

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 11th June, 2019 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor S Corcoran (Chairman)
Councillor C Browne (Vice-Chairman)

Councillors D Flude, T Fox, L Jeuda, N Mannion, J Rhodes, B Roberts, A Stott
and M Warren

Councillors in attendance

Councillors Q Abel, S Akers Smith, R Bailey, M Benson, J Buckley, J Clowes,
A Critchley, B Evans, J P Findlow, R Fletcher, S Hogben, C Leach, D Marren,
A Moran, B Murphy, J Nicholas, J Parry, B Puddicombe, J Saunders,
R Vernon, L Wardlaw and P Williams

Officers in Attendance

Kath O'Dwyer, Acting Chief Executive
Frank Jordan, Executive Director of Place/Acting Deputy Chief Executive
Mark Palethorpe, Acting Executive Director of People
Mark Taylor, Interim Executive Director of Corporate Services
Linda Couchman, Acting Strategic Director Adult Social Care & Health
Catherine Parkinson, Interim Director of Governance and Compliance
Paul Goodwin, Finance Manager (Commercial and Project Accounting)
Paul Mountford, Executive Democratic Services Officer

The Leader welcomed everyone to this first Cabinet meeting of the new
Council.

The Leader announced the appointment of Councillor Suzie Akers Smith as
the Council's Cycling and Walking Champion. Councillor Akers Smith
introduced herself to the meeting and spoke briefly about her new role.

1 DECLARATIONS OF INTEREST

The Portfolio Holder for Environment and Regeneration, Councillor N
Mannion, declared a non-pecuniary interest as a former member of the
Parkside Bowling Club in Macclesfield in relation to a question on Parkside
Cricket Pitch under agenda item 4: Questions to Cabinet Members.

The Leader, Councillor S Corcoran, declared a non-pecuniary interest as a
member of Sandbach Town Council in relation to the transfer of assets to
town and parish councils, which was discussed under agenda item 13:
2018/19 Financial Outturn and Review of Performance.

2 PUBLIC SPEAKING TIME/OPEN SESSION

The Chairman indicated that two individuals who had registered to speak, Carol Jones and Sue Helliwell, had been unable to attend the meeting. Sue Helliwell had submitted a question in advance and a written response would be sent to her.

Jo Dale asked if the Council would consider supporting a badger vaccination programme. The Portfolio Holder for Environment and Regeneration replied that the Council already worked with the Cheshire Badger Vaccination Programme to permit and facilitate vaccinating on areas of Cheshire East land. The Council supported and advocated good on-farm bio-security and would not engage in the culling of badgers on land under its direct control.

Andrew Needham asked whether the climate emergency target of being carbon neutral by 2025 would take account of the electricity consumption for HS2. The Deputy Leader replied that the carbon footprint of each phase of the proposed scheme, including that resulting from its electricity consumption, had been forecast by HS2 Limited on behalf of the Government. Although the Cheshire East target was for the Council and would not include HS2, the Council could through the planning process seek further assurances and undertakings from HS2 Ltd.

Mr Needham also asked about the transfer deck to be built over Crewe Station which appeared to be no longer in the Crewe hub scheme. The Deputy Leader replied that the proposals for an enhanced hub station at Crewe included investigating the option of a new central pedestrian transfer deck to provide better access to the station from Weston Road to support regeneration and with provision to extend this to Gresty Road in the future.

Michael Unett referred to the lack of burial provision in Alsager and asked if Cheshire East Council would work with Alsager Town Council to improve provision in the town. At the Leader's invitation, Councillor D Marren, as Chairman of Orbitas Limited, the Council's arms-length company providing burial services, spoke in support of Cheshire East Council's strategy to provide two strategic sites in Crewe and Macclesfield and suggested that town and parish councils should consider making their own provision. The Leader indicated that the Council would be prepared to work with Alsager Town Council on this matter and he undertook to provide a written response.

At the conclusion of public questions, the Leader reminded members of the public about the need for them to submit their questions by the Wednesday before the meeting.

3 QUESTIONS TO CABINET MEMBERS

Councillor R Bailey referred to Notice of Motion to Council on climate change and asked if the environment strategy was still scheduled to come to the July Cabinet meeting. The Portfolio Holder for Environment and Regeneration replied that work on the strategy was in progress and that it would be coming to Cabinet in September.

Councillor A Moran referred to an illegal encampment on the Barony, Nantwich and asked if the Everybody Leisure investment for the Barony would include fencing to prevent future occurrences. He also asked if the Council would look at providing a permanent transit site for travellers. The Portfolio Holder for Communities replied that it was his intention to work with the officers to provide solutions to address illegal encampments and to provide a permanent transit site.

Councillor S Akers Smith asked about the possibility of providing a cycle route alongside the HS2 railway line. The Deputy Leader replied that the Council could put the question to HS2 Ltd but it was not in the gift of the Council to determine the matter.

Councillor R Vernon referred to the Parkside cricket pitch which was used and maintained by Macclesfield Cricket Club but not owned by the Club. There had been discussions in the past between the Club, the landowner and the Council aimed at transferring ownership of the site to the Club but these had been inconclusive. The ownership issue was preventing the Club from making improvements to the site. The Portfolio Holder for Environment and Regeneration undertook to look into the matter and provide a written response.

Councillor J Parry asked when work would start on the Middlewich Eastern Bypass. The Portfolio Holder for Highways and Waste replied that based on programmes developed with Balfour Beatty, the main construction works were expected to start in January 2021 with the bypass open to traffic by October 2023. All dates remained subject to review until the Council had received final confirmation of Government funding for the scheme, which was expected at the end of 2020. The Portfolio Holder saw no reason why a quarterly project bulletin should not be made available to help local people keep abreast of the work programme.

Councillor Parry also asked, on behalf of Councillor S Brookfield, if the Council would consider making the Thomas Street Car Park in Crewe free of charge for users. The charges had presented a problem for local residents, workers and businesses in the town centre. At the request of the Portfolio Holder for Highways and Waste, the Executive Director of Place replied that he was looking at the matter following representations from Councillor Brookfield and would be advising the Portfolio Holder on an appropriate way forward.

Councillor A Critchley referred to the lack of a permanent transit site in the Borough which was letting down both travellers and local residents. The Portfolio Holder for Communities replied that he had made this a priority and was working with officers to address the issue.

Councillor P Williams referred to a situation in another part of the country whereby the change from the £2.30 allowance provided to children for school meals was being retained by the service provider rather than being put back into a fund to provide snacks for the children. He asked for an assurance that this did not happen in Cheshire East. The Portfolio Holder for Children and Families undertook to provide a written response.

Councillor R Fletcher indicated that he was still waiting for a written answer to a question he had asked at the December 2018 Council meeting. The Leader undertook to look into the matter.

Councillor Fletcher also said that he had been assured that he would receive details of the Council's road maintenance programme by April and he had still not received them. The Portfolio Holder for Highways and Waste undertook to provide a written response.

Councillor J Clowes said that she would welcome an indication as to whether ESAR had yet submitted a business case to Cabinet regarding their plans for the Barony. At the invitation of the Leader, Councillor A Moran as local ward member indicated that he had been informed by ESAR that they were ready to proceed and would be submitting their business case to the Portfolio Holder for consideration. The Portfolio Holder for Communities added that he was awaiting a briefing on ESAR and would be more than pleased to share that with her.

Councillor Clowes also referred to the lack of information on the new administration's financial priorities. The Leader replied that his party had provided fully costed proposals which had been available for inspection but had attracted little attention.

Councillor C Leach referred to an inquiry by the Environment, Food and Rural Affairs Committee into rural broadband and digital only services which required submissions to be made by midnight on 24th June 2019. She asked if the Council's rural team could respond to the inquiry by the deadline. At the Leader's request, the Executive Director Place indicated that the Council would be able to make a submission to the inquiry by the deadline.

4 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 9th April 2019 be approved as a correct record.

5 HIGH SPEED RAIL 2 PHASE 2A - QUALIFYING AUTHORITY

Cabinet considered a report which sought approval for the Council to become a Qualifying Authority for the construction of phase 2a of High Speed Rail 2 (HS2).

The Deputy Leader indicated that nothing in this or the next following report would predetermine the Council's decision on whether to support phase 2b of the scheme.

Members emphasised the need for local communities affected by the scheme to be consulted on any proposals.

RESOLVED

That Cabinet recommends to Council that Cheshire East Council become a Qualifying Authority as specified in part 2 of Schedule 17 of the High Speed Rail (West Midlands - Crewe) Bill and authorises the Executive Director for Place in consultation with the Monitoring Officer to sign the Planning Memorandum to enable this to happen.

6 CREWE STATION DEVELOPMENT

Cabinet considered a report which sought approval to progress the work necessary to enable the delivery of the Crewe Hub Station and essential works in the surrounding area.

Again, members emphasised the need for public consultation on any proposals.

RESOLVED

That Cabinet

1. approves the continued project development works of Crewe Hub Station and the preparation and submission of a planning application by Summer 2020 to enable delivery of the scheme within the required timeframes;
2. authorises the Executive Director Place, subject to the required funding approvals being in place, to:
 - (a) approve and enter into any future Development Services Agreements (or other agreements required between the Council and Network Rail) to authorise Network Rail to continue to manage the remaining project development work for the Crewe Hub Station in partnership with the Council to meet the timetable and requirements of the Governance for Railway Investment projects (GRIP) process;

- (b) take all necessary actions to prepare and submit all necessary applications for planning permission, including jointly with Network Rail, and to implement any planning permission necessary to deliver the project;
 - (c) take all necessary actions to prepare and submit a listed building application and implementation of any listed building consent in relation to Crewe Hub Station;
 - (d) negotiate and seek to conclude terms to acquire land and rights (or extinguish the same) as are necessary to deliver the Crewe Hub Station scheme;
 - (e) make the Compulsory Purchase Order(s) to acquire the necessary land and interests to deliver the Crewe Hub Station and ancillary infrastructure;
 - (f) take all necessary actions to support the Local Enterprise Partnership to submit an Enterprise Zone or equivalent Tax Increment Financing application and supporting business case to Government, in consultation with the Section 151 Officer, to enable delivery the Crewe Hub Station; and
3. notes that a Full Council investment decision to progress with the scheme and approve any resulting Capital Contribution from the Council will be sought, recognising the ongoing financial risk with progressing this project.

7 FORMATION OF A CHESHIRE AND WARRINGTON LEP URBAN DEVELOPMENT FUND

Cabinet considered a report on the formation of a Cheshire and Warrington LEP Urban Development Fund.

RESOLVED

That Cabinet

1. approves the creation of a Special Purpose Vehicle (SPV) to act as General Partner for the proposed Urban Development Fund;
2. delegates authority to the Executive Director Place in consultation with the Section 151 Officer and Monitoring Officer to approve a Limited Partnership agreement between the Council and the General Partner and a Management Agreement between the General Partner and the Fund Manager and any ancillary legal agreements required to ensure the Urban Development Fund is correctly constituted;
3. delegates authority to the Executive Director - Place in consultation with the Section 151 Officer and Monitoring Officer to approve the

creation of a Board of Directors of the Urban Development Fund SPV, made up of representatives as deemed appropriate;

4. delegates authority to the Board of the Urban Development Fund SPV to act as the Investment Committee and approve investments, drawdowns and all matters relating to the Fund, and all steps necessary to comply with the Funding Agreement entered into with MHCLG;
5. approves entering into a Service Level Agreement with the LEP as the Council's delivery partner under the terms of the Funding Agreement, with regard to procurement of the Fund Manager and the management and operation of the Fund, to ensure appropriate input and oversight from the Council;
6. approves undertaking the procurement of a Fund Manager;
7. authorises the Executive Director Place in consultation with the Portfolio Holder for Finance, IT and Communication to approve the award of the contract to the Fund Manager; and
8. authorises the Executive Director Corporate Services to take all necessary actions to implement these proposals.

8 TATTON VISION 2 - STABLEYARD PROJECT

Cabinet considered proposals for the development and improvement of the Stableyard facilities at Tatton Park.

RESOLVED

That Cabinet delegates authority to the Executive Director Place, in consultation with the Portfolio Holder for Environment and Regeneration, to implement the Tatton Vision 2 Stableyard Project, including procuring and entering into all necessary contractual arrangements.

9 MALBANK SCHOOL AND SIXTH FORM COLLEGE - AUTHORITY TO ENTER INTO A CONTRACT

Cabinet considered a report which sought approval to enter into a contract for the expansion of Malbank School and Sixth Form College.

RESOLVED

That authority be delegated to the Executive Director of People to enter into a construction contract for additional places at Malbank School and Sixth Form College.

10 RE-COMMISSIONING OF FOOD CONTRACTS FOR FRESH MEATS AND POULTRY IN SCHOOLS

Cabinet considered a report a report on the re-commissioning of food contracts for fresh meats and poultry in schools.

RESOLVED

That Cabinet

1. approves the re-commissioning processes for food contracts for fresh meats and poultry in schools in line with Public Contract Regulations 2015; and
2. delegates authority to the Executive Director People in consultation with the Portfolio Holder for Children and Families to award contracts to the successful bidders by Lot.

11 MOBBERLEY FARMS ESTATE - BLAKELEY FARM - DISPOSAL

Cabinet considered a report on the disposal of the farmhouse, buildings and paddock land of Blakeley Farm on the Mobberley Farms Estate.

It was suggested that in future, such sites could be considered for the provision of rural housing. In this respect, the Portfolio Holder for Environment and Regeneration indicated that he would be bringing a report to a future meeting on proposals to increase the supply of rented social housing both in rural and urban areas.

RESOLVED

That Cabinet

1. approves the disposal of the Mobberley Farms Estate – Blakeley Farm; and
2. authorises the Executive Director Place in consultation with the Monitoring Officer and Section 151 officer to take all necessary actions and enter into all legal agreements required to enable the disposal of the property.

12 2018/19 FINANCIAL OUTTURN AND REVIEW OF PERFORMANCE

Cabinet considered a report on the financial outturn and review of performance for 2018/19.

It was noted that the figure for the performance and turnaround of major planning applications in paragraph 1.10 of the report should read 94% and not 74% against a target of 90%.

The Corporate Overview and Scrutiny Committee had considered the report at its meeting on 6th June 2019. Councillor J Clowes, Chairman of the Committee, reported the Committee's recommendations to Cabinet as follows:

That Cabinet be asked to consider the comments and recommendations raised by the Committee as follows:

- (a) Cabinet ensure that pragmatic actions are taken to resolve unexpected financial pressures that may impact on the Council's approved budget for 2019/20.
- (b) The Corporate Overview and Scrutiny Committee be involved in any consultation process undertaken for new, proposed ways that the Council may implement the New Homes Bonus (Phase 2).
- (c) Consideration be given to the air quality and pollution implications arising from motor traffic and highways, as part of any environmental improvement strategies.
- (d) The Corporate Overview and Scrutiny Committee be kept informed of any review undertaken of, or modification to, the Medium Term Financial Strategy Reserve (or central contingency.)

In response to a question from members, the Portfolio Holder for Highways and Waste indicated that he had asked officers to assess and report back on the financial implications of a review of car parking charges in Crewe.

RESOLVED

That Cabinet

1. notes and accepts the recommendations of the Corporate Overview and Scrutiny Committee;
2. notes the balanced revenue position;
3. notes the capital outturn position;
4. notes the debt management position;
5. receives and notes the Treasury Management Annual Report for 2018/19 as detailed in Appendix 7 to the report; and
6. recommends that Council approve:
 - fully funded supplementary capital estimates above £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 4, Table 6.

13 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 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

14 APPOINTMENT OF DIRECTORS TO ALTERNATIVE SERVICE DELIVERY VEHICLES

The Portfolio Holder for Finance, IT and Communication, Councillor A Stott, declared a non-pecuniary interest as the partner of Councillor J Nicholas.

Councillors S Hogben, A Moran, J Nicholas and B Puddicombe declared pecuniary interests in this matter and left the meeting prior to its consideration.

Cabinet considered a report on the appointment of Directors to the Council's Alternative Service Delivery Vehicles.

Cabinet had regard to a decision taken by the Portfolio Holder for Finance and Communication on 18th March 2019 which had been reviewed by the Corporate Overview and Scrutiny Committee on 6th June 2019. The decision by the Portfolio Holder included the removal of the statutory Directors of two ASDVs and the appointment of a sole statutory Director in their place. The Corporate Overview and Scrutiny Committee had resolved to offer no advice on the decision which now stood to be implemented. The ASDVs in question were therefore excluded from consideration by Cabinet.

RESOLVED

That Cabinet

1. confirms the appointment/re-appointment of Directors to the Council's ASDVs as set out below:

Company	Directors
ANSA	Cllr Arthur Moran Cllr Steven Hogben
Orbitas	Cllr David Marren Cllr Penny Butterill Cllr Joy Bratherton
Tatton Park Enterprises	Cllr James Nicholas Cllr Kathryn Flavell
Transport Service Solutions	Cllr Laura Crane Cllr Jonathan Parry
Civicanace	Cllr Stewart Gardiner Cllr Marilyn Houston
ESAR	Cllr Andrew Kolker Cllr Suzie Akers-Smith
Cheshire Energy Network	Cllr David Brown Cllr Brian Puddicombe

- delegates authority to the Leader in consultation with the Deputy Leader to make any future appointments and/or remove Directors should the need arise.

The meeting commenced at 2.00 pm and concluded at 4.40 pm

Councillor S Corcoran (Chairman)