

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 11th November, 2014 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Jones (Chairman)
Councillor D Brown (Vice-Chairman)

Councillors Rachel Bailey, J Clowes, J P Findlow, L Gilbert, P Raynes,
D Stockton and D Topping

Members in Attendance

Councillors L Brown, S Corcoran, R Fletcher, D Flude, S Gardiner,
M Grant, P Groves, P Hoyland, O Hunter, B Livesley, P Mason, R Menlove,
A Moran, B Murphy, D Newton and R West

Officers in Attendance

Mike Suarez, Peter Bates, Lorraine Butcher, Anita Bradley, Caroline
Simpson, Heather Grimbaldeston, Brenda Smith, Steph Cordon and Paul
Mountford

Apologies

Councillor B Moran

74 DECLARATIONS OF INTEREST

There were no declarations of interest.

75 PUBLIC SPEAKING TIME/OPEN SESSION

Mr David Reeves of D&G Buses and Coaches Ltd expressed concerns about poor communication from the Highways Service and the implications this had for the bus company; the need to provide adequate notice of the alternative routes for buses during the proposed reconstruction works for the Sydney Road Bridge in Crewe; and the implications of proposed financial savings as referred to in the Transport Service Solutions report for the company which had made an investment of around £2M in Crewe over the last two years.

The Leader responded that he would talk to the Council's Highways Contractors about the issue of communications; he undertook to consult the company on the proposed alternative route for the Sydney Road Bridge; and, whilst stressing the need for the Council to achieve value for its residents, he offered to meet Mr Reeves with Councillor Topping and officers to discuss the issues raised regarding financial savings.

Mr Bob Mynett referred to certain assurances that had been asked for by the Council with regard to the proposed peace pole for Scotch Common, Sandbach, which had led to a ceremony being cancelled on 13th December. He felt that the responsibility for insuring the peace pole should rest with Cheshire East Council as owner of the land and expressed disappointment at the lack of progress.

The Leader responded by offering to meet Mr Mynett with the Chief Executive to discuss the matter with the aim of reaching a speedy resolution.

76 QUESTIONS TO CABINET MEMBERS

Councillor S Corcoran referred to the lease with Alderley Edge Parish Council for the allotment sites at Alderley Edge and sought an assurance that the Council would prevent any variation of the lease to allow for alternative uses. The Leader responded that the Secretary of State had the power to vary the terms of a lease of an allotment site if such a variation were sought.

Councillor D Flude asked if the Council would take steps to persuade Network Rail to make repairs to the Manchester Bridge in Crewe, particularly given the likelihood of greater usage by traffic during the Sydney Road Bridge works. The Leader responded that all such Bridges in the area were under design and impact review.

Councillor Flude also asked the Portfolio Holder for Care and Health in the Community, Councillor J Clowes, to give an assurance that the Better Care Fund was going forward as planned. Councillor Clowes confirmed that the Better Care Fund would be going forward in April.

Councillor L Brown referred to the proposed Macclesfield Housing Strategy and asked that the Strategy take into account the likely impact of the night time economy on people living in town centre accommodation. She also asked if local ward members could be consulted on any housing proposals. The Leader responded that the officers would take both matters on board.

Councillor M Grant asked if the Council had contingency plans in place in the event that the Council's Local Plan was not rectified promptly. The Leader responded that there were contingency plans in place for all eventualities.

Councillor B Murphy asked what steps were being taken to counter what he called the emerging threat of devolution to Greater Manchester in order to protect the independence of Cheshire. The Leader welcomed the decision to devolve more powers to Greater Manchester and saw further opportunities for Cheshire East to work in co-operation with Manchester and others for mutual benefit whilst at the same time defending and preserving the unique identity of Cheshire as a separate place.

Councillor Murphy also referred to discussions with Arighi Bianchi over a land swap in Macclesfield and asked if there were plans for the Council to use the land to be acquired for housing development rather than parking. The Leader responded that he was not aware of any such proposal; he undertook to look into it further but indicated that he would not support the idea.

77 MINUTES OF PREVIOUS MEETING

RESOLVED

That

1. the minutes of the meeting held on 14th October 2014 be approved as a correct record; and
2. Cabinet reaffirms its support for the peace poles in Sandbach and Alsager on the basis set out in Minute 67 and the officers are asked to take immediate action to resolve any outstanding issues and expedite the matter.

78 MACCLESFIELD TOWN CENTRE HOUSING STRATEGY (REF CE 14/15-14)

Cabinet considered a report on the Macclesfield Town Centre Housing Strategy.

The Strategy was designed to support the Macclesfield Town Centre Vision and demonstrate the role which Housing would play in the regeneration of Macclesfield. The Strategy had been updated following public consultation.

RESOLVED

That the final version of the Macclesfield Town Centre Housing Strategy as appended to the report be approved.

79 POYNTON RELIEF ROAD, PREFERRED ROUTE ASSESSMENT AND NEXT STEPS (REF CE 14/15-7)

Cabinet considered a report recommending a preferred route for the proposed Poynton Relief Road.

The report highlighted the findings of a recent public consultation exercise, recommended a preferred route for the road and sought approval to undertake the further work necessary to submit a planning application for the scheme and further develop the scheme business case. The report also provided an update on recent funding successes through the Local

Growth fund and the need for the Council to support, in principle, meeting the remaining funding gap.

RESOLVED

That Cabinet

1. notes the findings of the Public Consultation report;
2. approves that the Green route be taken forward as the preferred route as set out in the Preferred Route Assessment Report;
3. approves that the necessary steps be taken to protect the preferred route shown in Annex A to the report from future development including introducing the necessary modifications into the Local Plan Core Strategy at the earliest opportunity;
4. requests Stockport Metropolitan Borough Council to make the necessary adjustments to its adopted development plan to protect the preferred route within SMBC;
5. acknowledges SMBC's concerns that appropriate mitigation is provided to ensure that the impact of the Green route on properties within Stockport is managed to a level similar to that for the existing (extant) protected route;
6. agrees to remove the extant route protection for the former route of the road from the Council's Local Plan policy once the new preferred route has been fully protected;
7. approves that the alignment of the preferred route be further developed to enable the submission of a planning application, reflecting where possible feedback received through consultation; that the business case for the scheme be developed to the next level and work be commissioned for the Phase 2 multi-modal study; and that the professional support required for these activities continue to be provided by Jacobs through the Highways Contract with Ringway Jacobs;
8. notes the findings of the A523 Route Management Feasibility Report and endorses the recommendations that local Improvements are further developed, after further local consultation ,at the following junctions independently from the main scheme.

- § A523 London Road / Bonis Hall Lane Junction
- § A523 London Road / Butley Town Junction
- § A523 Adlington Cross Roads

and that minor speed/safety measures are developed at the A523 at Issues Wood and at Prestbury Lane;

9. recommends that the capital budget (highlighted in Section 7 of the report) to progress the next stage of work for PRR and the complementary measures be made available, subject to the usual budget-setting process;
10. approves that officers immediately commence detailed discussions with affected landowners, local residents, businesses, parish councils and recognised community groups to refine the design details (including access arrangements and traffic management measures) and that supplementary formal consultation be undertaken to inform planning submission material;
11. approves that a 'pre-planning application' consultation be held and that the details and arrangements be delegated to the Head of Strategic Infrastructure in consultation with the Portfolio Holder;
12. notes the anticipated programme for the next stage of work;
13. following the outcome of the public consultation, confirms the objectives of the scheme as:
 - § To support the economic, physical and social regeneration of Poynton and the North of the Borough, in particular Macclesfield.
 - § To relieve existing Village centre traffic congestion and Heavy Goods Vehicles (HGVs) and reduce traffic on less desirable roads on the wider network.
 - § To deliver a range of measures on the A523 corridor to Macclesfield that addresses road safety, congestion and mitigates the wider environmental impact of traffic.
 - § Boost business integration and productivity: improve the efficiency and reliability of the highway network, reduce the conflict between local and strategic traffic, and provide an improved route for freight and business travel.
 - § To allow improvements to the highway network for walking, cycling and public transport.
14. to approve that a Section 8 Agreement be entered into with SMBC in order to:
 - § Allow CEC to take the lead and responsibility for managing the scheme within SMBC
 - § Be responsible for delivery of any necessary improvements within SMBC

- § Accept liability for compensation aspects of the scheme within SMBC

and that the details and arrangements be delegated to the Head of Strategic Infrastructure in consultation with the Portfolio Holder;

15. to note the Council's success in securing £16.4m of funding for the scheme through the Local Growth fund and to authorise officers to explore additional funding opportunities; further, to note that as a reserve position, an approval for the full funding required for the scheme will be made through the Council's budget-setting process;
16. to delegate authority to the Director of Economic Growth and Prosperity to authorise entering into licences for the purpose of gaining access to third party land for the purpose of carrying out surveys or in the event that the use of a licence is not possible or appropriate then to authorise the use of the Highway Authority's powers to gain access to land pursuant to Sections 289-290 of the Highways Act 1980.

80 ALL CHANGE FOR CREWE - SYDNEY ROAD REPLACEMENT BRIDGE (REF CE 14/15-10)

Cabinet considered a scheme for a replacement bridge at Sydney Road, Crewe.

Development was taking place in the north of Crewe and providing capacity improvements at Sydney Road Bridge would support growth and enhance access to the key destinations of Bentley and Leighton Hospital.

The Council had been working closely with Network Rail to inform option development and to develop a delivery strategy for the Scheme. The report highlighted progress to date and sought approval to continue with the relationship with Network Rail as the most effective way of taking forward the development of a preferred option through its business case and statutory processes, and then to secure its delivery.

RESOLVED

That Cabinet

1. approves bridge replacement as the preferred solution for the next stage of project development;
2. approves the development of the Strategic Outline Business Case (SOBC) for the preferred options;
3. authorises the Head of Strategic Infrastructure and the Director of Economic Growth and Prosperity, in consultation with the Portfolio Holder, to:

- § enter into an Implementation Agreement with Network Rail Infrastructure Projects (NR IP);
 - § if required, authorise the publication of a Voluntary Ex-ante Transparency (VEAT) Notice in respect of the Implementation Agreement; and,
 - § enter into negotiation with NR over funding contributions.
 - § approve entering into a Basic Asset Protection Agreement (BAPA) with NR and any subsequent amendments to the BAPA as may be required as the scheme progresses.
4. notes the current estimate of scheme cost and the need for the Council to both forward fund an element of the project delivery costs and potentially fund any gap in the overall costs of the project.

81 RESPONDING TO THE VIEWS OF LOCAL PEOPLE AND BUSINESSES ABOUT CAR PARKING IN CHESHIRE EAST (REF CE 14/15-23)

Cabinet considered a report responding to the views of local people and businesses about car parking in Cheshire East.

Local residents, businesses and Town Councils had been invited to complete a survey asking for views on car parking. 95% of respondents wanted the Council to have a parking strategy that supported the needs of local businesses.

There were some immediate incentives that the Council could implement in the run up to Christmas to support residents and businesses:

- § All Council-owned car parks with charges in Cheshire East used predominantly by shoppers would be free from 10am onwards on 13th and 20th December 2014.
- § “Free after Three” would continue in existing identified car parks. This offer would be promoted in the media and in the Council’s car parks.

It was noted that 6th December was National Pro-Business Day and it would be appropriate to extend the free parking to also include this day to demonstrate the Council’s support for local businesses.

RESOLVED

That

1. those residents, businesses, town councils and visitors who took the time to give their views be thanked;

2. further work be undertaken to produce a car parking strategy which is conducive to supporting businesses in town centres by July 2015, including further public engagement and consultation; and
3. the immediate actions identified in paragraph 1.4 of the report to help boost town centres before Christmas be taken, but with the free parking arrangements being extended to also include 6th December which is National Pro-Business Day, and the actions be evaluated for impact as part of the work to develop a car parking strategy.

82 TRANSPORT SERVICE SOLUTIONS LTD (REF CE 14/15-30)

Cabinet considered a report seeking approval to establish a contract between Cheshire East Council and Transport Service Solutions Ltd for the delivery of transport functions.

On 29th April 2014, Cabinet approved the implementation of Transport Service Solutions Ltd, a Council-owned and controlled company, for the delivery of transport services. This was in accordance with the Council's intention of becoming a strategic commissioning authority with a hard split between commissioning and service delivery.

The report sought approval to establish a contract between Cheshire East Council and Transport Service Solutions Ltd for the delivery of the Council's transport functions as identified in the previous Cabinet report of 29th April 2014, based on the revised financial detail contained in section 11 of the current report.

RESOLVED

That Cabinet

1. notes the revised financial detail set out in section 11, including the income targets from year 3 onwards;
2. reaffirms the earlier decision to establish the company ;
3. approves, through a contract, the transfer of Council transport services business to the company on 1st January 2015;
4. grants delegated authority to the Executive Director of Strategic Commissioning, the Head of Local Communities, the Head of Legal Services and the Chief Operating Officer, in consultation with the Portfolio Holder for Environment to proceed with the implementation in accordance with the project plan, including negotiating appropriate contractual arrangements, arranging leases and central support services and novating contracts where necessary; and
5. agrees to the commencement of a formal consultation period with all the staff who might be affected by any proposed TUPE transfer.

83 HIGHWAY SERVICES CONTRACT - EXTENSION TO THE SERVICE PERIOD (REF CE 14/15-24)

Cabinet considered a report seeking approval to extend the Highway Services Contract.

Over the first 3 years of the Contract, the Highway Service had delivered significant improvement across the highway network, in particular through the Council's commitment to the Highway Investment Programme. Measurable improvements had been made for the residents and businesses of Cheshire East.

The Highway Services Contract had been awarded to Ringway Jacobs on 6th October 2011 for an initial service period of five years, with the option for an extension of up to two years, depending on contract performance.

RESOLVED

That the contract service period be extended by two years.

84 CHESHIRE EAST COUNCIL PARTNERSHIP WITH CONGLETON COLLEGE (PHASE 1)

Cabinet considered a proposal for the Council to work in partnership with Congleton College to enable young people to receive training and employability skills in a care setting and to develop a community resource in Congleton that would meet the changing needs of the community.

The selected care setting was Mountview in Congleton. The current day-care provision at Mountview would continue to be provided by the Council's in house provider service, Care4CE.

RESOLVED

That

1. The proposal to work in partnership with Congleton College to develop a pioneering centre in Congleton be endorsed;
2. a lease be granted for Mountview to Congleton College with a form of leaseback arrangement to Cheshire East Council for the day-care centre element;
3. authority be delegated to the Director of Economic Growth and Prosperity in conjunction with the Portfolio Holder to execute the leases; and

4. officers be authorised to explore the option of TUPE of building maintenance and selected other staff (those not directly involved in the day-care provision) to Congleton College.

85 ADULT SOCIAL CARE CHARGING POLICY REVIEW (REF CE 14/15-31)

Cabinet considered a report recommending public consultation in respect of changes to the Council's charging policies for community-based services.

The Council currently had in place the Fairer Charging policy which governed charging for community-based care services. The Care Act had implications for the current policy and public consultation was required on the Council's proposed response to this. The formal consultation was planned to run for 8 weeks from 1st December 2014 to 25th January 2015.

RESOLVED

That in order to provide a range of options to address the requirements of the Care Act, a formal public consultation be undertaken in respect of changes to the Council's charging policies and scheme of delegated charges.

86 RE-COMMISSIONING OF SEXUAL HEALTH SERVICES (REF CE 14/15-21)

Cabinet considered a report on the re-commissioning of sexual health services in Cheshire East.

The commissioning responsibility for Sexual Health Services had transferred to the Council in April 2013. The existing contractual arrangements had been extended by Cabinet until March 2016 in order to allow time for a strategic review of sexual health services for Cheshire East residents. The report set out the work to achieve the strategic review and outlined the Council's ambitions for the 'Future Sexual Health Services'.

RESOLVED

That

1. delegated authority be granted to the Portfolio Holders for Care and Health in the Community and Safeguarding Children and Adults, the Director of Public Health and the Executive Director of Strategic Commissioning to award and conclude contractual documentation with the successful tenderer[s]; and
2. the delegated decision makers ensure that an EU compliant procurement exercise has been undertaken.

87 HERITAGE AND CULTURAL RENEWAL IN MACCLESFIELD (REF CE 14/15-12)

Cabinet considered a phased programme of works to re-open Footpath 53, Step Hill, Macclesfield to members of the public.

Cheshire East Council was committed to improving the Macclesfield economy. Taking action to re-open Step Hill would help to ensure that Macclesfield Town Centre remained an attractive location for residents, businesses and visitors and would promote regeneration within Macclesfield.

RESOLVED

That, on a phased approach:

1. approval be granted to undertake repairs to wall 'D' on the plan attached to the report, sufficient to allow the re-opening of the footpath at the rear of the town hall car park;
2. approval be granted to undertake further site investigation, geotechnical testing and ecological surveys to the Step Hill area, to further establish slope stability;
3. following such site investigation, and subject to the eradication of Japanese Knotweed to affected areas, approval be granted to undertake repairs to wall 'A' as shown on the plan, to allow the re-opening of Footpath 53 (staircase down Step Hill numbered 3); and
4. delegated authority be granted to the Chief Operating Officer, in consultation with the Portfolio Holder for Finance, to proceed with any further works required, subject to cost.

88 2014/15 MID-YEAR REVIEW OF PERFORMANCE

Cabinet considered a report setting out the Council's financial and non-financial performance at the mid-year stage of 2014/15.

The mid-year review showed how the Council was continuing to build on the final outturn position for 2013/14 which had demonstrated that the overall financial health, performance, resilience and value for money of Cheshire East Council was strong. Following the mid-year review the Council's reserves strategy remained effective.

Annex 1 to the report set out further details of how the Council was performing in 2014/15.

The report also identified any approvals required for supplementary estimates or virements.

Councillor B Murphy, Vice-Chairman of the Corporate Scrutiny Committee, informed Cabinet that the report had received favourable consideration by the Committee at its meeting on 10th November.

RESOLVED

That Cabinet

1. notes the mid-year review of 2014/15 performance, in relation to the following issues:
 - § the summary of performance against the Council's 5 Residents First outcomes (Section 1 of the report);
 - § the projected service revenue and capital outturn positions, overall financial stability of the Council, and the impact on the Council's reserves position (Section 2);
 - § the delivery of the overall capital programme (Section 2, paragraphs 127 to 133 and Appendix 4 to the report);
 - § fully funded supplementary capital estimates and virements up to £250,000 in accordance with Finance Procedure Rules (Appendix 5);
 - § reductions to Capital Budgets (Appendix 6);
 - § treasury management investments and performance (Appendix 7);
 - § the Council's invoiced debt position (Appendix 9);
 - § use of earmarked reserves (Appendix 10);
 - § the workforce development and staffing update (Section 3).
2. approves
 - § supplementary revenue estimates to be funded by additional specific grant (Appendix 8).

89 PROPERTY SEARCH FEES

Cabinet considered an update report in respect of claims against the Council for refunds of property search fees.

RESOLVED

That

1. approval be given to proceed with the proposed settlement framework;

2. the Head of Legal Services and Monitoring Officer, in consultation with the Chief Operating Officer and the Finance Portfolio Holder, be authorised to take all future steps to settle this claim; and
3. officers be authorised to undertake all necessary actions to implement the recommendations above.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor M Jones (Chairman)