

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Environment and Communities Committee**
held on Thursday, 10th November, 2022 in the Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Warren (Chair)

Councillors Q Abel, J Buckley, L Crane, T Dean, L Gilbert, P Groves, C Leach,
J Parry, J Clowes and D Edwardes

VISTING MEMBERS

Councillor Anthony Critchley
Councillor Sally Handley
Councillor Nick Mannion

OFFICERS IN ATTENDANCE

Tracy Baldwin, Lead Finance Partner
Paul Bayley- Director of Environment and Neighbourhood Services
Tracey Bettaney, Head of Regulatory Services
Helen Davies- Democratic Services Officer
Kim Evans, Licensing Team Leader
David Malcolm, Head of Planning

ALSO PRESENT

Lee McGarity, Group Manager, Cheshire Fire and Rescue

41 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor Suzie Akers Smith (Councillor David Edwardes was substituting); Councillor Mike Benson (Councillor Janet Clowes was substituting); Councillor Joy Bratherton; and Councillor Ashley Farrall.

42 DECLARATIONS OF INTEREST

In the interests of Openness and Transparency, Councillor David Edwardes noted that in respect of:

item six: Revised Statement of Gambling Principles, he was the Chair of the Licensing Committee, that had voted in favour and referred the policy up to this Committee; and

item nine: Notice of Motion: Fire Sprinklers, that until recently he was a member of the Cheshire Fire Authority and this item had been discussed during meetings that

he was present for. He was attending the meeting with an open-mind, and this would not cloud his decision making in any way.

In the interests of Openness and Transparency, Councillor Jonathan Parry noted that in respect of item nine: Notice of Motion: Fire Sprinklers, he was a member of the Cheshire Fire Authority and this item had been discussed during meetings that he was present for. He was attending the meeting with an open-mind, and this would not cloud his decision making in any way.

43 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting 31 October 2022 be accepted as a correct and accurate record.

44 PUBLIC SPEAKING/OPEN SESSION

The Chair noted that the Committee had received a statement by email and in hard-copy at the meeting from Councillor Rachel Bailey in respect of item nine: Notice of Motion: Fire Sprinklers.

45 LOCAL DEVELOPMENT SCHEME 2022

David Malcolm, Head of Planning presented the report that outlined the recommendation for an update to the Local Development Scheme (LDS) to replace the Council's current LDS which covers the period 2020 to 2022. The updated LDS is proposed to cover the period 2022-2027.

The Committee had some discussions about the scope of the update on this occasion and concluded that it was wider than they had expected.

RESOLVED (Unanimously) That:

- a) The updated Local Development Scheme 2022-2027 be approved and brought into effect; and
- b) a Local Plan Member Reference Group be established to support the preparation of the Local Plan with the Terms of Reference provided.

46 REVISED STATEMENT OF GAMBLING PRINCIPLES

Kim Evans, Licensing Team Leader introduced the report to the Committee and explained that it was reviewed every 3-years.

There had been no comments received in response to the consultation, this was not unusual as the revisions were narrow in scope and were relatively minor relating to grammatical and typographical errors.

RESOLVED (Unanimously) That the draft revised Statement of Gambling Policy:

- a) be received and noted; and

b) be recommended to Council for adoption.

47 CHESHIRE EAST ENFORCEMENT POLICY REVIEW

Tracey Bettaney, Head of Regulatory Services advised the Committee that the Corporate Enforcement Policy was reviewed every 3-years collaboratively with all relevant services.

The report highlighted the changes that included the adoption of the 4 E's approach as a standard approach to enforcement; Engage, Educate, Encourage and Enforce.

For future reviews which will be undertaken every 3 years, only significant changes will be brought for consideration by the Committee. The Committee were given assurances that the decision on what would equate to a minor amendment would be discussed with legal services prior to any decision being made.

The Committee raised some concern about the level of formal enforcement action taken by the Council. The Head of Regulatory Services noted that there was always scope to be more targeted, particularly around local issues. Within Cheshire East there is generally a high-level of compliance but also high-levels of complaints of perceived noncompliance, all of which require investigating.

The Committee noted the need to communicate the enforcement policy to parish councils and residents and that enforcement advice was not easy to find on the Cheshire East website.

RESOLVED (Unanimously):

That the updated Cheshire East Council Corporate Enforcement Policy be approved.

48 REGULATORY SERVICES ENFORCEMENT POLICY REVIEW

The Head of Regulatory Services advised the Committee that the Regulatory Services Enforcement Policy was a more granular policy specific to the services within Regulatory Services.

The policy listed the range of enforcement options and the relevant legislation.

The Committee queried if these service specific policies could be sub-sections to the main Cheshire East Enforcement Policy. The Head of Regulatory Services noted that this point had been raised and was under consideration.

Clarity was sought on the difference between referrals and notifications to the Citizens Advice Consumer Service (CACS).

The Committee was advised that:

- notifications were general intelligence that would not result in enforcement but helped to build pictures and patterns. The Council would consider them, but regionally they were collated across the North West.
- referrals were for further action. CACS had a checklist that was scored to determine whether a report should be a referral or a notification.

RESOLVED: (Unanimously)

That the Service Specific Enforcement Policy for Regulatory Services and Health be approved.

49 NOTICE OF MOTION: FIRE SPRINKLERS

Councillor Nick Mannion attended the meeting as the original proposer of the Notice of Motion at full Council on 20 July 2022 and introduced the item to the Committee.

The Committee was advised that all Fire Authority Members had voted in favour of the motion, the other 3 Local Authorities within the Cheshire Fire and Rescue boundary (Cheshire West and Chester, Halton and Warrington) had formally adopted the motion through their own governance systems.

The Committee was advised that sprinklers work and save lives and give Blue Light Services time to get to a fire without catastrophic consequences.

Visiting Councillor Sally Handley addressed the Committee and noted that the Beechmere fire in Crewe was a tragedy and the ongoing impacts on the victims and families needed to be kept at the forefront of minds of Members when making any decisions.

During the Beechmere Fire on 8 August 2019, 137 homes and contents were destroyed. Councillor Handley paid tribute to the actions of Care workers, residents and emergency services in helping mitigate a worse tragedy.

Councillor Handley has been part of a campaign for sprinklers to be mandatory in all specialist care homes across Cheshire East, she noted that potentially, had Beechmere had a comprehensive sprinkler system the outcome of the fire would have been different.

Councillor Handley noted that formal adoption of this motion into planning policy would be positive for residents and was in favour of the recommendation.

Visiting Councillor Anthony Critchley addressed the Committee, he noted that the Beechmere fire in Crewe was a major incident that occurred in August 2019 and displaced approximately 150 residents from their homes, the majority older and vulnerable members of the community.

The design of the Beechmere Care Home used a significant amount of timber, however this was covered by the building regulations of the day – with planning permission granted in 2006, 4 years before the Building Regulations 2010 came into force.

Councillor Critchley had read interviews from the aftermath of the fire and noted a quote from Cheshire Fire and Rescue Services advocating for a sprinkler system as an effective method of controlling fires, extinguishing fires and saving lives and property.

Councillor Critchley noted that building regulations were amended last year to include the installation of sprinklers in buildings above 11m in height but consideration is being given to buildings under 11m especially housing those who are vulnerable

Councillor Critchley noted that at a local level, there was the opportunity to shape planning policy that promotes fire safety, and whilst any enforcement would be done through legislation above the scope of the planning Authority, this did not exclude exploration of the potential avenues set out by Officers.

Councillor Critchley suggested that the Committee may wish to seek the support of the Borough's 5 MPs and noted specifically that Dr Kieran Mullan MP is the Vice Chair of the All-Party Parliamentary Group (APPG) into Fire Safety.

Councillor Critchley commended the efforts of Cheshire Fire and Rescue not just for the work they do around sprinklers but the wider remit of their work to help protect lives.

Lee McGarity, Group Manager, Cheshire Fire and Rescue (CFR) attended the meeting, he endorsed the comments of both Visiting Members and noted that the evidence base for sprinklers was extensive and advocated for them across all buildings especially those housing those vulnerable or most at risk.

The Committee were given the opportunity to ask questions. Clarity was sought about how sprinklers operated. The Group Manager, CFR noted that sprinklers are localised to where a fire was located. At most two sprinklers would go off at any one time. It was noted that in the past insurance companies were not in favour of sprinklers, but now people might see a reduction in policies if they were fitted.

The Chair reminded the Committee of the recommendations and what the Committee were being asked to decide.

There was some consideration to gain the support of the 5 MPs across the Cheshire Fire and Rescue footprint. It was noted that Dr. Kieran Mullan MP was currently taking part in work on this subject area.

There was some discussion on the potential need to retrofit existing properties in existence particularly as Beechmere was one of five care homes in overall responsibility of Cheshire East and Cheshire West and Chester. The Council had a statutory responsibility to provide homes and housing for care home residents and the cost of housing those affected by Beechmere had been significant.

There was some discussion about how sprinklers could be included as part of Planning policy. David Malcolm, Head of Planning advised the Committee that this could be explored within the Local Plan Update.

RESOLVED (Unanimously) That:

- a) the national legislation and regulations that promote and enforce fire safety in buildings be received and noted;

- b) local policy options to promote and secure the fitting of sprinklers in the above building types when they are built, or if they undergo a major refurbishment, be explored by Cheshire East Council;
- c) the Secretary of State for the Department for Levelling Up, Housing and Communities and local Members of Parliament be written to by Cheshire East Council to promote changes to the law to require sprinklers in at least the above building types;
- d) The Secretary of State for the Department for Education be written to by Cheshire East Council to strongly oppose the proposed removal of sprinkler provisions from the revision of the design guide for fire safety in schools (Building Bulletin 100) and to request that the requirement for sprinklers in schools is strengthened rather than removed;
- e) Work be pursued through Dr. Kieran Mullan MP and the other 4 MPs covering the Cheshire Fire and Rescue footprint, to support changes in the legislation that would allow additional fire safety precautions in Houses of Multiple Occupancy (HMOs) and buildings under 11m.

50 MID YEAR REVIEW FINANCIAL REPORT

Tracy Baldwin, Lead Finance Partner introduced the report to the Committee. Finance Sub-Committee had reviewed the report on the 9 November 2022 and made recommendations to this Committee.

The Committee noted that the majority of the overspend was in the Adults, Social Care and Health, the Lead Finance Partner clarified this was due to an increase in the complexity of demand plus inflation impacts from providers.

RESOLVED (Unanimously): That:

- a) the report of the Finance Sub-Committee be noted, specifically the recommendations of that committee:
 - that the financial update and forecast outturn relevant to their terms of reference be received and noted; and
 - that the officers will seek to improve the financial outturn across all Committees to mitigate the overall forecast overspend of the Council be noted.
- b) Appendix 5 be noted and the following sections specific to this Committee:
 - Changes to Revenue budget 2022/23
 - Action Plan 2022/23
 - Corporate Grants Register
 - Debt Management
 - Capital Strategy
 - Reserve Strategy

51 STANDING ITEM: MEMBERS ADVISORY PANEL: CHESHIRE EAST CEMETERIES STRATEGY REVIEW

Due to the Chair Councillor Joy Bratherton and Vice Chair Mike Benson not being present at the Committee, the Director of Environment and Neighbourhood Services updated the Committee on the work to-date.

Consultation and engagement had been launched with the public, this could be accessed via the Council website and ended on 9 December 2022.

An update report was due to this Committee in March.

52 STANDING ITEM: WORKING GROUP: HOUSEHOLD WASTE & RECYCLING CENTRES

Councillor Laura Crane, Chair of the Household Waste and Recycling Centre (HWRC) Working Group updated the Committee. The Working Group had met the day before to agree the scope and Terms of Reference (ToR) of this review. Members had agreed to review HWRC provision across the borough, include the provision of recycling facilities with 2 reasons- Waste reduction targets and climate impacts ensuring the provision was correct for residents. Next steps were fact finding for Members to review work-to-date.

Assurances were given to the Committee that Congleton had been noted in the ToR.

53 WORK PROGRAMME

The next Committee meeting was scheduled for 2nd Feb 2023.

Since the last meeting, two Notice of Motions (NoM) had been added to the Work Programme:

- 1) Safe Night-Time Travel for Workers. This NoM has 2 sets of proposals, one is licensing and 1 is public transport, because of this the Highways and Transport Committee would also be considering this NoM for the public transport aspects; and
- 2) Hydraulic Fracturing (Fracking).

Since the publication of the agenda, there had been some tweaks made to the financial scheduling. The Medium Term Financial Strategy (MTFS) Budget Consultation was scheduled for the February meeting, with a further Financial Review 2022/23 at the 30 March 2023 meeting.

The meeting commenced at 10.30 am and concluded at 12.17 pm

Councillor M Warren (Chair)

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