

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 4th March, 2014 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Jones (Chairman)
Councillor D Brown (Vice-Chairman)

Councillors Rachel Bailey, J Clowes, J P Findlow, L Gilbert, B Moran,
P Raynes and D Topping

Members in Attendance

Councillors Rhoda Bailey, D Brickhill, K Edwards, R Fletcher, M Grant,
P Groves, S Hogben, W Livesley, R Menlove, D Newton, L Smetham and
A Thwaite

Officers in Attendance

Mike Suarez, Peter Bates, Lorraine Butcher, Anita Bradley, Caroline
Simpson, Heather Grimbaldeston, and Paul Mountford

Apologies

Councillors D Stockton and L Brown (absent due to Council business)

134 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

135 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public wishing to speak.

136 **QUESTIONS TO CABINET MEMBERS**

Councillor K Edwards asked where the local plan policies dealt specifically with the issues of linking green belt to strengthen communities and the use of CIL and S106 agreements to strengthen community infrastructure. The Deputy Leader of the Council responded that both issues were dealt with on page 161 of the Council papers and page 91 of the Local Plan.

Councillor L Gilbert, Portfolio Holder for Communities and Regulatory Services, added that, independently of the Local Plan, the Council had an energetic localism agenda and would be bringing forward a range of proposals for strengthening local communities.

Councillor D Brickhill referred to the poor quality of the food provided at the last Council meeting compared to that provided at a recent ASPIRE event at Crewe Hall. He also expressed concern that the food had been left out

all day, which had implications for health and hygiene. The Leader acknowledged the concerns and gave an assurance that the catering arrangements for Council meetings would be reviewed.

Councillor W Livesley sought assurances that the Council would give no further financial support to Macclesfield Town Football Club in the event that the Club decided not to become a community interest company, as appeared to be the case. The Leader responded that the Council had saved the Club and he was disappointed with the Club's decision. The Council would continue to support sport throughout the Borough, but would not use its financial resources or its assets to support private sports clubs.

Councillor Livesley also referred to the problems schools in the Bollington area were having with their banking arrangements following the Council's recent change of Bank from the Co-op to Barclays. The Finance Portfolio Holder invited Councillor Livesley to discuss the matter with him after the meeting.

137 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 4th February 2014 be approved as a correct record.

138 **MACCLESFIELD TOWN CENTRE REGENERATION: THE CHESHIRE EAST BOROUGH COUNCIL (CHURCHILL WAY, MACCLESFIELD) COMPULSORY PURCHASE ORDER 2014 (FORWARD PLAN REF. CE 13/14-41)**

Cabinet considered a report on the proposed acquisition of land to facilitate the regeneration of Macclesfield Town Centre.

The proposed redevelopment provided an opportunity to enhance the attractiveness of the town centre as a retail and leisure destination. The scheme included a department store, cinema, retail units, office and community space, residential, new town square and a multi-storey car park.

The redevelopment required both Council land and land/properties in private ownership. To facilitate the delivery of the scheme, land not in the Council's ownership needed to be acquired. The report therefore sought authority to make a compulsory purchase order if necessary in order to expedite the land acquisition. Negotiations were continuing with private landowners.

The Finance Portfolio Holder advised that agreement had already been reached in respect of 95% of the land required for the scheme and that the

compulsory purchase order would apply to a relatively small area. The land acquired under the CPO would be valued independently.

As part of the process, an equality impact assessment had been carried out details of which had been circulated in a supplementary paper.

RESOLVED

That Cabinet

1. approves the making of a CPO pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) to acquire land and interests in respect of the land edged red and shaded pink on the plan attached to the report and pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of the acquisition of new rights within the land edged red and shaded blue on the plan for the purpose of facilitating the development, redevelopment and improvement of the land by way of a mixed use scheme comprising retail, leisure and office, community uses, residential dwellings, car parking, town squares and associated highway and public realm works;
2. approves the submission of the CPO to the Secretary of State for confirmation;
3. gives authority to the Chief Executive and the Director of Economic Growth and Prosperity in consultation with the Portfolio Holder to take all appropriate actions in this matter including:
 - (a) the making, publication and service of notice of making of the CPO;
 - (b) the submission of the CPO to the Secretary of State for confirmation;
 - (c) taking all necessary steps to secure the confirmation of the CPO, including promoting the Council's case at any public local inquiry should one be required;
 - (d) proceeding with the negotiation, agreement and execution (if appropriate) of legal agreements which are required to secure the land including the acquisition by agreement of interests in advance of, and subsequent to, the making of the CPO and payment of appropriate compensation;
 - (e) in consultation with the Assets Manager, negotiating the acquisition of all interests and rights within the CPO and rights and interests affected by the CPO either by agreement or compulsorily and, where appropriate, to agree terms for relocation;
 - (f) approving agreements and undertakings with the owners of any interest in the CPO and any objectors to the confirmation of the

CPO setting out the terms for the withdrawal of objections to the CPO.

- (g) subject to confirmation of the CPO, acquiring title and/or taking possession of the land to be acquired under the CPO including, as appropriate, by:
- serving Notice of Intention to Execute a General Vesting Declaration under the provisions of Section 3 of the Compulsory Purchase (Vesting Declarations) Act 1981;
 - executing a General Vesting Declaration (or General Vesting Declarations) in respect of the land to be acquired under the CPO; and
 - serving Notice to Treat and Notice of Entry in respect of any interest comprised within the CPO; and
 - publishing and serving all necessary notices in connection therewith as appropriate;
- (h) in the event that the question of compensation is referred to the Upper Tribunal (Lands Chamber), taking all the necessary steps in relation thereto; and
- (i) appointing appropriate consultants if necessary to assist and advise in regard the above.
4. delegates to the Director of Prosperity and Economic Growth the power to:
- (a) propose the making of amendment orders to remove the Churchill Way car park, Duke Street car park and Exchange Street car park from the list of parking places within Macclesfield as set out in the Schedule to the Macclesfield Borough Council (Off Street Parking Places) (Civil Enforcement and Consolidation) Order 2008 or any replacement order to enable development to proceed in accordance with the developer's approved programme;
- (b) advertise the proposed orders and to invite consultation responses in accordance with statutory requirements;
- (c) consider consultation responses and to determine whether to make the orders;
5. approves the making of an application pursuant to section 19 of the Acquisition of Land Act 1981 to the Secretary of State for a certificate which authorises the compulsory acquisition of land that comprises public open space and to take all necessary steps to procure such a certificate, including promoting the Council's case at a public inquiry should one be necessary; and

6. approves, as a matter of principle, the appropriation of land at Churchill Way to planning purposes in order to facilitate the proposed redevelopment of the land for a mixed use scheme comprising retail, leisure and office, community uses, residential dwellings, car parking, town squares and associated highway and public realm works, and with the intention that Section 237 of the Town and Country Planning Act 1990 may be relied upon to override all covenants, easements and other relevant rights benefitting third parties which affect the land, in the event that such interests cannot be acquired by negotiation.

139 **NOTICE OF MOTION - GARDEN WASTE**

Cabinet considered the following motion which had been moved by Councillor D Brickhill and seconded by Councillor A Moran at the Council meeting on 13th October 2013 and referred to Cabinet for consideration:

“This Council is critical of the recent decisions made concerning the collection of recyclable garden waste.”

A review of options surrounding efficiencies within the garden waste service had identified that the Council could either extend the suspension period or introduce a chargeable garden waste service. Extending the suspension period enabled reduced agency costs and lower fleet costs. The Council was not in favour of introducing charges for the collection of garden waste.

Councillor D Brickhill attended the meeting and was afforded the opportunity to speak in relation to the motion. In response to comments made by Councillor Brickhill, the Leader undertook to look into the cost of the leaflet advising households of the change in service, as well as the temperatures in Council offices.

RESOLVED

That Cabinet refutes the motion presented on the basis that this was a strategic decision based on alternative delivery options that avoided the need to introduce charges for the collection of green waste.

140 **CHESHIRE EAST WASTE STRATEGY 2030**

Cabinet considered a report on the development of a waste strategy for Cheshire East.

The strategy would drive change in the treatment of waste, utilising it as a resource, delivering leading environmental performance and innovation for the residents of Cheshire East. The strategy would aim to utilise waste for energy production, removing the need for landfill and helping to alleviate fuel poverty.

As part of the authority's transition to providing services through alternative service delivery vehicles the Council would deliver its strategy through the creation of ANSA Environmental Services Ltd, a wholly-owned company of the Council.

RESOLVED

That

1. the appended high level Waste Strategy Objectives set out in Appendix 1 to the report be approved;
2. delegated authority be given to the Head of Environmental Protection and Enhancement acting in consultation with the Head of Legal Services, the Monitoring Officer and the Portfolio Holder for Environment, to develop a waste strategy for Cheshire East, based on the high level objectives in Appendix 1 and developed into a waste strategy document for Cheshire East;
3. delegated authority be given to the Head of Environmental Protection and Enhancement acting in consultation with the Head of Legal Services, the Monitoring Officer and the Portfolio Holder for Environment, to procure technical advisors and, in parallel with the development of the waste strategy, to scope and carry out a Strategic Environmental Assessment (SEA), including carrying out a public consultation on the waste strategy and the SEA utilising electronic media, the citizens' panel and public road shows;
4. Cabinet consider the adoption of the waste strategy in Spring/Summer 2014.

141 **ALL CHANGE FOR CREWE - HIGH GROWTH CITY - CREWE GREEN LINK ROAD SOUTH PHASE 2 (FORWARD PLAN REF. CE 13/14-61)**

Cabinet considered a report seeking approval to submit the Final Funding application to the Department of Transport to release funding towards the construction of the Crewe Green Link Road South scheme.

Crewe Green Link Road South was a key project within the Council's major programme of new strategic infrastructure across the Borough. It would enable draw down of Department for Transport investment of £15.7m and would deliver benefits in terms of unlocking economic growth, delivering highway network efficiency improvements and providing environmental benefits. The road would also facilitate the delivery of employment and housing at the Basford sites and deliver wide-reaching transport benefits to the local highway network, including improved access to Crewe railway station.

The Deputy Leader and Portfolio Holder for Strategic Communities advised that there was a shortfall of £8.8m in the funding for the scheme which would be met from other sources. He added that the Council was committed to completing the scheme by November 2015.

RESOLVED

That

1. the Target Cost for Phase 2: Detailed Design and Construction of the Scheme of £16.640m, which was agreed by the Project Steering Group on 30th January 2014, be approved;
2. the DfT Final Funding application, which is based on the Target Cost and Scheme Outturn Forecast of £26.5m developed and agreed by the Project Steering Group, be approved and submitted to the DfT;
3. subject to confirmation of DfT approval of the Final Funding application, and the prior endorsement of the business case from the Executive Monitoring Board, the Council issue a Notice to Proceed to Construction which would mark the start of Phase 2 of the existing Contract with Morgan Sindall, comprising the Detailed Design and Construction of the Crewe Green Link Road South;
4. the Director of Economic Growth and Prosperity in consultation with the Portfolio Holder for Assets and The Head of Legal Services be authorised to exercise the Council's existing agreements in respect of the land agreements in place with the Duchy of Lancaster and Network Rail, including payment of any outstanding option fees. If necessitated by the programme for start of works, notices be served in advance of the DfT Final Funding confirmation being received;
5. delegated authority be given to the Director of Economic Growth and Prosperity in consultation with the Portfolio Holder for Assets and the Head of Legal Services to negotiate and finalise legal and financial terms for legal agreements allowing early access to Crown land and instruct completion of such legal agreements for the purpose of carrying out advance environmental mitigation measures, including limited low level vegetation clearance and erection of newt fencing and subsequently newt trapping and relocation, erection of tree protection fencing, and installation of bird and bat boxes;
6. delegated authority be given to the Director of Economic Growth and Prosperity in consultation with the Portfolio Holder for Assets and the Head of Legal Services to negotiate and finalise legal and financial terms and instruct completion of a legal agreement or agreements for the acquisition of additional land to accommodate

great crested newt mitigation habitat to satisfy Natural England requirements to grant a European Protected Species Licence;

7. authority be given to the undertaking of advance environmental mitigation works in advance of the final funding approval from DfT, as is required in order to meet the programme for construction of the Scheme. And that delegated authority be given to the Director of Economic Growth and Prosperity to approve the advance works which will include, but may not be limited to: erecting newt fencing across the site including localised vegetation clearance to facilitate it, trapping great crested newts (GCN), and relocating them in accordance with an EPSL for which an application has been prepared ready for submission; installation of bird and bat boxes on land adjacent to the scheme, subject to agreement with landowners; and, erection of tree protection fencing;
8. Cabinet approves a revised estimate of Network Rail's professional fees associated with the development and delivery of the Scheme, including fees incurred before the DfT Final Funding approval stage, reviews of submitted information and technical approvals, track access, and (some limited) post-completion monitoring, and formal approval of such is provided to Network Rail;
9. if required for commercial or programme reasons, the Council enter into Contract direct with Network Rail Works Delivery Unit (WDU) to deliver specialist elements of the underbridge construction. This may require amendment to the existing contract with Network Rail or new contract to transfer liabilities for the NR works to the Contractor for the Scheme, Morgan Sindall, agreement of the terms and conditions of each agreement to be delegated to the Director of Economic Growth and Prosperity and the Head of Legal Services;
10. authority be delegated to the Director of Economic Growth and Prosperity and the Head of Legal Services in consultation with the Portfolio Holder, if required, to make any changes to the DfT Final Funding Application, Target Cost, NR fees estimate, scope of advance environmental mitigation works, terms and conditions of land agreements/undertakings and any other agreements required to facilitate the advance works or construction;
11. Cabinet approves a revised funding profile for the Scheme, including a possible increase to the Council's Local Transport Plan contribution and, pursuant to the Cabinet decision of May 2013, Cabinet re-affirms its commitment to provide a maximum of £8.8m of funding to cover the expected, but contingent, developer contributions to the scheme and that the risks and alternative reimbursement options be noted;
12. Cabinet notes that the Compulsory Purchase Order for the Scheme has been confirmed by the Secretary of State and is now

free from challenge, and that in accordance with the Cabinet decision of 20th August 2012, land acquisition is to be progressed using a combination of General Vesting Declaration and Notice to Treat / Notice of Entry;

13. further to the Cabinet decision of 20th August 2012, where approval was granted Cabinet authorises the appointment of appropriate consultants to assist and advise in the preparation and presentation of the Council's case in the event that the question of compensation is referred to the Upper Tribunal (Lands Chamber).

142 **SKILLS DEVELOPMENT FOR COMMUNITIES AND THE UNEMPLOYED THROUGH RE-PROCUREMENT OF THE SFAS COMMUNITY LEARNING AND ADULT SKILLS BUDGET (FORWARD PLAN REF. CE 13/14-77)**

Cabinet considered a report on the re-procurement of community learning and accredited adult skills provision services.

The Cheshire East Lifelong Learning service sought to enable communities, families and individuals in Cheshire East to flourish and be self-reliant through excellent lifelong learning. The services were targeted towards those within communities who were the hardest to reach and others who lived in areas of high deprivation. The provision aimed to increase confidence and provide skills to overcome barriers to learning and progress to further education and employment opportunities.

The service was fully funded through income from the Skills Funding Agency, with the provision being delivered by 16 commissioned local partners. Existing contracts were due to expire at the end of July 2014. The proposed contract term would run from 1st August 2014 for one year with the option to extend for a further 12 month period.

RESOLVED

That

1. the re-procurement process be supported in order to:
 - (a) support and develop the capacity of individuals, community groups and training organisations within Cheshire East;
 - (b) enable the most disadvantaged in Cheshire East to gain the skills required to obtain employment; and
 - (c) support the local economy through sub-contracting with local partners
2. the Council invite competitive tenders for the provision of these services and award contracts to the winning bidders.

143 **DISPOSAL OF LAND OFF EARL ROAD, HANDFORTH
(FORWARD PLAN REF. CE 13/14-79)**

Cabinet considered the disposal of the Council's landholding at Earl Road, Handforth.

The land had been held as a strategic employment site for a number of years and comprised approximately 14 acres. Engine of the North had been instructed to bring the site forward on behalf of the Council as a strategic priority to maximise jobs growth and capital receipts. The suggested delivery strategy was to promote the site as a high-quality mixed use development with retail and other uses in order to facilitate significant new employment opportunities and generate substantial capital receipts.

RESOLVED

That

1. the Chief Executive or his identified nominee be authorised, in consultation with the Portfolio Holder for Finance, to take all necessary action to dispose of the Council's landholding at Earl Road, Handforth, as shown edged red on the plan attached to the report, to maximise capital receipts and deliver jobs on an accelerated timescale;
2. disposal be approved for potential land uses, including employment, retail, leisure and sui generis use such as car showrooms; and
3. all action necessary be taken, funded from within existing identified budgets, to bring the site forward for development, including potentially creating site infrastructure such as spine roads and appropriate utility servicing.

144 **AWARD OF CONTRACT FOR SUPPORTED LOCAL BUS
SERVICE 88 ALTRINCHAM TO KNUTSFORD (FORWARD PLAN REF.
CE 13/14-80)**

Cabinet considered a proposal to award the contract for bus service 88 between Knutsford and Altrincham until 31st March 2019.

The full contract value of £550,000 would be fully funded from within the current Public Transport Budget and the Bus Service Operator Grant which had been devolved to the Council from January 2014.

RESOLVED

That Cabinet approves the award of, and subsequently entering into a contract for, local bus service 88 Knutsford to Altrincham to the successful tenderer at a total cost of £550,000.

The meeting commenced at 2.00 pm and concluded at 3.28 pm

M Jones (Chairman)