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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Highways and Transport Committee**
held on Thursday, 13th January, 2022 in the The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor C Browne (Chair)
Councillor L Crane (Vice-Chair)

Councillors S Akers Smith, R Bailey (Substitute), M Benson, B Burkhill,
H Faddes, A Gage, L Gilbert, A Harewood (Substitute), L Jeuda (Substitute),
M Sewart and P Williams

OFFICERS IN ATTENDANCE

Mrs S Baxter (Democratic Services Officer), Mr R Hibbert (Head of Strategic
Transport and Parking), Mr C Hindle (Head of Infrastructure), Mr A Ross
(Director of Infrastructure and Highways) Ms J Traverse (Executive Director-
Place), Ms J Wilcox (Head of Financial Management) and Mrs M Withington
(Principal Lawyer)

42 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Braithwaite, M
Hunter and D Stockton.

43 DECLARATIONS OF INTEREST

There were no declarations of interest.

44 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 9 December 2021 be approved as
a correct record and signed by the Chair.

45 PUBLIC SPEAKING/OPEN SESSION

On behalf of Sue Helliwell, the Democratic Services Officer read out a
number of questions in respect of item 7, Ward Members Highways
Budget Pilot Scheme – Update.

Councillor J Clowes attended the meeting virtually and asked questions in
respect of item 5, Financial Year Review 2021/2022 and spoke in respect
of Item 6, Medium Term Financial Strategy 2022/23 – 2025.

(During consideration of the item, Councillor R Bailey arrived to the meeting).

46 **2021/22 FINANCIAL YEAR REVIEW**

Consideration was given to a report setting out the financial year review for 2021/22.

Concerns were raised that the figures for expenditure on highways implied that the Council had lost in interest in providing and looking after its transport infrastructure. It was felt that Cheshire East spent less than any of its neighbouring authorities regardless of whether they were more urban, rural or what political control they had. The point was emphasised that the Council needed to focus on spending money on its transport infrastructure.

Further to this it was commented that at the full Council budget meeting which took place in February 2021, it had been agreed by the then merged Portfolio Holder for Waste and Highways that £0.8 million would be transferred from the highways budget to the waste budget. Concerns were raised that whilst the report now showed the Environment and Communities with a £0.5 million underspend, Highways and Transport, which was the lowest funded service per km in comparative areas now had a £0.7 million overspend. Questions were raised as to what the Council was going to do to ensure infrastructure was not neglected and that Cheshire East was on a par with other neighbouring authorities who received less Government funding.

RESOLVED

1. That the report of the Finance Sub-Committee ([Agenda for Finance Sub-Committee on Wednesday, 1st December, 2021, 2.00 pm | Cheshire East Council](#)), specifically the recommendations of that committee be noted.

2. That the financial update and forecast outturn relevant to their terms of reference be noted.

3. That it be noted officers would seek to improve outcomes and the financial outturn across all Committees to mitigate the overall forecast overspend of the Council.

4. That appendix 5 and the following sections specific to this Committee be noted:

- Changes to Revenue budget 2021/22
- Policy Proposals Update
- Corporate Grants Register
- Debt Management
- Capital Strategy
- Reserve Strategy

47 MEDIUM TERM FINANCIAL STRATEGY 2022/23 - 2025/26

The committee received a report on the Medium-Term Financial Strategy for 2022/23 – 2025/26. As part of the consultation process the committee was asked to provide comments and feedback to the Corporate Policy Committee on proposals related to the responsibilities of the committee.

At the start of the debate a proposal was moved by Councillor L Crane which was seconded by Councillor C Browne that the Corporate Policy Committee be recommended to consider allowing the Highways and Infrastructure service to take up to a further £3.9 million increase in its capital budget of which £2.694 million could potentially be funded from the New Homes Bonus Scheme. It was felt this recommendation could address some of the issues raised by Members regarding the lack of spend by the Council on infrastructure. In addition it was anticipated this request would potentially assist with the revenue budget and free up finances to spend on service areas where there had been budget cuts.

Further comments were made as follows:-

(i)Councillor L Crane commented that the Corporate Policy Committee should be asked to consider the delineation between departments and whether the service was receiving the appropriate proportion of the budget for such an important asset;

(ii)Councillor L Gilbert commented that there were reports that the Cheshire East Countryside Access Forum's footpaths maintenance budget had been cut by 62%. There was no reference to this in the report, nor had it been reported to Public Rights of Way (PROW) Committee. There was a concern that this reported cut in budget represented an inconsistent approach to the promotion of the Council's healthy lifestyle agenda and active travel programme;

(iii)Councillor L Gilbert also commented that during the pandemic footpath usage had greatly increased and therefore it was felt it was felt inappropriate to reduce budget and treat maintenance of footpaths as a low priority.

(iv)Councillor L Jeuda commented that funding be made available so all over 60s and young people were offered a free bus pass. This would increase the opportunity for more people to travel by bus thus cutting down the isolation of the older sections of society and promoting a greener way of travel;

(v)Councillor S Akers Smith commented that additional finance for the highways service and Public Rights of Way service areas was essential in order to provide people with the choice if they wanted to walk or cycle.

(vi)Councillor R Bailey felt it was regrettable that the revenue budget had not been used as wisely as it could have and that the £0.8 million

reduction followed by a £0.6million reduction for the next two years thereafter previously agreed at a full Council budget meeting had been a retrograde step;

(viii) Councillor M Sewart stated that focus needed to be on spending more on services and infrastructure;

(ix)The Chair commented that the settlement received was good news even if it only offered certainty of one year. He felt that if investment in the capital budget took place then this potentially could lead to the reduction in some of the revenue spend;

(x)Councillor A Gage suggested if additional capital was made available to undertake level 2/3 repairs then an active listening exercise with each individual Ward Councillor should be conducted prior to any monies being allocated. In response the Chair advised that recommendations from local ward Members and highways engineers already formed part of the assessment process for determining which roads would benefit from the repair work;

(xi)The Chair further commented that if there was a reduction in the money required to be spent on the reactive potholes repairs from the revenue budget as anticipated then the Council should look to see if it could allocate some of the monies to the PROW service;

(xii)Finally Councillor R Bailey requested that further consideration should be given to an overview of the core revenue share currently proposed particularly in terms of the underspend in communities and environment and the overspend in highways and given the two service areas were linked before the introduction of the new committee system.

RESOLVED (Unanimously):

1. That the Corporate Policy Committee be recommended to consider allowing the Highways and Infrastructure service to take up to a further £3.9 million increase in its capital budget of which £2.694 million could potentially be funded from the New Homes Bonus Scheme.
2. That the comments made by individual Councillors as outlined above be fed back to the Corporate Policy Committee for their consideration.
3. That the MTFS 2022 to 2026 Consultation Document (Appendix 1 of the report) be noted.
4. That the following proposals rolling forward from the MTFS 2021-25 relevant to the committee (as part of Appendix 1 (Appendix A of the report) be noted.

87) Carbon Reduction-Replacement of existing illuminated signs and bollards with LED units

5. That the impact of the local government financial settlement as provided at Appendix 2 on the MTFs Consultation Document be noted.
6. That the minutes of the meeting form the consultation response of the Committee for consideration by the Corporate Policy Committee.

48 WARD MEMBERS HIGHWAYS BUDGET PILOT SCHEME - UPDATE

Consideration was given to a report updating Members on the Ward Members Highways Budget Pilot Scheme.

Members generally welcomed the interim report however concerns were raised relating to the length of time before a more detailed report would be considered by the Committee. It was requested that priority be given to ensuring a report was on a future agenda sooner rather than later.

Councillor L Crane encouraged Members to put forward a list of schemes which could then be prioritised. She felt that there should be an opportunity to discuss schemes across all departments within the Place directorate alongside and that consideration should be given to the possibility of increasing ward budgets from £4,200 to £6,000-£7,000. She commented that this might be a more sensible figure and would enable schemes involving for example, Traffic Regulation Orders (TRO's) to be put forward.

Furthermore, it was requested that a detailed list of the type of schemes which would be considered acceptable should be circulated to Members. Officers agreed to recirculate this information after the meeting.

Councillor A Gage asked that when the item was brought back to a future meeting of the Committee there should be detailed information contained within the report as to how final decisions regarding the acceptance or rejection of schemes was reached. He commented that individual Ward Councillors should be responsible for making the final decision given their knowledge of the local area.

RESOLVED

1. That the contents of the report be noted and the intention to submit a further report to this Committee later in 2022 to seek a decision on the future approach to ward budgets also be noted.
2. That the comments outlined above be noted.

49 **SUSTAINABLE TRANSPORT PROGRAMMES - UPDATE**

Consideration was given to a report updating the committee on the programme of sustainable transport initiatives and improvements across the Borough.

Councillor M Benson raised a question in relation to the listing of Sustainable Modes of Travel to School (SMOTS) whereby several potential new walking routes in the Wychwood Village area which had been discussed with officers in 2019 but were not referred to within the report. It was agreed that an answer to this would be provided outside of the meeting.

Councillor R Bailey suggested when considering the work programme item, the committee could look at the inclusion of a future agenda item in which the Highways and Transport Committee gave further consideration as to how funding for the maintenance of pavements could be addressed.

RESOLVED (Unanimous)

That the Sustainable Transport programmes, as set out in the report be endorsed.

50 **WORK PROGRAMME**

The committee considered an updated work programme.

It was noted that the items relating to pavement parking and HS2 would not be considered at the March meeting and would be brought to a future meeting of the Committee.

It was also noted that in accordance with the Constitution, a request had been made by Councillor L Gilbert to the Monitoring Officer for the Committee to consider an agenda item relating to traffic fine powers.

Councils outside of London had now been given the ability to apply for new powers to impose fines on motorists for a range of "moving traffic offences", including stopping in yellow box junctions, driving the wrong way on a one-way street, using restricted routes, or performing prohibited turns. Currently, only councils in London and Cardiff had the authority to issue fines for such offences. Officers had advised that there were no plans for the Council to adopt the powers referred to. Councillor L Gilbert felt that a policy decision was required which the Committee should have the opportunity to be involved alongside the submission of a written report by officers.

In response officers advised that the Monitoring Officer was considering the request, however a briefing on the matter could be arranged to take place as part of a pre-committee briefing whereby Members were given

the opportunity to consider the content and ask any relevant questions before deciding whether the item should be included on the work programme.

RESOLVED

That the amendments to the work programme be noted.

51 MINUTES OF THE PUBLIC RIGHTS OF WAY (PROW) SUB-COMMITTEE

The Committee received the minutes of the Public Rights of Way (PROW) Sub-Committee held on 6 December 2021.

Councillor M Benson raised a question regarding the schedule of cases appearing on the Public Rights of Way Sub Committee agendas. He referred to a case in which a planning application site included a route for which a 'claim' had been submitted for a public right of way to be recorded. It was agreed that a response to this question would be provided in writing after the meeting.

RESOLVED

That the minutes of the Public Rights of Way (PROW) Sub-Committee be received and noted.

52 A500 DUALLING FROM MEREMOOR MOSS ROUNDABOUT TO M6 JUNCTION 16 - TO AUTHORISE THE MAKING OF A COMPULSORY PURCHASE ORDER AND SIDE ROADS ORDER FOR DELIVERY OF THE A500 DUALLING SCHEME

Consideration was given to a report on the making of the Compulsory Purchase Order and Side Roads Order for the A500 Dualling Scheme ("the Scheme").

RESOLVED (Unanimous)

1. That recommendation two made by Cabinet on 15 January 2019 be noted.

2. That the ongoing requirement to forward fund expenditure on the Scheme in lieu of external contributions be noted, and that the financial risks as outlined in the financial implications of the report be noted.

3. That the acquisition of the land identified in the Map accompanying The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2022 ("the Order Map") attached to the report be confirmed and was necessary for highway purposes.

4. That the draft Statement of Reasons, the draft CPO (including the form and contents of the Schedules to the CPO ("the Schedules") and the draft Order Map both substantially in the form annexed to the report for the purposes of the CPO be approved.

5. That the draft plans accompanying The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2022 ("the SRO Plans") substantially in the form annexed to the report for the purposes of the SRO be approved.

6. That the draft SRO Schedule substantially in the form annexed to the report for the purposes of the SRO be approved.

7. That the Committee be notified of the Statutory Blight regime that required the Council to respond to Statutory Blight Notices pursuant to Part VI, Chapter II of the Town and Country Planning Act 1990 (as amended) ("the Act") as a consequence of the relevant land becoming blighted by virtue of relevant trigger events as contained within Schedule 13 of the Act.

8. That the Committee be notified of the submission of the Full Business case to the Department for Transport and any material changes to the Scheme funding.

9. That the Director of Highways and Infrastructure in consultation with the Director of Governance and Compliance be authorised to:-

(i) Make minor modifications to the draft Statement of Reasons, draft CPO and draft Order Map as necessary;

(ii) Make minor modifications to The Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2022 ("the SRO Plans") as necessary;

(iii) Determine the form and contents of the Schedules to the CPO ("the Order Schedules"), which identified the interests in the land and new rights to be acquired pursuant to the CPO, as identified within the Order Map;

(iv) Make if necessary, any minor or technical amendment to the CPO and the SRO, prior to the making of the CPO and the SRO;

(v) In the event that any local Public Inquiry was convened to consider objections to the CPO and/or the SRO (as the case may be) to prepare and submit such evidence as was necessary in support of the CPO and/or the SRO, including enlisting the assistance of outside consultants and Counsel to assist in the preparation and presentation of such evidence.

10. That the Director of Governance be authorised to;

Make the Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) Compulsory Purchase Order 2022 ("the

CPO”) pursuant to Sections 239, 240, 246, 250 and 260 of the Highways Act 1980, and Section 3, Parts II and III of Schedule 2 and Schedule 3 to the Acquisition of Land Act 1981 and all other powers as appropriate for the purpose of acquiring the land and new rights shown on the Order Map and described in the Schedules 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;

Make the Cheshire East Council (A500 Dualling Meremoor Moss Roundabout to M6 Junction 16) (Classified Road) (Side Roads) Order 2021 (“the SRO”) under Sections 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, and that the Common Seal of the Council be affixed to the SRO and the SRO Plans;

Submit the CPO and the SRO to the Secretary of State for Transport for confirmation and 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, including any necessary modification;

In the event that no objections were received to the CPO (or if any objections made were subsequently withdrawn, or the Director of Governance and Compliance certified that they may be legally disregarded) and no modifications were required to be made to the CPO, to obtain the appropriate Certificate under Section 14A of the Acquisition of Land Act 1981 enabling the Council to confirm the CPO as made;

That as soon as the CPO and the SRO have been confirmed and become operative, 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 the land and rights to be acquired compulsorily;

In the event that any question of compensation in respect of such interests or rights was referred to the Upper Tribunal (Lands Chamber) for determination, to take all necessary steps in relation thereto including advising on the appropriate uses and compensation payable and issuing the appropriate certificates and appointing external legal advisors (including Counsel where required) to represent the Council in respect of any such reference;

In respect of Statutory Blight, delegate authority to the Monitoring Officer in consultation with the Finance Sub-Committee Chair and the Executive Director (Corporate Services) (as necessary) to agree appropriate terms in accordance with statutory provisions.

11. That the Head of Estates be authorised to;

(i) Negotiate and agree terms 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 legal agreements necessary to facilitate any such agreements;

(ii) Negotiate and approve the payment of 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 advance payment of compensation pursuant to Section 52 of the Land Compensation Act 1973 and the settlement of any claims made pursuant to Part 1 of the Land Compensation Act 1973.

Prior to the close of the meeting, the Chair advised that Andrew Ross, Director of Highways & Infrastructure would be retiring in February and therefore this would be his final meeting. On behalf of the committee, he thanked Mr Ross for his hard work, contributions and support to Members and the Committee.

The meeting commenced at 10.00 am and concluded at 12.25 pm

Councillor C Browne (Chair)