tel/Fax: 01270 876440
Email: clerk@alsagertowncouncil.org.uk
Email: admin@alsagertowncouncil.org.uk
Web: www.alsagertowncouncil.org.uk





December 31st 2009

To: Helen Cadwalder
PA to John Nicholson
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

Ref: Plans to Introduce a Pay-Parking Scheme to Cheshire East Market Towns
Public Notice from Cheshire East Council – Car Parking Scheme

Dear Ms Cadwalder,

I am writing to register my protest against the Council's plans to introduce pay-parking schemes to those market towns listed in your public notice dated 16th December. The imposition of such a policy will have a detrimental impact upon the economy of these towns and I feel also, that once again, the Council has failed in its duty to give the residents and businesses of East Cheshire the appropriate opportunity to register their complaints.

Having taken time out to visit the Council's offices in Sandbach and review the information made available to the public with regards to this policy I note that the Council stipulates that "an effective parking policy will help to further a wide range of urban policy objectives such as

- Economic (vitality of the town centre)"

There has been a considerable amount of evidence submitted to the Council from protest groups such as the No 2 Parking Charges Campaign, local councillors, representatives of Chambers of Trade etc that directly challenges the view of Cheshire East Council with regards to the impact on the economies of those market towns affected by such a policy.

The information submitted clearly demonstrates that the imposition of car parking charges will have a significant impact on the economic vitality of the town centres affected and I urge Cheshire East Council to suspend their plans and conduct a detailed review on this intended policy.

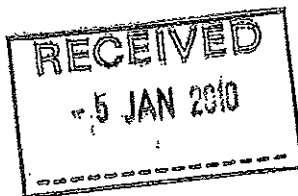
The timing of this release, in my opinion, is the act of a Council that is well aware of the huge volume of anti-car parking protests, by publishing a notice of this nature so close to Christmas this is nothing more than a deliberate attempt to reduce the level of complaints. Council Cabinet and those councillors who persist in their support for such a misguided policy can be assured that such tactics will not be allowed to succeed.

I reiterate my protest against the imposition of car parking charges, the revenue received by Cheshire East will be inconsequential when it is contrasted with the detrimental impact of such a policy on the economic vitality of those market towns affected.

Yours sincerely

Mike Walley
Middlewich Resident

January 2nd 2010



FAO Helen Cadwalder
PA to John Nicholson
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

Dear Ms Cadwalder,

Ref: Plans to Introduce a Pay-Parking Scheme to Cheshire East Market Towns
Public Notice from Cheshire East Council – Car Parking Scheme

I would like to register my extreme opposition to the proposed car parking charges that you proposed in your notice of the 16th December. The timing of this notice was assumedly to ensure that most people were too busy with the Christmas festivities to have the time to register their opposition. Although legally the time scale for objections was adequate I cannot help but question whether it was convenient for the council as most people would be away for the festive season as indeed the council offices themselves would be shut! Or am I just being cynical?

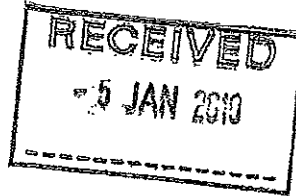
Middlewich and the other market towns that are mentioned thrive purely on the convenience factor as the traders face tough opposition from the out of town shopping complexes that offer larger stores, greater choice, lower prices and in the majority FREE PARKING! If the council levy the charges the incentive to shop locally will be removed and essentially the market towns will be transformed into ghost towns. Surely this cannot be the objective of the council as boarded up shops and empty premises benefit no one.

Small towns are fighting for their economic survival and by imposing additional charges to the shopper serves no purpose but to drive the traders out of business. If these local facilities are forced to close due to unfair parking charges and their customers relocate those fortunate enough to be able to drive and have cars will just shop elsewhere, but what happens to the elderly and less well off who do not have this luxury available to them?

In summary I believe that imposing parking charges will signal the death knell for the small town and then the wider community spirit at large. I strongly object to the parking proposals and urge the council to reconsider.

Yours sincerely

✓ Jane Ainley



03rd January 2010

Helen Cadwallader

Dear Helen

I am writing to say that I am not happy with East Cheshire Council's parking charges which will affect Alsager, Sandbach and Middlewich. I am a Shop Manager for Sue Ryder Care in Alsager and the car park charges will be a great devastation on our charity as volunteers will have to park to come and work in the shop.

Therefore I am asking you to reconsider because Alsager is not a town but a village with a village community atmosphere and Alsager will have a great affect on the trade as people are saying they will not pay for car parking charges.

CEBC

Local Government act 1972 – section 122 (1) & (2a)

Notice is hereby given that the Cheshire East Borough Council intends, after the expiry of the period mentioned below, to appropriate for car parking purposes certain land consisting of an open space.

Regards

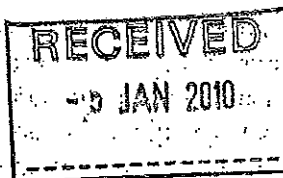
Janet Short,
Shop Manager , Sue Ryder Care and Member of the Chamber of Trade

P.S. Please contact me on

. Looking forward to hearing from you.

4th January 2010

Helen Cadwallader
PA to John Nicholson
Cheshire East Council
Westfields
Middlewich Road
Sandbach



CW11 1HZ

Re: Parking charges in Middlewich

I am writing to express my objection to the proposed introduction of parking charges in Middlewich and to complain in the strongest possible terms about the conduct of Cllr Brickhill in this matter.

It has been brought to my attention in the last few days that the parking proposal covering Middlewich has now been extended to include Southway car park. I oppose the introduction of charges anywhere as it will be the catalyst to a slow and painful death for local businesses, but I am utterly disgusted at the total contempt that Cllr Brickhill has shown towards the residents of Middlewich in particular.

At last year's public meeting held in the Civic Hall he was specifically asked if there were any plans to extend the areas beyond the Civic Way and Seabank car parks and he gave a clear answer that there were no such plans for the foreseeable future. It would seem that the term 'foreseeable future' only meant for that particular night, once he was out the building it would be open season to do anything. It is one thing to extend the scheme to cover other areas once the original project is up and running and proving successful, it is something else to add extensions which run counter to public opinion when there is no evidence whatsoever to support the idea in the first instance.

What, then, was the purpose of Cllr Brickhill's public meeting? It was billed as an open forum to provide feedback from the residents to the Council. The residents were very clear in their views of opposition as were the elected Town Councillors. But not only has Cllr Brickhill completely ignored all the eloquently argued reasons for not introducing charges here he has gone one step further and dolloped on us all from a great height by lying with his answer to a direct question.

I therefore request that you ensure that this disastrous and ill thought out scheme is scrapped before any more council tax money is wasted on it and before Middlewich finally closes its doors for the last time and someone switches off the lights.

Thanking you for your attention in this matter.

Yours sincerely

Alastair Griffiths

Khan, Kate (Riordan)

From: Edward Gibbins
Sent: 05 January 2010 14:08
To: CADWALLADER, Helen
Subject: Local Government Act Notice

I am sending this objection by e-mail as we are snowed-in at present & cannot get to the post office.

fao Helen Cadwallader, PA to John Nicholson
Cheshire East Council
Westfields,
Middlewich Road
Sandbach
Cheshire CW11 1HZ

I refer to the Notice dated 16 December 2009 from Christopher Chapman, Borough Solicitor, issued in connection with the appropriation of land in Alsager under the Local Government Act 1972.

I object to the action in regard to Alsager car parks, on the following grounds:-

1. The Notice does not give a reason for the intended action.
2. It is not explained why the Council needs to "appropriate for car parking purposes certain land consisting of an open space, namely" when these places are already in use as car parks. Fairview car park has been in such use for 40 years.
3. In my view, the Council has not complied with the *spirit* of the Act which required the intention "to be advertised in two consecutive weeks in a newspaper circulating in the area". Alsager does not have its own newspaper. Circulation of the **Congleton** Chronicle in Alsager is low, so that it is probable that a huge majority of residents will be unaware of the advert. The Sentinel is more widely read in Alsager, albeit, still, I believe by a minority of residents. I only became aware of the Council's intention because someone pushed an envelope through my door containing a copy of the Notice and the maps relevant to Alsager. Only when I had looked at the Act, did I become aware of the requirement to advertise in a newspaper, which led me to find out which newspaper carried the Council's advert. I had to go through the **Congleton** Chronicle twice to find the advert. I could not find it in The Sentinel.
4. In view of the above, I consider that the Council would have been wise to supplement the Act's requirements by posting ample Notices both in car parks and elsewhere of the intention. I suggest that doing so now by displaying such Notices in Alsager, with a revised date for objection would ensure wider dissemination of the intention. Notices should be of a large Font to facilitate reading by the older generation. Notices displayed of the intention to impose charges were poor with Fonts more suited to a letter rather than a public Notice.
5. In my view, the intention should have been brought to public attention and explained earlier, e.g. at the public meetings. The Council should also consider convening a public meeting in Alsager Civic Centre to explain the issue.
6. The status of the Westfield Offices car park site should be subject to simultaneous and corresponding action. Why is it not shown in the Notice?

E.A., Gibbins

Khan, Kate (Riordan)

From: customerservices3
Sent: 05 January 2010 11:13
To: CADWALLADER, Helen
Subject: FW: URGENT: FAO Helen Cadwalder, PA to John Nicholson -appropriate for car parking purposes certain land consisting of an open space

From: pmaintenance@aol.com
Sent: 05 January 2010 08:40
To: info
Cc: Wendyjayne@aol.com
Subject: URGENT: FAO Helen Cadwalder, PA to John Nicholson -appropriate for car parking purposes certain land consisting of an open space

Dear Helen,

Regarding:

CEBC

Local Government act 1972- section 122 (1) &(2a)

Notice is hereby given that the Cheshire East Borough Council intends, after the expiry of the period mentioned below, to appropriate for car parking purposes certain land consisting of an open space,

I am greatly concerned this application is being submitted with little time for the public to respond and I **request that it is suspended until a proper public consultation can take place.**

The impact of such proposals should surely be more widely publicised?

The proposal to change the open spaces in Alsager currently know as Fairview, Fannys Croft, Station Road and Well Street to designated car parks is not to be treated lightly without considering the current usage of these open spaces.

Fairview in particular serves the community for various community events and services, the public library, the post office, the various churches located nearby as well as being used by parents of children in nearby schools and for families using the children's the Fairview playground.

With so little time prior to the Christmas holiday period to submit a written objection, can you please confirm receipt of this objection.

Regards

Paul Minger

This page is intentionally left blank

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting: 1 February 2010
Report of: Strategic Director Places
Subject/Title: Proposed off-street parking order for the former Congleton Borough Council area
Portfolio Holder: Councillor Rod Menlove

1.0 Report Summary

- 1.1 The purpose of the report is to request that, in the light of the additional information set out within the report, Cabinet considers certain amendments to its decision of 10th November 2009 in relation to the approval of an off-street parking places order for the former Congleton Borough Council area.

2.0 Decision Requested

- 2.1 Cabinet is requested, in the light of the information provided within the report, to substitute for its decision of 10th November 2009, a decision to authorise the Borough Solicitor to make the Cheshire East Borough Council (Off-Street Parking Places)(Congleton Area) Order 2010 on the basis set out within Appendix 2 and defer a decision on the remainder of the proposals within Appendix 1.

3.0 Reasons for Recommendations

- 3.1 Cabinet is requested to consider the recommendation within paragraph 2.1 in the light of the information set out in Section 11.

4.0 Wards Affected

- 4.1 Alsager, Congleton Rural, Congleton Town East, Congleton Town West, Middlewich, Sandbach, Sandbach East and Rhode.

5.0 Local Ward Members

- 5.1 Alsager - Rod Fletcher
Derek Hough
Shirley Jones

| | |
|-------------------------|--|
| Congleton Rural - | Les Gilbert Andrew Kolker John Wray |
| Congleton Town East - | David Brown Peter Mason Andrew Thwaite |
| Congleton Town West - | Gordon Baxendale Roland Domleo David Topping |
| Middlewich - | Paul Edwards Simon McGrory Michael Parsons |
| Sandbach | Stella Furlong Gillian Merry Barry Moran |
| Sandbach East & Rhode - | Elsie Alcock Rhoda Bailey Andrew Barratt |

**6.0 Policy Implications including - Climate change
- Health**

- 6.1 In accordance with the Car Parking Strategy, the introduction of controls on car parks is intended to encourage people to use more sustainable and healthy forms of travel, minimise vehicle use and help tackle the impact of congestion and vehicle emissions on air quality. Making better use of our available spaces particularly through the designation of long and short stay car parks will help reduce congestion at peak periods in central locations.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 Reduction of the extent of charging in the former Borough of Congleton will reduce estimated income from £500,000 per annum to a maximum of £300,000.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 Section 122 of the Road Traffic Regulation Act 1984 ('the Act') imposes a general duty on local authorities to have regard to certain factors when exercising their functions under the Act. As the decision to make an off-street parking places order is a function under the Act, the Council is required to consider the duty when making the decision within paragraph 2.1; failure to do so would pose a risk to the decision. Section 122 states:

"It shall be the duty of every local authority upon whom functions are conferred by or under this Act, to exercise the functions conferred on them by this Act (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland, the road."

- 9.2 The matters specified under section 122(2) are as follows:

- (a) the desirability of securing and maintaining reasonable access to the premises;
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, and so as to preserve or improve the amenities of the areas through which the roads run;
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- (c) the importance of facilitating the passenger of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- (d) any other matters appearing to the local authority to be relevant.

- 9.3 In making its decision, Cabinet is required to consider the section 122 duty in relation to the proposed Order before it. The detailed analysis of the section 122 duty which was presented to Cabinet on 10th November is attached as Appendix 3. It is suggested that as the proposal before Cabinet today retains control of the car parks and provision for long and short stay parking places, much of this analysis remains valid for these purposes. The current proposal suggests that charges be imposed on a number of specified car parks within Congleton Town and that there be no charges imposed in relation to the remainder of car parks covered by the Order. Whilst remaining relevant to the Congleton Town car parks where charging is still proposed, it is suggested that those elements of the analysis which dealt with the effect on amenities would be amended as follows in relation to the remainder of sites:

- 9.3.1 Effect on amenities – in relation to those car parks where charges are not to be imposed, the benefit of control will still be felt, for example through the increased availability of parking spaces, whilst any suggested negative impact of charging is removed.

- 9.4 Regulation 19(1) of the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 provides that a local authority may make and order in part by giving effect to some of the proposals to which the order relates whilst deferring a decision on the remainder. Regulation 19(2) states that where an order has been made in part, the authority may subsequently deal with the remaining proposals in any, or any combination, of the following ways: (a) abandon them; (b) defer a decision on them; (c) make an order or orders giving effect to them in whole or in part.
- 9.5 As soon as practicable after an order is made the authority is required to include a copy of the order among the documents held on deposit at the Council offices and, within fourteen days of making the order, publish a 'notice of making,' notify the making of the order to any person who made an objection, and take such steps as are considered appropriate to ensure adequate publicity is given to the making of the order. It was originally intended to bring controls into effect on 11th January. This date has now been postponed and the anticipated date is 15th February 2010.

10.0 Risk Management

- 10.1 Estimates of income from parking are based on assumptions about occupancy which are themselves based on experience elsewhere and are subject to variations in customer behaviour.
- 10.2 Legal risks are set out in Section 9 above.

11.0 Background and Options

- 11.1 On 10th November Cabinet considered a report in relation to a proposed off-street parking places order for the Congleton area. Cabinet resolved, subject to the appropriation of the land to car parking purposes, to make an order on the basis set out within Appendix 1.
- 11.2 The Council has continued to listen to the representations made and has held detailed discussions with local ward members to better understand the issues affecting each town. Following these discussions, the Cabinet is asked to consider an amended decision for the introduction of an off-street parking places order on the basis now set out within Appendix 2.
- 11.3 The following factors suggest that the imposition of a charge would not be appropriate at the present time in relation to the following sites:
- 11.3.1 Sandbach – further investigation of legal issues affecting the key car parks in Sandbach have shown that in order to resolve these, a significant delay to the introduction of charging on those sites will be necessary. As these sites (Scotch Common and Lower Brookhouse Road) are crucial to the overall control and provision of parking in the town as a whole, it is felt that no charging should be

introduced until all major sites can be included in a management solution.

- 11.3.2 Roe Street, Congleton – This car park could be considered as peripheral to the town centre and it is felt that a review of its designation as either short stay or long stay is required to ensure appropriate restrictions are put in place. No charges are therefore proposed at this time.
- 11.3.3 Fairview, Alsager – the proposal to defer charging on Fairview car park is in response to increased evidence of the likelihood of displacement onto neighbouring streets for which further Traffic Regulation Orders are considered necessary and increased likelihood of developments to the supermarket nearby, which will involve Fairview Car Park itself. The planning application is imminent and work could start by the Autumn if it is approved. Disruption to the site may mean changes will be required to the proposed control regime.
- 11.3.4 Seabank and Civic Way, Middlewich – Occupancy levels are relatively low and the position at Seabank is complicated by the joint administration with the supermarket operator. The need for further controls will be monitored following the introduction of on-street enforcement and the possible displacement of illegally parked vehicles onto these car parks.
- 11.3.5 Parkway and London Road, Holmes Chapel - the proposal to introduce a minimal charge of 10p per 2 hour stay is not financially sustainable by comparison with other methods of control. Recent investigations have revealed that it may be possible to achieve the required level of control on these sites with a combination of CCTV and sale of permits or parking discs and the Council now proposes to investigate these methods in greater detail.
- 11.4 In all cases control by means of the introduction of a valid Car Park Order is essential and will be effected albeit without charging. This will enable officers to patrol and ensure that parking regulations such as those affecting disabled bays are adhered to, and that parking takes place only within marked bays. This alone will improve the efficiency and safety of operation of the car parks in Council control.
- 11.5 Congleton Town Car Parks – At its meeting on 14th January 2010, Congleton Town Council considered the earlier press release from Cheshire East Borough Council outlining these amended proposals. They passed a resolution that “the Town Council requests Cheshire East to agree to a moratorium on car parking charges for a period of two years”. A copy of this request is attached at Appendix 4.
- 11.5.1 In response, CEBC believes there is a need for better management and control of car parks and spaces within the town which will be achieved by the current proposals. The town centre redevelopment will undoubtedly impact on the availability of central car park ‘shoppers’ spaces which, when combined with the effect of improved on-street enforcement, will reinforce this requirement.

- 11.5.2 Furthermore, the proposed tariffs for both short and long-stay have been set at a relatively low level to reflect the local needs and characteristics of Congleton when compared with other main towns in the borough. This is entirely consistent with the Council's local pricing policy.
- 11.5.3 The shortage of available parking spaces in Congleton has been well rehearsed in previous discussions at the former Congleton Borough Council.
- 11.5.4 CEBC accepts that better use of available spaces is needed to satisfy existing demand and improve the accessibility and convenience to customers. The proposed Order will improve the turnover of prime 'shoppers' spaces and reduce the current problems created in town centre car parks by long-stay users.
- 11.5.5 CEBC has also recently agreed a Residents' Parking Scheme policy and associated capital funding which, together with the introduction of on-street enforcement powers, will enable the council to tackle any existing or further displacement of parking onto nearby residential streets.
- 11.5.6 The improved management and control of both on and off street parking, together with the introduction of residents' schemes, will enable a clearer picture of the longer-term transport and parking needs of the town to become apparent. This should inform any redevelopment plans for the town and may involve new investment in more long-stay spaces for example

12.0 Overview of Year One and Term One Issues

12.1 Not applicable.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Peter Hartwell

Designation: Head of Safer & Stronger Communities

Tel No: 01270 529614

Email: peter.hartwell@cheshireeast.gov.uk

ORIGINAL ORDER APPROVED BY CABINET 10th NOVEMBER 2009

APPENDIX 1

SANDBACH

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|--|-------------------------|
| Little Common | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | 0 – 1 hour 1 – 2 hours 2 – 3 hours | £0.30 £0.50 £1.00 |
| Hawk Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |

| | | | | | | |
|-----------------|----------|-----------------------|--|----------------|--|-------------------------|
| Well Bank | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Crown Bank | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Brookhouse Road | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Chapel Street | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
| Westfields | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

CONGLETON

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|--|-------------------------|
| Antrobus Street | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | 0 – 1 hour 1 – 2 hours 2 – 3 hours | £0.30 £0.50 £1.00 |
| Princess Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | 0 – 1 hour 1 – 2 hours 2 – 3 hours | £0.30 £0.50 £1.00 |

| | | | | | | |
|------------------|----------|-----------------------|--|----------|--|-------------------------|
| Fairground | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | 0 – 1 hour 1 – 2 hours 2 – 3 hours | £0.30 £0.50 £1.00 |
| Roe Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | 0 – 1 hour 1 – 2 hours 2 – 3 hours | £0.30 £0.50 £1.00 |
| Back Park Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Chapel Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Ropewalk | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| West Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Park Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |

| | | | | | | |
|------------------------------|----------|-----------------------|----------------|----------------|----------------|--|
| Blake Street/Edgerton Street | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
| Rood Hill | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
| Royle Street | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
| Thomas Street | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

ALSAGER

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|--|-------------------------|
| Fairview | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Fanny's Croft | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

| | | | | | | |
|--------------|----------|-----------------------|----------------|----------------|----------------|--|
| Station Road | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
| Well Lane | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

MIDDLEWICH

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|--|-------------------------|
| Seabank | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Civic Way | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |

| | | | | | | |
|----------|----------|-----------------------|----------------|----------------|----------------|--|
| Southway | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
|----------|----------|-----------------------|----------------|----------------|----------------|--|

HOLMES CHAPEL

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|-------------|--------|
| Parkway | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 2 hours | 0 – 2 hours | £.0.10 |
| London Road | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 2 hours | 0 – 2 hours | £.0.10 |

AMENDED ORDER (SUBJECT TO CABINET DECISION 1st FEBRUARY 2010)

APPENDIX 2

SANDBACH

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|----------------|--|
| Little Common | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | Not applicable | |

| | | | | | | |
|-----------------|----------|-----------------------|--|----------------|----------------|--|
| Hawk Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | Not applicable | |
| Well Bank | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | Not applicable | |
| Crown Bank | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | Not applicable | |
| Brookhouse Road | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | Not applicable | |
| Westfields | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

CONGLETON

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|--|-------------------------|
| Antrobus Street | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | 0 – 1 hour 1 – 2 hours 2 – 3 hours | £0.30 £0.50 £1.00 |
| Princess Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | 0 – 1 hour 1 – 2 hours 2 – 3 hours | £0.30 £0.50 £1.00 |

| | | | | | | |
|------------------------------|----------|-----------------------|--|----------------|--|-------------------------|
| Fairground | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | 0 – 1 hour 1 – 2 hours 2 – 3 hours | £0.30 £0.50 £1.00 |
| Roe Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 3 hours | Not applicable | |
| Back Park Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Chapel Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| West Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Park Street | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | 0 – 2 hours 2 – 4 hours 4 – 10 hours | £0.50 £1.00 £1.50 |
| Blake Street/Edgerton Street | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

| | | | | | | |
|---------------|----------|-----------------------|----------------|----------------|----------------|--|
| Rood Hill | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
| Royle Street | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
| Thomas Street | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

ALSAGER

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|----------------|--|
| Fairview | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | Not applicable | |
| Fanny's Croft | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

| | | | | | | |
|--------------|----------|-----------------------|----------------|----------------|----------------|--|
| Station Road | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
| Well Lane | As above | All days All hours | Not applicable | Not applicable | Not applicable | |

MIDDLEWICH

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|-----------------------|--|--|--|---|----------------|--|
| Seabank | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | Not applicable | |
| Civic Way | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 10 hours | Not applicable | |

| | | | | | | |
|----------|----------|-----------------------|----------------|----------------|----------------|--|
| Southway | As above | All days All hours | Not applicable | Not applicable | Not applicable | |
|----------|----------|-----------------------|----------------|----------------|----------------|--|

HOLMES CHAPEL

| Name of Parking Place | Classes of Vehicle | Days and hours of operation of Parking Place | Charging hours | Maximum period Vehicle may wait within Charging Hours | Tariff | |
|------------------------------|--|---|--|--|----------------|--|
| Parkway | (i) motor cars within the provisions of section 136(2) of the Act (ii) motor cycles as defined in section 136(4) of the Act (iii) motor vehicles constructed or adapted for the conveyance of goods or burden the unladen weight of which does not exceed 3500 kilograms (iv) invalid carriages as defined in section 136(5) of the Act | All days All hours | Monday to Saturday 8.00am to 6.00pm | 2 hours | Not applicable | |
| London Road | As above | All days All hours | Monday to Saturday 8.00am to 6.00pm | 2 hours | Not applicable | |

APPENDIX 3

SECTION 122 ROAD TRAFFIC REGULATION ACT 1984

1. Members' attention is drawn to the Legal Implications section of this Report in which Section 122 of the Road Traffic Regulation Act 1984 ("the Act") is outlined in detail. This Appendix contains an analysis of the proposed order in light of the Section 122 duty.
2. Insofar as the introduction of off-street car park controls can achieve the '*expeditious, convenient and safe movement of vehicular and other traffic*', the Cheshire East Council's Parking Strategy, upon which the introduction of car parking control is based, states as its objective

'To be consistent with and contribute to the overall aims of the National and Regional transport strategies which seek [inter alia];

- to achieve a greater reduction in overall traffic*
- to achieve a greater use of the more sustainable and healthy forms of travel*
- to achieve a more effective and efficient transport system*

Thus, these overall aims are consistent with achieving the 'expeditious, convenient and safe movement of vehicular and other traffic'.

3. The introduction of control and the provision of long stay and short stay parking places ensure people wishing to park have options available to them, generally with short stay places being located in town centre car parks and long stay places being located in peripheral car parks. It is believed that short stay visitors are less likely to travel in peak periods, which reduces congestion in and around town centres.
4. By controlling the length of stay on the car parks, the likelihood of a customer finding a parking bay within a reasonable time is increased. It is expected that availability of spaces will reduce congestion and vehicle movements by reducing the number of vehicles having to queue or repeatedly exit/enter car parks having not found a space. Further, it reduces vehicles circulating local areas in search of parking places, all of which seeks to achieve the expeditious, convenient and safe movement of traffic.
5. The proposals achieve the '*provision of suitable and adequate parking facilities on and off the highway*' in respect of off street parking facilities by the imposition of control which as stated above results in more availability of parking spaces through increased turnover, effectively increasing parking stock in real terms. The use of the parking spaces should become more efficient as people will not leave vehicles for a longer period than they need to. The

appropriate designation of car parks as long or short stay seeks to achieve the provision of '*suitable parking*', in that, the car parks closer to town centres are designated as short stay sites and those on the periphery are designated as long stay. With this duty in mind, the designation of certain car parks has changed during the development of the proposal.

6. It has been stated in objections received during the consultation process that as the proposals do not concern on street parking, it will result in increased on-street parking. It is difficult to accurately predict the level or impact of any displacement of vehicles as a result of the introduction of charging, however, potentially, it is a negative consequence of the proposals and may in itself comprise the issues under s122(2) i.e. access to premises, passage of public service vehicles and movement of traffic. Whilst the s122 duty includes on street parking too, Members have already agreed to introduce civil enforcement powers in the Congleton area and an application to DfT is pending approval. When those civil powers are introduced, it will provide the Council with a system of regulation for on-street parking, as it transfers the power to enforce from the police to the Council. Given the nature and timetabling of the on-street civil enforcement powers it is not appropriate to include it in these off-street proposals. Further, it is the aim of the Director to look at a residents' parking scheme, provided the funding is available, and a separate report on this is being presented to Members. Such a scheme will, in conjunction with the introduction of civil enforcement powers, provide regulation of any displaced parking which may result from the present proposals
7. In respect of the matters in section 122(2) of the Act, to which the Cabinet must have regard to;

a) the desirability of securing and maintaining reasonable access to premises;

The proposals assist such a matter in that the increase in the availability of parking spaces increases access to premises. Conversely, the proposals do not negatively affect any access to premises, in the sense of preventing or making access more difficult.

b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run....

The effect on the amenities are both positive and negative. The positive effect on the amenities of the localities affected is the availability of space. Some objections received during the previous consultation process stated that the imposition of

charging will have a negative effect on businesses and community facilities by discouraging customers/visitors and further it will penalise the staff or voluntary workers. It was stated in paragraph 8.1.1 of the report to the Cabinet Meeting on 8 September in response to that objection,

'Effective control through charging will encourage the circulation and turnover of customers on short-stay 'shoppers' car parks and restrict long stay parking in the central locations. There is no clear evidence that the imposition of appropriate charges is the key factor in a customer's decision as to whether to visit a town. It is the retail offer itself which is the main determinant of a destination as well as other factors such as accessibility, convenience and security. Charging can provide the incentive to town centre workers to explore alternative means of travel to work. Equally, charging should encourage employers to assist their colleagues in doing so.'

In relation to community facilities, a negative effect as suggested in one of the objections in that such facilities rely upon free parking. It also stated it is unfair that people should be charged to visit medical centres or surgeries. In response, it was stated at paragraph 8.2.2 of the 8 September report...

'This position is similar for other facilities around the Borough, including hospitals, which are already served by charged for car parks. Charging control assists with the availability of spaces and the current proposal uses a low tariff option to minimise the impact on such users.'

The matter of the 'effect on the amenities' also requires consideration of the effect on schools. Some objections received stated the proposal unfairly affects the schools in Alsager and Middlewich as parents have no option other than to use the car parks when dropping children off for school.

At its meeting on 8 September, the Cabinet had regard to the effect on such amenities and the difficulty facing the parents and proposed that the implementation of a permit system be investigated with the schools concerned.

Generally, whilst some of the effects on local amenities can be negative, that is, having to pay to park near to local facilities and the objectors view that this will discourage use, the effect can be positive as the increase in availability of parking space means customers or visitors can find a parking space when visiting those local businesses or community facilities, which would encourage visitors. The proposed tariff is the lowest across Cheshire East and such a low tariff minimises the financial impact on those groups such as the elderly or those on a low income.

In respect of the need to have regard to heavy commercial vehicles, this matter is really aimed at considering whether it is important to regulate or prevent heavy goods vehicles from travelling through areas in order to preserve or improve the amenities of the area through which a road runs. It is difficult to assess an off-street parking places order in the light of this matter, other than to state that as the draft order will prevent any vehicle over 3500kg unladen from parking on the car parks within the order, such vehicles will have to park elsewhere and this may be on the highway. Conversely, in respect of the first matter, i.e. *'the effect on the amenities of any locality affected'*, removal from car parks of such vehicles can have a positive effect on the amenities of the affected localities in that visually, areas are improved and are more attractive and desirable to visitors and local residents.

(bb) *the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*

The introduction of car parking control leads to increased likelihood of finding a parking space, thus reducing queuing or circulating vehicles and engine running time.

As short stay users are less likely to travel in peak periods, the appropriate designation of short stay and long stay car parks can have the effect of reducing peak time congestion.

This reduction in engine running time and congestion helps to reduce air pollutant emissions which is an objective of the 'Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007'

Further, the proposals may encourage the use of public transport and/or sharing of journeys to work, thus encouraging sustainable forms of travel, another key aim of the Strategy.

c) *the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;*

Although, as stated above, the proposals may encourage the use of public service vehicles, the proposals are not expected to have any effect upon the passage of such vehicles.

d) *any other matter appearing to the local authority*

There are no other matters appearing to the Officers.

8. Members will be aware that some of the obligations can be competing, however, it is a question of balance and in deciding whether to proceed with the proposed order Members must consider and balance these differing factors. The duty remains regardless of whether any objections have been received. Members need to consider, therefore,

whether the Council should proceed with the order given the varying matters to which it is to have regard in section 122(2) as detailed above.

Appendix 4



Congleton Town Council

Historic market town

Town Clerk: **BRIAN HOGAN**

RECEIVED

20 JAN 2010



Cllr W Fitzgerald
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

18th January 2010

Dear Cllr Fitzgerald,

At a meeting of Congleton Town Council held on the evening of the 14th January 2010, the Council considered the press release on car parking charges produced by Cheshire East and the letter you sent to Councillor Nigel Bayley, leader of Congleton Town council.

The discussion on the issue of car parking was long and indeed vociferous as many of our Councillors had very strong views about the imposition of car parking charges and in particular felt that Congleton was being singled out and treated differently to Alsager, Holmes Chapel, Middlewich and Sandbach when taking into account previous statements made by Cheshire East concerning harmonisation.

The Town Council previously has opposed the introduction of car park charges at this time and argued for a two year delay until the Town Centre Development has been undertaken; indeed this redevelopment work will be very disruptive and will result in the temporary loss of two town centre car parks.

The resolution passed by The Town Council states "That the Council request Cheshire East to agree to a moratorium on car parking charges for a period of two years"

I would request that both you and the officers of Cheshire East Borough Council take the resolution passed by the Town Council into earnest consideration and agree to a postponement of car parking charges until such time as a scheme can be introduced which is fair and equitable to all parties concerned.



Yours sincerely

Brian Hogan

cc Erika Wenzel Chief Executive

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank