

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet Members for Children & Family Services and Procurement, Assets & Shared Services**
held on Monday, 22nd March, 2010 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Findlow, Cabinet Member for Children and Family Services
Councillor P Mason, Cabinet Member for Procurement, Assets and Shared Services

In Attendance

Councillor Rhoda Bailey, Cabinet Support Member

Officers

Fintan Bradley, Children and Family Services
Joanne Jones, Property Services
Paul Mountford, Legal and Democratic Services
Michelle Boden, Children and Family Services
Marc Jones, Property Services
Steve Plack, Property Services
Charlotte Roper, Property Services
Patrick Tansey, Property Services

10 DECLARATIONS OF INTEREST

No interests were declared.

11 PUBLIC SPEAKING TIME/OPEN SESSION

The Council had received notice from a Mrs Yvonne Huntington of Footprints Day Nursery, Macclesfield that she wished to ask a question at the meeting regarding a proposal to lease land at Dean Valley Primary School, Bollington.

It was likely that the question, and any response to it, would involve the disclosure of exempt information regarding the financial or business affairs of the applicants and the Council.

12 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following matter 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 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

13 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs Yvonne Huntington, who was accompanied by Mrs Margaret Huntington also of the Day Nursery, outlined the nature of the proposal, which was supported by the school, and explained why they needed to have a decision from the Council before the end of March.

The Officers reported the current position with regard to the Council's consideration of the proposal.

Councillor Findlow indicated his support for the proposal in principle and asked that the Officers do what they could to expedite the matter with a view to meeting the end of March deadline.

At the conclusion of this matter, the public and press were re-admitted.

14 MINUTES OF PREVIOUS MEETING

RESOLVED

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

15 LOCAL EDUCATION AUTHORITY (POST COMPULSORY EDUCATION AWARDS) REGULATIONS 1999 - ANNUAL DETERMINATION

The Cabinet Member for Children and Family Services considered a report seeking approval not to take up the power to grant discretionary awards for the 2010/11 academic year.

The Local Education Authority (Post-Compulsory Education Awards) Regulations 1999 required LEAs to make an annual determination in respect of their powers to make awards to students. The determination had to be made before the start of the following financial year. The requirement to make an annual determination applied regardless of whether an LEA had previously determined that it would not exercise its power to offer awards.

No financial provision had been made to make discretionary awards in the 2010/11 academic year, either for a specific category or on appeal. No discretionary awards had been paid since the academic year 2003/4 when existing students already in receipt of an award were funded from a residual fund to allow them to complete their courses.

RESOLVED

That the Council does not take up the power to grant discretionary awards for the 2010/11 academic year.

16 DISPOSAL OF THE PLAYING FIELDS AT THE FORMER BUERTON PRIMARY SCHOOL TO BUERTON PARISH COUNCIL, AND THE FREEHOLD DISPOSAL OF THE SCHOOL BUILDINGS AND SCHOOL HOUSE ON THE OPEN MARKET

The Cabinet Member for Procurement, Assets and Shared Services considered a report on the proposed sale of the former Buerton Primary School buildings, school house and associated playing fields.

The school, school house and adjoining playing fields were formally declared surplus to the requirements of Cheshire County Council at a meeting of the Children's Services Executive on 10 November 2006. Representations were subsequently made regarding the possible transfer of the school playing field to Buerton Parish Council in order to maintain a valuable local community facility. Representations were also made that part of the school buildings might be offered to the local community for their continued use as the local meeting place for groups such as the Women's Institute and for Parish Council meetings.

Following discussions with the Parish Council, it was concluded that the transfer of any part of the school buildings to the community would place a severe financial burden on limited Parish finances, owing to the need for initial adaptations and ongoing maintenance and repair costs. It was therefore proposed that the playing fields should be transferred to the Parish Council free of charge, and that the school buildings and school house should be offered for sale on the open market. The Parish Council would accept all future maintenance costs for the playing fields, with Cheshire East Council making a contribution equal to 10% of the net capital receipt for the school buildings to offset the financial burden.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves:

- (1) the freehold sale of the land edged green on the plan attached to the report (the former Buerton Primary School buildings and school house);
- (2) the freehold transfer of the land edged red on the plan (the former Buerton Primary School playing fields) to Buerton Parish Council at nil consideration; and
- (3) that a licence agreement be entered into with Buerton Parish Council to enable the Parish Council to occupy the land shaded blue on the plan

until such a time as the land edged green is sold; the land shaded blue to be sold with the school house and school buildings.

17 PROPOSED SURRENDER AND SIMULTANEOUS GRANT OF A NEW LEASE IN FAVOUR OF NANTWICH TENNIS CLUB

The Cabinet Member for Procurement, Assets and Shared Services considered a request from the Nantwich Lawn Tennis Club to surrender their existing lease with Cheshire East Council and be granted a new lease to enable the Club to be eligible for grants from the Lawn Tennis Association and Sport England.

Nantwich Lawn Tennis Club currently held a 35 year lease from the Council from 13th April 1987, expiring on 12th April 2022. The Club had made numerous improvements to the site and wished to make further improvements, including the installation of floodlighting, construction of a children's area and car park resurfacing.

In order for the Club to be eligible for the necessary grants, it required a lease with term in excess of 21 years. It was therefore necessary to surrender the existing lease and for the Council to grant a new 35 year lease. Health & Wellbeing Services fully supported the proposal.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves

- (1) the surrender of the existing lease with Nantwich Lawn Tennis Club;
- (2) the grant of a new 35 year lease to Nantwich Lawn Tennis Club; and
- (3) that the terms and conditions of the surrender of the existing lease and grant of the new lease be determined by the Borough Solicitor in consultation with the Assets Manager and the Head of Health and Wellbeing.

18 PROPOSED DISPOSAL OF LAND AS PART OF STOPPING UP ORDER

The Cabinet Member for Procurement, Assets and Shared Services considered a report seeking approval for the disposal of land as part of a Stopping Up Order.

An application had been received from Mr and Mrs Banks, The Green, Reaseheath to stop up an area of Highway land adjacent to their dwelling in 2008. The stopping up order had been granted by the Magistrates Court on 25th November 2009.

Mr and Mrs Banks had subsequently applied to purchase a small plot of land immediately adjacent to the stopped up land.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves the sale of the land shown hatched on the plan attached to the report to Mr and Mrs Banks, The Green, Reaseheath upon terms and conditions to be determined by the Borough Solicitor in consultation with the Assets Manager.

19 DISPOSAL OF CHESHIRE EAST OWNED LAND AT 5 MORETON CLOSE, SANDBACH

The Cabinet Member for Procurement, Assets and Shared Services considered a report seeking approval for the sale of land at 5 Moreton Close, Sandbach.

The land had been within the curtilage of 5 Moreton Close since 1971, when the current owners/applicants acquired the property. The Council's Legal Officers had confirmed that the applicants would have a robust case for an adverse possession claim.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves the sale to Mr and Mrs Dyke, 5 Moreton Close, Sandbach of an area of land currently within the curtilage of their property, as described in the report, on terms and conditions to be determined by the Borough Solicitor in consultation with the Asset Manager.

20 EASEMENT FOR VEHICULAR ACCESS OVER ANTROBUS STREET CAR PARK, CONGLETON

The Cabinet Member for Procurement, Assets and Shared Services considered a report seeking approval to grant a permanent vehicular right of access to the rear of 2 Swanbank, Congleton across Antrobus Street Car Park.

The former Congleton Borough Council had acquired land from the National Westminster Bank Limited in 1979. The land had been acquired to form part of what was now Antrobus Street Car Park. As a condition of the purchase, National Westminster Bank had retained pedestrian and vehicular rights of way over the land. However, at the time, no formal rights of way had been granted to allow access to what was to be the other section of the car park, thereby providing access across the car park and onto Antrobus Street for the Bank.

Congleton Borough Council had subsequently concluded that it had always been the intention to grant vehicular and pedestrian rights of access to the Bank.

JD Wetherspoon, which now owned the Bank building, had approached the Council with a view to formalising the access arrangements.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves the grant of a permanent vehicular right of access to the rear of 2 Swanbank, Congleton, in accordance with a decision originally taken by the former Congleton Borough Council, on terms and conditions to be determined by the Asset Manager and Borough Solicitor.

21 OFFICE G33-G37, MARKET SQUARE, CONGLETON - PROPOSED LETTING TO THE DISABILITY INFORMATION BUREAU

The Cabinet Member for Procurement, Assets and Shared Services considered a report seeking approval to lease office G33-G37, Market Square, Congleton to the Disability Information Bureau for a 12 month term.

The former Congleton Borough Council had vacated the Market Square Office as part of its office centralisation to Westfields, Sandbach in October 2007. At that time, office G33-G37 was occupied by South East Cheshire Enterprise, who were part funded by the Borough Council. South East Cheshire Enterprise subsequently vacated the office, and it was taken on by Learn Direct, who were part of South East Cheshire Enterprise. Learn Direct then vacated the office in June 2009. The office had since remained vacant.

The Disability Information Bureau now wished to lease the office. Details of the Bureau's application were set out in the report.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves the letting of Office G33-G37, Market Square, Congleton to the Disability Information Bureau for a 12 month term, subject to a payment in respect of the service charge payment, and on such other terms and conditions as are determined by the Borough Solicitor in consultation with the Assets Manager.

22 DISPOSAL OF CHESHIRE EAST OWNED LAND AT 9 DANEFIELD CLOSE, HOLMES CHAPEL

The Cabinet Member for Procurement, Assets and Shared Services considered a report seeking approval for the disposal of land to the rear of 9 Danefield Road, Holmes Chapel.

Dr N Uttley of 9 Danefield Road, Holmes Chapel had applied to purchase an area of Council-owned land to the rear of his property. The land formed part of a larger area of open space managed by the Health and Wellbeing

Service but had been declared surplus to that Service's requirements following consultation with the Cabinet Member for Health and Wellbeing.

The Council was prepared to sell to the applicant an area of land outlined in red on the plan attached to the report, subject to the applicant receiving approval for a change of use of the land from open space to residential garden, and subject to such other terms and conditions as the Council deems appropriate.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves the disposal of land to the rear of 9 Danefield Road, as shown edged red on the plan attached to the report, to Dr N Uttley on terms and conditions to be determined by the Borough Solicitor in consultation with the Asset Manager.

23 ACQUISITION OF APPROXIMATELY 2,774 SQUARE METRES OF LAND ADJACENT TO MIDDLEWICH ROAD, CREWE TO FACILITATE THE CONSTRUCTION OF THE ELEMENT 2 OF THE CONNECT 2 GREENWAY

The Cabinet Member for Procurement, Assets and Shared Services considered the proposed freehold acquisition of land adjacent to Middlewich Road, Crewe for the construction of the new cycle path and footway linking Wistaston Green Road to Queens Park.

The Council had identified the route (which was subject to change), most of which ran through Council-owned land/highway. The end section of the route ran through land in private ownership. The Council had no statutory powers to acquire the private land and had relied on the landowner's goodwill to agree to the acquisition.

Funding for the scheme would be met from the Council's Highway's Capital Programme and Highways Maintenance Revenue Budget for 2009-2010.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves the freehold acquisition of land adjacent to Middlewich Road, Crewe, as shown edged red on the plan attached to the report, to facilitate the construction of Element 2 of the Connect 2 Greenway (Cycleway) Scheme on terms to be agreed by the Borough Solicitor in consultation with the Asset Manager.

24 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following matters pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

25 SITE ISSUES - LEASE OF LAND TO PRIVATE PROVIDER AT DEAN OAKS PRIMARY SCHOOL, WILMSLOW

The Cabinet Member for Procurement, Assets and Shared Services considered a report seeking approval to renew the leases to a private provider at Dean Oaks Primary School, Wilmslow.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services approves the renewal of leases to the private provider referred to in the report subject to the terms referred to therein and to such other terms and conditions as are deemed appropriate by the Borough Solicitor in consultation with the Asset Manager.

26 BOUNDARY DISPUTE

The Cabinet Member for Procurement, Assets and Shared Services considered a report on a Boundary Dispute.

RESOLVED

That the Cabinet Member for Procurement, Assets and Shared Services notes the contents of the report, and the actions being taken by the Council.

The meeting commenced at 10.00 am and concluded at 10.50 am

Councillor Peter Mason
(Cabinet Member)