

# **CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Cabinet**  
held on Tuesday, 7th July, 2020

## **PRESENT**

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

Councillors L Crane, K Flavell, T Fox, L Jeuda, N Mannion, J Rhodes and  
A Stott

## **Councillors in attendance**

Councillors S Akers Smith, R Bailey, M Beanland, M Benson, D Brown,  
J Buckley, C Bulman, R Burkhill, J Clowes, T Dean, H Faddes,  
J P Findlow, R Fletcher, L Gilbert, A Harewood, M Houston, D Marren,  
A Moran, J Parry, B Puddicombe, J Saunders, M Simon, J Smith, D Stockton,  
L Wardlaw, J Weatherill, P Williams and N Wylie

## **Officers in Attendance**

Lorraine O'Donnell, Chief Executive  
Frank Jordan, Executive Director Place  
Mark Palethorpe, Executive Director People  
Jane Burns, Executive Director Corporate Services  
Jan Bakewell, Director of Governance and Compliance  
Alex Thompson, Director of Finance and Customer Services  
Paul Mountford, Executive Democratic Services Officer  
Brian Reed, Head of Democratic Services and Governance

## **Apologies**

Councillor M Warren

The Leader was proud to announce that Cheshire East Council had one of the strongest records of maintaining its public meetings during the current public health emergency. He was grateful to members for their willingness to adapt to remote meetings and he placed on record his thanks to officers for the extensive support and planning that had been involved.

The Leader announced that Jan Bakewell, Director of Governance and Compliance and the Council's Monitoring Officer, would be leaving the Council at the end of July. He thanked Jan for her work at Cheshire East Council. Jan in turn thanked members and officers for their support during her time at Cheshire East.

The Leader announced the following appointments to ASDV directorships, which he had made, in consultation with the Deputy Leader, in accordance with the authority delegated to him by Cabinet on 11<sup>th</sup> June 2019:

- Councillor Q Abel had been appointed to the Board of Tatton Park

Enterprises.

- Councillor Q Abel had been appointed a Director of Transport Service Solutions.
- Councillor M Hunter had moved from Transport Service Solutions to become a Director of Ansa.

## **11 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **12 PUBLIC SPEAKING TIME/OPEN SESSION - VIRTUAL MEETINGS**

Matthias Bunte of Cycling UK Sandbach referred to the Council's decision to review the downgrade of a proposed toucan crossing to a pedestrian refuge on the Middlewich Road at School Lane/Vicarage Lane in Sandbach and asked that the review consider the needs of pedestrians, cyclists, users of mobility scooters and wheelchairs, as well as drivers.

The Portfolio Holder for Highways and Waste thanked Mr Bunte for his question, noting the considerable amount of background information that had been provided to accompany the question. This had been shared with officers, so that it could inform their approach to the issue. The review would establish the details of crossing facilities to be implemented at the location.

Sue Helliwell referred to an application for a housing development in Alsager, ref. 11/4109, which provided that £93,050 of S106 money would go towards footpath FP26, which stopped at the bridge and did not continue down the steps towards Alsager Train Station. She asked if the Council would confirm that it would be adopting the rest of the footpath, which had been used by residents for a good number of years.

The Portfolio Holder for Highways and Waste responded that the Council was in discussion with Network Rail regarding the status of the footpath. The Public Rights of Way team were aware of the S106 funds that would become available when the trigger point for the development in question was met and would be working up a scheme to improve the footpaths in that area. The team would be pleased to discuss the proposals with Mrs Helliwell.

## **13 QUESTIONS TO CABINET MEMBERS - VIRTUAL MEETINGS**

Councillor R Bailey referred to the Council's active travel scheme and asked for confirmation that Audlem Parish Council, as one of the first to respond to the consultation, was being considered for active travel interventions. She also sought clarification on the timetable for the measures to be introduced, having regard to the school holiday period.

The Portfolio Holder for Highways and Waste responded that numerous town and parish councils had submitted recommendations in response to the Council's consultation and that the first tranche of measures would be released by the end of the month. Further information would be available shortly.

Councillor M Beanland asked for a detailed explanation of the figure of £70M quoted as the additional expenditure incurred by the Council in relation to the Covid pandemic.

The Portfolio Holder for Finance, IT and Communication responded that overview and scrutiny committees, and the shadow cabinet, had received regular briefings on the matter and that the Council was working well given the uncertainty involved and a lack of clarity on government funding. The Leader added that schools were to return from September and that the need for social distancing would have a significant impact on the cost of school transport. He also suggested that the returns submitted by local councils to the government on Covid-related expenditure should be made public.

Councillor J Buckley asked why 114 businesses had not been successful in their applications for business rate support grant.

The Portfolio Holder for Environment and Regeneration replied that the businesses in question fell outside the eligibility criteria under phase 1 of the scheme. Those businesses would be carried forward to phase 2 for review without their having to re-apply.

Councillor J Clowes referred to the recommendations of the Council's overview and scrutiny committees and the Audit and Governance Committee that a sub-group of the Corporate Scrutiny and Audit Committees be established to examine Council finances during the Covid-19 crisis in order to provide a sound evidence-base for the effective lobbying of Central Government. Councillor Clowes commented that the Council had not acted on the recommendations. She asked that her comments be minuted in full to place on record that Members had sought to fulfil their audit and scrutiny functions in the matter but had been denied the opportunity to do so.

The Leader responded that the meeting was being recorded and therefore all questions were on the record. At the Leader's invitation, the Chief Executive referred to a request she had received from Councillor Clowes for an additional body to be set up to review Covid-related expenditure. The Chief Executive had reluctantly declined the request in view of the significant pressures officers were already facing at this time. She had also suggested alternative routes for providing information to help inform the Covid-related reports coming to Cabinet.

Councillor L Gilbert asked why the police could not be provided with copies of the traffic regulation orders for 129 locations across the Borough.

He also referred to the Government's proposal to relax some planning controls and asked if the Council had considered the implications of this and had made representations to the Government.

With regard to the question on traffic regulation orders, the Portfolio Holder for Highways and Waste undertook to provide a written response. The Deputy Leader added that many of the orders had been served under predecessor authorities and were held in archives that were either unknown to or unavailable to the Council.

With regard to the question on planning controls, the Portfolio Holder for Planning replied that further details were awaited and the Council was monitoring the situation closely.

Councillor J Saunders referred to an additional £10M of Covid-related expenditure ostensibly to cover the cost of providing home to school transport. She asked for details of the original budget for home to school transport and an explanation for the increase in costs.

The Portfolio Holder for Children and Families responded that this was a projection and that the Council was undertaking parental surveys to establish the likely demand for the service. There was also work underway to try to mitigate some of the costs. She undertook to provide a more detailed response.

Councillor M Simon asked if the Council's policy on not allowing mirrors to be placed on the highway could be reviewed and for each request for a mirror to be considered on its merits.

The Portfolio Holder for Highways and Waste responded that the Council was reviewing all of its highways policies and that she would give Councillor Simon an update when a firm date had been established.

Councillor D Stockton commented that it appeared that the Handforth Garden Village now had a larger footprint than was previously the case. He asked if the Council was proposing a reduction in the public open space to support the further provision of homes and, if so, what the effect would be on local infrastructure and whether there were plans to put this in place before development.

The Portfolio Holder for Environment and Regeneration responded that there were no proposals to use open space in the Council's or any other ownership to provide social or affordable housing. In addition, any housing proposals relating to Council-owned land would have to go through the usual planning process and were subject to the Local Plan.

Councillor P Williams referred to an unadopted path in the vicinity of the level crossing on Sandbach Road South/Audley Road, Alsager which had been used by residents following the recent closure of the crossing due to an accident. Councillor Williams asked if it would be possible for Cheshire

East to adopt and maintain the path and other pathways in that area to bring about improvements. He also referred to a number of recent notifications of significant planning applications in the Alsager area which had been either not been delivered or been misdirected. He asked if in future such notifications could be given by email as well as by post.

The Portfolio Holder for Highways and Waste advised that members could progress the adoption of footpaths through the Members Enquiry Service.

The Portfolio Holder for Planning advised that a weekly list of planning applications was produced and that members should inspect this to ensure that they were being notified of planning applications in their area for which they should have received separate notification as a matter of course.

Councillor N Wylie referred to the return to school of Year 6 primary school children with effect from 29<sup>th</sup> June and asked what percentage of children had actually attended school. She also asked if the Council was providing assistance to those unable to attend.

The Portfolio Holder for Children and Families responded that 2,364 Year 6 children had returned to school and the Council was offering assistance where social distancing requirements had made this difficult for schools. She undertook to provide further details in writing. The Leader added that the Government's rules currently prevented nearby buildings such as church halls from being used by schools to alleviate the problem and he urged members to make representations to the Government.

Councillor D Brown expressed disappointment that the Nantwich Show had lost its cheese stand to Staffordshire. He asked what action had been taken to try to prevent this loss of tourism in Cheshire and what further action was now being considered.

The Portfolio Holder for Environment and Regeneration agreed that this was disappointing and he undertook to provide a written response.

Councillor T Dean referred to the chaotic situation with Cheshire East Council car parks in Knutsford and elsewhere as a result of the re-introduction of charges. Many of the pay machines were not working. Where machines were working, massive queues were forming due to the slowness of the card payment system. Councillor Dean asked that the charges be removed for a further period to help local businesses and to give officers time to bring all the pay machines back into operation, if possible with a cash payment option to prevent queues. Councillor Dean did not wish to receive an answer at the meeting as he felt it required careful thought.

Councillor D Marren commented that shoppers and shop owners in Nantwich were unhappy with the banning of cash in car parking machines. Many people did not have contactless cards for payment and others did not understand how the machines worked. Fewer people were therefore

visiting the town and this was damaging business income. Councillor Marren asked if the equality impact assessment that accompanied the decision to go cashless could be published. He also asked if the Council would consider re-introducing cash payments as he felt that the cashless policy was discriminatory.

The Portfolio Holder for Highways and Waste responded that the equality impact assessment did not find that any particular group was discriminated against. Cash handling by staff had also been a consideration. However, the situation was under constant review. The Deputy Leader added that this was a policy that had been forced upon the Council by Covid and the safety of staff handling cash had to be considered. The Council would seek to rescind the policy when it was able to do so.

#### **14 MINUTES OF PREVIOUS MEETING**

##### **RESOLVED**

That the minutes of the meeting held on 9<sup>th</sup> June 2020 be approved as a correct record.

#### **15 COVID-19 - UPDATE ON RESPONSE AND RECOVERY**

Cabinet considered an update on the work undertaken in response to the current national and international public health emergency on COVID-19. The report also provided an update on the projected financial impact on the Council, the work undertaken to support communities and businesses in the Borough and the plans the Council was developing to support longer-term recovery from the pandemic.

##### **RESOLVED**

That Cabinet

1. notes the issues outlined in the report;
2. notes the financial implications of COVID-19 to date and the ongoing lobbying to press for the Government to fund the total financial impact of the pandemic on Cheshire East Council;
3. notes that a detailed report on the financial impact on the agreed budget for 2020/21 will be presented to a forthcoming Cabinet meeting; and
4. notes the content of the Outbreak Plan for Cheshire East that was published on 30<sup>th</sup> June on the Council's website.

## 16 NOTICE OF MOTION - PAVEMENT PARKING

Cabinet considered a report in response to the following Notice of Motion which had been moved by Councillor S Akers Smith and seconded by Councillor S Brookfield at the Council meeting on 17th October 2019 and referred to Cabinet for consideration:

*“This Council requests that Cabinet give consideration to developing a Borough wide policy on pavement parking and a separate Borough wide policy on pavement obstruction, which should be sufficiently flexible to recognise the varied needs and demands within different areas of the Borough. Council further calls on the Cabinet to bring a draft policy on pavement parking to a future meeting of Full Council for debate.”*

Councillor Akers Smith spoke on the motion.

### **RESOLVED**

That Cabinet

1. agrees that any new approach to restricting pavement parking in the Borough be informed by the Department for Transport's review of current practice and the procedures for making and enforcing Traffic Regulation Orders; and
2. agrees that Cheshire East Council respond to the forthcoming DfT consultation with evidence, including that provided as background to the Notice of Motion to Council, the details of the response to be delegated to the Director of Highways and Infrastructure in consultation with the Portfolio Holder for Highways Waste.

## 17 WILMSLOW AND CREWE WALKING AND CYCLING SCHEMES

Cabinet considered a report on the delivery of walking and cycling schemes in Wilmslow and Crewe, details of which were set out in the report.

### **RESOLVED**

That Cabinet

1. approves the delivery of the A530 scheme in Crewe and the Wilmslow Strategic Walking and Cycling Scheme through the Highway Service Contract, subject to £1.6m of Local Growth Funding being received from Cheshire and Warrington Enterprise Partnership and that Ringway Jacobs' target costs for the schemes satisfy the Council's best value requirements;

2. authorises the Director of Highways and Infrastructure, in consultation with the Portfolio Holder with responsibility for Strategic Transport and the Portfolio Holder for Highways and Waste, to take all necessary actions to implement the two schemes; and
3. approves the preparation of a Compulsory Purchase Order (CPO) in respect of land and/or rights required to deliver the A530 Scheme, where such land and/or rights cannot be acquired by agreement; and that in the event that a CPO is required, Cabinet authority to make the Order be sought at that stage.

## **18 MIDDLEWICH EASTERN BYPASS - APPROVAL TO PROCEED WITH THE USE OF CPO POWERS**

Cabinet considered a report which sought approval to proceed with the use of compulsory purchase powers in connection with the Middlewich Eastern Bypass.

### **RESOLVED**

That Cabinet

1. confirms that the acquisition of the land identified on the Order Map attached to the report is necessary for highway purposes;
2. approves the draft Statement of Reasons and the draft Order Map both substantially in the form annexed to the report for the purposes of the Compulsory Purchase Order but delegates to the Director – Infrastructure and Highways, in consultation with the Director of Governance and Compliance, authority to modify them as necessary;
3. approves the draft SRO Plans substantially in the form annexed to the report for the purposes of the Side Roads Order and delegates to the Director – Infrastructure and Highways, in consultation with the Director of Governance and Compliance, authority to modify them as necessary;
4. authorises the Director – Infrastructure and Highways, in consultation with the Director of Governance and Compliance, to determine the form and contents of the Schedules (“the Schedules”) necessary as part of the CPO to identify the land contained within the Order Map;
5. authorises the Director of Governance and Compliance to make The Cheshire East Council (Middlewich Eastern Bypass) Compulsory Purchase Order 2020 (“the CPO”) pursuant to Section(s) 239, 240, 246, 250 and 260 of the Highways Act 1980, Schedule 3 to the Acquisition of Land Act 1981 and all other powers as appropriate for the purpose of acquiring the land and interests shown on the Order Map and described in the Schedules (or such lesser area of land should this in his opinion be appropriate) to facilitate the construction of

the Scheme, and that the Common Seal of the Council be affixed to the CPO and to the Order Map;

6. authorises the Director of Governance and Compliance to make The Cheshire East Borough Council and Cheshire West and Chester Borough Council (Middlewich Eastern Bypass) (Classified Road) (Side Roads) Order 2020 (“the SRO”) under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, stop up and/or amend private means of access and provide replacement private means of access, and construct lengths of new highway as required to deliver the Scheme;
7. authorises the Director – Infrastructure and Highways, in consultation with the Director of Governance and Compliance, to make any amendments necessary to the contemplated CPO and/or SRO (“the 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;
8. authorises the Director of Governance and Compliance to advertise the making of the CPO and the SRO (“the Orders”) to comply with all associated requirements in respect of personal, press and site notices, and to take all other relevant action thereon to promote the confirmation of the Orders;
9. agrees that in the event that no objections are received to the CPO, or if any objections made are subsequently withdrawn, or the Director of Governance and Compliance certifies that they may be legally disregarded, the Director of Governance and Compliance be authorised to obtain the appropriate Certificate under Section 14A of the Acquisition of Land Act 1981 enabling the Council to confirm the CPO as made;
10. agrees that in the event that relevant objections are received to the Orders (or any of them) and are not withdrawn, or that modifications are made to the Orders, the Director of Governance and Compliance be authorised to submit the Orders to the Secretary of State with a request that they be confirmed in the required form;
11. agrees that in the event that any Public Inquiry is convened to consider objections to the Orders (or any of them), the Director – Infrastructure and Highways be authorised, in consultation with the Director of Governance and Compliance, to prepare and submit such evidence as is necessary in support of the Orders, including enlisting the assistance of outside consultants and Counsel to assist in the preparation and presentation of such evidence;
12. agrees that as soon as the Orders (or any of them) have been confirmed and become operative, the Director of Governance and Compliance be authorised to comply with all associated requirements

in respect of personal and press notices and to make and give notice of a General Vesting Declaration under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or Notices to Treat and Notices of Entry in respect of those properties to be acquired compulsorily;

13. authorises the Head of Estates to negotiate terms and to acquire land and rights required for the Scheme by agreement and to instruct the Director of Governance and Compliance to negotiate and enter into the legal agreements necessary to complete such acquisitions including, but not limited to, licences, transfers, easements, deeds of release, land management agreements, settlement agreements and agreements entered into pursuant to Section 253 of the Highways Act 1980 for the purpose of mitigating any adverse effect which the construction, improvement, existence or use of the highway has or will have on the surrounding of the highway;
  14. authorises the Head of Estates to negotiate and approve the payment of any compensation and any 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 to negotiate, approve and document by way of settlement or other legal agreement payment of all related compensation claims in advancing the development or implementation of the Scheme, including the settlement of any claims made pursuant to Part 1 of the Land Compensation Act 1973;
  15. agrees that in the event that any question of compensation in respect of such interests or rights is referred to the Upper Tribunal (Lands Chamber) for determination, the Director of Governance and Compliance be authorised to take all necessary steps in relation thereto including settlement of such proceedings if appropriate, advising on the appropriate uses and compensation payable and issuing the appropriate certificates and appointing Counsel (where required) to represent the Council in respect of any such reference; and
  16. authorises the Council to enter into an agreement with Cheshire West and Chester Council pursuant to section 8 of the Highways Act 1980 facilitating the transfer of functions of Cheshire West and Chester Council's highway powers and duties in relation to that land which falls within the administrative boundary of Cheshire West and Chester Council and as is required for delivery of the Scheme.
- 19 **APPROPRIATION FOR PLANNING PURPOSES OF LAND AT THE GARDEN VILLAGE, HANDFORTH**

Cabinet considered a report on the appropriation for planning purposes of land at the Garden Village, Handforth.

## **RESOLVED**

That Cabinet

1. authorises the advertising of the Council's intention to appropriate for planning purposes any part of the Open Space Land in accordance with the requirements of section 122(2A) of the Local Government Act 1972;
2. authorises the Director of Growth and Enterprise to consider any objections which may be received and to make a recommendation as to whether or not appropriation of any part of the Open Space Land should proceed;
3. subject to the proper consideration by the Director of Growth and Enterprise of any objections received in response to the advertising of the Open Space Land in 2 above, authorises the Council to proceed with the appropriation of the Council Land pursuant to section 122(1) of the Local Government Act 1972;
4. delegates authority to the Director of Growth and Enterprise, in consultation with the Director of Governance and Compliance and the Section 151 Officer, to negotiate and enter into agreements with third parties in order to secure the modification or release of the Rights (and the grant of new rights) which may otherwise be an impediment to the development of the Garden Village; and
5. failing such agreements being reached, delegates authority to the Director of Growth and Enterprise, in consultation with the Director of Governance and Compliance and the Section 151 Officer, to deal with the settlement of any claims for compensation made pursuant to section 204 of the Housing and Planning Act 2016 that may arise by virtue of the operation of the overriding power contained in section 203 of that Act.

## **20 LEVEL ACCESS SHOWERS FRAMEWORK**

Cabinet considered a report on the procurement of level access showers on behalf of residents with disabilities.

## **RESOLVED**

That Cabinet

1. approves the procurement and establishment of a Framework to commission level access shower works on behalf of residents with disabilities; and
2. delegates authority to the Executive Director Place, in consultation with the Portfolio Holder for Environment and Regeneration, to award and

enter into a Framework Agreement with a single supplier who meets the procurement criteria and requirements of the Framework.

The meeting commenced at 1.00 pm and concluded at 3.39 pm

Councillor S Corcoran (Chairman)