

# Public Document Pack

## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Advisory Panel - Places**  
held on Tuesday, 27th January, 2009 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor G M Walton (Chairman)  
Councillor Mrs E Gilliland (Vice-Chairman)

Councillors D Bebbington, D Brickhill, H Davenport, D Hough, J Macrae,  
A Moran, B Moran, D Neilson, B Silvester, C Thorley, Mrs J Weatherill and  
R West

Apologies

Councillors D Brown

### **21 DECLARATIONS OF INTEREST**

A number of Councillors who were existing County Councillors, Borough Councillors and Town and Parish Councillors declared a personal interest in the business of the meeting en bloc.

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

There were no members of the public present, wishing to address the meeting.

### **23 MINUTES OF PREVIOUS MEETING**

With reference to minute 16, Cheshire Homechoice Common Allocations Policy, clarification was sought in respect of the situation with regard to local connection criteria, as raised by Members at the last meeting. It was reported that a meeting had taken place of Project Board, where this issue had been considered and that there were some concerns regarding legality and discrimination. Officers were examining the legal issues and also looking at best practice in other areas. A new Project Manager had now been appointed, who would take this matter forward and there would be a report back to a future meeting on the findings.

RESOLVED

That the minutes be approved as a correct record.

### **24 TASK GROUP UPDATES**

Consideration was given to updates in respect of the Task Groups, including reports relating to actions arising from the Task Groups as follows:-

**Car Parking**

Consideration was given to a report, updating the Advisory Panel on discussions held at the last meeting of the Parking Task Group on 14 January 2009.

In considering the report, it was noted that the Task Group had requested a list of all the public car parks situated in the Cheshire East area, including criteria and classification and it was urged that this information be provided to the Task group as soon as possible.

With regard to car parking charges, it was considered that this needed to be progressed as quickly as possible, in order to satisfy budgetary requirements.

### **Waste collection and disposal**

It was reported that the group had met in November 2008 to consider a number of reports, but that the December meeting had been cancelled. The main output from the Group in the last couple of months had been a report to the Places Advisory Group on the collection of garden waste in the former Crewe and Nantwich Borough Council area. As a result, a report to Cabinet was being drafted, to take forward recommendations on the options for implementing free garden waste collections.

A meeting of the Task Group had taken place on 14 January 2009 and the minutes of the meeting were appended to the agenda. Reference was made to discussions which had taken place at the meeting to consider future wheeled bin procurements, where it had been suggested that views be sought from the Advisory Panel on all future bins being purchased in a single colour, but that different colour lids attached to identify what is placed in that receptacle. It was queried whether this would provide a cost saving and this was confirmed.

It was noted that a report had been considered relating to approval of a Recycling Branding for Cheshire East and the Task Group had concluded that Cheshire East should retain the "Recycle for Cheshire" branding, but to monitor usage.

The next meeting was scheduled to take place on 18 February.

### **Local Development Framework and Strategic Development**

It was noted that no meetings of the above Task Groups had taken place since the last meeting of the Panel.

### **Development Management**

The Above Task Group had met on three occasions and two reports had been produced for consideration by the Panel as follows:-

### **Proposed arrangements for Governance, Planning Committees and a scheme of delegation for planning functions.**

Consideration was given to a report relating to arrangements for Planning Governance, Committees and a scheme of officer delegation across Cheshire East, post vesting day. The Advisory Panel was recommended to propose to the Governance and Constitution Committee that the Council's development control functions be discharged by a Strategic Planning Board,

supported by two Planning Committees and a scheme of officer delegation, details of which were set out in the report.

In considering the report Members of the Panel raised the following issues :-

1. The Portfolio Holder for Prosperity suggested that the Panel might wish to consider making a recommendation to The Governance and Constitution Committee that, whilst the Committees would be politically proportionate, that minority groups with a single representative be allowed to appoint a substitute, if required. It was suggested by Members that it might be more appropriate to increase the number of representatives from the minority groups.
2. It was considered that Town and Parish Councils had a role to play in the consideration of planning applications and that provision should be made for this. However, it was noted that not all Town and Parish Councils would wish to have an enhanced role.
3. It was considered that Ward Members should be consulted on any applications in their ward and that the delegation procedure should include provision for call in by Ward Members. However, it was considered that applications should be called-in for planning reasons only and that there was a need for a Protocol relating to call-in and Member training in respect of this. It was also considered that when Members called in an application they should be required to attend the meeting where it was considered.
4. Concern was expressed that the Strategic Planning Board would have the ability to reverse a decision made by the Planning Committees and it was considered that this should not be the case.
5. Concern was expressed that there would be no Independent or Labour Members for the Macclesfield area and this would result in a lack of local knowledge.

#### RESOLVED

That, subject to the above comments being taken into account, a recommendation be made to the Governance and Constitution Committee that the Council's development control functions are discharged by a Strategic Planning Board, supported by two Planning Committees and a scheme of officer delegation, as set out in the report.

#### **Planning Protocol**

Consideration was given to a report relating to a proposed Planning Protocol for the consideration of planning matters. The Advisory Panel was requested to review and comment on the proposed Protocol and to recommend it for adoption by the Council

It was noted that a number of typographical errors and inconsistencies in terminology would be corrected in the document and paragraph 14.3 deleted.

In considering the report members of the Panel raised the following issues:-

1. It was considered that Members should be required to sign to indicate that they had received a copy of the Protocol.

2. It was felt that the Protocol should only apply to those Members sitting on the Strategic Planning Board and Planning Committees and not all Members.
3. It was suggested that consideration be given to public speaking at the Strategic Planning Board and Planning Committees and the introduction of a Protocol for this.
4. It was considered that training for members of the Strategic Planning Board and Planning Committees should be mandatory. It was noted that training had been arranged and would take place on 17 and 19<sup>th</sup> March.
5. With reference to paragraph 10.8 of the Protocol, concern was expressed that Members were advised not to enter a site without first having spoken to the Corporate Manager (Planning and Development). It was noted that this wording would be amended to refer to the Head of Planning and Policy and that Members would only be required to notify him/her and not to obtain permission. The paragraph was intended as guidance for Members.
6. It was suggested that the definition of a site should be clarified within the document.

#### RESOLVED

That the Planning Protocol be recommend to Council for it for adoption.

#### **Crime and Disorder Reduction**

Consideration was given to a report advising the Advisory Panel of developments in the partnership and operational Community Safety field, and to seek the advice of the group on future arrangements.

The Task Group had made a series of recommendations, including that the existing Crime and Disorder Reduction Advisory Task Group increase its scope to take in the wider remit of the Safer and Stronger Communities Service and Portfolio (Wardens, CCTV, Regulatory Services and Community Development); that the Council request that the Chairman of the Council invite the new Chief Constable Mr Dave Whatton to a meeting of the full Council; that the Advisory Task Group be requested note the agreed priorities of the new Cheshire East Crime and Disorder Reduction Partnership, which was amended to the report; and that the Advisory Panel seek clarification on the operational and partnership responsibility for road safety.

In considering the report members of the Panel raised the following issues:-

1. The Portfolio Holder for Safer and Stronger Communities reported that discussion had also taken place at the last meeting with regard to the possibility of Community Wardens and Car Parking Wardens carrying out some of the same functions and that legal advice would need to be sought to ascertain whether this would be possible. He referred to the CDRP structure chart and stated that the intention was for the CDRP to be proactive in achieving the required targets. Consideration would also be given to the operation of the CCTV function at a future meeting. Members requested that when this matter was considered that there should be a sufficient number of operatives, in order to ensure that detailed images were available,

2. It was noted that the CDRP Structure Chart referred to the “top 10 priority wards” and it was considered that problems in other wards should also be addressed.
3. Discussion took place with regard to whether the Task Group should be renamed and it was considered that, in view of the short life of the Task groups, this would not be necessary.

### **Manchester Airport Sub Task Group**

The minutes of a joint meeting between the former Macclesfield Borough Council Airport Panel and the Task Group were appended to the agenda. It was noted that the Task Group visit to the Airport, referred to in the minutes, which would form part of the fact finding exercise in respect of the replacements for the Section 106 Agreement had now taken place.

### **Visitor Economy**

The Chairman reported that the above Task Group had met for the first time in the previous week and had agreed the Terms of Reference for the Task Group, had received a presentation outlining the importance of the visitor economy and some of the key issues which needed to be addressed and had discussed various issues, including governance of Tatton Park and had identified priority items, namely the new management structure and the embedded visitor economy and the cross cutting agenda into Cheshire East .

## **25 CHESHIRE EAST LOCAL DEVELOPMENT SCHEME**

Consideration was given to a report, requesting the Advisory Panel to recommend to Cabinet that the Cheshire East Local Development Scheme be brought into effect, with the inclusion of a caveat recommended by the Government Office for the North West.

### **RESOLVED**

That Cabinet be recommended :-

To include a caveat within the Local Development Scheme, alongside the table and profile of the Minerals DPD, highlighting that the timetable/DPD could be changed, should it be decided in future that joint working with Cheshire West and Chester would be more appropriate on this matter.

That the Cheshire East Local Development Scheme, appended to this report, shall come into effect from 4<sup>th</sup> February 2009 in accordance with Regulation 11(2)(a) of the Town and Country Planning (Local Development) (England)(Amendment) Regulations 2008.

## **26 CHESHIRE EAST INTERIM PRIVATE SECTOR ASSISTANCE POLICY**

Consideration was given to a report, which had been prepared to allow the Advisory Panel to consider and comment on the Cheshire East Interim Private Sector Assistance Policy. Cheshire East Cabinet had approved the Policy in principle at its meeting on 6 January 2009, subject to there being no significant changes following circulation of the Policy for public response.

It was noted that all Members should have received an Executive Summary and questionnaire relating to the document and Members were requested to complete the questionnaire and return it.

With reference to paragraph 7.4 of the report, it was queried whether the safety net in respect of assistance allowed for a fall in property prices, as well as an increase and it was confirmed that this was based on a percentage of the property price.

The fact that funds were repaid and recycled was welcomed, however, it was queried why this did not apply in all cases.

RESOLVED

That the Cheshire East Interim Private Sector Assistance Policy be supported.

## **27 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 3 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information. (Paragraph 3 relates to information relating to the financial or business affairs of any particular person, (including the Authority holding that information).

### **WASTE TREATMENT PFI CONTRACT - FURTHER DE-SELECTION OF PARTICIPANTS**

Consideration was given to a report, updating the Advisory Panel on progress with regard to the procurement of new waste treatment facilities and outlining the methodology that had been used to arrive at a shortlist of Participants for the final stage of the Competitive Dialogue and thereafter, the Final Tender stage for the Waste Treatment Services PFI Contract. A fuller report was tabled at the meeting, which indicated the recommendations for de-selection of Participants to a shortlist of two.

RESOLVED

That the Cabinet be advised that the supplementary recommendations for deselection, as set out in paragraph 7.18 of the report, as circulated at the meeting be supported.

The meeting commenced at 2.00 pm and concluded at 4.05 pm

Councillor G M Walton (Chairman)

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