

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Environment and Communities Committee**
held on Thursday, 9th November, 2023 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Warren (Chair)
Councillor J Snowball (Vice-Chair)

Councillors J Bird, M Brooks, T Dean, A Farrall, S Gardiner, D Jefferay,
B Posnett, H Seddon, L Smetham and H Whitaker

OFFICERS IN ATTENDANCE

Tom Shuttleworth, Interim Director of Environment and Neighbourhoods
Chris Allman, Head of Neighbourhood Services
Ralph Kemp, Head of Environmental Services
David Malcolm, Head of Planning
Tracey Bettaney, Head of Regulatory Services
Jeremy Owens, Development Planning Manager
Tom Evans, Neighbourhood Planning Manager and Interim Environmental
Planning Manager
Dr Susie Roberts, Consultant in Public Health
Tracy Baldwin, Finance Manager
James Thomas, Principal Solicitor
Josie Lloyd, Democratic Services Officer
Michael Todd, Internal Audit Manager (joined remotely via Microsoft Teams)

ALSO PRESENT

Councillor L Anderson
Councillor M Beanland
Councillor J Clowes
Councillor P Coan
Councillor A Harrison
Councillor A Kolker
Councillor G Marshall

106 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Buchanan. Cllr Crane attended as a substitute.

107 **DECLARATIONS OF INTEREST**

The following declarations of interest were made in relation to the Strategic Leisure Review Update:

- Cllr Brooks declared that she is a member of Macclesfield Leisure Centre
- Cllr Whitaker declared that she is a member of Poynton Leisure Centre
- Cllr Jefferay declared that he is a member of Wilmslow Leisure Centre

108 **MINUTES OF PREVIOUS MEETING**

It was noted that the committee had decided to discuss the reports of the previous meeting in a different order to that which was set out in the agenda. It was requested that the minutes be amended to reflect this.

RESOLVED (by majority):

That the minutes of the meeting held on 28 September 2023 be agreed as a correct record, subject to the above amendment.

109 **PUBLIC SPEAKING/OPEN SESSION**

Ms Debbie Jamison addressed the committee in relation to the Strategic Leisure Review. Ms Jamison asked the committee to refuse the proposals to go out to consultation and felt that the matter was predetermined with the only option to close four leisure centres. Ms Jamison asked the committee to do due diligence and scrutinise the fairness, lawfulness and risks. Ms Jamison raised concerns about the impact on educational outcomes and curriculum, public health outcomes and carbon neutrality.

Ms Catherine Kenny spoke in relation to the Strategic Leisure Review and stated that she was present to protest against the proposals and asked the committee to consider the matter carefully as it affected a large number of people.

Ms Gemma Barthorpe spoke in relation to the Strategic Leisure Review with regards to the Middlewich site. Ms Barthorpe stated that there was a lack of leisure facilities in Middlewich and asked whether the Sutton Lane development would still go ahead. The Chair responded that information would need to be sought in order to provide an informed response and advised Ms Barthorpe to go through her local ward councillor to speak directly on updates to the Sutton Lane development.

Ms Haf Barlow attended the meeting to speak on behalf of Ms Julie Felton, representing Poynton Dippers Swimming Club, in relation to the Strategic Leisure Review. Ms Felton had stated that Poynton Leisure Centre was the focal point of the community and that closure would have a cross-generational impact on residents' physical and mental wellbeing for years to come. With reference to Cheshire East's Local Plan, it was stated that there was a need for local facilities which were easily accessible for all, but that the closure of leisure centres and focusing investment at larger facilities would not be in line with this. Ms Felton was concerned about the evidence base within the Strategic Leisure Review and felt that it was flawed and misleading for the following reasons:

- It appeared that casual users, clubs, primary schools and Poynton High School use had not been included within the site usage figures for Poynton
- Bollington was included within the population of Poynton, despite Bollington having its own leisure facility that was outside the scope of the review
- The site assessment appeared to favour larger sites which served larger populations
- Stockport being included in the benchmarking exercise despite it being more densely populated
- The public health data appearing to be outdated with some dating back to 2006

Ms Sue Allan attending the meeting and spoke in relation to the Strategic Leisure Review. Ms Allan raised a number of concerns including:

- Whether the usage figures quoted in the report include those who use facilities which have been booked by one person on behalf of a group
- Whether the usage figures had been weighted to account for Knutsford being a joint use facility with Knutsford Academy, meaning some facilities were not available to the public during the day
- An objection to spending money on Crewe, Nantwich and Shavington Leisure Centres, which were geographically close together, while considering the closure of leisure centres with further to travel to an alternative site
- The report stating that there was no impact on rural communities despite there being rural communities surrounding Knutsford
- The impact on education and health services, sports facilities at Knutsford Academy and pupils learning to swim
- Provision for local sports teams and groups which were vital to the local community

Cllr Brian Bath, on behalf of Holmes Chapel Parish Council, addressed the committee in relation to the Strategic Leisure Review. Cllr Bath asked the committee to reject the report and consultation and raised the following points:

- Holmes Chapel Parish Council had expected to be approached for input into the review as they were in a joint use agreement with Cheshire East, however this had not happened
- There was no indication of expected savings from the four closures
- Leisure centres were a vital community resource used extensively outside school hours for a range of purposes including sports clubs, community activities and events; however this was not considered in the report
- No other sports pitches were available locally
- The community centre referenced in the report was not a viable alternative
- Schools were unaware of the proposals for closure

- There was no mention made of Sport England being approached
- Holmes Chapel Parish Council challenge the utility costs quoted and could see no substantiation for the figure
- The consultation would run over the Christmas period and should be extended

Cllr Matthew Robertson, on behalf of Knutsford Town Council, spoke in relation to the Strategic Leisure Review. Knutsford Town Council objected to the general principle of removing a leisure centre from a key service centre and stated that this should not go to consultation. Over 100 families had contacted the Town Council on this issue and it was felt that this would be catastrophic to the health, wellbeing and education of Knutsford residents. Access to leisure centres was recommended by GPs and convenience was one of the most important factors in ensuring use. Cllr Robertson stated that the reality of the leisure centre closing would be a less active and healthy community which would cause long term issues and therefore long term costs for Cheshire East Council in years to come.

Cllr Michael Beanland spoke on behalf of Poynton Town Council in relation to the Strategic Leisure Review and raised the following points:

- This did not appear to be a review aimed at sustaining a healthy future of the residents of north east Cheshire
- Closure would directly affects 3000 pupils
- All leisure centres proposed for closure were joint use sites with schools
- Other options were not being considered in the report
- The report appeared to contain basic errors, for example it stated that the pool size at the Poynton site was 25m but it was 20m and there were no direct rail links with Hazel Grove
- Youth clubs were essential in reducing anti-social behaviour and would need a suitable venue
- That the committee should reject this report and ask for an open review examining all options which would be fair to all Cheshire East residents

Cllr Anthony Harrison addressed the committee in relation to the Strategic Leisure Review and stated that within the last seven days he had received over 100 emails from residents who were opposed to the withdrawal of key funding to Knutsford Leisure Centre. Cllr Harrison asked the committee to oppose the recommendations in the report and raised the following concerns:

- Regarding the impact assessment, the figures in the report did not represent true usage of the centres and omitted club figures, school figures and other activities
- By removing a key strategic site such as Knutsford Leisure Centre, the Council was creating a 200 square mile geographical void where residents would not have access to a local public leisure centre facility
- Using the tartan rug to remove facilities that would allow people to maintain their mental and physical health
- On Friday 3 November, central government awarded £68,000 to leisure in Congleton, £112,000 to Macclesfield, £119,000 to Crewe and Nantwich, £202,000 to Eddisbury and £127,734 to Tatton, all of which was additional

income to prevent closures but could not be covered in the report due to being declared after the agenda was published

110 SECOND FINANCIAL REVIEW 2023/24 (ENVIRONMENT AND COMMUNITIES COMMITTEE)

The committee received the report which provided the second review of the Cheshire East Council forecast outturn for the financial year 2023/24.

A query was raised regarding earmarked capital for Poynton Leisure Centre that had not been spent and what the reason for this was. It was requested that this be looked into.

Members were asked to consider the serious financial challenges being experienced by the Council, and other local authorities across the country, and to recognise the important activities aimed at minimising the impact on services.

A request was made for future reports to be clearer when information was for noting only. Some members felt that the use of 'consider' in recommendations could appear that members were being asked to do more than receive the information.

An amendment to the recommendations in the report was moved and seconded which sought to amend 'consider' to 'note'. This was carried by majority.

RESOLVED (by majority):

That the Environment and Communities Committee:

1. Note the report of the Finance Sub Committee, 2 November 2023
2. Note the factors leading to a forecast adverse Net Revenue financial pressure of £3.5m against a revised budget of £48.7m (7.2%)
3. Note the forecast and further mitigations needing to be identified, aimed at bringing spending back in line with budget
4. Note the in-year forecast Capital Spending of £10.2m against an approved MTFS budget of £12.0m, due to slippage that has been re-profiled into future years
5. Scrutinise the contents of Annex 1 and Appendix 5 and note that any financial mitigation decisions requiring approval will be made in line with relevant delegations

111 MEDIUM TERM FINANCIAL STRATEGY CONSULTATION 2024/25 - 2027/28 (ENVIRONMENT AND COMMUNITIES COMMITTEE)

The committee received the report which set out the indicative financial envelope for this committee to support consultation on the development of the Cheshire East Medium-Term Financial Strategy 2024/25 to 2027/28.

There was a typographical error in paragraph one of the report which stated that members were being asked to approve the indicative financial envelope. It was confirmed that this was for noting only and no decision was required at this stage.

RESOLVED:

That the Environment and Communities Committee:

1. Note the indicative budget envelope for this committee, as approved at the Finance Sub-Committee on 2 November, as a way of setting financial targets in support of achieving a balanced budget for 2024/25
2. Note that officers will develop further proposals in consultation with Members to enable wider stakeholder consultation prior to approval by Council
3. Note that Committees will be presented with the opportunity to further review financial proposals, designed to achieve a balanced budget, as part of their January cycle of meetings prior to recommendations being made to Council for approval

112

MTFS 90 STRATEGIC LEISURE REVIEW - UPDATE

The committee considered the report which provided an update on the progress of the implementation of the Strategic Leisure Review following the approval of the Council's Medium Term Financial Strategy 2023-27 (MTFS) at Full Council on 22 February 2023.

Cllr Clowes attended the meeting as a visiting member. Cllr Clowes highlighted that all centres identified for potential closure were aligned with school academies and asked, with regard to legislation pertaining to academies, whether the Council was at risk of legal challenge. Cllr Clowes stated that there were no alternative options appraisals to consult on, there was a need for better understanding of capacity to fulfil the Council's statutory duties in relation to primary school swimming at alternative sites before going out to consultation and that there would be an impact on loss of classroom time and increased costs of transport for schools. Cllr Clowes asked what data had been sought from Swim England to inform the process going forward. Cllr Clowes also asked where the fiscal analysis was to support the proposal that removing four centres would not destabilise the fiscal viability of Everybody Health and Leisure (EHL). The contract would expire in 2029 but Cllr Clowes felt that any attempt to attract outside capital would be increasingly compromised by not thinking beyond the MTFS period.

In response, officers gave assurances that the report had been reviewed by the Council's Legal services. Swim England would be consulted as part of the consultation process. With regard to the commercial position of EHL, it was noted that the Council had been working with EHL who had provided usage data. There had been no specific issues around ongoing viability raised by EHL to the

Council's leisure commissioning team through the discussions which had been ongoing for several months.

Cllr Anderson attended the meeting as a visiting member and Trustee of Everybody Health and Leisure. Cllr Anderson raised a number of concerns including the impact on employment at EHL, the decommissioning costs, the impact on waiting lists if the number of swimming pools were reduced, the data not including groups. Cllr Anderson advised that EHL were committed to working with Cheshire East to find a mutually agreeable way forward.

Cllr Kolker spoke as a visiting member and Trustee of Everybody Health and Leisure. Cllr Kolker understood the financial pressures on the Council but did not support the approach outlined in the report and was concerned about the sites being joint use and impacting schools. Cllr Kolker stated that school usage figures needed to be included in the analysis to get a true indication of centre usage. There were currently 10,700 children on learn to swim schemes with a waiting list of 3000 and Cllr Kolker stated that the same level of service could not be provided with two fewer schools.

Cllr Coan spoke as a visiting member and stated that he had received extensive correspondence from residents. There was no public transport from Knutsford to Wilmslow in the morning or evening. There was currently an 18 month waiting list for swimming lessons in Knutsford. Residents relied on the leisure centre for health and recovery from illness and Cllr Coan asked the committee to reject the proposals in the report and instead ask officers to work with EHL to bring back proposals for consultation that delivers budget savings but retains leisure facilities in key service centres.

During consideration of the item, the committee resolved to move into the part 2 to consider the confidential report and appendices.

The committee moved back into part 1 for the debate in which the following points were raised:

- Cheshire East had an obligation to provide swimming facilities for Key Stage 1 and 2 pupils, however the report did not set out how this would be met if the consultation led to closure. Some schools had indicated to members that they would not be able to fulfil their statutory duties without access to swimming pools and sports sites
- There would be an impact on Cheshire East's carbon neutrality targets if residents were travelling further to access leisure facilities
- Concerns about the capacity of other sites and how they would accommodate increased users
- There appeared to be no recognition of the cost of exiting current joint use agreements with schools
- Some members felt that the matter was at risk of predetermination
- There were concerns about how the data was collected and used. Some members felt that the data was flawed and did not reflect the full usage
- Sport England had assessed Poynton to be a facility in demand with a lack of proximity to other swimming pools and facilities

- Money earmarked for Poynton Leisure Centre had not been utilised and, had that investment taken place, the leisure centre may not be in the current position
- There was a need to ensure creative thinking to prevent the reduction in facilities
- There was a risk of penalising young people inadvertently
- Members had received extensive correspondence from residents opposing the proposals
- There was recognition that the Council was facing financial difficulty and funds needed to be available for statutory services
- Leisure facilities support health outcomes for residents and therefore impact other areas of the Council
- Input was needed from wider stakeholders
- There was concern that if the consultation runs over the Christmas period there may be missed opportunities for engagement

A query was raised as to why there was no weighting to reflect usage as a percentage of the population in each area. Officers undertook to provide a written response.

A further query was raised as to whether the Council had bids in for the next phase of swimming pool grants for 2024-25 and on which sites. Officers advised that a bid was in for the next round of capital allocation to implement further carbon measures on facilities. The detail of which sites this would be for was not available during the meeting but could be provided in a written response.

An amendment was moved and seconded which sought to amend recommendation 2 in the report to the following:

2. Authorise the Interim Director of Environment and Neighbourhood Services to carry out public consultation, following consultation with the Environment and Communities Committee, based on the proposals to deliver the Medium-Term Financial Strategy line 90 Strategic Leisure Review savings

This was carried unanimously and became part of the substantive proposition.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the objectives of and progress to date of the work to bring forward the Strategic Leisure Review alongside its contribution to delivering the Council's Medium-Term Financial Strategy, as adopted at council on 22 February 2023;
2. Authorise the Interim Director of Environment and Neighbourhood Services to carry out public consultation, following consultation with the Environment and Communities Committee, based on the proposals to deliver the Medium-Term Financial Strategy line 90 Strategic Leisure Review savings and;

3. Note that following the consultation process, a report will be brought back to Committee setting out the final proposed delivery model and the financial implications of a proposed investment plan.

113 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)(4) of the Local Government Act 1972 as amended on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest would not be served in publishing this information.

114 **MTFS 90 STRATEGIC LEISURE REVIEW - UPDATE (PART 2)**

The committee considered the confidential report and appendices.

The committee adjourned for a short break after the Strategic Leisure Review item. Councillors Bird, Farrall, Whitaker and Crane left the meeting and did not return.

115 **LOCAL PLAN NEXT STEPS**

The committee received the report which provided detail on the transitional arrangements for local plan preparation now confirmed by the Department for Levelling Up, Housing and Communities (DLUHC) as part of its proposed reforms to the planning system. The report highlighted the impact these arrangements will have on the Council's programme for preparing the new Local Plan and set out proposed next steps to support the preparation of the new Local Plan.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Agree that the Council prepares a 'new style' local plan under the reforms to the plan-making system being taken forward by the Department for Levelling Up, Housing and Communities
2. Agree that an issues paper is prepared to provide an initial opportunity for public engagement to help shape the direction of the Council's new Local Plan
3. Agree that, alongside the issues paper:
 - a) public consultation is carried out on a draft Land Availability Assessment Methodology, a draft Sustainability Appraisal Scoping Report and a draft Settlement Hierarchy Review
 - b) a 'call for sites' is carried out

116

S106 KEY FINDINGS - INTERNAL AUDIT REPORT

The committee received the report which provided an update on progress following the recent Internal Audit review of arrangements for the management and monitoring of Section 106 agreements and set out draft terms of reference for the Member Working Group relating to Section 106.

Cllr Beanland attended as a visiting member and Chair of the Audit and Governance Committee and gave assurance that the Audit and Governance Committee would give any support and assistance required going forward and would work with the member working group as needed.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Note the findings of the internal audit report and the progress made to date implementing the recommendations
2. Agree the terms of reference for the Member working group relating to Section 106

117

DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT

The committee received the report which sought approval to carry out a public consultation on the final draft of the Developer Contributions Supplementary Planning Document for a minimum period of four weeks.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Agree to the publication of the final draft Developer Contributions SPD (appendix 2) and report of consultation (appendix 1) for public representations for a period of a minimum of four weeks
2. Agree to the publication of the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report ("SEA") (appendix 3)
3. Agree to the publication of the associated Equalities Impact Assessment Screening Report ("EQIA") (appendix 4)

118

ENVIRONMENTAL PROTECTION SUPPLEMENTARY PLANNING DOCUMENT

The committee received the report which sought approval to consult on the final draft of the Environmental Protection Supplementary Planning Document.

RESOLVED (unanimously):

That the Environment and Communities Committee:

1. Approve the publishing of the Final Draft Environmental Protection Supplementary Planning Document (Appendix A) for a period of four weeks public consultation
2. Approve the publishing of the associate Report of Consultation (Appendix B)
3. Approve the publishing of the associated Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (Appendix C)
4. Approve the publishing of the associated Equalities Impact Assessment Screening Report (Appendix D)

119 **UPDATE ON THE PLANNING MODERNISATION PLAN**

The committee received the report which provided an update on the progress made so far on the Planning Modernisation Plan that was endorsed by the Environment and Communities Committee on 31 October 2022.

RESOLVED:

That the progress made implementing the actions of the modernisation plan be noted.

120 **MID-YEAR PERFORMANCE REVIEW 2023/24**

The committee considered the report which provided an update on the performance across Environment and Neighbourhood Services to the mid-point of the fiscal year 2023-24 against the relevant priorities, actions and measures of success within the Council's Corporate Plan 2021-25.

RESOLVED:

That the performance of the department be noted.

121 **WORK PROGRAMME**

It was noted that the work programme as set out in the agenda contained a significant number of papers for the February meeting but currently only one for March. Some papers scheduled for February that were not time critical would therefore be deferred to March to balance the length of the two meetings. Officers were looking to bring forward the date of the March meeting to accommodate this and reduce any delays for the deferred reports.

A request was made for officers to give further consideration to sharing reports with committee members in advance of the statutory publication date.

RESOLVED:

That the work programme be noted.

The meeting commenced at 10.00 and concluded at 17.15

Councillor M Warren (Chair)