

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Cabinet

held on Tuesday, 10th October, 2017 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Rachel Bailey (Chairman)
Councillor D Brown (Vice-Chairman) (for the first part of the meeting only)

Councillors A Arnold, P Bates, J Clowes, J P Findlow, P Groves, D Stockton,
G Hayes and L Wardlaw

Members in Attendance

Councillors D Bailey, Rhoda Bailey, E Brooks, S Corcoran, T Dean, L Durham,
S Edgar, R Fletcher, D Flude, S Gardiner, M Grant, S Hogben, L Jeuda,
D Mahon, R Menlove, B Moran, B Walmsley and G Williams

Officers in Attendance

Kath O'Dwyer, Frank Jordan, Peter Bates, Mark Palethorpe, Dan Dickinson,
Jan Willis and Paul Mountford

The Leader announced that with immediate effect Councillor David Brown was to stand aside from his duties as Deputy Leader of the Council and as a member of the Cabinet for the duration of the investigation into the granting of funds to Berkeley Academy. The role of Deputy Leader included covering the responsibilities of the Leader in her absence. This could well include matters relating to the highways and infrastructure portfolio, which would place Cllr Brown in an untenable position, Councillor Brown having already stood aside from his portfolio responsibilities. Councillor Brown made a brief statement on the matter following which he vacated his seat on the Cabinet. At the Leader's invitation, Group leaders and spokesmen made a brief comment in response to the announcement. The Leader indicated that she intended to make an announcement at Council on 19th October with regard to interim measures.

The Portfolio Holder for Housing and Planning announced that the Secretary of State for Communities and Local Government had dismissed a planning appeal by developers in relation to proposals to build up to 900 new homes on the former Gorstey Hill Golf Course near Crewe. The Secretary of State had supported the Council's decision to refuse the application. In his decision, the Secretary of State had given significant weight to the policies of the Council's recently adopted Local Plan and had indicated that by adopting the Local Plan the Council had been able to demonstrate a five year housing land supply.

52 DECLARATIONS OF INTEREST

The Leader indicated that she was conscious that in relation to agenda item 16 – the sale of land at Longridge, Knutsford – that some Cabinet members had visited the site in question and/or had received several letters on the matter. She believed that all Cabinet members had kept an open mind on the matter.

53 PART 2 PRIVATE AGENDA - TO RESPOND TO ANY REPRESENTATIONS RECEIVED

The Council had received the following representations from Debbie Jamison, Knutsford Residents in Over Ward (KROW), objecting to the appendix to a report on the sale of land at Longridge being considered in Part 2:

“I have now seen the revised text in the forward plan notice on the website, indicating partial exemption.

I would like to confirm that I am still maintaining an objection that I wish you to communicate to the Leader Cllr Bailey and Acting Chief Executive Kath O Dwyer.

1. It would appear that the Local authority is in part protecting itself and this is a conditional sale which implies that the Council will benefit assuming it grants planning permission.
Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).
2. The decision requested still asks Cabinet to approve an outcome before a public consultation has been concluded and the results communicated to them. As this is part of a process, which if conducted incorrectly could lead to scrutiny by a Government minister, and threatens to override public interest, then I am sure that the Leader and cabinet would prefer that the matter is progressed in two stages - if at all!. I ask that the cabinet be requested only to consider the potential disposal of public open space, with all relevant information discussed to understand the circumstances of the request being made AND the potential risks to the Council reputation if it proceeds without emphatically exhausting all other options, and/or following due process.

When this decision was first put to Cabinet informally, it is clear that they were not made aware of all the facts which have come to light since. Or perhaps they were - hence the attempt to push through with a full exemption.”

The Portfolio Holder for Corporate Policy and Legal Services read out the Cabinet's response to the representations as follows:

1. The exempt information contained within the appendix to the Cabinet Report relates to financial matters and information relating to legal professional privilege in respect of the proposed disposal of Council owned land. The report does not consider the planning merits of the future use of the land concerned.
2. The exempt information does not relate to proposed development of land by the Council nor the Council granting planning permission to itself.
3. The determination of planning applications is a non-Executive function of the Council is not determined by Cabinet.
4. The Council is required to follow a statutory process prior to the proposed disposal of public open space and this is set out in the Cabinet report.
5. The Council is satisfied that the information falls within paragraph 3 & 5 of the exempt information categories contained within paragraph 10.4 of the access to information procedure rules in the council's constitution and contains information relating to the financial or business affairs of any particular person and in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. The public interest in maintaining the exemption outweighs the public interest in disclosing the information.

54 PUBLIC SPEAKING TIME/OPEN SESSION

Councillor Neil Forbes, the Mayor of Knutsford, expressed the Town Council's strong objection to the proposed sale of public open space at Longridge, Knutsford. He referred to a letter sent to the Council by the Town Council objecting formally to the proposal but also suggesting a way to resolve an issue with regard to historic covenants on the grass verge which prevented it being used to provide access to the site.

Debbie Jamison, representing Knutsford Residents in Over Ward (KROW) also objected to the sale of public open space at Longridge, Knutsford and presented a petition containing 230 signatures of members of the public calling on the Council to remove any sale proposal for the land shown edged blue (public open space) in the report before members. She added that the fact that the Cabinet had not heard the public's view on the proposal was reason enough to defer a decision at today's meeting to enable officers to work with local stakeholders in arriving at a solution which protects and enhances the provision of open space.

Jeff Gazzard, the Chairman of KROW was as concerned with the process as with the possible impact of the proposal for the land at Longridge. He suggested that it would have been helpful to have included the original plan for the development in the report so that members could see what had originally been proposed. This had included a number of accesses to the site to comply with planning rules.

55 QUESTIONS TO CABINET MEMBERS

Councillor T Dean commented in relation to the proposed Longridge development that the original plan had shown four accesses onto the site and that the landowner had not had regard to the restrictive covenants over the grass verge. The late realisation of this error had led to a badly-conceived plan to sell off highly valued public open space to provide one access road to the site. He added that a non-practising solicitor working for Knutsford Town Council had obtained a copy of the covenant in relation to the grass verge land and had identified the beneficiaries. The Town Council had offered to approach the beneficiaries with a view to releasing the covenant and that offer still stood. He therefore suggested that a decision on the site be deferred for a few weeks or months to allow the relevant parties to take action to overturn the covenant to enable a return to the original access plan.

Councillor S Corcoran asked which Cabinet member(s) had been responsible for the finance function in April and May 2015. The Leader responded that if Councillor Corcoran was unable to access the information from the Council's website, a written answer could be provided.

Councillor R Fletcher referred to a decision taken by Council in February to reduce the bus service budget by £1.6M and to subsequent proposals approved by Cabinet in relation to bus service reductions. The Leader responded that no decisions had been taken in relation to bus services. A review of bus services had been undertaken to ensure that where public money was being provided to support services, those routes were being used. The review had been the subject of a public consultation process. Any proposals arising from the review and the outcome of the consultation process would be submitted to Cabinet in due course for consideration. The Portfolio Holder for Finance and Communities concurred with the Leader's comments.

Councillor D Flude referred to the new Council publication called 'The Voice' which was costing £129,000 to produce. She asked why there had been no cross-party involvement with the development of the publication and questioned its purpose. She also asked if advertising would be used to help pay for the publication, which could have an impact on local newspapers. Finally, she felt that the money could have been used more effectively on front line services. The Portfolio Holder for Democratic and Public Engagement, Assurance and ICT responded that the matter had been considered by the Corporate Overview and Scrutiny Committee.

Advertising would be considered as an option for reducing the unit cost of the publication. The magazine would enable the Council to provide much more information for residents on Council services than was currently available from other publications such as local newspapers.

Councillor L Jeuda referred to Macclesfield Community Transport which would cease operating at the end of November owing to a lack of funding. People from many parts of the north of the Borough used the service for hospital and GP appointments, including, until quite recently, visits to the Mayfield day centre. The cost of taking a taxi to the Mayfield centre was prohibitively expensive. Councillor Jeuda asked if the Council had any plans to support the service in the future. The Leader undertook to provide a written answer.

56 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 12th September 2017 be approved as a correct record.

57 NOTICE OF MOTION - ALCOHOL ADVERTISING

Cabinet considered the following motion which had been moved by Councillor S Corcoran and seconded by Councillor D Flude at the Council meeting on 27th July 2017 and referred to Cabinet for consideration:

“This Council notes that:

- *alcohol can be enjoyed in a responsible way by adults;*
- *alcohol can cause serious and fatal diseases, including several types of cancers;*
- *the UK Chief Medical Officers’ Alcohol Guidelines advise both men and women that it is safest not to drink regularly more than 14 units per week;*
- *alcohol can only be legally purchased by adults over 18 years old;*
- *advertising of alcohol is designed to make products more appealing and in turn can appeal to children and young people;*
- *there is strong evidence of public support for a 9pm watershed for alcohol advertising on TV (the recent Healthier Futures/Alcohol Health Alliance public opinion survey found 73% support in Greater Manchester for a 9pm watershed for alcohol adverts on TV and the recent public engagement campaign ‘See What Sam Sees’ by Healthier Futures, talked with over 200 people across Greater Manchester and received overwhelming support for a 9pm watershed from the Greater Manchester public);*
- *in January 2012 the Health & Wellbeing Scrutiny Committee considered a report on alcohol and noted that Cheshire East Council had recently signed up to the NHS North West “Pledge*

to young people” to reduce the harm caused to children and young people by alcohol.

This Council acknowledges its share of responsibility to try to ensure good public health in the population and resolves to

Request the Leader of the Council to write the Secretary of State for Digital, Culture, Media and Sport expressing these views and asking her to bring forward legislation to introduce a 9pm watershed for the advertising of alcohol products on TV to protect children and young people from the influence of alcohol advertising.”

Councillors Corcoran and Flude attended the meeting and spoke in support of the motion.

Whilst Cabinet felt that the motion was to be supported it covered only one aspect of the ongoing challenge of reducing levels of alcohol consumption. Consequently there was an opportunity to re-emphasise the Council's support for the Cheshire and Merseyside Local Authorities' lobbying for the introduction of Minimum Unit Pricing and the reducing alcohol harm element of the early Intervention and Prevention work-stream of the Cheshire and Merseyside Sustainability and Transformation Partnership.

RESOLVED

That Cabinet supports the motion stated above but in addition notes and supports:

- (a) That the Alcohol Harm Reduction Plan recently adopted by the Health and Wellbeing Board (of which the Council is a key partner) includes a focus on children and young people and reducing their levels of alcohol consumption. Exposure to marketing and accessibility of alcohol are two key factors that influence the drinking behaviours of young people.
- (b) That the Council remains committed to supporting calls for a minimum unit price for alcohol to be introduced and will work with other Councils in Cheshire and Merseyside to lobby Government in relation to this.
- (c) That the Council endorses the work-stream to reduce alcohol consumption through a range of early intervention and prevention activity across the health and care system, that forms part of the Cheshire and Merseyside Sustainability and Transformation Partnership's priorities.

58 NOTICE OF MOTION - SCHOOLS EDUCATION FUNDING

Cabinet considered the following motion which had been moved by Councillor L Durham and seconded by Councillor D Flude at the Council meeting on 27th July 2017 and referred to Cabinet for consideration:

“This Council notes:

- *that in March 2016 the Government announced a review and consultation(s) on school funding reform;*
- *that the average per-pupil school funding received from the Government varies considerably;*
- *the Institute for Fiscal Studies report of December 2016 indicated that schools were predicted to see cost increases of around 8% by 2019/20;*
- *schools in England are facing the first real-terms cuts to their funding in a generation;*
- *that schools in England are already facing significant additional costs which the Government does not intend to pay for, including the removal of the Education Support Grant later this year;*
- *that there is subsequently the need to move toward a more transparent system of Schools funding allocation.*

This Council believes that:

- *investment in education is investment in the future of our nation;*
- *investment in education is essential to provide all our young people with the chance to succeed;*
- *the formula proposals presented in the National Fairer Funding Formula (NFFF) Stage 2 Consultation fall short of what was expected, lock in historical inequalities and will not deliver fairness as promised;*
- *the national Government should make funds available for national Government policy initiatives in schools;*
- *the basic level of funding allocated to all schools must be adequate for the school for both operational costs and the sufficient provision of staffing;*
- *additional needs funding should be, as the name suggests, additional- and therefore should be targeted at Additional Education Needs (AEN) factors, and not come at the expense of the basic entitlement funding which is imperative to achieving a fair, balanced and equitable funding formula;*
- *schools funding should follow a formula which combines need-based assessment with lump sum funding per pupil, to ensure all schools can function with appropriate pupil-teacher ratios and meet a defined set of costs- this should be provided in accordance with 75% pupil funding and additional needs factors of 14% (deprivation 8%, prior attainment 5% and EAL 1%);*

- *pupils of similar characteristics should attract similar levels of funding wherever they are in the country (allowing for the area cost adjustment);*
- *while the Stage 2 consultation is about finding a fair funding methodology and not about the quantum of funding available, Stockport schools have been making cuts for many years now and have reached the limit of where further cuts can be identified;*
- *the outcome of the fair funding for school's consultation should be fair.*

This Council further resolves to ask the Leader of the Council to write to the Secretary of State for Education asking them to:

- *ensure the budget for Schools is kept in line with inflation from the year 2015;*
- *ensure the Government's policy commitments to the apprenticeship levy, national living wage and pension contributions in schools are fully funded by national Government;*
- *commission a comprehensive review of education funding covering ages 0-19;*
- *publish the methodology used to calculate the costs of running a school."*

Councillors Durham and Flude attended the meeting and spoke in support of the motion.

The report set out the background to the matter including details of previous representations made by the Council and an announcement on school funding made by the Secretary of State in September 2017, the implications of which were under consideration.

RESOLVED

That

1. the Cabinet thanks Councillor L Durham and Councillor D Flude for proposing and seconding the motion and acknowledges the importance of ensuring a fair school funding settlement across Cheshire East;
2. it is noted that the Leader of the Council has already sent two letters to the Minister for Education relating to school funding; and
3. following a full analysis of the information published in September 2017 and a conversation with the schools sector, a decision be taken by the Portfolio Holder for Children and Families on the need for a further letter to the Secretary of State.

59 SAFER PARKING FOR COMMUNITIES AROUND SCHOOLS

Cabinet considered a formal response to the findings and recommendations of the Task and Finish Group on Safer Parking for Communities around Schools.

The policy changes proposed by the Group were welcomed. The Council was in the process of refreshing its Local Transport Plan and it was felt that these policies should be considered as part of that work in consultation with the Task and Finish Group. The responses to the Group's recommendations were set out in full in Section 3 of the report.

RESOLVED

That Cabinet

1. thanks the Task and Finish Group for their work in reviewing Safer Parking for Communities around Schools;
2. endorses the formal responses, detailed in Section 3 of the report, to the Corporate Overview and Scrutiny Committee recommendations; and
3. authorises the Executive Director of Place in consultation with the Portfolio Holder for Finance and Communities, the Portfolio Holder for Children and Families and the Director of Finance and Procurement to allocate resources and funding from the 2018/19 Local Transport Plan budget to support a Safer Routes to Schools programme and review this for subsequent years.

60 EDUCATION TRAVEL POLICY

Cabinet considered a report seeking approval to consult on Education Travel Policy.

A review of the existing transport policy had been undertaken to ensure that the Council provided transport in accordance with its statutory duties. This would result in savings which would contribute to the proposals approved within the medium term financial plan. Consultation would be undertaken to determine where there was a business case to support discretionary travel.

RESOLVED

That Cabinet approves

1. the formal consultation in line with the timeline at Appendix 1 to the report regarding:
 - compulsory school aged policy and
 - post 16 policy

2. the subsequent consultation on Post 16 Travel Policy following engagement with Post 16 providers in line with Appendix 2.

61 SUPPORT FOR SYRIAN REFUGEES AND ASYLUM SEEKERS

Cabinet considered an update report on the three programmes under support for Syrian Refugees and Asylum Seekers which were:

- Syrian Vulnerable Person Resettlement
- Unaccompanied Asylum Seeking Children
- Asylum Seeker Dispersal

The report asked Cabinet to agree the next steps in the Asylum Seeker Dispersal programme.

The Portfolio Holder for Finance and Communities placed on record his thanks to the Voluntary and Faith Sectors for the contribution they had made.

RESOLVED

That Cabinet

1. delegates to the Executive Director of People in conjunction with the Executive Director of Place the authority to work both sub-regionally and with the Home Office to consider further this Council's delivery of the Asylum Seeker Dispersal programme, accounting for the experience and learning from the delivery of Syrian Vulnerable People Resettlement and Unaccompanied Asylum Seeking Children programmes;
2. agrees a commencement date with the Home Office, preferably January 2018, for the initial delivery of 15-20 properties over a three year period under the Asylum Seeker Dispersal programme, building in an initial review of learning once the programme commences (an agreed phased implementation plan); and
3. the portfolio holders for Finance and Communities, Children and Families and Housing and Planning received reports on programme delivery updates following programme commencement, along with Unaccompanied Asylum Seeking Children and Syrian Vulnerable Person Resettlement updates.

62 CREWE HUB CONSULTATION - CHESHIRE EAST RESPONSE

Cabinet considered a report on the Council's response to the Government's consultation on options for the Crewe Hub.

On the 17th July 2017 the Government had launched a consultation document “Crewe Hub Consultation – Moving Britain Ahead” which set out three scenarios for a Crewe Hub Station:

- Scenario 1 – Crewe Hub route serving Stoke-on-Trent (through splitting and joining one train per hour)
- Scenario 2 – Crewe Hub route serving Stoke-on-Trent and upgrading capacity (through splitting and joining two trains per hour)
- Scenario 3 – Crewe Hub with a new northern junction (which is in addition to Scenario 2) and allowing for high speed services to Manchester and Birmingham.

The report sought Cabinet approval of the Council’s response to the consultation included in Appendix 1.

Cabinet welcomed the Crewe Hub consultation and the inclusion of the option for a northern junction in Scenario 3 providing the infrastructure needed to allow Crewe to have direct HS2 services to Manchester and Birmingham as well as London. It was felt that only Scenario 3 was capable of delivering the transformational growth ambitions of the Crewe Masterplan and Growth Strategy for the Constellation Partnership area.

The Environment and Regeneration Overview and Scrutiny Committee had considered the report at its meeting on 19th September 2017. The Committee had supported the proposed response and had highlighted the following points:

- That only the third Train Service Scenario, providing a rail hub capable of serving 7 stopping HS2 trains per hour would provide the required infrastructure.
- That freight services need to be considered as additional capacity is required.
- That MPs should be lobbied to ensure that they are fully supportive of the proposals.
- That any proposals should not result in a reduced classic rail service.

RESOLVED

That the proposed consultation response on the Crewe Hub options as set out in Appendix 1 to the report be approved.

63 ROYAL LONDON DEVELOPMENT FRAMEWORK

Cabinet considered a report on a revised Royal London Development Framework to help guide future planning applications for development within the site.

As a result of comments received during the public consultation process, a number of changes had been made to the development framework.

Councillor R Menlove, as a local ward member for Wilmslow, asked if the framework gave approval to something that was not yet the subject of a planning application. The Portfolio Holder for Housing and Planning responded that the framework was for guidance only. He undertook to confirm this to Councillor Menlove in writing.

RESOLVED

That Cabinet endorses the revised Royal London Development Framework to help guide future planning applications for development within the site.

64 EVERYBODY SPORT & RECREATION ANNUAL PERFORMANCE REPORT 2016 - 17

Cabinet considered the Annual Performance Report from “Everybody Sport & Recreation” for the financial year 2016-17 in respect of the delivery of a leisure service on behalf of the Council.

The Annual Report demonstrated the successes that had been achieved by the Trust within in its third year of trading. The Chairman of the Trust, Councillor Andrew Kolker, and its Chief Executive Officer, Peter Hartwell, attended the meeting to present the report and answer questions.

RESOLVED

That Cabinet notes the progress made by the Trust in its third year of trading as an independent Charitable Trust, including the performance information provided in the Annual Report to ensure that the maximum benefits and required outcomes for the residents of Cheshire East are being achieved.

65 APPRENTICESHIP LEVY PROCUREMENT FRAMEWORK

Cabinet considered an update on the way forward for the procurement of apprenticeship training provision across the Council, ASDVs and maintained schools.

The proposal was to develop a preferred supplier list in partnership with Stockport Metropolitan Borough Council and potentially Cheshire West and Chester Borough Council. This was considered to be an effective and efficient method for the procurement of training providers and would benefit from economies of scale, the sharing of the administrative burden and an opportunity to develop cohorts of apprentices across the three local authorities that would benefit from an improved learning experience at a reduced cost.

RESOLVED

That Cabinet

1. approves the development of a preferred supplier list, in partnership with Stockport Metropolitan Borough Council and potentially Cheshire West and Chester Borough Council (subject to Cheshire West and Chester Borough Council internal approval being sought), for the delivery of apprenticeship levy funded training across the three Councils, any ASDVs and maintained schools via a formal OJEU tendering process, the intention being that Cheshire East Council will act as the lead authority on this work;
2. delegates authority to the Head of Strategic HR, in consultation with the Portfolio Holder for Corporate Policy and Legal Services, to award and enter into contracts with the successful providers following a fully compliant OJEU procurement exercise for contract periods covering an initial period of 3 years with the option to extend the contract for a further 1 year (total 4 years); and
3. authorises the Head of Strategic HR, in consultation with Portfolio Holder for Corporate Policy and Legal Services to take all necessary actions to implement the proposal.

66 SALE OF LAND AT LONGRIDGE, KNUTSFORD

Cabinet considered a report on the proposed sale of land at Longridge, Knutsford.

The Leader placed on record the receipt of the petition presented earlier in the meeting.

The site was allocated to provide approximately 225 dwellings under the Local Plan which was adopted on 27th July 2017. The site was landlocked and could only be accessed via Council land. The Council land comprised a grass verge which was delineated 'green' and public open space which was delineated 'blue' on the plan at Appendix 1 to the report. The report sought approval for the disposal of part of the public open space to provide access to the site, together with the grass verge. Further details were set out in the report.

Additional information was included in an Appendix to the report which contained exempt and would therefore be considered in Part 2 of the agenda.

RESOLVED

That subject to a consideration of the matters contained in the Part 2 Appendix to this item not altering the views of members reached on this recommendation, Cabinet authorises:

- (a) the Executive Director of Place to further explore options for facilitating access to the site over the covenanted “green land” on the enclosed plan and undertake further consultation on the same whilst concurrently;
- (b) advertising the intention to dispose of part of the land delineated blue on the enclosed plan and advertising the intention to dispose of the land delineated green on the enclosed plan, both of which are identified as open space, in accordance with the Local Government Act; and
- (c) the Portfolio Holder for Regeneration to give due consideration to any representations made in response to the advertised intention to dispose of the stated land (b above) and, in light of the representations received and further work undertaken in respect of (a) above, decide whether or not to dispose of any or all of the green or blue land;
- (d) subject to a decision regarding public open space, the freehold disposal of part of the land delineated ‘blue’ for the purposes of providing access to the site and the land delineated ‘green’, on terms to be agreed by the Executive Director for Place in consultation with the Director of Legal Services, the Section 151 officer, the Cabinet Member for Finance and Communities, and the Cabinet Member for Regeneration;
- (e) the completion of any other ancillary legal documentation (inclusive of, but not exclusive to, licence agreements and easements) over the land delineated ‘blue’ and ‘green’ in conjunction with the disposal of the land; and
- (f) so far as is reasonably possible, bearing in mind the size and proposed use of the site, that reasonable endeavours be used to minimise the land take for the access road.

67 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

68 SALE OF LAND AT LONGRIDGE, KNUTSFORD

Cabinet considered the confidential Appendix to the report.

RESOLVED

That the information contained in the Appendix be noted.

The meeting commenced at 2.00 pm and concluded at 5.05 pm

Councillor Rachel Bailey (Chairman)