

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 9th July, 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 and B Roberts

Councillor in Attendance

Councillors J Barber, J Buckley, J Clowes, L Crane, A Critchley, T Dean, B Evans, H Faddes, JP Findlow, C Leach, B Puddicombe, J Saunders, D Stockton, R Vernon, L Wardlaw and P Williams

Officers in Attendance

Kath O'Dwyer, Acting Chief Executive
Frank Jordan, Executive Director Place/Acting Deputy Chief Executive
Mark Palethorpe, Interim Executive Director People
Paul Goodwin, Deputy S151
Daniel Dickinson, Deputy Monitoring Officer
Rachel Graves, Democratic Services Officer

15 APOLOGIES FOR ABSENCE

Apologies were received from Councillors A Stott and M Warren.

16 DECLARATIONS OF INTEREST

In the interests of openness, Councillor B Puddicombe, in relation to Item 13 – Outside Organisation Appointments 2019-23, declared that he was the nomination for appointment to the Peaks and Plains Housing Trust, a position which he understood received remuneration.

17 PUBLIC SPEAKING TIME/OPEN SESSION

Sue Helliwell asked if the Council would provide permanent dog poo bag dispensers at Milton Park and Talke Road allotments in Alsager. The Portfolio Holder for Environment and Waste replied that the Council had previously provided dispensers and bags in some parks but this had not been very successful. The cost was about £80 per bag dispenser. It was noted that it is the owner's responsibility to clear up after their dogs.

Rachel Cole, on behalf of the Friends of the Barony Park, stated that she had sent in a number of questions but would like to ask about the timeline for an injunction and for the establishment of a transit site. The Leader of the Council responded that a written response would be provided to her

questions but outlined a number of issues/options being considered by the Council. It was not possible to provide a timetable or set date for when a transit site would be available. The Council was working on the Sites Allocation Development Plan Document which would identify include a proposed transit site location. This was expected to be published later in July.

Carol Jones spoke in relation to mental health and said that there was a need for more substantial positivity and action to help and understand the problems faced by people with mental health issues.

18 QUESTIONS TO CABINET MEMBERS

Cllr Rob Vernon asked that the traveller transit site in the Borough be provided as soon as possible to help alleviate the inconvenience caused to residents with unauthorised encampments. The Portfolio Holder for Environment and Regeneration responded that the Council was working on identifying potential sites and undertaking feasibility assessments.

Cllr James Barber asked about how the education impacts of approved developments in his ward could be mitigated. The Portfolio Holder for Planning responded that mitigation is considered in plans to ensure that they were in place to support growth. The Portfolio Holder for Children and Families undertook to provide a written response specifically in connection with school place planning.

Cllr Laura Crane spoke on air quality around schools and referred to Cheshire West and Chester Council's policy to start fining motorists who did not switch off their engines when asked to do so and asked if the Council could introduce a similar policy. The Leader undertook to provide a written answer on the technical details of introducing such a scheme.

Cllr Tony Dean referred to Agenda Items 8 and 9 and asked about the Council's aim of carbon reduction and impact of climate change on these schemes. In response the Deputy Leader stated that Environmental Impact Assessments had been carried out for these schemes. The two schemes would help improve air quality by reducing traffic congestion, included cycling provision and mitigation measure for biodiversity. It was agreed that the Environmental Impact Assessments would be forwarded to Cllr Dean.

Cllr Tony Dean referred to item 10 and asked if the draft Economic Strategy would be reviewed in light of the Council's new environmental aims. The Portfolio Holder for Environment and Regeneration responded that the Strategy was a draft, was subject to a period of consultation and that feedback and good practice would be incorporated.

Cllr June Buckley asked if areas of grass could left to grow long in the summer months and then mowed and collected up at the end of the season to help wildflowers to grow and spread in some areas in Alsager.

The Portfolio Holder for Highways and Waste responded that there was no set policy and that he would look into this matter.

Cllr Phil Williams referred to a response given to a question asked at the last Cabinet meeting on badger vaccination programme and asked about badgers culling on tenanted farm land. The Leader replied that he had previously asked a similar question and the answer he was given then was the Council could not in many cases dictate to tenant farmers what they allowed to happen on their land. However as tenancy agreement were renewed or changed the terms could be amended, where possible, to include that badger culling would not be allowed on the land.

Cllr Hazel Faddes spoke about the 2017 Bus Review and the Little Bus service and asked if the questions used were biased towards the proposed new times for the service - 9.30 am to 2.30 pm. The Deputy Leader responded that he could comment on the consultation and recognised that the scheme was a life line for some users and the intention had been to improve the service. He stated that on Monday 15 July the Environment and Regeneration Overview and Scrutiny Committee would be considering the proposals for the Little Bus Scheme and would that a written response would be provided following this meeting.

19 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 11 June 2019 be approved as a correct record.

20 NOTICE OF MOTION - ONLINE BETTING ADVERTISEMENTS

Cabinet considered the following Notice of Motion, which had been moved by Cllr A Arnold and seconded by Cllr L Wardlaw at the Council meeting on 21 February 2019 and referred to Cabinet for consideration:

"The gambling industry has confirmed plans to press ahead with a voluntary ban on betting adverts during sport programmes from next summer, amid mounting pressure to protect children from excessive exposure to gambling. Sport programs only does not go far enough. We would like to see a total ban on all online gambling pre watershed and the notice of motion is to lobby the government to adopt this as a policy. As it is now possible through phones, tablets and PC s to place bets."

It was proposed that Motion be amended to add *"That the Council writes to the Secretary of State to express our views."*

Since the Notice of Motion new Advertising Standards Agency guidance on protecting children and young people from gambling advertising online had come into effect from 1 April 2019.

Councillor L Wardlaw attended the meeting and spoke in support of the Motion

RESOLVED:

That Cabinet support the amended Notice of Motion and notes that the new guidance from the Advertising Standards Agency came into effect on 1 April 2019 which restricts the placement and style of online gambling advertising to provide greater protection for children and young peoples.

21 NOTICE OF MOTION - CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Cabinet considered the following Notice of Motion, which had been moved by Cllr L Jeuda and seconded by Cllr D Flude at the Council meeting on 21 February 2019 and referred to Cabinet for consideration:

“Article 7 and 24 of the UN Convention on the Rights of Persons with Disabilities places an obligation on Government and Local Authorities to promote, fund and develop capacity in mainstream schools to cater for the needs of disabled pupils.

At the heart of the 2014 Children and Families Act there is the ‘presumption of mainstream education’ for all our children, it places a duty on local authorities to support the provision of placements for all disabled children living in their catchment area.

The progress made towards inclusive education has stalled and increasingly disabled children are segregated in special schools. Ofsted’s Annual Report 2017/18 highlighted concerns about the poor quality of Special Educational Need provision for Disabled pupils in mainstream education.

The Department of Education introduced this policy in 2013 which placed the responsibility on mainstream schools to fund the first £6000 for every pupil with special educational needs out of their own budget, this has done nothing to incentivise schools to accept these pupils.

This Council resolves to adopt a policy with a general presumption that children with Special Educational Needs will be integrated into mainstream schools, with adequate resources to support the teaching staff and put an end to segregation.”

The report set out the current arrangements for special education needs, which encouraged mainstream education where it was appropriate.

RESOLVED: That Cabinet

1 accepts the notice of motion and notes that:

- i. education, health and care plans name the school best placed to meet the needs of the young person following consultation with appropriate settings, which must include the parents preferred setting.
- ii. specialist provision is only considered when a mainstream setting is not appropriate to meet the needs of a child or to meet parental request.
- iii. appropriate provision to meet the assessed needs of children and young people is agreed in the education, health and care plan and funding is allocated accordingly.
- iv. the Cabinet Member for Children and Families will review the current policies for Children with Special Educational Needs and Disability (SEND) to ensure they are contemporary with all relevant legislation and reflect the needs of the children and young people of Cheshire East.

22 MIDDLEWICH EASTERN BYPASS - APPROVAL TO PROCEED WITH THE ACQUISITION OF LAND REQUIRED TO DELIVER THE SCHEME

Cabinet considered a report which sought approval for the use of powers of compulsory purchase to undertake the acquisition of land and new rights required for the construction of the Middlewich Eastern Bypass.

RESOLVED: That Cabinet

- 1 authorise the making of an Order (or Orders) under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and all other powers as appropriate for the compulsory purchase of land and rights required for the construction of the Scheme as shown on the CPO Plan (Appendix A to the Report).
- 2 authorise the making of a Side Roads Order (or Orders) under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, construct lengths of new highway and stop up and provide replacement private means of access as required to deliver the Scheme;
- 3 authorise the Executive Director Place, in consultation with the Director of Governance and Compliance Services, to make any amendments necessary to the contemplated Orders arising as a result of further design work or negotiations with landowners or affected parties or for any connected reasons in order to enable delivery of the Scheme;
- 4 authorise the Executive Director Place, in consultation with the Director of Governance and Compliance Services, to take all

appropriate actions to secure the confirmation of the contemplated orders including:

- i. authority to take all necessary action to secure the making, submission to the Secretary of State for confirmation and (if confirmed) implementation, of the SRO and the CPO including the publication and service of all relevant notices and for the Director of Governance and Compliance to secure the presentation of the Council's case at any public inquiry and the subsequent service of Notices to Treat and Notices of Entry or, as the case may be the execution of General Vesting Declarations;
 - ii. authority to negotiate and enter into agreements and undertakings with the owners of any interest in the required land under the CPO and/or the SRO ("the Orders") and any objectors to the confirmation of the Orders setting out the terms for the withdrawal of objections to the Orders including where appropriate, the inclusion in and/or exclusion from the CPO of land or new rights or the amendments of the Side Roads Order and to authorise the Director of Governance and Compliance to agree, draw up, and to sign all necessary legal documents to record such agreements and undertakings;
 - iii. authorise in the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) the Director of Governance and Compliance Services to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings;
 - iv. authorise the Director of Governance and Compliance Services to appoint suitable counsel to advise and represent the Council at any Public Inquiry held in respect of the Orders and to provide legal support to the team through the process;
5. authorise the Head of Estates to seek to acquire the land and rights (or extinguish the same) required for the Scheme by agreement and to instruct the Director of Governance and Compliance Services to negotiate and enter into the agreements necessary to complete such acquisitions.
6. authorise the Head of Estates to negotiate and approve the payment of relevant and reasonable professional fees incurred by landowners and others with compensatable interests in taking professional advice in connection with the acquisition of their interests required for the scheme and related compensation claims and also in advancing the development or implementation of the Scheme.

23 A500 DUALLING - APPROVAL TO ACQUIRE LAND REQUIRED TO DELIVER THE SCHEME

Cabinet considered a report which sought approval for the use of powers of Compulsory Purchase to undertake the acquisition of land and new rights required for the construction of the A500 Dualling Scheme.

RESOLVED: That Cabinet

1. authorise the making of an Order (or Orders) under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and all other powers as appropriate for the compulsory purchase of land and rights required for the construction of the Scheme as shown on the CPO Plan (Appendix A).
2. authorise the making of a Side Roads Order (or Orders) under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, construct lengths of new highway and stop up and provide replacement private means of access as required to deliver the Scheme;
3. authorise the Executive Director – Place in consultation with the Director of Governance and Compliance Services to make any amendments necessary to the contemplated Orders arising as a result of further design work or negotiations with landowners or affected parties or for any connected reasons in order to enable delivery of the Scheme.
4. Authorise the Executive Director – Place in consultation with the Director of Governance and Compliance Services to take all appropriate actions to secure the confirmation of the contemplated orders including:
 - i. authority to take all necessary action to secure the making, submission to the Secretary of State for confirmation and (if confirmed) implementation, of the Orders including the publication and service of all relevant notices and for the Director of Governance and Compliance to secure the presentation of the Council's case at any public inquiry and the subsequent service of Notices to Treat and Notices of Entry or, as the case may be the execution of General Vesting Declarations;
 - ii. authority to negotiate and enter into agreements and undertakings with the owners of any interest in the required land under the CPO and/or the SRO ("the Orders") and any objectors to the confirmation of the Orders setting out the terms for the withdrawal of objections to the Orders including where appropriate, the inclusion in and/or exclusion from the CPO of

- land or new rights or the amendments of the SRO and to authorise the Director of Governance and Compliance to agree, draw up, and to sign all necessary legal documents to record such agreements and undertakings;
- iii. authorise in the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) the Director of Governance and Compliance to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings;
 - iv. authorise the Director of Governance and Compliance Services to appoint suitable counsel to advise and represent the Council at any Public Inquiry held in respect of the Orders and to provide legal support to the team through the process;
5. authorise the Head of Estates to seek to acquire the land and rights (or extinguish the same) required for the Scheme by agreement and to instruct the Director of Governance and Compliance to negotiate and enter into the agreements necessary to complete such acquisitions.
6. authorise the Head of Estates to negotiate and approve the payment of relevant and reasonable professional fees incurred by landowners and others with compensate able interests in taking professional advice in connection with the acquisition of their interests required for the scheme and related compensation claims and also in advancing the development or implementation of the Scheme.
7. authorise entering into an agreement with Staffordshire County Council under powers in section 8 of the Highways Act 1980 facilitating the transfer of functions of Staffordshire's highway powers and duties in relation to that land which falls within the administrative boundary of Staffordshire County Council required for delivery of this scheme.

24 CHESHIRE EAST DRAFT ECONOMIC STRATEGY

Cabinet considered a report on the Council's draft Economic Strategy.

The draft Economic Strategy for 2011-2014 set out an ambition for sustainable growth and the key priorities for enabling the delivery of this,

The draft Economic Strategy would be published for public consultation for a period of 8 weeks, seeking feedback from residents, businesses, public sector partners and other non-government agencies.

RESOLVED: That Cabinet

- 1 approve the draft Economic Strategy, as outlined in Appendix A to the Report, for the basis of consultation; and
- 2 delegates authority to the Portfolio Holder for Environment and Regeneration to consider the results of the consultation, to make appropriate amendments and approve the final draft of the Economic Strategy.

25 PROPOSED EXPANSION OF PARK LANE SCHOOL, MACCLESFIELD

Cabinet considered a report on the proposed expansion of Park Lane School. Macclesfield.

A need for the Council to increase its specialist provision in the Macclesfield locality had been identified, with 39% of pupils from this area requiring specialist provision travelled outside Cheshire East, with the average journey being over an hour away.

Park Lane School had expressed an interest to expand its current provisions and the report detailed the outcome of the statutory public notice and subsequent 4 weeks statutory representation period.

RESOLVED: That Cabinet

- 1 approve the proposed expansion of Park Lane School, Macclesfield from 82 places to 122 places over a phased period; and
- 2 delegate authority to the Executive Director People to implement all actions considered necessary or expedient, with budget allocation, to procure and deliver the construction of the proposed expansion.

26 NEXT GENERATION WIDE AREA NETWORK CONTRACT

Cabinet consider a report which sought approval for the procurement of the next generation WAN services.

The current contract for the WAN ended on 21 February 2021 and an alternative supplier needed to be procured and a contract in put in place to complete the implementation of the New Generation WAN by the current contract end date.

RESOLVED: That Cabinet

- 1 agrees to the procurement of next generation wide area network services using a Crown Commercial Services Framework

- 2 delegates authority to the Executive Director Corporate Services, after consultation with the Portfolio Holder for Finance, IT and Communication, to
 - a. follow the prescribed procurement process to award a contract to a supplier for the provision of next generation wide area network services; and
 - b. enter into a contract with the successful supplier, after consultation with the Director of Governance and Compliance, and the Section 151 Officer.

27 OUTSIDE ORGANISATIONS APPOINTMENTS 2019-2023

Cabinet considered a report on nominations to Category 1 outside organisations.

Category 1 appointments had been allocated to Cabinet to make. These appointments were to top level strategic organisations at national, regional and local level. Details of the appointments being considered were detailed in the Schedule attached to the Report.

Appointments would be made for the duration of the Council, which was 2019-2023, although it may sometimes be necessary or desirable for them to be reviewed during that time in order to take into account changes for vacancies that may arise.

The following amendments were proposed to the Schedule attached to the Report:

- deletion of Plus Dane (Cheshire) Housing Association Ltd as there was no longer a requirement to appoint to this organisation;
- addition of Alderley Park Ltd and Alderley Park Holdings Ltd to the Schedule, with the appointment of Councillor C Browne to these organisations;
- the appointments to The Silk Heritage Trust to be Councillors B Puddicombe, L Smetham and L Braithwaite.

RESOLVED: That Cabinet

- 1 confirms it wishes to continue with the current approach to appointing to Outside Organisations, and for the causal vacancy procedure to be used in the event of changes in the mid-term period;
- 2 Alderley Park Ltd and Alderley Park Holdings Ltd be added to the Category 1 List of Outside Organisations and that Cllr Craig Browne be appointment as the Council's representative thereto until such

time as representation is reviewed following the election of the new Council in 2023;

- 3 Plus Dane (Cheshire) Housing Association Ltd be removed from the Category 1 List of Outside Organisations;
- 4 the appointments to The Silk Heritage Trust to be Councillors B Puddicombe, L Smetham and L Braithwaite;
- 5 subject to 2, 3 and 4 above, approval be given to the appointment of the representatives shown on the schedule to this report and that the appointments will subsist until such time as representation is reviewed following the election of the new Council in 2023;
- 6 the appointments take immediate effect; and
- 7 notwithstanding 1 above, the Cabinet retains the rights to review the representation on any outside organisation at any time.

28 PAYMENT SERVICES

Cabinet considered a report on the award of a contract for payment services which allowed residents to pay local taxation and other council invoices at the Post Office and local retail outlets by cash.

RESOLVED: That Cabinet

- 1 agree that the Council enter into a contract for electronic payment services with Allpay via the Procurement for Housing Framework to facilitate payment of local taxation and other council invoices; and
- 2 the Revenue Manager take all necessary actions to implement the contractual arrangement.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

S Corcoran (Chairman)