

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 14th March, 2017 at Committee Suite 1, 2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Brown (Chairman)

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

Members in Attendance

Councillors C Andrew, Rhoda Bailey, B Burkhill, S Corcoran, B Dooley, I Faseyi, R Fletcher, S Hogben, L Jeuda, D Mahon, N Mannion, B Moran, J Nicholas, S Pochin, J Saunders, A Stott, B Walmsley, L Wardlaw, M Warren and G Williams

Officers in Attendance

Mike Suarez, Kath O'Dwyer, Peter Bates, Bill Norman, Mark Palethorpe, Andrew Ross, Mark Wheelton and Paul Mountford

Apologies

Councillors Rachel Bailey, A Arnold and P Groves

The Chairman welcomed Councillor J Nicholas to his first meeting of the Cabinet following his recent election to the Council.

107 **DECLARATIONS OF INTEREST**

Councillor L Durham declared a non-pecuniary interest in Item 9 (Proposed Transfer of Former MMU Campus in Alsager) as she had been involved with the consideration of the related planning application as a member of the Strategic Planning Board. Councillor Durham took no part in the discussion or voting on the matter.

108 **PUBLIC SPEAKING TIME/OPEN SESSION**

Sue Helliwell asked if the Council would consider a trial using an effective waste management programme for dealing with dog fouling, matching unscooped waste to the canine offender through DNA.

In response, the Portfolio Holder for Communities and Health outlined the technical difficulties with DNA profiling. The Council was aware of the public concern over dog fouling and had run three successful Dog Watch campaigns in Cheshire East this year, involving the issuing of fixed penalty notices and information reminding dog owners of their responsibilities. The campaigns had been well received and there were plans to extend them to areas such as Alsager. The Council's Senior Community Enforcement Officer would welcome the chance to speak further with the questioner to

consider ways of working together utilising both the Community Enforcement Officers and Kingdom patrols to address the issues in Alsager.

Ben Wye asked how local cyclists would be effectively engaged in supporting the planning and engineering of the high quality infrastructure needed to realise, and exceed the CEC cycling strategy ambition, and whether cyclists would be part of the evaluation process before final plans were made.

The Chairman, as Portfolio Holder for Highways and Infrastructure, replied that the Council had engaged widely with local cyclists regarding the development of the cycling strategy and would continue to do so. In particular, the Council would organise a workshop following adoption of the strategy to provide advice and resources to local cycle groups, so that communities could develop local cycling delivery plans. A cycle audit process would also be established to review facilities for cyclists. Interested parties (including the cycling community), were encouraged to make comments as part of the consultation on future schemes.

Peter Hall of the South East Cheshire Cycling Action Group commented that with regard to the development of the cycle network and securing developer funding for the development of cycle infrastructure, the only Council Departments put forward as responsible partners were Cheshire East Highways/Strategic Infrastructure and Highways Development Control. He asked how, if only highways departments were to be involved and not planning or the local cycling communities, new developments could achieve meaningful cycling infrastructure.

The Chairman responded that the Highways Development Management Team was responsible for providing specialist recommendations to the Planning Case Officer regarding highways impacts and mitigation measures for new development. This advice encompassed all highways users, including cyclists. Responses from the Highways Development Management Team would be enhanced with the utilisation of the Cycling-Proofing Toolkit promoted through the Cycling Strategy and subsequent best practice workshops / training to ensure officer awareness and implementation. Interested parties (including the cycling community) could make comments regarding planning applications on a 'self-service' basis via the planning portal. Finally, the emerging Cheshire East 'Urban Design Guide' promoted the inclusion of cycling through good design thus encouraging active travel.

Councillor David Latham, Middlewich Town Council, asked why the Council, after receiving the past three year mean air quality test results for the A553 Lewin Street, Middlewich had not made this area an air quality management area. Councillor Jonathan Parry, Middlewich Town Council referred to a similar question which he had raised at the last Council meeting specifically relating to the test results outside the White Horse Public House in Lewin Street and the response given at the time that

the average NO2 level over the last 12 months was below 40. Referring to figures he had since obtained for the last three months and extrapolating them across a twelve month period, he commented that the average figure was closer to 47. He commented that this was a dangerous level and he asked that Lewin Street be designated an air quality management area.

The Portfolio Holder for Communities and Health replied that air quality figures were reported on a mean annual basis and that the last set of complete figures was for 2015. A complete set of figures for 2016 was not yet available. The 2016 data was about to be assessed and if it proved to be the case that the average figure was above 40, Lewin Street would be declared an air quality management area. The Chairman asked the Portfolio Holder to confirm the matter in writing.

Councillor Latham also asked the Council to explain how its new joint venture partnership with Staffordshire Moorlands to deliver waste collection and other environmental services would benefit the people of Middlewich and Sandbach when past released statements had indicated that ANSA intended to use its services, which were based in Middlewich, to support and benefit the new formed joint company. He felt that Middlewich and Sandbach would suffer through extra traffic and air pollution.

The Portfolio Holder for Regeneration replied that as a wholly-owned company of Cheshire East Council, Ansa had a public duty to deliver best value through collaboration. An opportunity had arisen for Ansa to collaborate and share the benefit of its expertise with neighbouring councils. Ansa proposed to develop a partnership arrangement with High Peak and Staffordshire Moorland Councils. Ansa would work collaboratively with High Peak and Staffordshire Moorlands delivering services within each authority from their facilities located in High Peak and Staffordshire Moorlands. The arrangement would be a stand-alone arrangement from Ansa's current activities within Cheshire East and would have no impact on Ansa's new facility in Middlewich and the surrounding community. The income generated from the new partnership would benefit the residents of Cheshire East.

Carol Bulman referred to the new funding formula for schools and asked the Portfolio Holder to give the exact amounts for Middlewich schools affected by the changes. She added that Cheshire East Council was set to receive the least nationally with regard to school funding. In these circumstances, she asked the Council to send a strong message to the Secretary of State for Education opposing the New Funding Formula and requesting fair funding for Cheshire East schools as such cuts could only lead to a lowering of the standard of educational provision for its children.

The Portfolio Holder for Children and Families replied that for 2017/18 additional funding had been provided to Cheshire East Schools where pupil numbers had increased. Figures quoted by the questioner in relation to local schools related to the impact of the schools national funding

formula which was currently subject to a national consultation process closing on the 22nd March 2017. They reflected the illustrative_school level figures that had been issued by the DfE based on 2016/17 base data for pupils and the proposed national funding formula as per the consultation. There would be transitional protection for schools to reduce the impact to - 1.5% per annum per pupil starting from 2018/19. Therefore, they were not the final figures but an estimate at this time if the proposed formula were to be adopted by the DfE. As such the figures had not been approved by the Council or Cabinet. The Council and many other local authorities, schools and interest groups were raising concerns over the impact of the proposals, and the Council had been active in meeting the Minister for Schools, MPs and the DfE to express its concerns. The most recent meeting had taken place on 7th March. All interest parties were encouraged to respond to the DfE consultation process.

Bob Norton, Chairman of Congleton Cycling Club, welcomed the Council's long term commitment to cycling as embodied in its cycling strategy and recognised that in some circumstances the segregation of cycles and vehicles was helpful. However, he felt that if cycling was to become a serious alternative transport mode and sustainable leisure activity, cycling on the road needed to be given more emphasis and in this respect he called on the Council to support schemes to improve road user behaviour and gave a number of examples. The Chairman thanked Mr Norton for his comments and asked him to leave a copy of his statement with the clerk.

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QUESTIONS TO CABINET MEMBERS

Councillor N Mannion referred to a recent incident in which a pack of hunting dogs ran through a suburb of Macclesfield, causing distress to local residents and a potentially dangerous traffic situation. In light of this incident, he asked if the Council would assure local residents that it would not allow hunting with dogs to take place on its land. The Chairman responded that the Council had a policy on hunting which would be reviewed and a report would be submitted to the next Cabinet meeting.

Councillor S Corcoran referred to a report to Cabinet last year which had indicated that the Council could accept up to 52 unaccompanied asylum-seeking children at a cost of £200,000. He asked if the offer had been communicated to the Government and if so, why it had not been taken up. The Chairman asked the Executive Director People to give a written response. The Portfolio Holder for Children and Families added that the Council had accepted 20 unaccompanied asylum seeking children to date.

Councillor R Fletcher referred to the fact that pedestrian crossings had not been provided for Sandbach Road North and Sandbach Road South, Alsager, despite the need for such crossings having been identified by the former County Council in 2007. He also asked for an update on the provision of a crossing on Crewe Road and the provision of a footway from Goss Place towards the centre of Alsager. The Chairman replied that the

matters would be investigated and a formal written response would be made following that investigation.

Councillor L Jeuda referred to a recent decision by the Government to restrict the number of Syrian refugee children coming to the UK on the basis that local authorities could not accommodate greater numbers. A number of authorities had indicated that they had not been consulted prior to the Government's decision and would have been willing to accept more refugees. Councillor Jeuda asked if Cheshire East had indicated that it was prepared to accept more refugees. The Chairman referred to the response to the earlier question on the matter by Councillor Corcoran and undertook to give a written reply.

Councillor J Nicholas, referring to Item 6 on the agenda relating to Available Walking Routes to Schools, asked for the study which showed that the installation of a crossing in Silk Road would make it a safe walking route to school when the only study available assessed the suitability of the location of the crossing but not the suitability of the walking route. He asked why the walking route assessment was being undertaken after £200,000 had been spent on the provision of a crossing over Silk Road. The Chairman replied that the designated available walking route was Middlewood Way and not Silk Road.

Councillor A Stott referred to the designation of Silk Road as a safe walking route to school and asked the Council to provide an assurance that the Middlewood Way would be undesignated as an available walking route. The Portfolio Holder for Children and Families reiterated that Middlewood Way remained the designated available walking route and that the crossing in Silk Road was being provided as a mitigation measure.

110 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 7th February 2017 be approved as a correct record.

In relation to Minute 95 concerning the Council's Corporate Plan and Medium Term Financial Strategy, the Portfolio Holder for Adult Care and Integration announced that in the light of the budget last week, the Council had been identified as a recipient of some of the £2bn that had been allocated nationally for adult social care, the Council receiving approximately £10.5M over the three year period, to be implemented through the Improved Better Care Fund. The Council was awaiting guidance from the Government on the conditions that would apply, including how the money could be spent. The Council had also become aware that with regard to business tax and the discretionary tax fund, there would be a national pot of £300M, but details of allocations were still awaited.

111 **AVAILABLE WALKING ROUTES TO SCHOOLS - PROGRESS UPDATE**

Cabinet received a progress update providing information on the actions taken to date to implement local infrastructure measures necessary to enable the Council to designate additional Available Walking Routes to Schools.

The update addressed the following motions discussed at Council on 23rd February 2017:

Council approved the amendment to Motion 1, "The Council requests that Cabinet defers implementation of its decision made on 18th October 2016 to withdraw free school transport from Bollington to Tytherington High School via the Middlewood Way, until a toucan crossing for pedestrians and cyclists has been installed and is operational, and its operational safety has been assessed and evaluated, adjacent to the roundabout on the A523 Silk Road, at the junction with the B5090".

Council approved the amendment to Motion 2, "The Council requests that Cabinet defers implementation of its decision made on 18th October 2016 to withdraw free school transport from Willaston to Malbank School and Brine Leas School until such time as Network Rail have provided an assessment as to whether they consider the London Road level crossing to be safe for pedestrians to use, and this Council has accepted the assessment, in the light of the fact that there is potential for an additional 64 pupils to walk that route.

The update summarised how these matters had been addressed within the implementation programme.

A letter from the Executive Director Place to Network Rail was circulated at the meeting which asked Network Rail to update its risk assessment on the suitability of the Automatic Half Barrier Crossing in London Road, Nantwich, and requested a timeline for related mitigation measures.

112 **NOTICE OF MOTION - SPACE FOR CYCLING**

Cabinet considered the following motion which had been moved by councillor S Corcoran and seconded by Councillor H Murray at the Council meeting on 15th December 2016 and referred to Cabinet for consideration:

"This Council supports the Space for Cycling process promoted by Cycling UK and commits to providing the funding to implement its cycling policy effectively."

Councillor S Corcoran attended the meeting and spoke in support of the motion.

RESOLVED

That the motion be supported, it being noted that the aims of the 'Space for Cycling' campaign are consistent with the objectives of the new Cheshire East Council Cycling Strategy, which is being presented to Cabinet today for adoption.

113 CYCLING STRATEGY FOR CHESHIRE EAST

Cabinet considered a report on Cheshire East Council's Cycling Strategy.

The strategy set out the vision for cycling within the Borough and provided a strategic framework that could shape policy, planning and design decisions.

RESOLVED

That

1. the vision and objectives set out in the Cycling Strategy (Appendix 1 to the report) be approved and adopted as a part of the Council's transport strategy framework; and
2. the Executive Director of Place be authorised, in consultation with the Portfolio Holder for Highways and Infrastructure, to finalise the Executive Summary of the strategy as a shortened public facing document (Appendix 2).

114 TRANSFER OF FORMER MANCHESTER METROPOLITAN UNIVERSITY (MMU) CAMPUS IN ALSAGER WITH ASSOCIATED SPORTING FACILITIES

Cabinet considered a report on the transfer of the former Manchester Metropolitan University Campus in Alsager.

The report sought approval for Cheshire East Council to accept the freehold transfer of the land shown edged in red on the plan attached to the report from David Wilson Homes and to complete a modification of contract and a back-to-back lease of the property to Everybody Sport & Recreation Ltd (ESAR). The site would be redeveloped to provide 407 new homes and sports and leisure facilities. The proposal also included a financial contribution to extend the existing facilities at the Council's nearby Alsager Leisure Centre. Further details were set out in the report.

RESOLVED

That Cabinet

1. approves the freehold transfer of the Property from David Wilson Homes to the Council and the simultaneous lease of the Property from the Council to ESAR on terms to be agreed by the Assets Manager;
2. authorises the Asset Manager to provide Sport England with written confirmation that the Council will accept a transfer of the Property for the purposes of providing public open space and leisure facilities required as a result of DWH's planning application;
3. notes that such facilities will be built on site by David Wilson Homes and approved by the Council prior to transfer of the Property;
4. agrees that the lease of the Property to ESAR will be conditional on a modification of the operating contract for the remainder of the existing term (currently a ten year lease from 2014 with an option for a further 5 years) during which period ESAR will run the facilities on the Council's behalf; and
5. authorises the Director of Legal Services to enter into all legal documentation required to effect the transfer and the lease of the Property, including any licence agreements or deeds of covenant which may be required and to complete any variation/modification to the ESAR contract which may be required.

115 **REASSURANCE PROJECT**

Cabinet considered a report on the outcome of work to provide assurance that the wellbeing of staff was aligned to best practice and organisational values. The project had confirmed that the wellbeing of staff was aligned to best practice and values and it had increased confidence that appropriate HR processes were in place for staff to speak out on matters of concern.

The Staffing Committee had recommended that Cabinet endorse the outcome of the project.

RESOLVED

That the outcome of the Reassurance Project be endorsed.

116 **CONNECTING COMMUNITIES - CONNECTED TO SERVICES -
INITIAL OUTCOMES OF DELIVERING DIFFERENTLY IN
MACCLESFIELD**

Cabinet considered a report on some of the work done to connect services to communities, which was one of the key themes of the Connecting Communities Strategy.

The Council had been part of a Government pilot called 'Delivering Differently in Neighbourhoods' which had been assessing how communities could become more engaged in service delivery and policy

and how this could influence priority and budget setting. The pilot had been operated in Macclesfield and details were set out in the report.

The Chairman announced that following the closure of the Cabinet meeting, a short film would be presented on Delivering Differently.

RESOLVED

That Cabinet

1. welcomes the excellent progress made to date in 'Delivering Differently in Macclesfield';
2. agrees that this is the blueprint for the future model of delivery of connecting communities to services in the future and looks forward to receiving a report in September 2017 that sets out the work that has been undertaken to make this a reality across Cheshire East;
3. recognises and gives thanks for the significant contribution that local community organisations and ward members in Macclesfield have made in making this such a success and continues to support this initiative;
4. recognises that Cheshire East-commissioned services and resident-led initiatives should, where possible, be directed to deliver from Connected Community Centres based on local need;
5. notes the continued relationship with DCLG as they continue to monitor the progress of this work and regard it as a leading example of innovative community development; and
6. agrees to promote the success of this at a national level to share best practice and influence Central Government policy setting.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor D Brown (Chairman)