

# CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet Member for Regeneration**  
held on Monday, 23rd January, 2017 in Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor D Stockton

## **Councillors in attendance:**

C Andrew

P Groves

## **Officers in attendance:**

Julian Cobley – Managing Director Skills and Growth Company

Joanne Jones – Property Services Manager

Adrian Williams – Senior Surveyor

Cherry Foreman – Democratic Services

## **35 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **36 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **37 PUBLIC SPEAKING TIME/OPEN SESSION**

No members of the public were present.

## **38 NOVATION OF THE FAIRER POWER CONTRACT**

It was reported that Cheshire East Council launched the Fairerpower Energy offering in March 2015 to supply energy primarily to the residents of Cheshire East, but also across the North West and Midlands. The scheme had been successful in its original remit of offering a challenge to the big 6 energy suppliers to increase competition and with enabling access to cheaper energy deals.

The Skills & Growth Company had been established after Fairerpower was established, and therefore transferring its management to the Skills & Growth Company had not been an option at that time. Now that the wholly owned company had been established the Fairerpower contract with OVO would be better placed within this vehicle for trading and management purposes. Trading via an ASDV was a more appropriate vehicle than a local authority that had limited scope to develop the brand due to restrictions. The Skills & Growth Company would carry on with the initial vision aims and objectives. The contract with OVO would run until December 2019.

The Skills & Growth Company had more freedoms and flexibilities to trade than the local authority and therefore was a better location for the Fairerpower contract; it had the ability to trade within Teckal exemptions, and given its current

management responsibility (as the Council's Agent) of the Fairerpower contract with OVO, it was recommended that the contract be novated to the Skills & Growth Company.

The Portfolio Holder for Finance and Assets indicated his agreement to the proposal by countersigning the decision notice.

## **RESOLVED**

1. That approval be given for the Director of Legal Services, in consultation with the Portfolio Holder for Finance and Assets and the Portfolio Holder for Regeneration, to enter in to appropriate legal agreements to novate the Fairerpower contract to the Skills & Growth Company, including (as a condition precedent) a Parent Company Guarantee whereby the Council will guarantee the performance of Skills & Growth under the Partnership Agreement post-novation.
2. That the Director of Legal Services make changes to the Skills & Growth Company contract and management of the scheme to reflect the novation of the Fairerpower contract.
3. That it be noted the Skills and Growth Company will brief through the Fairerpower Tariff Board on any future contractual matters so that the Council is fully sighted on them and reviewed periodically.

*Councillors Chris Andrew and Peter Groves left the meeting prior to consideration of the remaining items on the agenda and did not return.*

## **39 LEASE OF LAND TO ANSON MUSEUM, LONDON ROAD, POYNTON**

*An amended recommendation to the report was circulated prior to consideration of this item.*

It was reported that the Anson Museum had approached the Council requesting a lease in respect of land adjacent to the Anson Road to use as overspill parking, picnic area and ancillary storage.

The granting of a 30 year lease would provide the Museum with sufficient security of tenure to allow them to apply for heritage grants, or any other grants, that might become available and be beneficial to it. The Museum was a registered charity and did not receive government or public funding towards its running costs, the work being carried out and funded by volunteers and friends of the Museum.

The Museum was recognised as one of the Country's leading specialist museums and had a unique collection of over 250 gas and oil and steam engines, many in running order, and was visited by enthusiasts from around the world. The proposal to use the land for picnic and recreational uses would also be beneficial to the wellbeing of the residents of Poynton and Cheshire East.

## **RESOLVED**

1. In accordance with section 123(2A), of the Local Government Act 1972 approval be given to advertise Cheshire East Council's intentions to dispose of public open space by way of a thirty year lease.
2. That approval be given to the grant to the Trustees of Anson Museum of a 30 year FRI lease on terms and conditions to be agreed in consultation with the Assets Manager and the Director of Legal Services and subject to consideration of any responses received in respect of the Public Open Space Advertisement.

### **40 LAND ADJACENT TO ANSON ENGINE MUSEUM, POYNTON**

It was reported that Poynton Town Council had approached the Council to transfer the Land adjacent to Anson Engine Museum, Anson Road, Poynton, Cheshire East SK12 1TD, to be agreed by way of a 30 year lease. The request would enable Poynton Town Council to use the site for storage purposes for the Town Councils property and sundry items for the benefit of the Poynton and its residents.

The land was owned freehold by Cheshire East Borough Council and fell within the vacant land known as Land and Civic Amenity Site, Anson Road, Poynton. The extent of the land to be leased by Poynton Town Council was shown outlined in red on the plan attached to the report; the Asset Management Service confirmed that it was surplus to operational requirements and it supported the lease proposal.

Poynton Town Council confirmed it had no intention of this land being used for any other purpose than for the proposed use and the intention was that it would be protected for this use within the lease.

## **RESOLVED**

1. That approval be given to the transfer of Land adjacent to Anson Engine Museum, Anson Road, Poynton, Cheshire East SK12 1TD (shown edged red on the plan attached to the report) by way of a lease of up to 30 years for a peppercorn to Poynton Town Council on terms and conditions to be determined by the Asset Manager in consultation with the Director of Legal Services.
2. That the Land adjacent to Anson Engine Museum, Anson Road, Poynton, Cheshire East SK12 1TD (shown edged red on the plan attached to the report) ('the Land') be advertised as a disposal of public open space.
3. That the Portfolio Holder for Regeneration be given delegated authority to determine whether to transfer the Land by way of a lease of up to 30 years to Poynton Town Council following the statutory process and due consideration of the responses to the open space advertisements.
4. The Portfolio Holder for Regeneration notes that any leasehold transfer of the Land shall be on the terms stated in the Report, or such other terms as the Portfolio Holder for Regeneration shall determine in consultation with the Assets Manager and the Director of Legal Services.

5. That approval be given for the Director of Legal Services to approve all legal documentation and proceed to practical completion of the lease and any other legal documentation.

#### **41 LEASE OF THE RECTORY STABLES, WILMSLOW**

Approval was sought to enter into a 10 year lease with Lyme Design and Build Limited (LD&B Ltd) for the Stable Block at Wilmslow Leisure Centre, Alderley Road, Wilmslow.

The property had been vacant for a number of years and was in need of substantial renovation. Offers had been sought from interested parties to use the land on the basis of a 10 year lease, the lease is to include a restricted user clause, would be contracted out of the security provisions (Section 24-28) of the Landlord and Tenant Act 1954 and the Council would insist on a sufficient mutually agreeable break clause in the proposed lease agreement.

LD&B Ltd proposed to use the site for an office and storage (B1 use) for residential home improvements, new builds & expansions; it proposed to improve and enhance the property and therefore the Council would receive the benefit of a much improved asset and realise any uplift in value or beneficial use which might be available at a later date. LD&B Ltd would be responsible for obtaining planning permission for the proposed improvement works and for a change of use (if required).

Letting the property would generate an annual income and relieve the Council of its obligations in terms of future holding costs (throughout the duration of the lease).

#### **RESOLVED**

1. That approval be given to the offer from Lyme Design and Build Limited (LD&B Ltd) Marsland Street Industrial Centre, Hazel Grove, Stockport, SK7 4ER on terms and conditions to be determined by the Asset Manager in consultation with the Director of Legal Services.
2. That the Director of Legal Services be authorised to approve all legal documentation and proceed to practical completion of the lease and any other legal documentation.

#### **42 LYME VIEW ALLOTMENTS, SUTTON, MACCLESFIELD**

On 5 September 2011 Cabinet agreed that a number of properties should be transferred to the Town or Parish Council for the area in which the properties are located as a first phase of the Local Service Delivery Transfer and Devolutions to Town and Parish Councils process. This land was not on either of the Appendix A or Appendix B property lists approved for transfer in that Cabinet decision.

Sutton Parish Council approached Cheshire East Council to see if it would dispose of the land in question as part of the above process so as to enable it to enhance the existing allotment facility at Lyme Green, Sutton. Cheshire East Council is committed to delivering services tailored to its individual communities

and has a borough wide ambition to create a network that services the local needs of residents by the people who understand their communities best.

In some cases this means moving more to local ownership (which is inline with the original transfer policy) so that the asset can be better utilised and managed for the good of the community. Agreeing to this request would enable that to take place.

#### **RESOLVED**

1. That approval be given to a 125 year lease of the above allotment to Sutton Parish Council for a nominal value, on the terms stated and any other terms to be agreed by the Assets Manager in consultation with the Director of Legal Services.
2. That the Director of Legal Services be authorised to approve all legal documentation and proceed to practical completion of the lease and any other legal documentation.

The meeting commenced at 9.30 am and concluded at 9.50 am