

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Monday, 17th September, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor D Brown (Vice-Chair, in the Chair)
Councillor (none)

Councillors J Clowes, H Gaddum, L Gilbert, J Macrae, R Menlove, B Moran
and P Raynes.

In addition Councillor K Gregory from Thanet District Council, and Chairman of
PATROL, was in attendance for agenda item 8 (Minute no 63).

Officers in attendance:

Interim Chief Executive; Borough Solicitor and Monitoring Officer; Director of
Finance and Business Services; Head of HR and Organisational
Development; Head of Early Intervention and Prevention Service; Service
Manager Revenues; and Strategic Director Places and Organisational
Capacity.

59 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Bailey and M
Jones.

60 DECLARATIONS OF INTEREST

There were no declarations of interest.

61 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

62 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 20 August 2012 be
approved as a correct record.

63 KEY DECISION CE12/13-20 PATROL NOMINATION TO BE HOST AUTHORITY

Consideration was given to proposals for Cheshire East Council to
become the host authority to the PATROL (Parking and Traffic

Regulations Outside London) Adjudication Committee, and to the Bus Lane Adjudication Joint Committee.

The Portfolio Holder for Prosperity and Regeneration reported that the second of the three decisions requested had been amended since the publication of the report and was now as follows:

Subject to consultation with, and subject to the approval of the Borough Solicitor, the S151 Officer and the Portfolio Holder for Prosperity and Regeneration, to develop and implement a detailed activity schedule that will anticipate the commencement date for Cheshire East Council becoming the Host Authority to be 1 January 2013.

The report detailed the work that had been undertaken since February 2012, when agreement in principle had been given to undertake the role of host authority. In addition Councillor Gregory answered a number of questions from Councillors in respect of the financial arrangements under which PATROL operated.

RESOLVED

1. To agree to undertake the role of Host Authority to the PATROL Adjudication Joint Committee and Bus Lane Adjudication Service Joint Committee subject to all legal and financial due diligence being satisfactorily completed in accordance with the proposed timetable. This decision will be communicated to the PATROL Adjudication Joint Committee at their next meeting.
2. Subject to consultation with, and subject to the approval of the Borough Solicitor, the S151 Officer and the Portfolio Holder for Prosperity and Regeneration, to develop and implement a detailed activity schedule that will anticipate the commencement date for Cheshire East Council becoming the Host Authority to be 1 January 2013.
3. To note that by becoming the Host Authority, this will trigger the automatic application of the TUPE Regulations which will affect a transfer of 24 employees (Chief Adjudicator and 23 support staff) from Manchester City Council to Cheshire East Council.

64 KEY DECISION CE12/13-11 CONGLETON TRANSPORT INFRASTRUCTURE - ASSESSMENT OF A NEW LINK ROAD

Consideration was given to a programme for the development, promotion and delivery of a new transport infrastructure for Congleton to support the towns existing economic base and also any future plans for growth that emerge from the development of the Boroughs Local Plan.

The report included a timescale and details of the resources required to begin feasibility work to examine the available transport options to help deliver improved travel and connectivity to support the sustained economic growth of Congleton and also more widely across the Borough.

RESOLVED

1. That approval be given to the commencement of the work necessary to establish a range of transport infrastructure options that support the sustainable economic growth of Congleton – leading to the identification of a preferred option; this work to include the following:
 - 1.1 A Project Plan with key milestones, timescales, gateway reviews and other decision points:
 - Milestone 1 – Approvals and Governance
 - Milestone 2 – Preliminary Investigation and Scoping
 - Milestone 3 – Data Gathering
 - Milestone 4 – Option Development and Appraisal
 - Milestone 5 – Consultation
 - Milestone 6 – Scheme Assessment Report and Preferred route.
2. That the strategic objectives for the study be approved as set out in section 6.1 of this report.
3. That approval be given to the funding and budget necessary to deliver the first four Milestones, noting –
 - ◆ The requirement to make £200,000 additional funding available from the Council's capital programme for 2012/13 in order to deliver Milestone 3 to programme and commence Milestone 4.
 - ◆ The requirement for additional corporate funding to supplement Local Transport Plan resource from 2013/14 onwards. This is anticipated at this stage to be £400,000.
 - ◆ The need to take a formal business case through the Executive Monitoring Board for approval.
4. That approval be given to the procurement of these services through the current Highway Services Contract (Ringway Jacobs) subject to the Highways and Transport Manager being assured of value for money.
5. That the indicative delivery programme and the key milestones for further Cabinet decisions, and the summary of the key decision points and proposed delegation contained within Section 10, be noted.

65 POYNTON RELIEF ROAD

Consideration was given to the work necessary to support the investigation of a new preferred route for the Poynton Relief Road which could then be incorporated as a protected line in the emerging Local Plan.

The report included details of the anticipated timescale required to prepare a submission for devolved Local Major Transport Scheme Funding. In addition the work proposed would better inform the continuing dialogue with Stockport Council on the interface of Poynton /Relief Road with the SEMMMS scheme at Chester Road.

RESOLVED

1. That Officers be authorised to commence the necessary work to support investigation of a new preferred route for the Poynton Relief Road when funding is identified and available; to include:

- 1.1 A draft Project Plan indicating the following key milestones, timescales and decision points:

Milestone 1 – Approvals, Governance and Funding
Milestone 2 – Preliminary Investigation and Scoping
Milestone 3 – Data Gathering
Milestone 4 – Option Development and Appraisal
Milestone 5 – Consultation
Milestone 6 – Scheme Assessment Report and Preferred route.

2. That the indicative delivery programme and the key milestones for further Cabinet decisions, and the summary of the key decision points contained within Section 10, be noted.

66 KEY DECISION CE12/13-6 SEMMMS- A6 TO MANCHESTER AIRPORT RELIEF ROAD

In accordance with Section 100 (4) (b) of the Local Government Act 1972 the Chairman agreed that this item could be added as an item of urgent business. Detailed discussions associated with mitigation measures within Cheshire East had been ongoing since early June, and provision had been made within the Forward Plan for a paper to be received. As a consequence of the ongoing discussions the proposed final Business Case submission that would trigger the funding commitment had been delayed. The discussions had now been concluded with the outcome resulting in improved mitigation measures within Cheshire East funded by the project. If the report was delayed until the October cycle further unnecessary delays would be incurred resulting in key milestones associated with the future scheme development being missed.

Consideration was given to the progress of this scheme and to the Major Scheme Business Case. The Strategic Director for Places and Organisational Capacity gave a verbal update on the outcome of discussions with Manchester City Council and the Combined Authority. He reported that confirmation had been received for additional funding to be provided for the junction arrangement required to create a connection from the A555 at Bramhall Oil Terminal, along with costs associated with the Chester Road connection; contingency funds to support the costs of the Poynton Relief Road relating to the costs involved in the grade separation at the roads interface with Chester Road; and the support of the SEMMMS/A555 design team in developing options and design concepts.

The report set out a project plan for the delivery of the scheme and it was noted that this now required revision; submission of the planning application and the publication of the draft Orders was now expected to be in the Spring of 2013.

The Cabinet was advised that since publication of the report the final two decisions requested had been amended to include the Portfolio Holder for Prosperity and Regeneration. In addition it was noted that in accordance with the recently introduced Council requirement for all major projects and programmes the scheme would be reviewed by the Executive Monitoring Board, the new corporate quality assurance group.

RESOLVED

1. That the verbal update on the outcome of discussions with the Greater Manchester Combined Authority (GMCA) and Stockport MBC be noted.
2. That the Scheme's business case, and its submission to the DfT be endorsed, and that this be confirmed to Stockport MBC as the Scheme promoters on behalf of the GMCA.
3. Subject to the final approval of the GMCA to allocate funding from the Earn Back model to the Scheme, approval be given for the authority to sign off the business case to be delegated to Stockport Council's Section 151 Officer on behalf of Cheshire East Council, as one of the three promoting authorities, with regards to the estimated costs and funding of the Scheme.
4. That delegated authority be given to the Strategic Director of Places and Organisational Capacity, in consultation with the Portfolio Holder for Prosperity and Regeneration, to agree the consultation material regarding the scheme for distribution to Cheshire East households.
5. That delegated authority be given to the Strategic Director of Places and Organisational Capacity, in consultation with the Portfolio

Holder for Prosperity and Regeneration, to establish the arrangements for a Board and Joint Infrastructure Development Fund with the GMCA.

67 CAR PARK MANAGEMENT - ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE REVIEW

In accordance with Section 100B (4) 9b) of the Local Government Act 1972 the Chairman had agreed that this could be added as an item of urgent business. The report needed to be received by Cabinet at the earliest opportunity in order for the recommendations contained within it to be further considered by the Cabinet and, if approved, to be taken into account in the forthcoming budget setting process.

In accordance with the established procedure Cabinet was requested to receive the report of the Environment and Prosperity Committee Review on car park management in Cheshire East. A number of points were raised relating to particular local issues, and specifically to recommendation (e) of the review. The Portfolio Holder for Environment undertook to ensure they were taken into account by the Cabinet when considering the recommendations that had been put forward.

RESOLVED

That the report be received and that the Environment Portfolio Holder come back to a future meeting of the Cabinet with a formal response to each recommendation.

68 KEY DECISION CE11/12-42 REVIEW OF DISCRETIONARY RATE RELIEF POLICY

Cabinet considered a number of changes to the Discretionary Rate Relief Policy which had been approved by the Cheshire East Shadow Council in 2008. Since that time, however, changes in non-domestic rate legislation had led to some anomalies, and other areas of the Policy needed to be updated, to prevent loss of revenue and ineligible or fraudulent relief being awarded. It was intended that entitlement to relief then be reviewed every three years.

Corporate Scrutiny had reviewed the report and its comments had been considered by the Cabinet and circulated at the meeting. In respect of the comments concerning possible hardship the Portfolio Holder for Finance requested that an additional recommendation be added as follows:

To identify those organisations who from consultation response or from our knowledge of their activities may require hardship relief, and to assist those organisations with an application where appropriate.

RESOLVED

1. That the wording of the policy be amended so that ratepayers, applying for discretionary relief only, must also apply for Small Business Rate Relief if eligible.
2. That 50% Rural Settlement top-up Relief be awarded from 1 April 2011 to ratepayers who qualify for all categories of mandatory rural settlement relief.
3. That all awards of legacy protection be removed and that grant relief be awarded to ratepayers solely in accordance with the Cheshire East Policy.
4. That the Rural Settlement List be updated following recent boundary changes in Cheshire East; that Styal and Kerridge to be added to the list and the settlement of Leighton removed from it following an increase in population.
5. That from 1 April 2012 Cabinet consider applications for discretionary rate relief under S 47 (5A) LGFA 1988 to determine whether applications are in the Council Tax payers' interests.
6. That those organisations who, from consultation response or from our knowledge of their activities, may require hardship relief, be identified and assisted with an application where appropriate.

69 KEY DECISION CE12/13-15 CONNECTING CHESHIRE SUPERFAST BROADBAND PARTNERSHIP

Consideration was given to the partnership arrangements proposed for the delivery of this project to provide superfast broadband services in areas of market failure, these being predominantly outlying rural areas. It was proposed that Cheshire East be the accountable body and delivery agent for the project partners of Cheshire West and Chester, Warrington and Halton.

RESOLVED

That Council be recommended to approve that:

1. Cheshire East Council enter into a partnership arrangement with Cheshire West and Chester Council, Warrington Borough Council and Halton Borough Council for the delivery of the Connecting Cheshire Superfast Broadband Project.

2. That Cheshire East Council lead the partnership and fulfil the role as the accountable body and principal delivery agent of the Connecting Cheshire Partnership.

70 KEY DECISION CE12/13-18 DELIVERY OF STREETScape AND PARKING MAINTENANCE ACTIVITIES

Consideration was given to extending the scope of the Highways Services Contract to include streetscape and parking maintenance activities. The activities being considered were predominantly within the highway boundaries or similar in nature to cyclical and routine activities already undertaken within the scope of the Highways Services Contract.

Included in the report were the benefits and risks of extending the scope of the contract in respect of both the financial and service delivery aspects. The proposals were intended to be complimentary to the Council's localism agenda which was one of its key objectives and Ringway Jacobs, the contract holders, were committed to working closely with the Council to achieve localised devolution opportunities and in engaging Town and Parish Councils to form part of the decision making process.

RESOLVED

1. That, subject to no challenge being received during the Voluntary Ex-ante Transparency Notice period commonly referred to as the VEAT notice, approval be given to extending the scope of the Highways Services Contract to include Streetscape and Parking Maintenance activities as outlined in 10.2 and 10.6 of the report.
2. That approval be given to the publication of a procurement VEAT Notice
3. That approval be given to the development of a detailed activity programme that will engage with elected members, existing employees and their Trade Union representatives, with a view to achieving a commencement date of 1 January 2013 for the new service delivery arrangements.
4. That it be noted that extending the scope of the Highways Services Contract will trigger the automatic application of the TUPE Regulations which will affect a transfer of a number of existing Council employees within the Streetscape, Parking and Fleet Services to Ringway Jacobs.

After consideration of this item the meeting adjourned for a 10 minute break.

71 KEY DECISION CE12/13-12 AFFORDABLE HOUSING PROGRAMME PHASE 2

Approval was sought for the disposal of a number of sites for the provision of affordable housing, these being Phase Two of a programme approved by Cabinet in March 2011 to dispose of eleven sites overall. Of the seven sites that were to have been included in the second phase two were no longer available; permission was sought for them to be replaced.

The Portfolio Holder for Prosperity and Regeneration advised the Cabinet that an additional sentence was to be added to the decision requested for Birtles Road to state "including houses for first time buyers for local occupancy to meet local needs".

RESOLVED

1. That approval be given to dispose of the following sites:
 - Birtles Road, Macclesfield - for the provision of housing with a type of scheme which fits with the character of the locality including houses for first time buyers for local occupancy to meet local needs;
 - Redsands, Nantwich - for the provision of accommodation for residents with support needs to be developed on the current footprint of the existing buildings located on the site to ensure that it is compliant with Policy NE.4.

The final schemes will be reviewed with local Ward Councillors and consulted upon locally prior to sale.

2. That approval be given to seek consent from the Secretary of State for the disposal of the former Lodgefields School site in Crewe.
3. That approval be given for the provision of up to 50% market housing in conjunction with 50% affordable housing on the Lodgefields School site in Crewe to ensure that the site is financially viable and to encourage further interest following the poor response to the Westview site in Crewe within Phase One of the disposals.

72 CONGLETON TOWN CENTRE - BRIDESTONES EXTENSION AND PUBLIC OPEN SPACE DISPOSAL OBJECTION

Consideration was given to an objection received to the disposal of public open space, located off Princess Street, Congleton, for development as part of an extension to the Bridestones Centre to deliver a retail led, mixed use development.

RESOLVED

That, having given consideration to the one objection received in response to the advertisement of the intention to dispose of the open space within the development area, approval be given to the disposal of the Council's legal interest in land located off Princess Street, Congleton as described in paragraph 10.3 of the report to Scarborough Development Group (Congleton) Ltd (SDG) on terms and conditions to be determined by the Director of Finance, the Strategic Director Places & Organisational Capacity, and the Borough Solicitor, in consultation with the Portfolio Holder for Prosperity and Regeneration.

73 NOTICE OF MOTION - SOUTH MACCLESFIELD DEVELOPMENT AREA

In response to a Notice of Motion submitted to the Council on 19 July 2012 consideration was given to an update on the work being undertaken in this area. It was reported that work was due to commence on a masterplan for the site as part of which the land use options and commercial viability would be investigated; a consultancy team had been appointed to support the Council in this process.

RESOLVED

That the update report be noted in respect of work being undertaken in respect of the regeneration of the South Macclesfield Development Area.

74 NOTICE OF MOTION - HIGHWAY MAINTENANCE FUNDING ALLOCATION

Consideration was given to the response to a Notice of Motion, on the assignment of funding for road maintenance, submitted to the Council at its meeting on 19 July 2012.

It was reported that the Authority had invested in software which allowed local highway officers to view the overall condition of the road network and to provide data to prioritise investment such that the best value solution was delivered. The tools used nationally accredited survey techniques and the output was considered to be both objective and repeatable; it also linked back to the Code of Practice for Highway Maintenance, Well Maintained Roads.

RESOLVED

1. That planned maintenance activity continues to be identified and prioritised based on the condition of the network.

2. That the programme for the forthcoming month, as well as the works undertaken in the preceding month, be published on the Service Information Centre (SIC) and is reported at a LAP level.

75 NOTICE OF MOTION - A500/J16 OF THE M6 MOTORWAY

Consideration was given to a response to the Notice of Motion submitted to the Council on 19 April 2012 concerning the continuing delay by the Highways Agency in addressing the need for remedial work at the A500/M6 Junction.

The report detailed the current position regarding the development of a key employment site at Basford West and of the outstanding issues to be resolved with the Highways Agency. It was reported that these were the subject of ongoing dialogue, at the highest level, between all the parties concerned and Cabinet were advised that a letter had recently been sent to the Chief Executive of the Highways Agency.

RESOLVED

That the Council continues to work with the developer and the Highway Agency to secure an agreement of both the design and delivery of the improvement scheme at the earliest opportunity and that further consideration be given to how best to progress the commencement of the work required.

76 NOTICE OF MOTION - BENEFIT AWARENESS

Consideration was given to a Notice of Motion submitted to the Council at its meeting on 19 July 2012 regarding benefit awareness particularly among older people.

The report detailed the proactive work undertaken by staff across the Council to promote the take up of Pensions Credit, and of other benefits as well as of general financial assistance, to ensure customers had access to their full welfare entitlement. Financial support was also given to community and voluntary bodies. A Welfare Rights Group had been established in May and new health and wellbeing duties both provided an opportunity to promote the take up of benefits locally.

RESOLVED

That the report, and the actions taken to promote benefit awareness, be noted.

77 NOTICE OF MOTION - SUSPENSION OF EMPLOYEES ACCUSED OF MISCONDUCT

Consideration was given to a response to the Notice of Motion submitted to the Council at its meeting on 19 July 2012 on the use of suspension for disciplinary offences. The report detailed the procedures the Council already had in place to ensure that each case was considered properly and on its own merits.

RESOLVED

That the report be noted and that no further action be taken in response to the Notice of Motion.

78 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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

79 KEY DECISION CE12/13-11 CONGLETON LINK ROAD RGF BID

Consideration was given to a report of the Strategic Director of Places and Organisational Capacity.

RESOLVED

1. That retrospective approval be given to the submission of a funding bid for Regional Growth Fund (RGF).
2. That the indicative delivery programme for the project and the timetable for RGF spend be noted, including recognition of the potential risks to delivery and the indicative requirements for Cheshire East Council funding should the bid be successful.

80 KEY DECISION CE12/13-12 AFFORDABLE HOUSING PROGRAMME PHASE 2

Consideration was given to a report of the Strategic Director of Places and Organisational Capacity.

RESOLVED

That approval be given to dispose of the following sites for the provision of affordable housing, at

- Hole Farm, Brook Lane, Alderley Edge - subject to Criche! Downs.
- Gawsworth - subject to agreement with the tenant

The meeting commenced at 2.00 pm and concluded at 5.10 pm

D Brown (Vice-Chair, in the Chair)