

Highways and Transport Committee

Agenda

Date:	Thursday, 22nd June, 2023
Time:	10.00 am
Venue:	The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To note any apologies for absence from Members.

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. Minutes of Previous Meeting (Pages 3 - 6)

To approve as a correct record the minutes of the previous meeting held on 2 March 2023.

4. Public Speaking/Open Session

In accordance with paragraph 2.24 of the Council's Committee Procedure Rules and Appendix on Public Speaking, set out in the [Constitution](#), a total period of 15 minutes is allocated for members of the public to put questions to the committee on any matter relating to this agenda. Each member of the public will be allowed up to two minutes each to speak, and the Chair will have discretion to vary this where they consider it appropriate.

Members of the public wishing to speak are required to provide notice of this at least three clear working days' in advance of the meeting.

For requests for further information

Contact: Nikki Bishop

Tel: 01270 686462

E-Mail: Nikki.bishop@cheshireeast.gov.uk

5. **Service Budgets 2023/24** (Pages 7 - 24)

To consider the report which sets out the allocation of approved budgets for 2023/24 for services under the Committee's remit, as determined by the Finance Sub-Committee.

6. **Appointments to Sub-Committees, Working Groups, Panels, Boards and Joint Committees** (Pages 25 - 36)

To appoint members to the Public Rights of Way Sub Committee and to note the membership of the Enhanced Partnership Board.

7. **Work Programme** (Pages 37 - 42)

To consider the Work Programme and determine any required amendments.

8. **Minutes of Sub Committees** (Pages 43 - 52)

To receive the minutes of the meeting of the Public Rights of Way Sub-Committee held on 13 March 2023.

THERE ARE NO PART 2 ITEMS

Membership: Councillors C Browne (Chair), L Braithwaite, R Chadwick, Coan, A Coiley, L Crane (Vice-Chair), H Faddes, A Gage, C Hilliard, R Moreton, H Moss, J Priest and M Sewart

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Highways and Transport Committee**
held on Thursday 2 March, 2023 in the Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor L Crane (Vice-Chair)

Councillors S Akers Smith, M Benson, L Braithwaite, D Edwardes, H Faddes,
A Gage, L Gilbert, I Macfarlane, C Naismith, M Sewart, D Stockton and
P Williams

OFFICERS IN ATTENDANCE

Tom Moody, Director of Highways and Infrastructure
Mike Barnett, Head of Highways
Richard Hibbert, Head of Strategic Transport and Parking
Mandy Withington, Principal Lawyer
Samantha Oakden, Principal Accountant
Nikki Bishop, Democratic Services Officer
Paul Mountford, Democratic Services Officer

52 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Craig Browne.
Councillor David Edwardes attended as substitute.

53 DECLARATIONS OF INTEREST

There were no declarations of interest.

54 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on Thursday 26 January 2023 be
approved as a correct record.

55 PUBLIC SPEAKING/OPEN SESSION

There were no public speakers.

56 NOTICE OF MOTION: TREE PLANTING

The Committee considered the report in response to a Notice of Motion
put to Full Council in October 2022 in relation to the planting of trees on
the highway. The motion, which had been proposed by Cllr Tony Dean
and seconded by Cllr Quentin Abel, proposed that Cheshire East

Highways worked with Town and Parish Councils to address issues raised around existing tree planting policies.

Councillor Tony Dean, who addressed the Committee as the proposer of the Notice of Motion, encouraged Committee Members to ensure that Cheshire East Highways adopted a flexible approach when considering tree planting requests and applying the framework criteria set out in the report. It was felt that the requirement to obtain a street works permit and/or licence to plant, could be costly and potentially discourage Town and Parish Councils from planting trees.

It was confirmed that a more robust tree planting policy would be developed and brought forward for consideration at a Highways and Transport Committee meeting within the next 12-18 months. Committee Members requested that the revised draft policy focus upon encouraging and promoting suitable tree planting across the borough.

RESOLVED (unanimous):

That the Highways and Transport Committee approves the proposed response to the Notice of Motion, noting:

- a) The clarification detailed in section 6.20 of the Highway Tree Safety Inspection Policy and Code of Practice Committee Report relating to tree planting.
- b) The proposed development of a Highway Tree Planting Policy in the next 12 -18 months.

57 HIGHWAYS TREE SAFETY INSPECTION POLICY AND CODE OF PRACTICE

The Committee considered the draft Highway Tree Maintenance and Inspections Policy and Code of Practice for Highway Tree Safety Inspections which had been developed to ensure that the Council's highway tree stock was maintained in a safe and sustainable manner, and in line with best practice, helping to keep the travelling public safe.

RESOLVED (by majority):

That the Highways and Transport Committee

- a) approves for implementation the policy for Highway Tree Maintenance and Inspections.
- b) approves for implementation the Code of Practice for Highway Tree Safety Inspections.
- c) agrees that authority is delegated to the Head of Highways to make and approve technical amendments to the policy for Highway Tree Maintenance and Inspections and The Code of Practice for

Highway Tree Safety Inspections as required and to update the Highways and Transport Committee on any significant changes at a future meeting.

58 HIGHWAYS AND TRANSPORT 2023-24 PROGRAMMES

The Committee considered the report which provided an overview of the capital and revenue budgets available for the highway service for 2023/24 and the allocation of those budgets to various programmes of work.

Committee Members queried the allocation for traffic and road safety (including education to schools). It was confirmed that Cheshire East Council worked in partnership with Cheshire Fire and Rescue to deliver road safety education within schools. Mike Barnett committed to providing a more detailed briefing on this matter, including a list of the schools that had been involved in the programme.

Cllr Akers-Smith raised concerns around the criteria for road safety investment. Officers provided an overview on the capital funding for road safety investment and confirmed that this funding was spent reactively in accordance with DfT guidance (casualty reduction). It was confirmed that there were aspects of other programmes such as Active Travel and Safer Routes to School that were preventative in dealing with issues which could lead to a serious collision. Richard Hibbert committed to providing a list of the projects that were included in the programme that would address the safety concerns raised by Committee Members.

RESOLVED:

That the Highways and Transport Committee notes the apportionment of revenue and capital funding to the key elements of the highway services shown in tables 2, 4, 5 and 6 of the report.

59 2022/23 FINANCIAL UPDATE

The Committee considered the report which provided an overview of the financial position for 2022-23.

Cllr Gilbert queried the £0.5m S106 capital investment allocated for the A50/A54 Holmes Chapel and asked when a discussion would take place with local ward members to agree how this funding could be repurposed. Tom Moody agreed to meet with Cllr Gilbert to progress this matter.

Cllr Crane thanked officers for their work in ensuring that key services continued to be provided within difficult financial constraints.

RESOLVED:

That the Highways and Transport Committee

1. Notes the report to the Finance Sub-Committee on 8th March 2023 and specifically the recommendation that service committees be recommended to (take in 1.1.1.1 and 1.1.1.2 from the report recommendations).
2. Notes Appendix 7 and the following sections specific to the Highways and Transport Committee:
 - Changes to Revenue budget 2022/23
 - Corporate Grants Register
 - Debt Management
 - Capital Strategy
 - Reserve Strategy

60 WORK PROGRAMME

The Committee received an update on the Work Programme. It was noted that:

- The Flowerpot Junction Improvement Scheme item had been deferred and a date would be agreed by officers as to when this would come forward to Committee for consideration.
- Officers were preparing the Work Programme for the new municipal year which would be shared with the Committee at the first meeting in June.

Cllr Gilbert requested that an item on 'Street Lighting Policy' be considered as a future Work Programme item.

RESOLVED:

That the Work Programme be noted.

The meeting commenced at 10.30 am and concluded at 11.06 am

Councillor (none)

OPEN

Highways and Transport Committee

22 June 2023

Highways and Transport Committee Budgets 2023/24

Report of: Alex Thompson, Director of Finance & Customer Services

Report Reference No: HTC/26/23-24

Ward(s) Affected: All wards and all members will be affected and impacted by the content of the MTFS and Corporate Plan

Purpose of Report

- 1 This report sets out the allocation of the approved budgets for 2023/24 to the Highways and Transport Committee.
- 2 The report contributes to the Council's objective of being an open and enabling organisation.

Executive Summary

- 3 The Medium-Term Financial Strategy (MTFS) for Cheshire East Council for the four years 2023/24 to 2026/27 was approved by full Council on 22 February 2023.
- 4 The Finance Sub Committee meeting on the 8 March approved the allocation of the approved revenue and capital budgets, related budget policy changes and earmarked reserves to each of the service committees.
- 5 The financial reporting cycle will ensure that the Committee is provided with updates through the year on progress against budget policy changes, the forecast outturn position, progress on capital schemes, movement on reserves and details of supplementary estimates and virements. The timetable for 2023/24 was approved by Finance Sub-Committee on 7 June 2023.

RECOMMENDATIONS

The Highways and Transport Committee is recommended:

1. To note the decision of the Finance Sub-Committee to allocate the approved revenue and capital budgets, related budget policy changes and earmarked reserves to the Highways and Transport Committee, as set out in **Appendix A**
2. To note the financial reporting timetable for 2023/24 set out in **Appendix B** as approved at Finance Sub-Committee on 7 June.

Background

- 6 All councils are legally required to set a balanced budget each year. The MTFS was approved by full Council on 22 February 2023.
- 7 The MTFS includes a Report from the Chief Finance Officer in line with the Section 25(1) of the Local Government Finance Act 2003. This report confirms that the MTFS is balanced and that the Chief Finance Officer is satisfied with the robustness of the estimates and the adequacy of the financial reserves of the Council. The report also highlights the factors taken into account in arriving at this judgement including relevant financial issues and risks facing the Council during the medium term.
- 8 Finance Procedure Rules set limits and responsibilities for movement of funds, treating reserves as part of this overall balanced position. Any movement within this balanced position is treated as a virement. To increase the overall size of the MTFS requires a supplementary estimate, which must be backed with appropriate new funding and approved in line with the Procedure Rules.
- 9 To support accountability and financial control under the Committee system the 2023/24 budget is being reported across the Service Committees based on their associated functions. This report sets out the allocation of the revenue and capital budgets and earmarked reserves to the relevant service committee in accordance with their functions.

- 10 Each set of Committee budgets reflects the group of services line-managed by Directors. Budget holders are responsible for budget management. Where a team supports multiple services under other Directors the budget for each Committee is included with the line-managing Director's services and is not split across other Committees. For example, Governance and Democratic Services are aligned to the Corporate Policy Committee, even though the activities of those teams relate to support services provided to all Directorates of the Council.
- 11 The financial alignment of budgets to each Committee is set out in Table 1 with further details in Appendix A.

Table 1: Revenue and Capital Budgets allocated to service committees as per the approved MTFS

ALL COMMITTEES - Summary					
Service Area	Revenue Budget			Capital Budget	Total Revenue and Capital Budget
	2023/24			2023/24	2023/24
	Expenditure £000	Income £000	Net £000	£000	Net £000
Adults and Health	201,476	-65,144	136,332	472	136,804
Children and Families	88,774	-9,649	79,125	53,829	132,954
Corporate Policy	114,842	-73,854	40,988	12,826	53,814
Economy and Growth	35,594	-11,172	24,422	71,598	96,020
Environment and Communities	59,459	-10,638	48,821	12,011	60,832
Highways and Transport	23,384	-12,255	11,129	63,948	75,077
Finance Sub-Committee	14,209	-1,900	12,309	0	12,309
Total Cost of Service	537,738	-184,612	353,126	214,684	567,810

* Place committee budgets reallocated since the MTFS due to restructuring budget being managed fully within Economy and Growth

- 12 The 2023-27 MTFS includes a net revenue budget of £353.1m and an approved capital programme of £214.7m for the financial year 2023/24. Further details on the schemes within the capital programme are provided in **Appendix A**.

Consultation and Engagement

- 13 The annual business planning process involves engagement with local people and organisations. Local authorities have a statutory duty to consult on their budget with certain stakeholder groups including the Schools Forum and businesses. In addition, the Council chooses to consult with other stakeholder groups. The Council continues to carry out stakeholder analysis to identify the different groups involved in the budget setting process, what information they need from us, the information we currently provide these groups with, and where we can improve our engagement process.

- 14 Cheshire East Council conducted an engagement process on its Medium-Term Financial Plans through a number of stages running from January 2023 to Council in February 2023.
- 15 The budget consultation launched on-line on the 6 January 2023, included details of the budget policy changes against each Corporate Plan aim. This consultation was made available to various stakeholder groups and through a number of forums.

Reasons for Recommendations

- 16 The Highways and Transport Committee has the responsibility for the oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management of the Directorate of Highways and Infrastructure including: Transport Policy; Transport Commissioning; Carparking; Highways; Infrastructure and HS2.
- 17 The Finance Sub-Committee is responsible for allocating budgets across the Service Committees. This responsibility includes the allocation of revenue and capital budgets as well as relevant earmarked reserves.
- 18 Finance Sub-Committee met on 8 March and set out the budgets in accordance with the above responsibilities.

Other Options Considered

- 19 Do nothing. Impact – members are not informed of service budgets specifically relevant to this committee following MTFS approval at Council. Risks – Not abiding by the Constitution to provide regular reports.

Implications and Comments

Monitoring Officer/Legal

- 20 The legal implications surrounding the process of setting the 2023 to 2027 Medium-Term Financial Strategy were dealt with in the reports relating to that process.

Section 151 Officer/Finance

- 21 Contained within the main body of the report.

Policy

- 22 The Corporate Plan sets the policy context for the MTFS and the two documents are aligned. Any policy implications that arise from activities funded by the budgets that this report deals with will be dealt within the

individual reports to Members or Officer Decision Records to which they relate.

An open and enabling organisation

Ensure that there is transparency in all aspects of council decision making

Equality, Diversity and Inclusion

- 23 Under the Equality Act 2010, decision makers must show ‘due regard’ to the need to:
- Eliminate unlawful discrimination, harassment and victimisation;
 - Advance equality of opportunity between those who share a protected characteristic and those who do not share it; and
 - Foster good relations between those groups.
- 24 The protected characteristics are age, disability, sex, race, religion and belief, sexual orientation, gender re-assignment, pregnancy and maternity, and marriage and civil partnership.
- 25 Having “due regard” is a legal term which requires the Council to consider what is proportionate and relevant in terms of the decisions they take.
- 26 The Council needs to ensure that in taking decisions on the Medium-Term Financial Strategy and the Budget that the impacts on those with protected characteristics are considered. The Council undertakes equality impact assessments where necessary and continues to do so as budget policy changes and projects develop across the lifetime of the Corporate Plan. The process assists us to consider what actions could mitigate any adverse impacts identified. Completed equality impact assessments form part of any detailed Business Cases.
- 27 Positive impacts include significant investment in services for children and adults (protected characteristics primarily age and disability). Specific examples are Investment in Cared for Children and Care Leavers, SEND services and School Transport. There is also significant investment in Adult Social Care and support to care providers (protected characteristics primarily age and disability).
- 28 The Corporate Plan’s vision reinforces the Council’s commitment to meeting its equalities duties, promoting fairness and working openly for

everyone. Cheshire East is a diverse place and we want to make sure that people are able to live, work and enjoy Cheshire East regardless of their background, needs or characteristics.

Human Resources

- 29 Any HR implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

Risk Management

- 30 Financial risks are assessed and reported on a regular basis, and remedial action taken if and when required. Risks associated with the achievement of the 2023/24 budget and the level of general reserves were factored into the 2023/24 financial scenario, budget and reserves strategy.

Rural Communities

- 31 The report provides details of service provision across the borough.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 32 The report provides details of service provision across the borough.

Public Health

- 33 Public health implications that arise from activities that this report deals with will be dealt with as separate reports to Members or Officer Decision Records as required.

Climate Change

- 34 Any climate change implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

Access to Information	
Contact Officer:	Alex Thompson Director of Finance and Customer Services (Section 151 Officer) alex.thompson@cheshireeast.gov.uk

Appendices:	<p>A - Allocation of capital and revenue budgets, earmarked reserves and budget policy changes to service committees</p> <p>B – Financial Reporting Timetable 2023/24</p>
Background Papers:	<p>The following are links to key background documents:</p> <p>Medium-Term Financial Strategy 2023-27</p> <p>Agenda for Finance Sub-Committee on Wednesday, 8th March, 2023, 2.00 pm Cheshire East Council, Item 62</p>

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Highways and Transport Committee Budgets 2023/24 Appendix A

Highways and Transport Committee

Contents

Highways and Transport Committee Extracts

1. Allocation of Revenue and Capital Budgets
2. Approved Budget Policy Change items
3. Capital Programme
4. Earmarked Reserves

Highways and Transport Committee

1. Allocation of Revenue and Capital Budgets

HIGHWAYS and TRANSPORT COMMITTEE - Summary					
	Revenue Budget			Capital Budget	Total Revenue and Capital Budget
	2023/24			2023/24	2023/24
Service Area	Expenditure £000	Income £000	Net £000	£000	Net £000
Car Parking	1,930	-6,037	-4,107	1,636	-2,471
Strategic Transport	5,048	-11	5,037	0	5,037
Highways	14,631	-5,025	9,606	22,547	32,153
HS2	777	-147	630	1,500	2,130
Infrastructure	905	-1,035	-130	38,265	38,135
Pay Inflation	93		93	0	93
Total Cost of Service	23,384	-12,255	11,129	63,948	75,077

Note restructuring is included in the Economy and Growth table

2. Approved Budget Policy Change items

MTFS Section 1 Ref No	Detailed List of Approved Budget Changes – Service Budgets	Last MTFS Reference or New	2023/24 £m	2024/25 £m	2025/26 £m	2026/27 £m
	Highways and Transport Committee		-0.889	1.494	0.097	0.156
102 (Revised)	Pay inflation	MTFS 22-26 [3&4]	0.265	0.177	0.152	0.156
103	Local Bus	NEW	0.080	2.500	-	-
104	Highways	NEW	-0.579	-0.031	-	-
105	Energy saving measures from streetlights	NEW	-0.242	-0.243	-	-
106 (Revised)	Pension Costs Adjustment	NEW	-0.172	-0.052	-0.055	-
107	Restructuring Potential	NEW	-0.122	-0.132	-	-
108	Parking	NEW	-0.119	-0.725	-	-

3. Capital Programme

Highways and Transport								CAPITAL					
CAPITAL PROGRAMME 2023/24- 2026/27													
Scheme Description		Forecast Expenditure						Forecast Funding					
	Total Approved Budget £000	Prior Years £000	Forecast Budget 2023/24 £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Total Forecast Budget 2023/27 £000	Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000	Total Funding £000
Committed Schemes													
Strategic Infrastructure													
A500 Dualling Scheme	89,456	10,866	1,627	26,990	49,973	0	78,590	51,683	4,300	0	0	22,607	78,590
A50 / A54 Holmes Chapel	603	106	347	150	0	0	497	0	497	0	0	0	497
A54 / A533 Leadsmithy Street, Middlewich	563	174	389	0	0	0	389	0	389	0	0	0	389
A556 Knutsford to Bowdon	504	366	40	98	0	0	138	0	138	0	0	0	138
A6 MARR CMM Disley	1,722	1,661	61	0	0	0	61	0	7	0	0	54	61
A6 MARR CMM Handforth	1,200	617	184	400	0	0	584	101	48	0	0	434	584
A6 MARR Technical Design	473	323	150	0	0	0	150	17	133	0	0	0	150
Congleton Link Road	88,443	73,017	2,457	6,040	2,915	4,014	15,426	0	12,437	0	0	2,989	15,426
Crewe Green Roundabout	7,500	7,063	50	190	197	0	437	0	437	0	0	0	437
Flowerpot Phs 1 & Pinchpoint	10,037	1,631	2,631	3,510	2,265	0	8,406	1,944	726	0	0	5,736	8,406
Future High Streets Fund - Highways	6,168	1,415	2,198	2,251	304	0	4,753	4,640	113	0	0	0	4,753
Highway S106 Schemes	962	245	549	168	0	0	717	10	707	0	0	0	717
Infrastructure Scheme Development	250	0	250	0	0	0	250	250	0	0	0	0	250
Middlewich Eastern Bypass	91,157	22,982	11,091	13,817	43,268	0	68,176	39,973	14,645	0	0	13,558	68,176
North-West Crewe Package	42,351	20,490	14,758	3,445	3,658	0	21,861	7,374	2,631	0	1,730	10,126	21,861
Old Mill Road / The Hill Junction	1,325	185	1,139	0	0	0	1,139	0	1,139	0	0	0	1,139
Peacock Roundabout Junction	750	0	250	500	0	0	750	0	750	0	0	0	750
Poynton Relief Road	52,657	45,872	46	1,355	5,385	0	6,785	0	5,740	0	0	1,046	6,785
Sydney Road Bridge	10,501	10,113	50	140	198	0	388	0	388	0	0	0	388
Total Strategic Infrastructure Schemes	406,621	197,125	38,265	59,054	108,163	4,014	209,496	105,991	45,225	0	1,730	56,550	209,496
Highways													
A532 Safer Road Fund Scheme	1,223	648	575	0	0	0	575	476	0	0	0	99	575
A536 Safer Road Fund Scheme	2,404	2,060	344	0	0	0	344	250	0	0	0	94	344
Alderley Edge Bypass Scheme Implementation	60,611	60,464	147	0	0	0	147	0	0	0	0	147	147
Managing and Maintaining Highways	14,300	440	4,529	4,619	4,712	0	13,860	0	0	0	0	13,860	13,860
Traffic Signs and Bollards - LED Replacement	1,250	1,025	225	0	0	0	225	0	0	0	0	225	225
Winter Service Facility	999	609	130	130	130	0	390	0	0	0	0	390	390
Total Highways Schemes	80,787	65,246	5,950	4,749	4,842	0	15,541	726	0	0	0	14,815	15,541

CAPITAL PROGRAMME 2023/24- 2026/27													
Scheme Description		Forecast Expenditure						Forecast Funding					
	Total Approved Budget £000	Prior Years £000	Forecast Budget 2023/24 £000	Forecast Budget 2024/25 £000	Forecast Budget 2025/26 £000	Forecast Budget 2026/27 £000	Total Forecast Budget 2023/27 £000	Grants £000	External Contributions £000	Revenue Contributions £000	Capital Receipts £000	Prudential Borrowing £000	Total Funding £000
Committed Schemes													
Strategic Transport & Parking Services							0	0	0	0	0		0
Car Parking Improvements (including residents parking)	322	292	30	0	0	0	30	0	0	0	0	30	30
Digital Car Parking Solutions	140	93	47	0	0	0	47	0	0	0	0	47	47
On-street Residential Charging	255	50	205	0	0	0	205	105	0	0	0	100	205
Pay and Display Parking Meters	620	539	41	40	0	0	81	0	0	0	0	81	81
Sustainable Travel Access Prog	3,424	2,111	1,312	0	0	0	1,312	765	309	0	0	238	1,312
Total Strategic Transport & Parking Services Schemes	4,760	3,085	1,636	40	0	0	1,676	870	309	0	0	496	1,676
HS2 Programme													
Crewe HS2 Hub Project Development	12,701	8,661	1,500	2,540	0	0	4,040	0	0	0	0	4,040	4,040
Total HS2 Schemes	12,701	8,661	1,500	2,540	0	0	4,040	0	0	0	0	4,040	4,040
Total Committed Schemes	504,869	274,117	47,351	66,382	113,005	4,014	230,752	107,588	45,534	0	1,730	75,901	230,752
New Schemes													
Highways													
Pothole Funding	23,196	0	5,799	5,799	5,799	5,799	23,196	23,196	0	0	0	0	23,196
Integrated Block - LTP	8,012	0	2,003	2,003	2,003	2,003	8,012	8,012	0	0	0	0	8,012
Maintenance Block - LTP	28,632	0	7,345	7,609	7,878	5,799	28,632	23,196	0	0	0	5,436	28,632
Incentive Fund - LTP	5,800	0	1,450	1,450	1,450	1,450	5,800	5,800	0	0	0	0	5,800
Total Highways New Schemes	65,640	0	16,597	16,861	17,130	15,051	65,640	60,204	0	0	0	5,436	65,640
Total Highways & Transport Schemes	570,509	274,117	63,948	83,244	130,135	19,065	296,392	167,792	45,534	0	1,730	81,337	296,392

4. Earmarked Reserves

Highways and Transport Committee

Name of Reserve	Opening Balance 1st April 2022 £000	Forecast Movement in Reserves 2022/23 £000	Opening Balance 1st April 2023 £000	Forecast Movement in Reserves 2023/24 £000	Forecast Closing Balance 31st March 2024 £000	Notes
Highways and Infrastructure						
HS2	985	(200)	785	(275)	510	To support the Council's ongoing programme in relation to Government's HS2 investment across the borough and Transport for the North's Northern Powerhouse Rail Business Case. £200k to be released in 2022/23.
Flood Recovery Works	400	(400)	0	0	0	To be released in 2022/23.
Well Managed Highway Infrastructure Delay	230	(230)	0	0	0	To be released in 2022/23.
Parking Pay and Display Machines / Parking Studies	178	(28)	150	(150)	0	To cover contract inflation for P&D machines and for new regulation from DfT on role of parking in decarbonising transport.
Highways Procurement Proj	104	(27)	77	(26)	51	To finance the development of the Highway Service Contract, this reserve specifically covers the revenue element of Depot mobilisation costs, split over 7 years from start of contract in 2018.
LEP-Local Transport Body	39	(20)	19	(19)	0	To fund the business case work for re-opening the Middlewich rail line. £20k is anticipated to be utilised in 2022/23, with the remaining £19k required in 2023/24.
HIGHWAYS AND TRANSPORT TOTAL	1,936	(905)	1,031	(470)	561	

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Appendix B – Financial Reporting Timetable 2023/24

Report	Financial Cycle	Committee	When
Service Budgets 2023/24	Planning	All Committees	June 2023
Local Government Pension Scheme and Cheshire Pension Fund	Monitoring	Finance Sub-Committee	7 June 2023
Medium Term Financial Strategy Assumptions and Reporting Cycle for 2023/24	Planning	Finance Sub-Committee	7 June 2023
Draft Statement of Accounts 2022/23	Reporting	Finance Sub-Committee Audit and Governance Committee	7 June 2023 8 June 2023
Companies Draft Financial Statements 2022/23	Reporting	Finance Sub-Committee Audit and Governance Committee	7 June 2023 8 June 2023
Financial Outturn 2022/23	Reporting	All Service Committees	July 2023
First Financial Review 2023/24	Monitoring	All Committees	September / October 2023
Companies First Financial Review 2023/24	Monitoring	Shareholder Working Group	TBC
Medium Term Financial Planning Assumptions - Feedback from Task Group	Planning	Finance Sub-Committee	6 September 2023
Financial Management Code	Monitoring	Finance Sub-Committee	6 September 2023
Final Statement of Accounts 2022/23	Reporting	Audit and Governance Committee	28 September 2023
Companies Audited Financial Statements 2022/23	Reporting	Audit and Governance Committee	28 September 2023
Medium Term Financial Strategy Consultation for 2024/25-2027/28	Planning	Corporate Policy Committee	5 October 2023
Audit of Accounts 2022/23 External auditors report	Reporting	Council	18 October 2023
Companies Business Plans for 2024/25+	Planning	Finance Sub-Committee	1 November 2023
Second Financial Review 2023/24	Monitoring	All Committees	November 2023
Companies Second Financial Review 2023/24	Monitoring	Shareholder Working Group	TBC
Medium Term Financial Strategy Consultation 2024/25-2027/28 – consideration of policy proposals per Committee	Planning	All Committees	November 2023
Cheshire Pension Fund Briefing (Financial Review 1)	Monitoring	Finance Sub-Committee	1 November 2023
Council Tax Base 2024/25	Reporting	Corporate Policy Committee	30 November 2023
Financial Strategies 2024/25 - Treasury Management, Investment, Capital and Reserves Strategies	Planning	Finance Sub-Committee	17 January 2024

Report	Financial Cycle	Committee	When
Medium Term Financial Strategy Consultation 2024/25-2027/28 - Provisional Settlement update and feedback from consultation period	Planning	All Committees	January / February 2024
Third Financial Review 2023/24	Monitoring	All Committees	January / February 2024
Cheshire Pension Fund Briefing (Financial Review 2)	Monitoring	Finance Sub-Committee	17 January 2024
Companies Third Financial Review 2023/24	Monitoring	Shareholder Working Group	TBC
Medium Term Financial Strategy 2024/25-2027/28 - including any supplementary updates	Planning	Corporate Policy Committee	8 February 2024
Constitution - Financial Limits - Annex Update	Reporting	Constitution Working Group	TBC
Cheshire Pension Fund Briefing (Financial Review 3)	Monitoring	Finance Sub-Committee	5 June 2024

OPEN

Highways and Transport Committee

22 June 2023

Appointments to Sub-Committees, Working Groups, Panels, Boards and Joint Committees

Report of: David Brown, Director of Governance and Compliance

Report Reference No: HTC/01/23-24

Ward(s) Affected: No specific wards

Purpose of Report

- 1 This report seeks approval from the Highways and Transport Committee to appoint members to the Public Rights of Way Sub Committee and to set out the membership for the Enhanced Partnership Board for Committee Members to note.

Executive Summary

- 2 The Council, at its annual meeting on 24 May 2023, approved the political representation on its main committees. The appointment of certain sub-committees, working groups, panels and boards is a matter for the relevant service committees. This report addresses the composition of the Public Rights of Way Sub Committee, of which membership is required to be appointed by the Highways and Transport Committee. Where political proportionality is applicable, the agreed conventions and methods of calculation have been applied.
- 3 The report also asks Committee to note the membership of the Enhanced Partnership Board, a joint Board between the Local Transport Authority and Bus Operators, which was established in 2022. Membership of the Board is set out in Appendix 2 – Enhanced Partnership Scheme. Committee Members are asked to note that the Chair and Vice Chair of the Highways and Transport Committee will take up the member representative positions on the Enhanced Partnership Board, in line with

the terms of reference previously agreed by the Highways and Transport Committee.

RECOMMENDATIONS

The Highways and Transport Committee is recommended to:

1. Appoint Members to the Public Rights of Way Sub Committee as follows: Conservative: 3, Labour: 3; Independent: 1.
2. Notes the terms of reference for the Public Rights of Way Sub Committee attached as **appendix 1** to the report;
3. Agrees the political representation for the Public Rights of Way Sub Committee and agrees that the names of Members appointed to it will be submitted to the Head of Democratic Services and Governance.
4. Notes the Enhanced Partnership Board membership, as set out within **Appendix 2**.

Background

4 A. Bodies which report to the Highways and Transport Committee

5 Public Rights of Way Sub Committee

6 The Constitution provides that the lead Service Committee in respect of the Public Rights of Way Sub Committee will be the Highways and Transport Committee. The Public Rights of Way Sub Committee will meet on a quarterly basis, report to the Highways and Transport Committee on at least an annual basis and review its terms of reference annually in order to establish if they are fit for purpose or need amending. (Please see Appendix 1 for the terms of reference). The membership (7 Members) of the Public Rights of Way Sub Committee is required to be formally ratified by the Highways and Transport Committee.

7 It is proposed that the Highways and Transport Committee agree to the appointment of Members to the Public Rights of Way Sub Committee in line with the following, and that the nominees to the Sub Committee be notified to the Head of Democratic Services and Governance:

3 Conservative

3 Labour

1 Independent

8 If named individuals cannot be provided at the meeting, these should be notified to the Head of Democratic Services and Governance.

9 Previous membership

10 Councillors S Akers Smith, L Crane, S Edgar, H Faddes, L Gilbert, R Moreton and D Stockton.

11 **Enhanced Partnership Board**

12 The Highways and Transport Committee approved the governance arrangements for the Enhanced Partnership Board at its meeting in April 2022. The Board is the decision-making body of the Enhanced Partnership and has the mandate to make decisions using an Enhanced Partnership Scheme Variation mechanism. The Board is responsible for delivery of the project and actions agreed in the Enhanced Partnership Plan, which was agreed unanimously by the Highways and Transport Committee in July 2022.

13 The Terms of Reference for the Enhanced Partnership Board, set out in Appendix 2, provide that the four Cheshire East Council representatives be the following:

- (a) Chair of Highways and Transport Committee
- (b) Vice Chair of Highways and Transport Committee
- (c) Head of Highways
- (d) Head of Strategic Highways and Transport

14 The Highways and Transport Committee are asked to note the membership of the Enhanced Partnership Board.

Consultation and Engagement

15 There has been consultation with Group Leaders and Administrators in relation to the political representation of the Public Rights of Way Sub Committee.

Reasons for Recommendations

16 In accordance with the Constitution, the Highways and Transport Committee is responsible for the appointment of the Public Rights of Way Sub-Committee.

Other Options Considered

17	Option	Impact	Risk
	Do nothing	The Council's Constitution requires these bodies to be appointed in line with the legislation referenced in this report. Not appointing to these bodies would negatively affect the Council's ability to make decisions in an open and transparent manner.	Failure to comply with the Council's Constitution and the legislation referenced in this report could leave the Council open to legal challenge.

Implications and Comments

Monitoring Officer/Legal

- 18 The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make provisions in respect of the political group representation on a local authority's committees in relation to the overall political composition of the Council. The legislation applies to the decision-making committees and sub-committees of the Council.
- 19 The legislation requires that, where proportionality applies, and seats are allocated to different political groups, the authority must abide by the following principles, so far as is reasonably practicable:
- 20 Not all of the seats can be allocated to the same political Group (i.e., there are no single group committees).
- 21 The majority of the seats on the body are to be allocated to a political Group with a majority membership of the authority.
- 22 The total number of seats on all ordinary committees and sub committees allocated to each Political Group bears the same proportion to the proportion on the full Council.

- 23 The number of seats on each ordinary committee allocated to each Political Group bears the same proportion to the proportion on full Council.
- 24 The proposals contained in this report meet the requirements of the legislation.
- 25 The 1990 Regulations require Political Group Leaders to notify the Proper Officer of the Groups' nominations to the bodies in question.

Section 151 Officer/Finance

- 26 There are no financial implications that require an amendment to the Medium-Term Financial Strategy.

Policy

- 27 There are no direct policy implications.

An open and enabling organisation

Ensure that there is transparency in all aspects of council decision making

Equality, Diversity and Inclusion

- 28 There are no direct equality, diversity and inclusion issues.

Human Resources

- 29 There are no direct human resources implications.

Risk Management

- 30 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

Rural Communities

- 31 There are no direct implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 32 There are no direct implications for children and young people.

Public Health

- 33 *There are no direct implications for public health.*

Climate Change

34 There are no direct implications for climate change.

Access to Information	
Contact Officer:	Brian Reed Head of Democratic Services and Governance Brian.reed@cheshireeast.gov.uk
Appendices:	Appendix 1 – Public Rights of Way Sub Committee Terms of Reference Appendix 2 – Enhanced Partnership Board Terms of Reference
Background Papers:	None

Public Rights of Way Sub-Committee

FUNCTIONS

Membership: 7 Councillors

Before any Councillor can attend a meeting and participate in the business of the meeting, determination of an application or an appeal by any individual or body he/she must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

1 The Public Rights of Way Sub-Committee's responsibilities include:

1.1 discharge all the functions of the Council in relation to public rights of way (except the determination of non-contentious Public Path Order applications which has been delegated to the Executive Director Place);

1.2 discharge of Commons and Town and Village Greens functions;

1.3 being apprised of, approve, and comment on a range of policies, programmes and practices relating to Rights of Way, Commons, Town and Village Greens and countryside matters including: Committees OFFICIAL December 2021 Chapter 2 – Part 4 Page 18

1.3.1 progress reports on implementation of the Rights of Way improvement Plan (part of the Annual Progress Review for the Local Transport Plan); 1.3.2 Statements of Priorities; 1.3.3 Enforcement Protocols;

1.3.4 Charging Policy for Public Path Order applications.

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Enhanced Partnership Board – Terms of Reference

The Board will have the following initial terms of reference:

Purpose

The Enhanced Partnership (EP) Board has been established to oversee the Cheshire East Enhanced Partnership. The purpose of the EP Board is therefore to:

- Ensure successful delivery of EP Schemes (time, cost and quality)
- Provide technical project direction and scrutiny on interventions
- Resolve any issues escalated by the EP Forum

Role & Remit

The role of this board is to:

- Monitor the progress of the Enhanced Partnership in delivering the EP Scheme and BSIP
- Agree a forward plan of work including any feasibility studies, business case preparation, design, public consultations and impact assessments
- Ensure the Enhanced Partnership Scheme and BSIP documentation is robust and ready for future funding opportunities
- Coordinate scheme variations where necessary (subject to the bespoke voting procedure of the Enhanced Partnership Board)
- Monitor the effectiveness of any future implemented Schemes in achieving the EP Scheme and BSIP objectives
- Review proposals brought to the board for changes to the EP Plan and Scheme and once content initiate the required process to make proposed changes/variations
- Liaise with the EP Forum on the forward work programme

The Board shall be entitled to keep under review these terms of reference and further develop them. The Board are responsible for all decisions relating to administration of the affairs of the Board including frequency of meeting, requests for the attendance of individuals and representatives of organisations and the manner in which the affairs of the Board are made to all Operators and interested parties.

Enhanced Partnership Board – Summary Extracts

The Cheshire East Enhanced Partnership Board will be the decision-making body of the Enhanced Partnership.

Certain decisions of the Board may constitute Enhanced Partnership Scheme Variations if the requirements are met. Membership of the Board will comprise the following representatives:

- **Four Bus Operators (4 votes):**
 - Two Large Operators ○ Two Small Operators
- **Four Cheshire East Borough Council representatives (2 votes):**
 - Two Council Members:
 - Chair of Highways and Transport Committee
 - Vice Chair of Highways and Transport Committee
 - Two Cheshire East Council Officers:
 - Head of Highways
 - Head of Strategic Transport and Parking

Under the Cheshire East Council constitution the LTA's votes are vested in the Officers and will be exercised in consultation with the Councillors, as described in the protocol.

The Chair of the EP Board will be a member of the Board (i.e. Operator, Councillor or Council Officer) and will be confirmed by all Board members annually.

Board meetings will require a quorum attendance of one Bus Operator per category (one Large and one Small) and two Council representatives (with a minimum of one Officer). An Operator representative may, if necessary, arrange for an alternate or deputy from the same category to participate with voting rights.

Cheshire East Borough Council will provide a secretary for Board Meeting arrangements and minuting.

Operator representative selection

Operators representing each of the categories of Operator Membership above will be invited to self-nominate or nominate other willing operators in writing to the secretary for the Enhanced Partnership Board (care of Cheshire East Borough Council Democratic Services) prior to each Forum AGM.

Where there are more than two nominees for a single category, all Bus Operators in the same category will be given the opportunity to vote by secret ballot undertaken among those present at the Enhanced Partnership Forum AGM for a preferred representative.

Voting will be on the basis of one vote per Operator (where Operators are part of the same holding company or group, they will only be entitled to one vote between them). Operator representatives will be reselected on an annual basis.

The voting procedure for membership selection will be a simple majority and be administered by the Council. Where there is a tie, a run-off vote will take place between the leading tied Operators.

In the event that a Forum AGM ballot fails to select Operator representatives for one or more Operator category, the default Operator objection mechanism set out in the Enhanced Partnerships and Schemes (Objections) Regulations will be used to determine the views of Operators in that category for the purposes of Board votes (in terms of objection or otherwise to the proposals).

Operator representatives will be acting on behalf of all Operators in that category, not on behalf of their own company alone. Representatives will be responsible for ensuring attendance at all Enhanced Partnership Board meetings in that year, and ensure they have:

- fully reviewed and understood all meeting papers in advance of attendance,
- the required mandate from the Operators they represent. **Protocol for Enhanced**

Partnership Board Members

Members on the Board must ensure:

- all decisions must be within the Cheshire East Council's agreed Policies
- decision-making will be by consensus not by vote
- the Chair will ask the Councillor representatives for their view first before asking the LTA Officer
- if agreement between Councillors and Officers cannot be reached, then the matter will be referred to the Highways and Transport Committee for advice, before returning to the EP Board.
- if agreement is reached, then the Director of Highways and Infrastructure will formally record their decision and a copy of this will be retained within the minutes of the meeting. No formal decisions can be taken at the meeting unless the Director of Highways (or delegated officer) is present.

Meeting Observers

Any other Bus Operator and Council representatives will be able to attend the Board meetings as observers but will not have the right to vote.

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Highways and Transport Committee Work Programme 2023-24

Report Reference	Highways & Transport Committee	Report Title	Purpose of Report	Lead Officer	Consultation and Engagement Process and Timeline	Equality Impact Assessment	Corporate Plan Priority	Part of Budget and Policy Framework	Exempt Item and Paragraph Number
HT/01/23-24	22/06/2023	Appointments to Sub-Committees, Working Groups, Panels, Boards and Joint Committees (Public Rights of Way Sub Committee)	Seek approval from the Highways and Transport Committee to appoint members to the Public Rights of Way Sub Committee	Director of Governance and Compliance	No	No	Open	Yes	No
HTC/26/23-24	22/06/2023	Service Budgets 2023/24 (Highways & Transport Committee)	The purpose of this report is to set out the allocation of approved budgets for 2023/24 for services under the Committee's remit, as determined by Finance Sub Committee	Director of Finance and Customer Services	No	No	Open	Yes	No
HTC/02/23-24	20/07/2023	Highways and Infrastructure: 2022/23 Annual Review	Update Committee on performance and activity across the Highways and Infrastructure directorate for 2022/23	Director of Highways and Infrastructure	No	No	Open	Yes	No
HTC/03/23-24	20/07/2023	Lead Local Flood Authority: 2022/23 Review	Update Committee on performance and activity relating to the Council's responsibility as Lead Local Flood Authority for 2022/23	Director of Highways and Infrastructure	No	No	Open	Yes	No
HTC/04/23-24	20/07/2023	Street Lighting Energy Savings: Consultation Proposals and Options Update	Update Committee and seek approval to consult on a range of options proposed to deliver energy saving measures set-out in MTFS. This is a take-off paper and a further paper seeking to implement changes will follow in a future report.	Director of Highways and Infrastructure	Yes	Yes	Open	Yes	No
HTC/10/23-24	20/07/2023	Parking Review - MTFS Initiatives 2023-24	Report to update Committee on the approach to developing a number of initiatives affecting Parking Services in accordance with the adopted Medium Term Financial Strategy.	Director of Highways and Infrastructure	No	No	Green	Yes	No
HTC/11/23-24	20/07/2023	Electric Vehicle Charging Strategy - Update	Seeking approval for an updated EV Infrastructure Charging Strategy for the borough following consultation. Also updating on programme to deliver On Street Residential Charging Points deploying grant funding.	Director of Highways and Infrastructure	No	No	Green	Yes	No
HTC/12/23-24	20/07/2023	FlexiLink Demand-responsive Transport service - public consultation	To seek approval for public and service-user consultation on options to improve/modernise the services operated as Flexilink demand responsive transport	Director of Highways and Infrastructure	Yes	Yes	Green	Yes	No

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Highways and Transport Committee Work Programme 2023-24

			as part of the Council's passenger transport offer to residents.						
HTC/22/23-24	20/07/2023	Final Outturn 2022/23 (Highways & Transport Committee)	This report outlines how the Council managed its resources to achieve both positive outcomes and value for money in the delivery of services during the 2022/23 Financial Year. The purpose of the report is to note and comment on the final financial and performance outturn positions and (if necessary) to approve Supplementary Estimates and Virements.	Director of Finance and Customer Services	No	No	Open	Yes	No
HTC/27/23-24	20/07/2023	Public Rights of Way Annual Report 2022/23	The report aims to inform members about the work of the Public Rights of Way Sub-Committee during 2022/23.	Executive Director of Place	No	No	Green	No	No
HT/26/21-22	21/09/2023	Flowerpot Junction Improvement Scheme	Authorise to make Compulsory Purchase Orders and Side Roads Orders for the delivery of the Flowerpot Junction Improvement Scheme. Approve the forward funding of the additional developer contributions in accordance with the capital programme	Director of Highways and Infrastructure	No	No	Green	Yes	Yes
HT/44/22-23	21/09/2023	Middlewich Eastern Bypass - Approval to submit Full Business Case	To approve the full business for the scheme for submission to DfT	Director of Highways and Infrastructure	No	No	Green	No	No
HTC/05/23-24	21/09/2023	Winter Maintenance 2022/23: End of Season Review	Update Committee on the 2022/23 winter maintenance season and outcome of annual review. To include approval for any changes to winter maintenance routes as a result of the annual review.	Director of Highways and Infrastructure	No	No	Open	Yes	No
HTC/19/23-24	21/09/2023	Parking Review Consultation Plan	This report seeks approval to commence public consultation on proposals for changes to the Councils parking service, including Pay & Display tariffs, in response to the adopted Medium Term Financial Strategy 2023-24	Director of Highways and Infrastructure	Yes	Yes	Green	Yes	No
HTC/13/23-24	21/09/2023	Bus Service Improvement Plan - 2023 Update	This report seeks approval to the biannual update to the Councils Bus Service Improvement Plan in accordance with the guidelines defined by the National Bus Strategy.	Director of Highways and Infrastructure	Yes	Yes	Green	Yes	No

Highways and Transport Committee Work Programme 2023-24

HTC/14/23-24	21/09/2023	EV Charging Infrastructure - Programme Update	report will provide an update on the 2 grant-funded programmes for local EV charging infrastructure - namely the On Street Residential Charging programme and the new Local EV Charging Infrastructure (LEVI) programme. The report will seek endorsement of our Expression of Interest for the LEVI funding	Director of Highways and Infrastructure	No	Yes	Green	Yes	No
HTC/23/23-24	21/09/2023	First Financial Review of 2023/24 (Highways & Transport Committee)	To note and comment on the First Financial Review and Performance position of 2023/24, including progress on policy proposals and material variances from the MTFS and (if necessary) approve Supplementary Estimates and Virements.	Director of Finance and Customer Services	No	No	Open	Yes	No
HTC/28/23-24	21/09/2023	Externally funded transport schemes - Phase 1	1.1. This report is the first of a number of reports which will update the committee on progress with delivery of transport schemes identified in the Council's Infrastructure Delivery Plan (IDP) where third party funding was envisaged and will make recommendations on the implementation of those schemes not yet delivered. 1.2. This report focusses on proposals in Sandbach, Middlewich and Crewe and recommends that the schemes are now progressed to implementation.	Director of Highways and Infrastructure	No	No	Green	No	No
HT/45/22-23	23/11/2023	A500 Dualling – Approval to submit Full Business Case	To approve the full business for the scheme for submission to DfT	Director of Highways and Infrastructure	No	No	Green	No	No
HTC/06/23-25	23/11/2023	Pedestrian Crossings (Uncontrolled and Controlled) Policy	To seek approval for highways to adopt an updated pedestrian crossings (uncontrolled and controlled) policy to allow its implementation from 2023/24 onwards	Director of Highways and Infrastructure	Yes	No	Open	Yes	No
HTC/15/23-24	23/11/2023	Engine Idling Enforcement - Business Case	To advise committee of the outcomes of work to assess the business case for the Council to adopt powers to enforce against engine-idling under provisions in the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.	Director of Highways and Infrastructure	No	Yes	Green	No	No
HTC/16/23-24	23/11/2023	Local Bus Support Criteria - Consultation Outcomes	To recommend to committee changes in the Council adopted criteria for supporting (subsidising) local bus services, following public consultation.	Director of Highways and Infrastructure	Yes	Yes	Green	Yes	No

Highways and Transport Committee Work Programme 2023-24

HTC/21/23-24	23/11/2023	Second Financial Review of 2023/24 (Highways and Transport Committee)	This report outlines how the Council is managing resources to provide value for money services during the 2023/24 financial year. The purpose of the report is to note and comment on the Second Financial Review and Performance position of 2023/24 and approve Supplementary Estimates and Virements.	Director of Finance and Customer Services	No	No	Open	Yes	No
HTC/24/23-24	23/11/2023	Medium Term Financial Strategy Consultation 2024/25 - 2027/28 (Highways & Transport Committee)	All Committees were being asked to provide feedback in relation to their financial responsibilities as identified within the Constitution and linked to the budget alignment approved by the Finance Sub-Committee in March 2023. Responses to the consultation would be reported to the Corporate Policy Committee to support that Committee in making recommendations to Council on changes to the current financial strategy.	Director of Finance and Customer Services	Yes	No	Open	Yes	No
HTC/07/23-24	25/01/2024	Highways and Infrastructure: 2023/24 Mid-Year Review	Update Committee on performance and activity across the Highways and Infrastructure directorate for 2023/24 (Quarter 1 and 2)	Director of Highways and Infrastructure	No	No	Open	Yes	No
HTC/08/23-24	25/01/2024	Lead Local Flood Authority: 2023/24 Annual Review	Update Committee on performance and activity relating to the Council's responsibility as Lead Local Flood Authority for 2023/24 (Quarter 1 and 2)	Director of Highways and Infrastructure	No	No	Open	Yes	No
HTC/09/23-24	25/01/2024	Tree Planting and Verge Maintenance (Nature Based Approach) Policy	To seek approval for highways to adopt a tree planting and verge maintenance policy to allow its implementation from 2023/24 onwards.	Director of Highways and Infrastructure	Yes	No	Open;#Green	Yes	No
HTC/17/23-24	25/01/2024	Moving Traffic Offences - Local Authority Enforcement	To inform committee of the opportunity for the local highway authority to adopt powers for enforcement of a limited number of moving traffic offences under provisions in the Traffic Management Act 2004 (Section 8). The report will seek a decision on how to proceed based upon a review of the business case and policy implications for Cheshire East Council.	Director of Highways and Infrastructure	Yes	Yes	Green	No	No

Highways and Transport Committee Work Programme 2023-24

HTC/18/23-24	25/01/2024	Parking Review Implementation Plan	This report seeks a decision to implement outcomes of the boroughwide review of Cheshire East Council car parks, in accordance with measures defined in the adopted Medium Term Financial Strategy and taking account of the outcomes of public consultation on proposals relating to both on-street and off-street parking provision.	Director of Highways and Infrastructure	Yes	Yes	Green	Yes	No
HTC/20/23-24	25/01/2024	Third Financial Review of 2023/24 (Highways & Transport Committee)	This report outlines how the Council is managing resources to provide value for money services during the 2023/24 financial year. The purpose of the report is to note and comment on the Third Financial Review and Performance position of 2023/24 and approve Supplementary Estimates and Virements.	Director of Finance and Customer Services	No	No	Open	Yes	No
HTC/25/23-24	25/01/2024	Medium Term Financial Strategy Consultation 2024/25 - 2027/28 Provisional Settlement Update (Highways & Transport Committee)	All Committees were being asked to provide feedback in relation to their financial responsibilities as identified within the Constitution and linked to the budget alignment approved by the Finance Sub-Committee in March 2023. Responses to the consultation would be reported to the Corporate Policy Committee to support that Committee in making recommendations to Council on changes to the current financial strategy.	Director of Finance and Customer Services	Yes	No	Open	Yes	No

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Public Rights of Way Sub Committee**
held on Monday, 13th March, 2023 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor L Crane (Chair)
Councillor S Edgar (Vice-Chair)

Councillors S Akers Smith, H Faddes, L Gilbert, R Moreton and D Stockton

OFFICERS IN ATTENDANCE

Richard Doran, Countryside Service Development Manager
Genni Butler, Acting Public Rights of Way Manager
Laura Allenet, Public Path Orders Officer
Claire Hibbert, Definitive Map Officer
Jennifer Ingram, Definitive Map Officer
John Lindsay, Definitive Map Officer
Vicky Fox, Planning and Highways Lawyer
Nikki Bishop, Democratic Services Officer
Karen Shuker, Democratic Services Officer

20 APOLOGIES FOR ABSENCE

There were no apologies for absence.

21 DECLARATIONS OF INTEREST

In the interests of openness and transparency Councillor Laura Crane declared that, as a Sandbach Ward Member (Wheelock), she had a personal interest in item 8 however this interest was neither disclosable pecuniary or prejudicial.

22 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 5 December 2022 be confirmed as a correct record.

23 PUBLIC SPEAKING TIME/OPEN SESSION

Mr David Nixon, Moston Parish Councillor, addressed the Committee in relation to item 7 - Wildlife & Countryside Act 1981 - Part III, Section 53.

Application No. CO/8/41: Application for the addition of a Public Bridleway, Watch Lane, Moston.

Mr Nixon complimented Officers on their work carried out on the investigation into the application and stated that he understood the recommendation to add a Restricted Byway based on the balance of probabilities.

Mr Nixon informed the Committee that there were concerns amongst local residents of Moston in relation to antisocial behaviour, fly tipping and the use of drugs in the area of Watch Lane which became prevalent in 2000. Since the installation of a barrier by Elworth Angling Society close to the Red Lane end of Watch Lane the issues with antisocial behaviour, fly tipping and the use of drugs ceased in this area of the application. However, these issues were still prevalent in the area close to Watch Lane Farm where no barrier had been installed. Mr Nixon stated that there were also issues with vehicles becoming stuck on this part of Watch Lane and suggested that signage was needed.

Mr Nixon stated that there was now a sense of relief within the local community that the investigation found no evidence of challenge to public use, apart from the erection of signs and bollards to prevent vehicular access. Local residents were pleased that the barrier installed by the Elworth Angling Society would not need to be removed. Mr Nixon stated that he and local residents would like to see a similar barrier installed near Watch Lane Farm.

**24 TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257:
PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 36 IN THE
TOWN OF SANDBACH (PART)**

The Committee considered a report detailing the investigation to divert part of Public Footpath No. 36 in the town of Sandbach following receipt of an application from Network Rail to reconstruct a footbridge over the railway to the north of Sandbach Station.

In accordance with Section 257 of the Town and Country Planning Act 1990 ("TCPA") as amended by Section 12 of the Growth and Infrastructure Act 2013:

(1A) Subject to section 259, a competent authority may by Order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that:

(a) an application for planning permission in respect of development has been made under Part 3, and;

(b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.

Diversion of part of Public Footpath No.36 had been requested to allow for the proposed works to reconstruct the footbridge as detailed in Planning Application 22/1649C (which had subsequently been approved). It was noted that the existing alignment of Public Footpath No.36 would be directly affected by the construction of a new footbridge over the railway therefore the diversion was required to preserve the public right of way.

The Committee considered the application and noted that no objections had been received from the Ward Member for Sandbach Elworth, Sandbach Town Council, the user groups, statutory undertakers, and the Council's Nature Conservation Officer. Peaks and Northern Footpaths Society had subsequently submitted comments confirming that they were content with the proposals.

The Committee concluded that it was necessary to divert part of Public Footpath No.36 in the Town of Sandbach to enable the proposed works to be carried out.

RESOLVED (unanimous)

That

1. A Public Path Diversion Order be made under Section 257 of the Town and Country Planning Act 1990 on the grounds that Cheshire East Borough Council is satisfied that it is necessary to do so in order to enable development to be carried out.
2. Public Notice of the making of the Order be given and in the event of there being no objections within the period specified, and in the event that planning consent has been granted, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.
3. In the event of objections being received, Cheshire East Borough Council be responsible for the conduct of any hearing or Public Inquiry.

25 WILDLIFE & COUNTRYSIDE ACT 1981 - PART III, SECTION 53. APPLICATION NO. MA/5/245. APPLICATION FOR THE ADDITION OF PUBLIC FOOTPATHS AT PLUMLEY NATURE RESERVE / LIME BED

The Committee considered a report detailing the investigation into an application made by Plumley with Toft and Bexton Parish Council in 2010 and registered in 2011, to amend the Definitive Map and Statement to add various public footpaths to the site known as Plumley Nature Reserve / Plumley Lime beds.

Section 53 (2)(b) of the Wildlife and Countryside Act 1981 required that the Council should keep the Definitive Map and Statement under continuous review and make such modifications to the Map and Statement as appear

requisite in consequence of the occurrence of certain events, as set out within the officer report.

The Committee considered the application and noted that during the consultation period with the Chelford Ward Member; Plumley with Toft and Bexton Parish Council, landowners, user groups/organisations and statutory stakeholders no objections were raised. However; landowner 2 had subsequently voiced concerns around the environment and conditions of the site and had since expressed further concerns around health and safety and antisocial behaviour.

It was highlighted by the Cheshire East Council Nature Conservation Officer that the application site was designated as a Site of Special Scientific Interest. A local resident also responded to put on record their agreement for a footpath on the site.

The Committee considered the evidence submitted which consisted of user evidence forms, a sales particular document and photographs. A total of 12 user evidence forms were submitted demonstrating use on foot. Out of the 12 witnesses, only two were available for interview. Use had covered a 57 period in total with 10 of the 12 witnesses having used the route during the relevant period of 1989 to 2009, when the use was challenged by locked gates and signage. All the use appears to have been "as of right" rather than "by right" without any interruption for a full 20-year period.

Where the evidence in support of the application is user evidence, section 31(1) of the Highways Act 1980 applies. This states; -

"Where a way.....has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

This requires that the public must have used the way without interruption and as of right; that is without force, secrecy or permission. Section 31(2) states that "the 20 years is to be calculated retrospectively from the date when the right of the public to use the way is brought into question".

The Committee agreed that, on the balance of probabilities, the requirements of Section 53(3)(c)(i) had been met and that a Definitive Map Modification Order should be made to add the public footpaths (outlined in Plan No. WCA/028) at the Plumley Nature Reserve / Lime Beds site and thus amend the Definitive Map and Statement. However it was considered there was not enough evidence, of use of the spurs D-X and F-Y.

RESOLVED (unanimous):

That

- 1) An Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement

by adding Public Footpaths at the Plumley Nature Reserve / Plumley Lime beds site as shown between points A-B-C-D-A and A-E-F-G on Plan No. WCA/028.

- 2) Public notice of the making of the Order be given and, in the event of there being no objections within the specified period, or any objections received being withdrawn, the Order be confirmed in exercise of the power conferred on the Council by the said Act.
- 3) In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

26 WILDLIFE & COUNTRYSIDE ACT 1981 - PART III, SECTION 53. APPLICATION NO. CO/8/41: APPLICATION FOR THE ADDITION OF A PUBLIC BRIDLEWAY, WATCH LANE, MOSTON

The Committee considered a report detailing the investigation into an application made in 2014 by Mr David Nixon to amend the Definitive Map and Statement to add a Public Bridleway at Watch Lane in the Parish of Moston.

Section 53 (2)(b) of the Wildlife and Countryside Act 1981 required that the Council should keep the Definitive Map and Statement under continuous review and make such modifications to the Map and Statement as appear requisite in consequence of the occurrence of certain events, as set out within the officer report.

The Committee considered the application and noted that following consultation with the Local Ward Member, Moston Parish Council, user groups/organisations, statutory undertakers and landowners that two responses had been received. Moston Parish Council indicated their strong support for the application. The Green Lane Association responded to state that the claimed route had been part of the Ordinary Road Network since the earliest map (Swire and Hutchings' Map 1830) and that the Definitive Map Modification Order determination should not be concluded with the recording of a Public Right of Way, but rather the Council's Highways records should reflect the existence of a public all-purpose carriageway. Subsequently, an email had been received from the Treasurer of Elworth Angling Society representing the club and its members. He stated that when approached in 2014 the view of the Angling Society was that it would have little detriment to the Society if the path was made into a public footpath or bridleway as use by the public was sporadic. However, the Treasurer stated that the Society had concerns around the increase of use and that there were issues with irresponsible dog walkers and consequently, the Elworth Angling Society objected to the application.

The Committee considered evidence submitted and researched in the assessment of the application which consisted of use on foot, horseback and pedal cycle by individual witnesses over a period of over twenty years. The documentary evidence considered in this case demonstrated the existence of the route known as Watch Lane as a bounded lane which included the claimed route that was clearly part of the Ordinary Road Network from early commercial maps.

Councillor Gilbert referred to the length of highway that would remain adopted (western end of Watch Lane) and the issues this could give rise to in the future. Officers confirmed that signage could be installed at Crabmill Lane to make it clear this is not a through route for vehicles.

The Committee concluded that the evidence in support of the claim, on the balance of probabilities, that restricted byway rights subsist along the claimed route.

RESOLVED (by majority)

That

- 1) An Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement to add a Restricted Byway as shown between points A and B on Plan No. WCA/027.
- 2) Public notice of the making of the Order be given and, in the event of there being no objections within the specified period, or any objections received being withdrawn, the Order be confirmed in exercise of the power conferred on the Council by the said Act.
- 3) In the event of objections to the Order being received, Cheshire East Borough Council be responsible for the conduct of any hearing or public inquiry.

27 WILDLIFE & COUNTRYSIDE ACT 1981 - PART III, SECTION 53. APPLICATION NO.CO/8/49: APPLICATION TO ADD A PUBLIC FOOTPATH BETWEEN DINGLE LANE AND FOOTPATH NO.11 SANDBACH

The Committee considered a report detailing the investigation into an application made by Mr Trevor Boxer (Sandbach Footpath Group) to amend the Definitive Map and Statement to add a public footpath between Dingle Lane and Footpath No.11 in the town of Sandbach.

Section 53 (2)(b) of the Wildlife and Countryside Act 1981 required that the Council should keep the Definitive Map and Statement under continuous review and make such modifications to the Map and Statement as appear requisite in consequence of the occurrence of certain events, as set out within the officer report.

The Committee considered the application and noted that following consultation with Sandbach Ward Members, Town Council, user groups/organisations, statutory undertakers and landowners that no objections had been received.

The Committee considered evidence submitted and researched in the assessment of the application which consisted of use on foot by individual witnesses over a period of twenty years and historical documents that demonstrated the existence/status of the route over a period of 200 years.

Members sought reassurance that this particular application had not been prioritised over other more applications where use had been challenged. Officers confirmed that the applicant had made an application to the Secretary of State in 2021 because the application had not been determined within 12 months. A direction to determine the application by February 2023 was received.

Members queried the application process involving witnesses aged 70+. It was confirmed that within the Statement of Priorities under which all applications are considered, there was an allocation given to those witnesses aged 70 and above.

Committee Members concluded that the balance of user evidence combined with documentary evidence clearly supported the case that a public footpath subsisted along the routes A-B (Plan No WCA/262/029) and therefore the requirements of Section 53(c)(i) had been met.

RESOLVED (unanimous)

That

- 1) An Order be made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement to add a footpath as shown between point A and B on Plan No. WCA/262/029 at Appendix 3.
- 2) Public notice of the making of the Order be given and, in the event of there being no objections within the specified period, or any objections received being withdrawn, the Order be confirmed in exercise of the of the power conferred on the Council by the said Act.
- 3) In the event of objections to the Order being received, Cheshire East Borough Council.

28 INFORMATIVE REPORT: SECRETARY OF STATE DECISIONS FOR HIGHWAYS ACT 1980 S119 DIVERSION OF FOOTPATH NO. 4 PARISH OF POOLE, DIVERSION OF FOOTPATH NO. 5 IN THE PARISH OF ADLINGTON AND DIVERSION OF FOOTPATH NO. 2 IN THE PARISH OF EATON.

The Committee received an informative report detailing a decision made by the Planning Inspectorate on behalf of the Secretary of State on the Orders made by the Council to divert Footpath No. 4 in the Parish of Poole, Footpath No. 5 in the Parish of Adlington and Footpath No. 2 in the Parish of Eaton under the Highways Act 1980 s119.

Committee Members noted that:

- Footpath No.4 (Part) Parish of Poole for a Public Path Diversion Order was confirmed by the Planning Inspectorate on 15 March 2022.
- Footpath No.5 (Part) Parish of Adlington for a Public Path Diversion Order was confirmed by the Planning Inspectorate on 1 June 2022.
- Footpath No.2 (Part) Parish of Eaton for a Public Path Diversion Order was modified and confirmed as unopposed on 3 November 2022.

RESOLVED:

That the report be noted.

29 INFORMATIVE REPORT: SECRETARY OF STATE DECISION FOR WILDLIFE AND COUNTRYSIDE ACT 1981 - PART III, SECTION 53. APPLICATION TO UPGRADE PUBLIC FOOTPATHS NOS. 8 MARBURY CUM QUOISLEY AND NO. 3 WIRSWALL TO BRIDLEWAYS

The Committee received an informative report detailing the decision made by the Planning Inspectorate on behalf of the Secretary of State on the Order made by the Council to upgrade Public Footpaths Nos. 8 Marbury cum Quoisley and No. 3 Wirswall to Bridleways under the Wildlife and Countryside Act 1981 section 53.

The Committee noted that the Order was confirmed by the Planning Inspectorate on 6 August 2020 and that Public Footpaths No. 8 and No. 3 were now open as Bridleways.

RESOLVED:

That the report be noted.

30 INFORMATIVE REPORT: PUBLIC RIGHTS OF WAY FEES AND CHARGES 2023-24

The Committee received an information report which outlined the fees and charges for 2023-24 for charged-for services provided by the Public Rights of Way team.

RESOLVED:

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 2.50 pm

Councillor L Crane (Chair)

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