

DECISION NOTICE

Notice is given that the following decisions have been taken under the Provisions set out in the Council's Constitution

Decision maker: Portfolio Holder Regeneration

Date: 23 January 2017

Decision in the matter of: **Novation of the Fairer Power Contract**

- Decision:**
1. To approve that the Director of Legal Services, in consultation with the Portfolio Holder for Finance and Assets and the Portfolio Holder for Regeneration, enter in to an appropriate legal agreements to novate the Fairerpower contract to the Skills & Growth Company, including (as a condition precedent) a Parent Company Guarantee whereby the Council will guarantee the performance of Skills & Growth under the Partnership Agreement post-novation.
 2. That the Director of Legal Services make changes to the Skills & Growth Company contract and management of the scheme to reflect the novation of the Fairerpower contract.
 3. That it be noted the Skills and Growth Company will brief through the Fairerpower Tariff Board on any future contractual matters so that the Council is fully sighted on them and reviewed periodically.

Background: Cheshire East Council launched the Fairerpower Energy offering in March 2015 to supply energy primarily to the residents of Cheshire East, but also across the North West and Midlands. The scheme has been successful in its original remit of offering a challenge to the big 6 energy suppliers to increase competition and with enabling access to cheaper energy deals.

The Skills & Growth Company was established after Fairerpower was established, therefore transferring its management to the Skills & Growth Company was not an option at that time. Now that the wholly owned company is established the Fairerpower contract with OVO is better placed within this vehicle for trading and management purposes. Trading via an ASDV is a more appropriate vehicle than a local authority that has limited scope to develop the brand due to restrictions. The Skills & Growth Company will carry on with the initial

vision aims and objectives. The contract with OVO will run until December 2019.

The Skills & Growth Company has more freedoms and flexibilities to trade than the local authority and therefore is a better location for the Fairerpower contract. The Skills & Growth Company has the ability to trade within Teckal exemptions, and given its current management responsibility (as the Council's Agent) of the Fairerpower contract with OVO, it is recommended that the contract is novated to the Skills & Growth Company.

Background Documents: The background papers relating to this report can be inspected by contacting the report writer.

Approved: Councillor Don Stockton (Portfolio Holder Regeneration)

Countersigned by Councillor Peter Groves (Portfolio Holder Finance and Assets)

Date: 23 January 2017

Advising Officer: Julian Cobley (Managing Director Skills and Growth)

Decision in the matter of:

Lease of Land to Anson Museum, London Road, Poynton

Decision:

1. In accordance with section 123(2A), of the Local Government Act 1972 to advertise Cheshire East Council's intentions to dispose of public open space by way of thirty year lease.
2. To approve the grant to the Trustees of Anson Museum of a 30 year FRI lease on terms and conditions to be agreed in consultation with the Assets Manager and the Director of Legal Services and subject to consideration of any responses received in respect of the Public Open Space Advertisement.

Background: Anson Museum approached Cheshire East Council requesting a lease in respect of land adjacent to the Anson Road to use as overspill parking, picnic area and ancillary storage.

The granting of a 30 year lease will provide the Museum with sufficient security of tenure to allow them to apply for heritage grants, or any other grants, that may become available and be beneficial to it. The Museum is a registered charity and does not receive government or public funding towards its running costs and the work is carried out and funded by volunteers and friends of the Museum.

The Museum is recognised as one of the Country's leading specialist museums and has a unique collection of over 250 gas and oil and steam engines, many in running order, and visited by enthusiasts from around the world.

The proposal to use the land for picnic and recreational uses will also be beneficial to the wellbeing of the residents of Poynton and Cheshire East.

Background Documents: The background papers relating to this report can be inspected by contacting the report writer.

Approved: Councillor Don Stockton (Portfolio Holder Regeneration)

Date: 23 January 2017

Advising Officer: Adrian Williams (Senior Surveyor)

Decision in the matter of:

Land Adjacent to Anson Engine Museum, Poynton

- Decision:**
1. That the Portfolio Holder for Regeneration approves the transfer of Land adjacent to Anson Engine Museum, Anson Road, Poynton, Cheshire East SK12 1TD (shown edged red on the plan attached to the report) by way of a lease of up to 30 years for a peppercorn to Poynton Town Council on terms and conditions to be determined by the Asset Manager in consultation with the Director of Legal Services.
 2. That the Land adjacent to Anson Engine Museum, Anson Road, Poynton, Cheshire East SK12 1TD (shown edged red on the plan attached to the report) ('the Land') be advertised as a disposal of public open space.
 3. That the Portfolio Holder for Regeneration be given delegated authority to determine whether to transfer the Land by way of a lease of up to 30 years to Poynton Town Council following the statutory process and due consideration of the responses to the open space advertisements.
 4. The Portfolio Holder for Regeneration notes that any leasehold transfer of the Land shall be on the terms stated in the Report, or such other terms as the Portfolio Holder for Regeneration shall determine in consultation with the Assets Manager and the Director of Legal Services.
 5. The Portfolio Holder for Regeneration authorises the Director of Legal Services to approve all legal documentation and proceed to practical completion of the lease and any other legal documentation.

Background: Poynton Town Council have approached the Council to transfer the Land adjacent to Anson Engine Museum, Anson Road, Poynton, Cheshire East SK12 1TD and this is agreed by way of a 30 year

lease. The request is to enable Poynton Town Council to use the site for storage purposes for the Town Councils property and sundry items which is for the benefit of the Poynton and its residents.

The land is owned freehold by Cheshire East Borough Council and falls within the vacant land known as Land and Civic Amenity Site, Anson Road, Poynton. The extent of the land to be leased by Poynton Town Council is shown outlined in red on the plan attached to the report. The Asset Management Service has confirmed that the land is surplus to operational requirements and it supports the lease proposal.

Poynton Town Council have confirmed that it has no intention of this land being used for any other purpose than for the proposed use and the intention is that it will be protected for this use within the lease.

Background Documents: The background papers relating to this report can be inspected by contacting the report writer.

Approved: Councillor Don Stockton(Portfolio Holder Regeneration)

Date: 23 January 2017

Advising Officer: Joanne Jones (Property Services Manager)

Decision in the matter of:

Lease of the Rectory Stables, Wilmslow

- Decision:**
1. That the Portfolio Holder for Regeneration approves the offer from Lyme Design and Build Limited (LD&B Ltd) Marsland Street Industrial Centre, Hazel Grove, Stockport, SK7 4ER on terms and conditions to be determined by the Asset Manager in consultation with the Director of Legal Services.
 2. That the Director of Legal Services be authorised to approve all legal documentation and proceed to practical completion of the lease and any other legal documentation.

Background: The purpose of the report is to seek approval to enter into a 10 year lease with Lyme Design and Build Limited (LD&B Ltd) for the Stable Block at Wilmslow Leisure Centre, Alderley Road, Wilmslow.

The property has been vacant for a number of years and is in need of substantial renovation. Offers have been sought from interested parties to use the land on the basis of a 10 year lease. The lease is to include a restricted user clause, will be contracted out of the security provisions (Section 24-28) of the Landlord and Tenant Act 1954 and the Council will insist on a sufficient mutually agreeable break clause in the proposed lease agreement.

LD&B Ltd propose to use the site for an office and storage (B1 use) for residential home improvements, new builds & expansions; it is proposing to improve and enhance the property and therefore the Council will receive the benefit of a much improved asset and realise any uplift in value or beneficial use which may be available at a later date. They will be responsible for obtaining planning permission for the proposed improvement works and for a change of use (if required).

Letting the property will generate an annual income and relieve the Council of its obligations in terms of future holding costs (throughout the duration of the lease).

Background Documents: The background papers relating to this report can be inspected by contacting the report writer.

Approved: Councillor Don Stockton(Portfolio Holder Regeneration)

Date: 23 January 2017

Advising Officer: Joanne Jones (Property Services Manager)

Decision in the matter of:

Lyme View Allotments, Sutton, Macclesfield

- Decision:**
1. That approval be given to a 125 year lease of the above allotment to Sutton Parish Council for a nominal value, on the terms stated and any other terms to be agreed by the Assets Manager in consultation with the Director of Legal Services.
 2. That the Director of Legal Services be authorized to approve all legal documentation and proceed to practical completion of the lease and any other legal documentation.

Background: On 5 September 2011 it was decided by the Cabinet that a number of properties should be transferred to the Town or Parish Council for the area in which the properties are located as a first phase of the Local Service Delivery -Transfer and Devolutions to Town and Parish Councils process. This land was not on either of the Appendix A or Appendix B property lists approved for transfer in that Cabinet decision.

Sutton Parish Council have approached Cheshire East Council to see if it will dispose of the land in question as part of the Local Service Delivery -Transfer and Devolutions to Town and Parish Councils process which falls in line with the agreed policy for the transfer of assets and devolution of services. This will enable the Parish Council to enhance the existing allotment facility at Lyme Green, Sutton. Cheshire East Council is committed to delivering services tailored to

its individual communities and has a borough wider ambition to create a network that services the local needs of residents by the people who understand their communities best.

In some cases this means moving more to local ownership (which is inline with the original transfer policy) so that the asset can be better utilised and managed for the good of the community; agreeing to this request will enable that to take place.

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| Background Documents: | The background papers relating to this report can be inspected by contacting the report writer. |
| Approved: | Councillor Don Stockton (Portfolio Holder Regeneration) |
| Date: | 23 January 2017 |
| Advising Officer: | Joanne Jones (Property Services Manager) |