

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 14th June, 2016 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Rachel Bailey (Chairman)

Councillors A Arnold, P Bates, J Clowes, L Durham, J P Findlow and
D Stockton

Members in Attendance

Councillors C Andrew, Rhoda Bailey, G Baxendale, B Burkhill, P Butterill,
S Corcoran, S Edgar, F Fletcher, D Flude, M Grant, G Hayes, S Hogben,
J Macrae, A Moran, S Pochin, A Stott, G Wait, B Walmsley, M Warren and
G Williams

Officers in Attendance

Mike Suarez, Peter Bates, Andrew Round, Bill Norman, Steph Cordon, Jacky
Forster, Paul Griffiths, Ralph Kemp, Dominic Oakeshott, Ann Riley and Paul
Mountford

Apologies

Councillors D Brown, P Groves and L Wardlaw

The Chairman referred to the recent extreme weather conditions leading to
localised flooding in parts of the Borough and congratulated the Cheshire East
services and other agencies involved for the professional way in which they
had dealt with the matter and the multi-agency approach they had adopted.

The Chairman congratulated Cheshire East Councillor Alift Harewood on
being awarded an MBE in the Queen's Birthday Honours for services to the
community. The Chairman also congratulated the Leader of Staffordshire
County Council, Councillor Philip Atkins, on being awarded an OBE.

Finally, the Chairman referred to Shawn Reed, who worked for ANSA and who
had sadly suddenly passed away over the bank holiday weekend. Shawn's
funeral would be held on Tuesday, 21st June. All present stood for a minute's
silence as a mark of respect.

1 DECLARATIONS OF INTEREST

In relation to Item 6 on the agenda: 'Review of Available Walking Routes
to School', the Chairman, Councillor Rachel Bailey, declared a non-
pecuniary interest on the basis that her sister was Chairman of the
Governors of Brine Leas School. Councillors A Arnold, L Durham and J P
Findlow declared non-pecuniary interests in the same item as Governors
of the Fallibroome Academy.

2 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Manny Botwe, Headteacher of Tytherington School, expressed concern about the safety of his students if required to walk to school along Middlewood Way. The Chairman thanked Mr Botwe for making his comments on the matter which would be considered more fully later in the meeting.

3 QUESTIONS TO CABINET MEMBERS

Councillor A Moran asked if the Council should congratulate the people of Cheshire East for organising events to celebrate the Queen's 90th birthday. The Chairman agreed that local people had made a significant contribution to mark the event.

Councillor Moran also referred to discussions between Cheshire East, Cheshire West and Chester and Warrington Councils regarding proposals to devolve powers to a combined authority with an elected mayor. He wondered when opposition members would be briefed. The Chairman replied that the Council had been exploring the feasibility and potential benefits of such an arrangement in discussion with the other two authorities but that Warrington had now decided to put the matter on hold. The Chief Executive added that similar discussions had been taking place around the country. He was happy to attend opposition group meetings to brief them on the matter.

Councillor M Warren asked what plans the Council had to ensure that it could enforce parking policy across the Borough, given that the number of enforcement officers had fallen to 10. The Chairman replied that a report on the matter would be coming to Cabinet on 12th July. The Portfolio Holder for Communities and Health undertook to provide further information in a written response.

Councillor R Fletcher referred to a number of housing developments which had taken place on land in Alsager, the planning permissions for which had required the provision of play areas; those play areas had not yet been provided. He sought further information about what was happening with the play areas and also raised a number of other issues regarding an unsafe bridge and improvements to footways and footpaths in the area. The Portfolio Holder for Housing and Planning confirmed that he had received a list of the issues raised by Councillor Fletcher and would respond to him in writing.

Councillor S Corcoran asked why a letter from Fiona Bruce MP had not been included in the results of the public consultation on children's centres. The Chairman asked the Director of Education to look into the matter and to provide a written reply.

Councillor Corcoran also asked what progress was being made with regard to the resettling of Syrian refugees in Cheshire East. The Portfolio Holder for Communities and Health replied that there was an agreed plan to take refugees and current indications were that this would occur around about October.

Councillor S Hogben said he had raised a question about the Council's municipal parks strategy at the April Cabinet meeting and had been promised a written response which he had not yet received. The Chairman apologised and undertook to chase this up.

Councillor D Flude, having raised the matter at a previous meeting, asked if Cheshire East Council was to become a multi-academy trust. At the request of the Chairman, the Director of Education replied that a full day conference had just taken place with head teachers from across the Borough which had enabled an initial dialogue on the matter to take place. The Council had not taken a position on the matter but was willing to consider proposals from schools. The officers were considering the feedback from the conference with a view to preparing a concept paper on the matter.

4 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 3rd May 2016 be approved as a correct record.

5 REVIEW OF AVAILABLE WALKING ROUTES TO SCHOOL

Cabinet considered a report on a review of available walking routes to school.

A small number of routes had been assessed as available under the Council's current published policy but free transport was currently provided. There was therefore a need to regularise the position for all families across Cheshire East to ensure that where routes had been assessed as available to walk the Council's policy was implemented consistently. It was also proposed that other routes in the Borough be improved, which would result in further routes being classified as available with the consequence that free school transport for those improved routes would subsequently be withdrawn.

National and local policy specified that parents should be given a minimum of 12 weeks' notice in writing where a route that was previously unavailable became available and home to school transport was to be withdrawn. To ensure that schools and parents had an opportunity to comment on possible changes and to consider their future transport arrangements, it was proposed that information on the proposed changes would be made available to schools and parents in the summer term of

2016 for a period of at least 12 weeks (excluding August) with a proposal that free transport be withdrawn from the start of April 2017.

The report outlined the appeal processes available for anyone who felt dissatisfied with an assessed route or who may suffer hardship as a result of the withdrawal of free transport.

A number of members spoke on this matter and the Chairman thanked them for their contributions to the debate. The Chairman also added the views of Edward Timpson, Crewe and Nantwich MP, in his constituency role.

RESOLVED

That Cabinet

1. notes the reclassification of routes that have been re-assessed as available walking routes to school and agrees that free school transport for those routes be withdrawn from April 2017; and
2. authorises the Executive Director – People to spend £150,000 from the Local Transport Plan budget allocation for 2016/17 to improve further walking routes to school to bring them up to required standard so that free school transport for those improved routes may be subsequently withdrawn.

6 CONGLETON LINK ROAD - APPROVAL TO PROCEED WITH THE COMPULSORY PURCHASE OF LAND REQUIRED TO DELIVER THE SCHEME

Cabinet considered a report recommending approval of compulsory purchase powers to acquire land to facilitate the construction of the Congleton Link Road and associated works. The report also sought authority for officers to begin the initial engagement with contractors to understand the most appropriate future delivery strategy for the scheme.

Councillor Liz Durham abstained from voting on this matter as she would be considering the planning application for the scheme as a member of the Strategic Planning Board on 15th June 2016.

RESOLVED

That Cabinet

1. Subject to a positive resolution of the Strategic Planning Board to grant planning permission for the scheme, approves the use of the powers of compulsory purchase to undertake the acquisition of land and new rights required for the construction of the Congleton Link Road and authorises:

- a) The making of an order (or orders) under under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and all other powers as appropriate for the compulsory purchase of land and rights required for the construction of Congleton Link Road as shown on drawing No: B1832001-CPO-LTR-GA-001 ("the CPO");
- b) The making of a Side Roads Order (or orders) under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, construct lengths of new highway and stop up and provide replacement private means of access as required to deliver the Congleton Link Road ("the SRO");
- c) The Executive Director - Place in consultation with the Director of Legal Services to make any amendments necessary to the contemplated orders arising as a result of further design work or negotiations with landowners or affected parties or for any connected reasons in order to enable delivery of the Congleton Link Road;
- d) The Executive Director - Place in consultation with the Director of Legal Services to take all appropriate actions to secure the confirmation of the contemplated orders including:
 - i. To take all necessary action to secure the making, submission to the Secretary of State for confirmation and (if confirmed) implementation, of the SRO and the CPO including the publication and service of all relevant notices and for the Director of Legal Services to secure the presentation of the Council's case at any public inquiry and the subsequent service of Notices to Treat and Notices of Entry or, as the case may be the execution of General Vesting Declarations;
 - ii. To negotiate and enter into agreements and undertakings with the owners of any interest in the CPO and/or the SRO ("the Orders") and any objectors to the confirmation of the Orders setting out the terms for the withdrawal of objections to the Orders including where appropriate, the inclusion in and/or exclusion from the CPO of land or new rights or the amendments of the SRO and to authorise the Director of Legal Services to agree, draw up, and to sign all necessary legal documents to record such agreements and undertakings;
 - iii. In the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) to authorise the Director of Legal Services to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings;
 - iv. To authorise the Director of Legal Services to appoint suitable counsel to advise and represent the Council at any Public

Inquiry held in respect of the Orders and to provide legal support to the team through the process;

- v. To confirm the appointment of Geldards LLP (solicitors) as the Council's additional legal support to the delivery of the scheme acting on behalf of the Council and under the direction of the Director of Legal services;

e) That, in parallel with the preparation and submission for confirmation of the Orders, the Head of Assets initiate negotiations and seek to conclude terms to acquire the land and rights (or extinguish the same) required for the Congleton Link Road by voluntary agreement and to instruct the Director of Legal Services to draw up the necessary documents and to execute such documents as are necessary to complete such acquisitions; and

f) To authorise the Head of Assets to negotiate and approve the payment of relevant and reasonable professional fees incurred by landowners and others with compensatable interests in taking professional advice in connection with the acquisition of their interests required for the scheme and related compensation claims and also in advancing the development or implementation of the Congleton Link Road.

- 2. Approves the continuing project development of the scheme via the Council's highway contract supplier, Ringway Jacobs, up to and including the presentation of the scheme at a future public inquiry.
- 3. Approves that formal pre-engagement discussions with Contractors be undertaken to help inform a future procurement strategy.

7 CONGLETON LINK ROAD - FUNDING STRATEGY AND APPROVAL IN PRINCIPLE TO UNDERWRITE THE COSTS OF DELIVERING THE SCHEME

Cabinet considered a report on the funding strategy for Congleton Link Road. The report outlined the anticipated cost of the scheme, identified the provisional allocation of central government funding and predicted a level of contribution from the owners of land unlocked by the link road. It also asked Cabinet to approve, in principle, the underwriting of any remaining funding gap.

Councillor Liz Durham abstained from voting on this matter as she would be considering the planning application for the scheme as a member of the Strategic Planning Board on 15th June 2016.

RESOLVED

That Cabinet

1. notes the latest total scheme cost estimate is £90.7m, c£5.6m of which (project development costs to 31st March 2016) has already been invested by the Council;
2. notes the provisional allocation of £45m of Government funding to the project;
3. notes the existing assumptions under which land owner contributions could be garnered up to the sum of circa £23.7m;
4. notes the resultant funding gap being between £16.4m and £40.1m (dependent on the level of land owner contributions received);
5. notes the estimated payback timescales and risks surrounding land owner contribution expectations;
6. approves the underwriting, in principle, of any necessary gap funding required to deliver the link road;
7. recommends to Council that the scheme budget profile be adjusted accordingly in the Council's capital programme; and
8. authorises the Executive Director - Place, in consultation with the Director of Legal Services, to negotiate and enter into agreements with key land owners with a view to increasing certainty, as far as is practicable at this stage, as to the level of land owner contributions.

8 TATTON VISION PHASES 1 & 2

Cabinet considered a report on the Tatton Vision Phases 1 and 2.

The Tatton Vision investment programme had been approved by Cabinet in February 2011 and sought to conserve the estate, improve access, develop sustainable income bases to help reduce the reliance on Council funding and support the Council's growth strategy for its visitor economy. The report outlined specific projects which would help to achieve these objectives.

RESOLVED

That Cabinet

1. approves the Tatton Dale Farm 'Field to Fork' project as specified in the Detailed Business Case (Appendix A to the report);
2. gives delegated authority to the Head of Countryside, Culture and Visitor Economy in consultation with the Portfolio Holder with responsibility for Tatton Park, to implement the 'Field to Fork project' at Tatton Dale Farm including entering into all necessary contractual arrangements (in accordance with the Constitution) including but not

limited to procurement of building contractors, external consultants, leases and volunteer support and including the terms of the grant and approved purposes contained in the Heritage Lottery Fund grant award letter of 27/11/15;

3. gives delegated authority to the Head of Countryside, Culture and Visitor Economy in consultation with the Portfolio Holder with responsibility for Tatton Park, to approve the heads of terms for the Deed of Variation in respect of the Lease of Tatton Park dated 15th February 1961 between the National Trust for Places of Historic Interest or Natural Beauty and the County Council for the Administrative County of the County Palatine of Chester and for the Director of Legal Services to agree and execute the Deed of Variation for Tatton Park in relation to the Farm Field to Fork project;
4. approves the refreshed phase 2 Tatton Vision programme and objectives;
5. notes the high level proposals contained within the Tatton Park Phase 2 plan, with its associated £3.8m budget, and give delegated authority to the Head of Countryside, Culture and Visitor Economy in consultation with the Portfolio Holder with responsibility for Tatton Park to produce detailed business cases for these (or additional or alternative) proposals, including the procurement of external consultants and other expertise as necessary;
6. gives delegated authority to the Portfolio Holder with responsibility for Tatton Park, in consultation with the Director of Legal Services and the Chief Operating Officer, to authorise the implementation of those business cases providing that they do not have an individual value greater than £1m, as allowed for in the Constitution, such projects to be endorsed and managed in accordance with the Council's project management regime;
7. accepts that detailed business cases with a value greater than £1m be returned to Cabinet for further consideration in due course in accordance with the Constitution;
8. gives delegated authority to the Director of Legal Services (in consultation with the Chief Operating Officer) to undertake all necessary and consequential action arising from the above recommendations including but not limited to entering into any necessary legal documentation and partnership arrangements; and
9. gives delegated authority to the Head of Countryside, Culture and Visitor Economy, in consultation with the Portfolio Holder with responsibility for Tatton Park, to apply for and accept external funding including but not limited to Heritage Lottery Fund and other grants, donations and bequests in support of any of the proposals mentioned above.

9 PLAYING PITCH STRATEGY ASSESSMENT REPORT 2030

Cabinet considered the Playing Pitch Assessment Report 2030.

The Assessment Report had been prepared in line with Sport England guidelines. As the baseline supply and demand data had been collected over a period of time, it was recommended that the Strategy be updated in 2017.

RESOLVED

That Cabinet

1. endorses the draft Cheshire East Council Playing Pitch Strategy Assessment Report for consultation purposes;
2. gives the Chief Operating Officer delegated authority to finalise the Assessment Report and complete associated Actions Plans in consultation with the Portfolio holder;
3. agrees that the draft Assessment Report and Action Plans be published for public consultation;
4. agrees that the Chief Operating Officer in consultation with the Portfolio holder be given delegated authority to then finalise the Assessment Report and Action Plans, taking account of the representations received, prior to adoption by Cabinet of the completed strategy; and
5. agrees to undertake a refresh of the base data in 2017 in line with good practice as promoted by Sport England.

10 ERP REPLACEMENT PROGRAMME

Cabinet considered progress with the development of a business case for the future provision of the Council's core HR and Finance system. The report sought approval to initiate a competitive procurement exercise.

RESOLVED

That

1. the Programme Vision which has been developed in support of this programme of work be approved;
2. the positive opportunities which have been identified to date to deliver significant financial savings to this Council and Cheshire West and Chester Council through the implementation of a replacement HR and Finance system and processes be noted;

3. the request to initiate a joint procurement exercise for the purpose of refining and confirming the business case in advance of a formal decision to procure a replacement solution be approved;
4. a capital allocation of £0.387m be included in the 2016-17 capital programme for the costs to be incurred on the formal competitive procurement process and associated pre-implementation activities, to be funded from the existing approved 2016-17 capital project for an ERP replacement; and
5. authority be delegated to the Chief Operating Officer (Cheshire East Council), working alongside the Director of Professional Services (Cheshire West and Chester Council), to take appropriate decisions in relation to this programme of work and procurement exercise, ahead of the presentation of a final business case and a recommendation to Cabinet on a future procurement decision.

11 CHESHIRE EAST COUNCIL COMMUNITY EQUIPMENT SERVICE FRAMEWORK

Cabinet considered a report seeking authority for other local authorities to join the Council's Community Equipment Service Framework.

The community equipment service model, which provided fast access to high quality equipment, was vital to supporting independence. A new framework for adult equipment was about to be procured, as authorised by Cabinet of 3rd February 2015. A number of other local authorities had expressed an interest in purchasing from this innovative framework.

RESOLVED

That

1. Cabinet approves the principle that other Local Authorities and other bodies may join the Community Equipment Service Framework approved by Cabinet on 3rd February 2015;
2. authority be delegated to the Director of Adult Social Care to approve other local authorities and other bodies joining the framework subject to the total value of spend of this procurement exercise not exceeding £80 million over 4 years; and
3. the Council continue to quantify and report the efficiency benefits and value for money to the health and social care system of this framework.

12 PROCUREMENT OF STRATEGIC PARTNER TO DEVELOP MODULAR BUILD AND FUNDING FRAMEWORK AGREEMENTS FOR CHESHIRE EAST COUNCIL

Cabinet considered a report on the procurement of a strategic partner to develop modular build and funding framework agreements for Cheshire East Council.

Cheshire East Council was currently considering how to address current deliverability issues in providing both affordable and start-up homes within the Borough. As part of the process to address the lack of development, the Council was seeking to set up a framework for Modular Build and, to complement this, a possible funding framework which would capture the current funding opportunities that existed from third party sources.

RESOLVED

That

1. Cheshire East Council proceed with a suitable OJEU procurement, as detailed in Option 2 of the report, to enable the appointment of a strategic delivery partner to progress the development and delivery of a framework for Modular Build and Funding for Cheshire East Council, any of its subsidiaries and other local authorities to access;
2. once the appointment is made, approval be sought for the procurement partner to progress the development of Modular Construction and Funding frameworks for the Council and to make the Frameworks available to other contracting authorities, the procurement process to comply with the Public Contract Regulations 2015 (the Regulations);
3. Subject to this work being completed, a further report be presented which will scope out the Framework requirements for the Modular Build and Funding opportunities that will follow a separate procurement process;
4. authority be delegated to The Chief Operating Officer, in consultation with the Portfolio Holder for Finance and Assets and the Portfolio Holder for Corporate Policy and Legal Services, to undertake the procurement exercise and to identify and appoint a delivery partner; and
5. authority be delegated to the Director of Legal Services to enter into the necessary legal documentation to appoint a partner and all incidental legal agreements.

13 MANAGED PROVISION OF CONSULTANCY

Cabinet considered a report seeking approval to award a new contract for the provision of a Vendor Neutral Managed Service to source and provide consultancy services where appropriate over the next four years. The proposed contractor, NEPRO Limited, would act as a single point interface between Cheshire East Council and the supply base which would offer many benefits, including a reduction in overall spend.

RESOLVED

That Cabinet

1. approves the award of and entering into a call off contract under the framework agreement to NEPRO Ltd for a period of 3 years with an option to extend for 12 months (maximum period of 4 years); and
2. delegates authority to the Director of Legal Services to enter into the necessary legal documentation to appoint a partner and all incidental legal agreements.

The meeting commenced at 2.00 pm and concluded at 4.28 pm

Councillor Rachel Bailey (Chairman)