

CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Cabinet Members for Prosperity and Environmental Services
held on Monday, 1st August, 2011 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Jamie Macrae, Cabinet Member for Prosperity
Councillor Rod Menlove, Cabinet Member for Environmental Services

In attendance

Councillor Hilda Gaddum, Cabinet Member for Children and Family Services
Councillor Rhoda Bailey, Cabinet Support Member

Officers

Peter Hartwell, Head of Safer and Stronger Communities
Paul Burns, Parking Services Manager
Peter Hall, Head of Property Services
Fintan Bradley, Head of Strategy, Planning and Performance
Paul Mountford, Democratic Services Officer
Joanne Jones, Property Services Manager
Steve Plack, Property Services
Marc Jones, Property Services
Stuart Harradine, Property Services
Charlotte Roper, Property Services
Kate Khan, Solicitor
Mark Wheelton, Green Spaces Manager
Debbie Watson, Children and Family Services

1 DECLARATIONS OF INTEREST

No interests were declared.

2 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

3 APPROPRIATION OF LAND AT THE COUNCIL OFFICES SITE REMENHAM, WILMSLOW FOR CAR PARKING PURPOSES.

The Cabinet Member for Prosperity considered a report seeking authority for publication of a notice of intention to appropriate land at the Council Offices site at Remenham, Wilmslow for parking purposes.

The proposal would enable the Council to control parking through civil enforcement to avoid misuse, increase the available public off-street parking in this part of Wilmslow, and secure an income for the Council from the asset.

RESOLVED

That the Cabinet Member for Prosperity approves that

- (1) the Borough Solicitor, or officer acting on her behalf, be authorised to publish a notice of intention to appropriate land at the Council Offices site, Remenham, Wilmslow (shown edged red on the plan at Appendix A to the report) for the purposes of section 32 of the Road Traffic Regulation Act 1984 ('the 1984 Act'), i.e. parking purposes;
- (2) in the event that no objections to the proposed appropriation are received within the consultation period (or if received are withdrawn), on the day immediately following the last date for receipt of objections specified in the public notice, the land be appropriated accordingly;
- (3) if objections to the proposed appropriation are received, the objections be referred for consideration to a subsequent meeting of the Cabinet Member.

4 PROPOSED OFF-STREET PARKING PLACES ORDER - REMENHAM CAR PARK, CHAPEL LANE, WILMSLOW.

The Cabinet Member for Environmental Services considered a report proposing the amendment of the Macclesfield Borough Council (Off Street Parking Places)(Civil Enforcement and Consolidation) Order 2008 ('the Order') the effect of which would be to introduce control and charging to the car park to be known as the Remenham Car Park, Chapel Lane, Wilmslow.

The proposal to introduce charging for parking and control at the site through civil enforcement should help to ensure that the site was not misused, to increase available public off street parking in this part of Wilmslow, and to secure an income for the Council from the asset.

When the site was vacated, there was a distinct risk that current customers of public car parks in the town centre would seek to transfer to Remenham to avoid paying charges. The site could accommodate a minimum of 57 vehicles which, if parking all day, represented lost income from other car parks of at least £50,000 per annum.

The proposed charges for the use of the car park were revised at the meeting to a scale considered more appropriate for a car park of this type.

RESOLVED

That the Cabinet Member for Environmental Services approves that

(1) subject to (a) statutory consultation; (b) the appropriation of the Land for parking purposes; and (c) the grant of any planning consent required, a proposed amendment to the Macclesfield Borough Council (Off Street Parking Places)(Civil Enforcement and Consolidation) Order 2008 ('the Order') be approved, the effect of which would be to make provision for control and charging for parking on land known as the Remenham Car Park, Chapel Lane, Wilmslow shown edged in red on the plan annexed to the report ('the Land') as follows:

(a) that the charges payable in connection with the use of the Parking Place (Monday to Saturday between the hours of 8.00 am and 6.00 pm) would be:

up to 1hr	up to 2 hrs	up to 3 hrs	up to 5 hrs	up to 6 hrs	up to 10hrs
£ 0.60	£ 1.00	£ 2.10	£ 3.10	£ 3.90	£ 4.30

(b) that the hours of operation of the Parking Place would be all days and all hours;

(c) that the Parking Place may be used by the following classes of vehicles: (i) motor cars (within the provisions of section 136(2) of the Road Traffic Regulation Act 1984 ('the 1984 Act')); (ii) motor cycles (as defined by section 136(4) of the 1984 Act); (iii) other motor vehicles (of a gross weight not exceeding 3.5 tonnes); (iv) invalid carriages (as defined by section 136(5) of the 1984 Act);

(2) the Borough Solicitor, or officer acting on her behalf, be authorised to publish a notice of proposals in relation to the proposed amendment order, with any objections to be made within the statutory consultation period of twenty-one days. In the event that objections are received, for these to be referred back to the Cabinet Member for consideration at a future meeting;

(3) in the event that no objections to the proposed amendment order are received, and subject to: (i) the appropriation of the Land for parking purposes; and (ii) the grant of a relevant planning consent (if required), the Borough Solicitor, or officer acting on her behalf, be authorised to make and bring into force the proposed amendment order (as set out in (1) above) and to give notice thereof in accordance with statutory requirements.

5 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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

6 MONKS COPPENHALL CHILDREN'S CENTRE, THE BROOKS CHILDREN'S CENTRE AND OAK TREE CHILDREN'S CENTRE - NURSERY LEASES

The Cabinet Member for Prosperity considered a report seeking approval for the granting of leases in respect of the three children's day care nurseries.

The previous service provider and lease holder had ceased their operations due to financial difficulties. The Council had stepped in to provide Nursery Education Entitlement only to 2, 3 and 4 year olds during the interim until a tender exercise could be undertaken to appoint a new operator. During this time no other services, such as places for 0-2 year olds, full day care or crèche facilities were available. Safehands had submitted the successful tender and were currently providing full private nursery services at the 3 children's centre nurseries occupying the premises under tenancies at will until such time as the 9 year leases were completed.

The Cabinet Member for Children and Family Services, who was present at the meeting, supported the proposal.

Local Ward Member Councillor Dorothy Flude, who had been unable to attend the meeting, had submitted comments on the proposal which were reported at the meeting. The Cabinet Member for Prosperity undertook to respond in writing to Councillor Flude.

RESOLVED

That the Cabinet Member for Prosperity approves that 9 year leases be entered into with Safehands Network Limited in respect of the children's centre nurseries at Monks Coppenhall Children's Centre, The Brooks Children's Centre (formerly Pebble Brook) and Oak Tree Children's Centre (formerly Underwood West), the leases to be subject to such terms and conditions as are determined by the Assets Manager and Borough solicitor.

7 STATUTORY SCHOOL LAND TRANSFERS AND TRANSFERS OF LAND ON THE MACCLESFIELD LEARNING ZONE (INCLUDING ACADEMY TRANSFER)

The Cabinet Member for Prosperity considered a report seeking approval to complete a number of outstanding land transfers and legal agreements in respect to the Macclesfield Learning Zone Project.

To fully cover the statutory Foundation, voluntary aided/voluntary controlled and Academy school transfers, the report sought to regularise the position and provide a blanket approval to all statutory transactions and provide the Assets Manager and Borough Solicitor with the necessary delegation and consent to complete the land transfers and ancillary legal agreements.

The Cabinet Member for Children and Family Services, who was present at the meeting, supported the proposal.

RESOLVED

That the Cabinet Member for Prosperity approves that

- (1) the proposed land transfers, as shown on the revised plan circulated at the meeting, and the necessary legal agreements, including 125 year lease for the transfer of the Macclesfield High School to Academy status, as detailed within the report, be approved;
- (2) any subsequent legal agreements required in order to finalise the original scheme under the over arching agreement, dated 17 February 2006, in relation to the Macclesfield Learning Zone, be approved for completion on terms and conditions to be agreed by the Borough Solicitor and Assets Manager; and
- (3) the additional blanket approval regarding Foundation, Academy and voluntary aided/voluntary controlled, statutory school freehold and 125 year leasehold transfers and all ancillary legal agreements, as detailed within the report, be approved.

8 DISPOSAL OF LAND AT TOWN HALL / CHURCHSIDE COTTAGES, MACCLESFIELD

The Cabinet Member for Prosperity considered a report on the disposal of land at Town Hall, Macclesfield.

The land currently formed part of the car park at Macclesfield Town Hall and therefore lent itself to the provision of car parking for the residents of the properties at 9-17 Churchside, Macclesfield once those properties had been refurbished.

The provision of car parking for the benefit of tenants of the new development enhanced the marketability of 9-17 Churchside for affordable housing.

There was a need for affordable housing across Cheshire East and there were not sufficient market-led proposals coming forward to meet that need.

RESOLVED

That the Cabinet Member for Prosperity approves that

- (1) the land forming part of the car park at Macclesfield Town Hall as shown hatched on the plan attached to the report be declared surplus to requirements by Cheshire East Council and disposed of for the provision of affordable housing on terms and conditions to be determined by the Borough Solicitor and Assets Manager; and
- (2) the land be incorporated within the curtilage of the properties known as 9-17 Churchside, Macclesfield which the Council is bringing to market for refurbishment to provide 5 units of Affordable Housing for rent within the Strategic Housing Development Programme.

9 DISPOSAL OF LAND ADJACENT TO 8 TANGLEWOOD DRIVE, TYTHERINGTON

The Cabinet Member for Prosperity considered a request for the purchase of a strip of land adjacent to 8 Tanglewood Drive, Tytherington.

The applicants wished to buy the land to extend the size and regularise the shape of their garden. The land was located on the perimeter of Tytherington Woods and extended to 28.43 sq m/ 306 sq ft. It formed part of a larger area of public open space between the woods and the housing estate. The Health and Wellbeing Service had confirmed that the land in question was surplus to requirements and could be sold.

Under the Local Government Act 1972 the Council was required to advertise the disposal of public open space for a period of two consecutive weeks in the local press after which the Portfolio Holder had the option to reconsider his decision.

RESOLVED

That the Cabinet Member for Prosperity approves that the land adjacent to 8 Tanglewood Drive, Tytherington as shown on the plan attached to the report be disposed of to the applicants on terms and conditions to be determined by the Assets Manager and the Borough Solicitor.

10 PROPOSED LEASE OF MALKINS BANK GOLF COURSE, SANDBACH

The Cabinet Member for Prosperity considered a report on the selection of a tenant for Malkins Bank Golf Course.

Following a soft market testing exercise in 2010, the Council had sought offers to take a lease of Malkins Bank Golf Course and on-site buildings via a 50 year lease agreement. A tender exercise had been conducted with offers to be submitted to the Council by 24th June 2011. RM Estates had been selected as the preferred bidder.

RESOLVED

That the Cabinet Member for Prosperity approves that a 50 year lease of Malkins Bank Golf Course be granted to RM Estates Ltd on the terms and conditions set out in the report, subject to such other terms and conditions as may be determined by the Assets Manager and the Borough Solicitor.

11 ACQUISITION OF LAND AND RIGHTS OVER LAND ADJACENT TO MIDDLEWICH ROAD CREWE, FROM TWO THIRD PARTY LAND OWNERS, TO FACILITATE THE CONSTRUCTION OF CONNECT 2 GREENWAY

The Cabinet Member for Prosperity considered a report on the proposed acquisition of land and rights to facilitate the construction of a new cycle path and footway, Connect 2 Greenway.

The majority of land identified for the Connect2Greenway scheme was in Cheshire East Council ownership. Construction on the Council-owned land had commenced in 2009, with large sections of the cycleway and footpath now completed and open to the public. The land and rights currently in third party ownership had to be acquired to enable the continuation and completion of the Greenway link.

Consultation with the landowner was at an advanced stage with terms agreed subject to contract. The Public Rights of Way Committee had agreed to the proposal to acquire rights over the Beamheath Trust-owned land to enable the creation of a bridleway under section 25 of the Highways Act 1980 at its meeting of 10th June 2010.

The Officers reported at the meeting that planning permission for the next stage of the Greenway had now been granted.

RESOLVED

That the Cabinet Member for Prosperity approves

- (1) the acquisition of the freehold of approximately 157 sq m of land in private ownership, as shown on the plan circulated with the report, on

terms to be agreed by the Assets Manager, to facilitate the construction of part of the Connect2Greenway cyclepath and footway, linking Sainsbury's roundabout in Nantwich to Wistaston Road in Crewe; and

- (2) the acquisition of rights over approximately 9,660 sq m of land owned by the Beamheath Trust, as shown on the plan, on terms to be agreed by the Assets Manager, to enable the creation of a bridleway under Section 25 of the Highways Act 1980 in connection with the construction of part of the Connect2Greenway cyclepath and footway, linking Sainsbury's roundabout in Nantwich to Wistaston Road in Crewe.

The meeting commenced at 10.00 am and concluded at 10.32 am

Councillor Jamie Macrae (presiding)