

COUNCIL 17 July 2024

Item 18 – Questions: Written Responses

1 Cllr Anthony Harrison

Written response from Head of Planning

I apologise for the length of time that it has taken to provide the necessary funds for the local community. The agreement was an unusual one, securing funds for the village hall from the Alderley Park development so it has take some time to draw down the necessary funds and provide them direct to the Parish.

I understand Officers have been in contact with the Parish direct, but I have now also escalated this matter with colleagues to prioritise this and provide the funds asap.

4 Cllr Rod Fletcher

Written Response from Head of Strategic Transport and Parking

Your question stated that it had been over two years since Highways had agreed that the bus stop on Goss Place Estate, Crewe Road, Alsager had to be moved as it was a safety hazard. You asked when the bus stop would be moved.

I have made enquiries within the Highways service to ascertain details of the commitment to re-site the bus stop. It seems that this may have arisen in conversations with Mr Hurdus – our former highways development manager. Unfortunately, Mr Hurdus is no longer working in Cheshire East Council.

We have no records of any safety investigations or assessments being completed at that time to support a conclusion that the shelter should be moved.

The road accident collision data for this location has been checked for the past 5 years. This indicates that there have been no recorded collisions or injury accidents during that period.

Additionally, the impact of the bus shelter on visibility on the approaches to Goss Place/Crewe Road junction have been checked with reference to current design guidelines. I am advised that the position of the bus shelter does not breach these design guidelines.

In these circumstances, there are no clear reasons to prioritise re-siting of this bus shelter as part of the council's highways and public transport investment programmes.

Should you be willing to use funds from your Ward Members Budget to deliver these works, this may provide the means to expedite works to address your concern. Without this, the issue will be retained on file for review during the

development of future works programmes, though I should advise that it is likely to be a relatively low priority for core funding.

I appreciate this may not be the response you were anticipating but I hope it clarifies the situation.

5 Cllr Becky Posnett

Written Response

The Council have previously decided to 'absorb' CIL monies into the MTFS, and then determined the most appropriate infrastructure project hence the contribution to the Middlewich Eastern Bypass.

Unlike s106 which is normally to mitigate the impact in the locality of a new development, CIL monies are collected on a flat rate per sqm of development in accordance with a Charging Schedule. This schedule is subject to independent examination based on viability. Therefore, not all parts of the Borough collect CIL monies, and different zones collect different rates. [Cheshire East Community Infrastructure Levy Charging Schedule](#)

There is still work to be done to clarify the process and procedure for determining the most appropriate route for spending CIL monies for CEC. This will be reviewed as part of the recent CIL audit and possibly through the Member Working Group and a discussion on whether the link to MTFS to fund larger infrastructure projects is still the best approach.

Finally, it should be noted that Parish and Town Councils already receive 15% of any CIL monies collected in their area (where it is charged) which can be spent on local infrastructure and projects in their communities. This increases to 25% where there is a neighbourhood plan in place.

8 Cllr Anna Burton

Written Response

The Emergency Assistance scheme closed on the 31st March 2024 with the decision based on the Councils financial position and it being a discretionary service.

The [Household Support Scheme](#) is funded by central government until the end of September and the Council are still taking referrals to support vulnerable residents until that date, we are also will be investing all of that spend funding into the Voluntary Community and Faith Sector to continue to deliver key cost of living support going into the winter. The new government have yet to announce the longevity of this scheme. In absence of a steer from a national position to date, we are still continuing to signpost people to local and national provision through our cost of living pages: [Cost of living support \(cheshireeast.gov.uk\)](#).

Providing support to alleviate poverty and provide support when its needed is important to Cheshire East Council and recognising that our voluntary sector

providers are often best placed to deliver that provision, we have been investing into this sector in increase its capacity to continue to provide that local support.

9 Cllr Janet Clowes

Written Response

Highway Claims

Background Statutory duty

Cheshire East Borough council is the Highway Authority for all roads and footways that are maintainable at public expense within the Borough of Cheshire East, excluding those roads that are the responsibility of Highways England (essentially motorways). We discharge our maintenance duties through Cheshire East Highways (CEH) as our service provider.

This means that under Section 41 of the Highways Act 1980, the Council has a statutory duty to maintain the fabric of the public highway. However, provided that the Council takes reasonable steps to do this, it is in a position to defend claims under Section 58 of the Act.

The Council's policy of regular inspections and the subsequent actions to repair are designed to meet that duty and demonstrate in court that the Council takes a responsible attitude to its duties. [Appendix 5 - Safety Inspection Code of Practice \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk/appendix-5-safety-inspection-code-of-practice)

Courts consider the reasonableness of a Council's approach to maintenance (i.e. response times to repairing defects) and determine if the Council has complied with its own policies.

Third Party Claims

When the Council receives a claim from a third party relating to damage or injury occurring on the highway, it will usually relate to an alleged breach of its statutory duty to maintain and inspect.

The Council is indemnified against high value third party claims (above a specified level) through a commercial insurance provider. Where the Council believes it has complied with its Statutory Duty, it will liaise with its insurance provider and gather the necessary evidence requested by the insurer's solicitor.

Any awards against the Council below the insurance policy excess are funded through the Council's Insurance budget. The costs associated with gathering evidence are funded through Highways' budgets.

The Council's repudiation rate for third party claims is typically in the mid-90% region, which is very high and among the best authorities in the country. However, this only demonstrates that the Council is addressing its Statutory Duty. It does not mean our roads are in good condition.

The Cost of Claims

Where we do pay out on claims, most are “below deductible” (i.e. our ‘excess’). This amount is typically relatively low. CEH indemnifies the council for the cost of claims where they have not provided services as required. This is assessed on a case-by-case basis.

The real cost in claims is defending them and remaining compliant. This is the cost of carrying out inspections and addressing defects we become aware of. There are also the costs of processing the claims and maintaining insurances that are there to protect us against high value claims.