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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Highways and Transport Committee**
held on Thursday, 19th September, 2024 in the Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor M Goldsmith (Chair)
Councillor L Crane (Vice-Chair)

Councillors C Browne, L Braithwaite, R Chadwick, A Coiley, H Faddes,
A Gage, C Hilliard, M Muldoon, M Sewart and M Brooks

OFFICERS IN ATTENDANCE

Genni Butler, Countryside Access Development Manager
Domenic De Bechi, Head of Highways
John Lindsay, Definitive Map Officer
Jenny Marston, Transport Policy & Strategy Manager
Adele Mayer, Definitive Map Officer
Tom Moody, Director of Highways and Infrastructure
Marianne Nixon, Public Path Orders Officer
Nicola Lewis-Smith, Public Rights of Way Manager
Steve Reading, Principal Accountant
Mandy Withington, Solicitor
Karen Shuker, Democratic Services Officer

22 APOLOGIES FOR ABSENCE

Apologies were received from Councillors P Coan and J Priest. Councillor
M Brooks attended as a substitute.

23 DECLARATIONS OF INTEREST

No declarations of interest were made.

24 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 19 July 2024 be approved as a
correct record.

25 PUBLIC SPEAKING/OPEN SESSION

Ms C Jones addressed the committee in relation to agenda item 6 Bus
Service Review – Results and Recommendations and asked what the
breakdown of the subsidy the Council provided was, and what that
included.

In response officers reported that there was a bus support criteria which allocated funding on a needs basis based on a range of different factors which had been approved by the Highways and Transport Committee. Officers would provide Ms Jones with a copy of the criteria in respect of those services that were subsidised.

Ms S Heliwell addressed the committee in relation to agenda item 6 Bus Service Review – Results and Recommendations and asked when Alsager would get its Saturday service? Sainsbury's were building a supermarket in Alsager and in part of the S106 agreement it clearly stated that there would be a bus provision for 3 years for a Saturday service between Sandbach and Alsager. Leighton Hospital offered Saturday appointments and at present the hospital was not accessible by a direct bus route. It was currently costing residents two separate ticket prices.

In response officers confirmed that the Council had received the S106 money from the developer and would be using that funding to provide a Saturday day service so the timetable would mirror the Monday to Friday operation which would follow through to Leighton hospital as well. This would be built into the service specification for the 317 service.

The chair agreed to read out questions received from Ms S Bradley who was unable to attend the meeting. The questions related to item 7 – Crossings Facility, specifically page 231 of the report - the Prioritisation Matrix

1. Weighting and scoring should be clearly explained, can a key be added to the form.?
2. What are the timeframes of assessing a crossing to design then installation?
3. Will the prioritisation matrix and scoring be made available to the public?
4. There are no recognition of petitions, petitions represent local knowledge and understanding of requirements, can this be included and scored in Area E?

Officers agreed to provide a written response.

26 FIRST FINANCIAL REVIEW 2024/25

The Committee considered a report which provided the current forecast outturn for the financial year 2024/25 based on the Council's income, expenditure and known commitments as at the end of July 2024. It also identified actions that were being taken to address adverse variances to urgently address the Council's financial sustainability.

The Council was forecasting an additional in-year pressure of £26.5m - this was before the application of any exceptional financial support. The

Highways & Infrastructure were reporting an underspend of £0.5m against a net budget of £16m.

The overall reasons for the £26.5m pressure were outlined in the report.

The key reasons for the underspend were outlined in the report and included additional income.

The Committee noted the Transport Bus Service Improvement Plan+ (BSIP+) grant, the ear marked reserves for the Committee and the planned use for those items, and the capital programme which was still under review.

The Committee welcomed the reported underspend for the Highways and Transport Service and thanked officers for their hard work. Members expressed frustration in respect of the overspend in other areas which meant that any underspend in the Highways and Transport Service as outlined in the report would contribute to the overall corporate position rather than being earmarked for the Highways budget which was clearly needed.

Members asked questions and sought assurance in relation to

- That officers were building business cases to justify the additional capital spend.
- Whether it was an officer decision or a contractor decision to only provide one weed spray this year.
- Was there an opportunity to look at the weedkilling policy as part of the work programme to allow members to provide input into it rather than it being a wholly officer-based decision.
- What facility did the committee have through the Chair to write to the Chairs of the Adults & Heath Committee and Children & Families Committees in respect of their budget overspends.

In response, officers reported that:-

- Although weedkilling was not a statutory service, treatment for weedkilling was still underway using manual equipment rather than the spray that was previously used as this was not as effective in the inclement weather.
- Although it was ultimately an officer decision in respect of the weedkilling policy, allocation of funding across the wider area would be something that officers could involve members in.
- The Chair agreed to take on board the concerns in relation to the overspend in other areas impacting on the budgets of other services and explained that the Transformation Programme would be focusing on those departments to support them in providing their services but keeping within budget.

RESOLVED: - By Majority

That the Highways and Transport Committee

1. Review the factors leading to a forecast adverse/(positive) Net Revenue financial variance of: Council: £26.5m against a revised budget of £387.6m (6.8%) Highways and Transport: (£0.5m) against a revised budget of £16.0m (3.1%) To scrutinise the contents of Annex 1, Section 2 relevant to services within the committee's remit, and review progress on the delivery of the MTFS approved budget policy change items, the RAG ratings and latest forecasts, and to understand the actions to be taken to address any adverse variances from the approved budget.

2. Consider the in-year forecast capital spending of: Council: £164.5m against an approved MTFS budget of £215.8m Highways and Transport: £45.8m against an approved MTFS budget of £66.5m due to slippage that has been re-profiled into future years.

3. Note the available reserves position as per Annex 1, Section 5 of the report.

4. Note that Council will be asked to approve Supplementary Revenue Estimate Requests for Allocation of Additional Grant Funding over £1,000,000 as per Annex 1, Section 3, Table 1 of the report.

5. That the Supplementary Capital Estimate above £500,000 up to and including £1,000,000 as per Annex 1, Section 4, Table 3 of the report, in accordance with the Council's Constitution be approved

27 BUS SERVICE REVIEW - RESULTS AND RECOMMENDATIONS

The Committee considered a report which presented the findings of a strategic review of the Council's financial support for local bus services. The review was undertaken to ensure that spending provided value for money and best met the needs of passengers within prevailing budget constraints.

The Council's existing supported bus contracts were due to expire at the end of March 2025. The process to re-procure services was scheduled to begin in October, with new contracts due to start in April 2025. The outcomes from the bus service review and associated consultation had informed the service specifications and the proposed changes to the supported bus network were outlined in the report.

Councillor R Bailey attended to speak as a visiting member. Cllr Bailey was grateful for the Go Too service but shared her concerns that it was in operation without full testing of those who rely on it.

There was no commercial bus service in Audlem and following a residents meeting it was found that a lot more people relied on the regular commercial bus service for a number of reasons.

40 residents met with the local MP, who wrote to Cheshire East raising concerns. The report has been shared as though there are services in place, when it was the Go Too service in place, along with the retention of the commercial service not being re-procured until 1st April.

The report gave an underlying feeling that no one used the bus service in Audlem, and by 1st April next year they would have given up hope of a bus service, lost employment, or education, or will have become isolated.

In relation to the recommendations on Page 71, specifically 2a – Councillor Bailey asked that Cheshire East Council as a matter of urgency expedite the re procurement of services 72 and 73 to ensure there was a service in place for Audlem and surrounding areas.

In addition, that the performance of the Go Too bus was carefully scrutinised, which all too often was cancelled at late notice.

Councillor Bailey emphasised the priorities outlined in Cheshire East's Corporate Plan specifically inclusivity and access to education, and without transport support, the council would fail on those priorities.

The Committee welcomed the report and asked questions and sought assurance in relation to:

- Flexible transport – concerns around qualification, and that it would be open to travellers who have no viable public transport service available. Would those residents who are elderly or disabled continue to have access to the Flexi Link service.
- Concerns around the reliability of the Go Too Service in the south of the borough
- If monthly performance data on failure rates and usage in the area could be shared with members
- Is the concessionary bus pass travel still valid on the Flexi bus?
- Are pets allowed on the service?

In response officers reported that

- The Flexi link service would continue for those with limited mobility/ and the elderly.
- Officers would look to investigate the Go Too Service provision in that area as it was suggested there was spare capacity on the Go Too Service.
- Officers agreed that they could share monthly performance data with members so that they could look at the areas of concern.

- concessionary passes could be used on the Go Too Service after 9.30am, half an adult fare before 9.30am and free to travel on a Saturday.
- Only assistance dogs are permitted – to accommodate those who don't wish to travel with dogs.

In response to a question in respect of advertising the service, officers reported that some of the BCIP grant funding would be used on marketing the service, especially in those rural areas. There would be a review on what community transport schemes were available as this had not been reviewed since before covid.

In response to concerns around the period of notice given by D & G when withdrawing its service members suggested that consideration be given to a longer clause in future contracts in respect of notice periods.

RESOLVED: Unanimously

That the Highways and Transport Committee

1. Note the findings of the Bus Service Review 2024 (see Appendix 1 and 2 of the report) and the associated Consultation Summary Report (see Appendix 3).
2. Approve the current proposals for a revised supported bus network, as below and in Appendix 4, whereby the Council will;
 - a) Cease revenue support for the 70 Nantwich to Tiverton (2 journeys daily) and replace with access to flexible transport (see below). Reconfigure the 72 and 73 Nantwich rural services (serving Wrenbury and Audlem) and provide a direct local bus service linking Nantwich to Leighton Hospital.
 - b) Increase frequency of service on the northern section of route 391/392 between Poynton and Stockport to hourly.
 - c) On a trial basis, extend FlexiLink hours of operation to include 16:30-21:00 and provision of a Saturday service (09:00-18:00) and make it available for use by all passengers who do not have access to a fixed-route bus service.
 - d) All other Council supported bus services are largely unchanged as a result of these recommendations (see Appendix 4).
3. Delegate authority to the Director of Highways and Infrastructure to:
 - a. finalise the remaining proposals for supported bus services, including any necessary service adjustments;
 - b. finalise supported bus service specifications for procurement;

c. identify the most cost effective delivery model for flexible transport which also meets the provision for home-to-school special educational needs & disability transport, in consultation with the Director of Education, Strong Start and Integration;

d. procure the Council's supported bus services including flexible transport;

e. award supported bus service contracts to start in April 2025.

28 CROSSING FACILITIES STRATEGY

The Committee considered a report on the Cheshire East Crossing Facilities Strategy for adoption into formal Council practice.

The proposed strategy would help the Council improve the way it managed and maintained the local highway network by providing a consistent process for considering crossing requests and determining the priority for funding.

Members were reminded that there was no statutory requirement to provide crossing facilities and the demand for crossing facilities far outweighed what the Council could build or maintain. There were additional costs incurred on top of installing a crossing facility which included the maintenance and additional infrastructure.

The Committee welcomed the report and asked questions in respect of

- Whether it would be better to maintain the crossing facilities already in place rather than putting new ones in which would mean more maintenance issues and end up being safety issues if they are not maintained?
- Whether consideration could be given to more economic elements for crossings be looked at rather than the expensive elements given the current financial situation.

In response officers reported that

- The priority for the Council was safety and to maintain the assets that were already there.
- The report outlined alternative options available that may be more viable financially and do the same job the public wanted that made crossings safer.

In response to a question in relation to whether it was national criteria that was used to assess whether a school warrants a crossing patrol, as this area came under the remit of a separate department in the Highways service, officers agreed to provide a written response.

RESOLVED: Unanimously

That the Highways and Transport Committee is recommended to:

1. Approve the adoption of the Cheshire East Crossing Facilities Strategy in Appendix 1 of the report.
2. Delegate authority to the Director of Highways and Infrastructure to make technical amendments to the Cheshire East Crossing Facilities Strategy and its Prioritisation Matrix and update the Highways and Transport Committee on any significant changes as required.

The Committee adjourned for a 10-minute break.

Councillor C Browne left the meeting after consideration of this item and did not return.

29 WILDLIFE & COUNTRYSIDE ACT 1981 – PART III, SECTION 53, APPLICATION NO: CO/8/48: APPLICATION FOR THE ADDITION OF A PUBLIC FOOTPATH FROM MILL LANE TO THE JUNCTION WITH FOOTPATH NO.8 HASSALL

The Committee considered a report which outlined the investigation into the application to amend the Definitive Map and Statement to add a Public Footpath between Mill Lane (UY1177) to junction with Footpath No.8 Hassall from A-B-C-D-E.

The Committee considered the evidence submitted and researched in the application to add a Public Footpath in the Parish of Hassall. The Committee agreed that the balance of documentary evidence did not support the case that a public footpath subsists along the route between points A-B-C-D-E as shown on plan No. WCA/043 at Appendix 1 of the report.

RESOLVED: Unanimously

That The Highways & Transport Committee

1. Agree that the application to add a footpath as shown between points A-B-C-D-E on Plan No. WCA/043 at Appendix 1 of the report is refused on the grounds that there is not any robust evidence to overturn the legal presumption that the Definitive Map and Statement are correct.

Councillor M Brooks left the meeting after consideration of this item and did not return.

30 WILDLIFE & COUNTRYSIDE ACT 1981 -PART III, SECTION 53, APPLICATION NO: CO/8/35: APPLICATION FOR THE ADDITION OF A PUBLIC FOOTPATH FROM FOOTPATH NO.9 HASSALL TO THE JUNCTION WITH FOOTPATH NO.8 HASSALL, HASSALL.

The Committee considered a report which outlined the investigation into the application that was made on the 24 August 2015 to amend the Definitive Map and Statement to add a Public Footpath between Footpath No.9 Hassall (junction with Hassall Moss, UY1177) to junction with Footpath No.8 Hassall from A-B-C Plan ref: WCA/042 (Appendix 1).

The Committee considered the evidence submitted and researched in the application to add a Public Footpath in the Parish of Hassall. The Committee agreed that the requirements of Section 53(3)(c)(i) had not been met and that there was insufficient evidence to make a Definitive Map Modification Order to record a public footpath between footpath No.9 & footpath No.8 Hassall.

RESOLVED: Unanimously

That The Highways & Transport Committee

1. Agree that the application for the addition of the footpath as shown between points A-B-C on Plan No. WCA/042 at Appendix 1 of the report, be refused on the grounds that there is not any robust evidence to overturn the legal presumption that the Definitive Map and Statement are correct

31 WILDLIFE AND COUNTRYSIDE ACT 1981 - PART III SECTION 53 APPLICATION NO CN-7-29 APPLICATION FOR THE VARYING OF PARTICULARS OF PUBLIC FOOTPATH 17 CREWE

The Committee considered a report which outlined the evidence submitted and researched in the application to modify the Definitive Map and Statement of Public Rights of Way ("the DM") by varying the location of a part of Public Footpath 17 Crewe.

The Committee agreed that the evidence submitted was not conclusive that the Definitive Map was incorrect.

RESOLVED: Unanimously

That The Highways and Transport committee

1. Agree that the application for the variation of part of Public Footpath 17 Crewe be refused on the grounds that it cannot be demonstrated that the Definitive Map and Statement needs modifying

32 WILDLIFE AND COUNTRYSIDE ACT 1981 - PART III SECTION 53 TWO APPLICATIONS NOS. CO-8-37 AND CO-8-38 TO VARY THE LOCATION OF PUBLIC FOOTPATHS 34 AND 36 IN THE PARISH OF ODD RODE

The Committee considered a report which outlined the investigation into two applications made in 2008 by the agent for the owner of land in Odd Rode. The applications sought to delete the line of Public Footpaths 34 and 36 Odd Rode and add a public footpath on a different line to the Definitive Map and Statement of Public Rights of Way (the "DM").

The Committee agreed that on the balance of probabilities of lack of evidence, the Definitive Map was not proved to require modification.

RESOLVED: By Majority

That The Highways and Transport

1. Agree that the applications for variation of Public Footpath 34 and 36 in the parish of Odd Rode be refused on the grounds that it cannot be demonstrated that the Definitive Map and Statement needs modifying.

33 PROPOSED PUBLIC PATH CREATION AGREEMENT: HULME WALFIELD, PUBLIC FOOTPATH NO. 2

The Committee considered a report which sought approval to enter into a Public Path Creation Agreement with the owner of land over which a Public Footpath runs, to change its legal status to that of Public Bridleway.

RESOLVED: Unanimously

That The Highways and Transport Committee

1. Agree that a Public Path Creation Agreement be entered into under Section 25 of the Highways Act 1980 to change the legal status of Public Footpath No. 2 in the Parish of Hulme Walfield, as illustrated on Plan No. HA/151 within the report, to Public Bridleway.

2. Agree that public notice of the making of the Agreement be given.

34 EXTENSION TO PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 35 (PARTS) IN THE PARISH OF NANTWICH (FORMERLY PUBLIC FOOTPATH NO. 4 IN THE PARISH OF HENHULL)

The Committee considered a report which outlined an extension to the current diversion of Public Footpath No. 35 in the Parish of Nantwich.

The Committee agreed that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and

Countryside Act 1981, to divert parts of Public Footpath No.35 in the Parish of Nantwich by creating new sections of public footpath and extinguishing the current path as illustrated on Plan No. HA/154 within the report, on the grounds that it was expedient in the interests of the landowner.

RESOLVED: Unanimously

That the Highways and Transport Committee

1. Agree that a Public Path Diversion Order be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981 to divert parts of Public Footpath No.35 in the Parish of Nantwich by creating new sections of public footpath and extinguishing the current path as illustrated on Plan No. HA/154 within the report, on the grounds that it is expedient in the interests of the landowner.
2. Agree that public notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Council by the said Act.
3. Note that in the event of objections being received, Cheshire East Borough Council be responsible for the conduct of any hearing or Public Inquiry.

35 WORK PROGRAMME

The Committee considered the work programme.

The following changes were noted:

- There would be a report added to the November meeting which would present the current position on rail impacts for Cheshire East; HS2 and Northern Powerhouse Rail (NPR).

The Chair informed members that the work programme now identified which items would be for scrutiny and which items would be for decision.

For the next meeting, the chair asked members to think about further areas of scrutiny that the committee could be involved in, such as policy development. A small group of Members would be involved in the development of any policies at an early stage through a task and finish group, with their recommendations being brought back to the committee for approval.

RESOLVED:

That the work programme be noted.

36 REPORTING OF URGENT DECISIONS

RESOLVED

That the Committee noted that an urgent decision was taken under Procedure Rules 2.10 and 2.11 by the Chief Executive who approved and agreed to the submission of the revised Final Full Business Case for the Middlewich Eastern Bypass.

The meeting commenced at 10.00 am and concluded at 12.33 pm

Councillor M Goldsmith (Chair)