

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 5th May, 2020 at Virtual Meeting

PRESENT

Councillor S Corcoran (Chairman)
Councillor C Browne (Vice-Chairman)

Councillors L Crane, K Flavell, T Fox, L Jeuda, N Mannion, J Rhodes, A Stott and M Warren

Councillors in attendance

Councillors Q Abel, S Akers Smith, R Bailey, M Beanland, M Benson, J Buckley, C Bulman, J Clowes, T Dean, J P Findlow, R Fletcher, S Hogben, S Holland, J Nicholas, K Parkinson, B Puddicombe, J Saunders, M Sewart, M Simon, L Smetham and L Wardlaw

Officers in Attendance

Lorraine O'Donnell, Chief Executive
Frank Jordan, Executive Director Place
Mark Palethorpe, Executive Director People
Jane Burns, Executive Director Corporate Services
Jan Bakewell, Director of Governance and Compliance
Alex Thompson, Director of Finance and Customer Services
Paul Mountford, Executive Democratic Services Officer
Brian Reed, Head of Democratic Services and Governance
Katie Small, Governance Officer

The Leader welcomed everyone to the first virtual meeting of Cabinet which was also the first 'virtual meeting' of any kind held by the Council.

The Leader welcomed the Council's new Chief Executive, Dr Lorraine O'Donnell, to her first meeting of the Cabinet.

The Leader began by saying that the Council had been responding to the Coronavirus pandemic by keeping essential services going, protecting the most vulnerable people and supporting communities, businesses and the economy. Social distancing had required changes to the way in which services were delivered. He thanked officers for innovating and implementing these changes and residents and customers for their patience and understanding.

The Portfolio Holder for Highways and Waste announced that household waste and recycling centres in the Borough would re-open from Monday, 11th May. All eight sites would re-open, operating seven days a week from 8.30am – 5pm. All users of the sites would need to observe social distancing measures. Further details were available on the Council's website. Residents were urged only to travel to a site if waste could not be safely stored at home until a later date.

The Deputy Leader outlined a number of measures by the Council to support businesses, work collaboratively with partners to channel community-based support, and provide food parcels for residents who were shielding from Covid-19.

The Deputy Leader also encouraged local residents and communities to participate in the VE Day commemoration on 8th May as best they could whilst observing social distancing requirements.

Finally, the Deputy Leader announced that with effect from 6th May, Councillor Q Abel would be stepping down as Deputy Cabinet Member for Environment but would be retaining his role as Environment Champion. Councillor J Nicholas would be appointed as a Deputy Cabinet Member providing cross-cutting support for the Highways and Transport Portfolios.

122 **DECLARATIONS OF INTEREST**

Councillor B Puddicombe declared a non-pecuniary interest as a board member of Peaks and Plains Housing in relation to a report on the Procurement of a Housing Development Framework.

Councillor R Bailey declared a non-pecuniary interest as a partner in a farming business in relation to a report on the Cheshire East Carbon Action Plan.

123 **PUBLIC SPEAKING TIME/OPEN SESSION - VIRTUAL MEETINGS**

Richard Hamilton referred to the Elworth Hall Farm Phase 2 development, and S106 Agreement monies, which had been secured to provide a Toucan crossing. He said that this had been downgraded to a central reservation and questioned the legal authority/decision-making in support of the change. The Portfolio Holder for Children and Families agreed to provide a written response.

Sue Helliwell asked about the re-opening of waste sites. The Portfolio Holder for Highways and Waste referred to her announcement earlier in the meeting but agreed to provide a written response on whether rubble charges would be suspended.

Andrew Backhouse, referring to the Council's target of achieving zero carbon by 2025, asked what equally ambitious targets were to be set within the Environment Strategy and Carbon Action Plan in respect of energy efficiency of New Build, and for the Council Estate, public transport, restoration of peat bogs, and other sequestration. The Portfolio Holder for Environment and Regeneration replied that the Environment Strategy provided the policy framework within which more detailed actions and targets would be defined, particularly concerning new development and public transport. The Carbon Action Plan included detailed and

ambitious targets for reducing carbon emissions from the Council's estate and fleet. It also set out ambitious targets for at least 130 ha of tree planting, peatland restoration or other natural sequestration solutions on Council-owned land.

Brian Silvester asked when the household waste and recycling site in Pyms Lane, Crewe would be re-opened as there had been evidence of fly tipping around the town. The Portfolio Holder for Highways and Waste referred to her announcement earlier in the meeting regarding the re-opening of household waste and recycling centres and added that the incidence of fly tipping had not been too bad owing to the current restrictions on travel.

124 **QUESTIONS TO CABINET MEMBERS - VIRTUAL MEETINGS**

Councillor B Puddicombe asked a question in relation to Item 13 on the agenda: Procurement of a Housing Development Framework, regarding the importance of the Council's role in promoting affordable housing delivery, especially in the aftermath of the Covid-19 crisis. The Portfolio Holder for Environment and Regeneration replied that the report aimed at improving the mix of affordable housing and tenure/type in the Borough.

Councillor S Akers Smith asked if the Council would consider certain measures to enable social distancing including wider pavements, temporary 20 mph speed limits and the provision of more cycle lanes. These could also be used as a trial towards more permanent changes. The Portfolio Holder for Highways and Waste agreed to consider the suggestion.

Councillor M Beanland asked what the Council would do to support the next stage of the Government's Covid-19 response: track and trace, which would be dependent upon local knowledge. The Leader undertook to provide a written response. Councillor Beanland also thanked the Deputy Leader for responding in writing to a question regarding the 391/392 bus route.

Councillor J Buckley asked about the policy relating to the shortage of burial spaces in Alsager. The Portfolio Holder for Public Health and Corporate Services agreed to provide a written response.

Councillor T Dean asked if consideration could be given to the re-opening of Tatton Park to pedestrians. The Portfolio Holder for Environment and Regeneration replied that this would be done as soon as it was safe to do so. He added that Covid-19 continued to be a serious public health matter, leading recently to an extension by Government of the 'lockdown' arrangements for a further three weeks. While the Council had kept its arrangements under review, the original reasons for closure to visitors of the 1000 acres of Tatton Park, remained valid. The Council would continue to respond to guidance, keeping the question of Tatton Park under review in the context of the wider risks posed by the pandemic.

Councillor M Sewart asked when the report on flooding in Poynton, Bollington and Kettlethulme would be released. The Portfolio Holder for Environment and Regeneration agreed to provide a written response.

Councillor M Simon asked if the Council would review its policy of not replacing trees removed from grass verges. The Portfolio Holder for Highways and Waste replied that she was reviewing the policy and was keen to replace as many trees as possible subject to considerations of safety and maintenance.

Councillor S Holland asked how the Council was considering the distribution of additional funding to Town and Parish Councils which had been allocated from Central Government. The Leader replied that the distribution of the funds was a matter for Cheshire East Council as the upper tier authority. The Council had not set up a scheme yet but was discussing the matter with ChALC.

Councillor R Bailey asked if the re-opening of the waste and recycling centres would take place across the whole of Cheshire at the same time, and how the public messaging would be handled. The Leader agreed to provide a written response as it would be necessary to discuss the matter with other councils.

Councillor J Saunders asked what plans there were to support care homes, both now and in the future, and when this would be communicated to care homes, residents of Cheshire East and members. The Portfolio Holder for Adult Social Care and Health replied that the Council had written to all care homes in the Borough, asking them for details of the additional expenditure they had incurred as a result of Covid-19. The Council had also offered to provide support where care homes experienced shortages of staff or personal protective equipment. The Portfolio Holder undertook to provide further details of the support currently being given to care homes following the Cabinet meeting, and agreed to provide a further written response in due course in relation to future support for care homes.

Councillor K Parkinson referred to the strategic consultation on HS2 and said that replies were awaited to queries from parish councils, and that ward members also needed to be informed about the proposals. The Deputy Leader agreed to provide a written response.

Councillor L Wardlaw commented that the re-opening of the waste and recycling centres in Cheshire East had been the subject of discussion on social media over the weekend, ahead of today's formal announcement by the Council. The Portfolio Holder for Highways and Waste confirmed that the Council had not released any information in advance of today's announcement and that any discussion of the matter on social media must have been speculation.

125 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 10th March 2020 be approved as a correct record.

126 **WELL MANAGED HIGHWAYS INFRASTRUCTURE**

Cabinet considered a further report on well-managed highways infrastructure following the call-in of the Cabinet's previous decision and the consideration of the matter by the Environment and Regeneration Overview and Scrutiny Committee on 16th March 2020. The report outlined the recommendations of the Overview and Scrutiny Committee and responded to those recommendations.

The Chairman of the Environment and Regeneration Overview and Scrutiny Committee, Councillor J P Findlow, attended the meeting and reported the Committee's comments and recommendations.

RESOLVED

That Cabinet

1. notes the advice of The Environment and Regeneration Overview and Scrutiny Committee in relation to well-managed highways as follows:

That Cabinet be advised to:

- (1) *To undertake a further round of streamlined consultation on the winter service element only as part of the annual review of the the Well Managed Highways Infrastructure annual review process;*
- (2) *That this annual review process be carried out through the Area Highways Groups, including the involvement of all Parish and Town Councils and relevant community/cycle groups as appropriate, with supporting information to be supplied to the AHG's in advance of the meetings and shared with all schools;*
- (3) *That a letter be sent to all schools within the Borough informing them of this additional round of consultation as part of the first annual review;*
- (4) *That all schools will be given an appropriate amount of time to respond to the consultation as part of the first annual review. (to be discussed with the Portfolio Holder to take into consideration the current public health issues and school holidays)*

It should be noted that the above recommendations are taken directly from the EROSC minutes

2. agrees to put appropriate measures in place which enable this advice to be incorporated into the implementation and review plans for well-managed highway infrastructure.

127 **ENVIRONMENT STRATEGY**

Cabinet considered a report summarising and responding to public consultation on the draft Environment Strategy. The report also considered and responded to the following Notice of Motion proposed by Councillor Q Abel at Council on 19th December 2019 and referred to Cabinet for consideration:

Cheshire East Council as part of our commitment to the environment and mitigation of climate change require development of whatever size to incorporate best practice (e.g. passive house) to reduce energy requirements and provide a non-carbon footprint for heating and cooking. Ideally ground source heat pump or equivalents and induction hobs.

Further, the Council to lobby Government to bring the legal requirement forward to the earliest possible date to achieve zero carbon for all new development and conversions.

Councillor Abel spoke on the matter as mover of the motion.

A report on the draft Environment Strategy had been considered by the Environment and Regeneration Overview and Scrutiny Committee on 16th March 2020. The Chairman of the Committee, Councillor J P Findlow, reported the Committee's comments and recommendations.

The Portfolio Holder for Environment and Regeneration advised that the fifth strategic goal of the Strategy, as set out on page 61 of the agenda, should read: 'Increase Sustainable Transport and *Active Travel*'.

RESOLVED

That Cabinet

1. approves the draft Environment Strategy, following public consultation, as outlined at appendix One;
2. authorises the Portfolio Holder for Environment and Regeneration to make any further revisions to the strategy;
3. supports the spirit of the motion by Cllr Abel, encouraging and looking favourably upon development proposals that include measures to

reduce carbon emissions and mitigate climate change, but acknowledge that in the context of current planning policy cannot require best practice; and

4. agrees that the Council writes to the Secretary of State for the Ministry of Housing, Communities and Local Government advocating that the changes to energy efficiency standards within the Building Regulations, as set out in the Future Homes Standard, requiring new build homes to meet world-leading levels of energy efficiency, be brought forward to the earliest possible date.

128

CHESHIRE EAST CARBON ACTION PLAN

Cabinet considered a report on the Cheshire East Carbon Action Plan which committed the Council to be carbon neutral by 2025 and to work to encourage businesses, residents and organisations in Cheshire East to reduce their carbon footprint by reducing energy consumption and promoting healthy lifestyles. The Action Plan set out how the Council would achieve carbon neutrality by 2025 and influence emission reduction across the Borough.

A report on the Carbon Action Plan had been considered by the Environment and Regeneration Overview and Scrutiny Committee on 16th March 2020. The Chairman of the Committee, Councillor J P Findlow, reported the Committee's comments and recommendations.

RESOLVED

That Cabinet

1. approves the Carbon Action Plan as outlined at Appendix 1 to the report; and
2. delegates authority to the Head of Environmental Services to take all necessary actions to implement the Carbon Action Plan, including:
 - (a) embedding carbon accounting into the business planning and investment processes;
 - (b) reducing carbon from buildings by adopting the Building Research Establishment Environmental Assessment Method (BREEAM) 'Excellent' or equivalent standard for new buildings and aiming for the highest BREEAM standard achievable for refurbished Council buildings;
 - (c) reducing carbon from council vehicles through the use of ultra-low carbon vehicles wherever possible;
 - (d) continuing to seek opportunities to develop sustainable energy production across the Borough;

- (e) focusing on environmental carbon offsetting within the borough through sequestration and reduction schemes, such as tree planting, with communities and partners from across the Borough;
- (f) seeking to become a full partner of the Northern Forest scheme and offset carbon through tree / hedgerow planting and peat moss restoration on Council owned land and farming estate; and
- (g) approving the receipt of £700,000 of external funding for the Crewe Heat Network from the Local Enterprise Partnership's Local Growth Fund, and bringing forward the associated supplemental revenue estimate in the MTFs to 2020/21.

129 **NORTH WEST CREWE PACKAGE - INFRASTRUCTURE AGREEMENT**

Cabinet considered a report seeking approval to enter into an infrastructure delivery agreement for the North West Crewe Package scheme.

RESOLVED

That Cabinet

1. authorises the Council to enter into an Infrastructure Delivery Agreement to deliver foul and surface water drainage, landscaping and boundary treatments to serve development proposed on Local Plan Sites 4 and 5;
2. authorises the Council to enter into a Deed of Covenant with the benefitting land owners to secure future repayment of the total costs incurred by the Council for construction of the foul and surface water drainage, landscaping and boundary treatments;
3. authorises the Council to enter into Indemnity Agreements in respect of any future claims submitted pursuant to Part 1 of the Land Compensation Act 1973;
4. authorises the Council to grant easements through Council owned land for the land benefitting from the enabling works;
5. authorises the Council in its capacity as land owner to enter into any adoption agreements for the foul and surface water drainage proposals serving the proposed development areas and in connection to the proposed agreements; and
6. delegates power to the Head of Estates to negotiate terms for any agreements which are ancillary to the Infrastructure Delivery Agreement and to instruct the Director of Governance & Compliance to

draft and complete the Infrastructure Delivery Agreement and all legal agreements ancillary to the Infrastructure Delivery Agreement.

130 **NORTH WEST CREWE PACKAGE - APPROVAL TO
AUTHORISE THE USE OF COMPULSORY PURCHASE POWERS FOR
THE DELIVERY OF THE NORTH WEST CREWE PACKAGE SCHEME**

Cabinet considered a report seeking approval for the use of compulsory purchase powers for the delivery of the North West Crewe Package scheme.

RESOLVED

That Cabinet

1. confirms that the acquisition of the land identified on the Order Map attached to the report is necessary for highway purposes;
2. approves the draft Statement of Reasons and the draft Order Map (with schedules) both substantially in the form annexed to the report for the purposes of the Compulsory Purchase Order but delegates to the Director – Infrastructure and Highways in consultation with the Director of Governance & Compliance, authority to modify them as necessary;
3. approves the draft SRO's Plan substantially in the form annexed to the report for the purposes of the Side Roads Order and delegates to the Director – Infrastructure and Highways in consultation with the Director of Governance & Compliance, authority to modify them as necessary;
4. authorises the Director – Infrastructure and Highways in consultation with the Director of Governance & Compliance to determine the form and contents of the Schedules ("the Schedules") necessary as part of the CPO to identify the land contained within the Order Map;
5. authorises the Director of Governance & Compliance to make The Cheshire East Council (North West Crewe Package) Compulsory Purchase Order 2020 ("the CPO") pursuant to Section(s) 239, 240, 246, 250 and 260 of the Highways Act 1980 and Schedule 3 to the Acquisition of Land Act 1981 for the purpose of acquiring the land and interests shown on the Order Map and described in the Schedules (or such lesser area of land should this in her opinion be appropriate) to facilitate the construction of the Scheme, and that the Common Seal of the Council be affixed to the CPO and to the Order Map;
6. authorises the Director of Governance & Compliance to make The Cheshire East Council (A530 Middlewich Road Classified Road) (Side Roads) Order 2020, The Cheshire East Council (B5076 Flowers Lane Classified Road) (Side Roads) Order 2020, The Cheshire East Council (B5076 Flowers Lane Classified Road Fairfield Roundabout A) (Side Roads) Order 2020 and The Cheshire East Council (B5076 Flowers

Lane Classified Road Fairfield Roundabout B) (Side Roads) Order 2020, under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, stop up and/or amend private means of access and provide replacement private means of access, and construct lengths of new highway as required to deliver the Scheme;

7. authorises the Director of Governance & Compliance to advertise the making of the CPO and the SROs (“the Orders”) to comply with all associated requirements in respect of personal, press and site notices, and to take all other relevant action thereon to promote the making and the confirmation of the Orders;
8. agrees that in the event that no objections are received to the CPO or if all objections are subsequently withdrawn, or the Director of Governance & Compliance certifies that they may be legally disregarded, to authorise the Director of Governance & Compliance to obtain the appropriate Certificate under Section 14A of the Acquisition of Land Act 1981 enabling the Council to confirm the CPO as made;
9. agrees that in the event that relevant objections are received to the Orders (or any of them) and are not withdrawn, or that modifications are made to the Orders, to authorise the Director of Governance & Compliance to submit the Orders to the Secretary of State with a request that it be confirmed in the required form;
10. agrees that in the event that any Public Inquiry is convened to consider objections to the Orders (or any of them), authorise the Director – Infrastructure and Highways in consultation with the Director of Governance & Compliance to prepare and submit such evidence as is necessary in support of the Orders including enlisting the assistance of outside consultants and Counsel to assist in the preparation and presentation of such evidence;
11. agrees that as soon as the Orders (or any of them) have been confirmed and become operative, the Director of Governance & Compliance is authorised to comply with all associated requirements in respect of personal and press notices and to make and give notice of a General Vesting Declaration under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or Notices to Treat and Notices of Entry in respect of the land and rights to be acquired compulsorily;
12. delegates power to the Head of Estates to negotiate and agree terms to seek to acquire the land and rights (or extinguish the same) required for the Scheme by agreement and to instruct the Director of Governance and Compliance to negotiate and enter into all legal agreements necessary to facilitate any such agreements;
13. delegates power to the Head of Estates 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 to negotiate, approve and document by way of settlement or other legal agreement payment of all related compensation claims in advancing the development or implementation of the Scheme, including the settlement of any claims made pursuant to Part 1 of the Land Compensation Act 1973; and

14. agrees that in the event that any question of compensation in respect of such interests or rights is referred to the Upper Tribunal (Lands Chamber) for determination, to authorise the Director of Governance & Compliance to take all necessary steps in relation thereto including advising on the appropriate uses and compensation payable and issuing the appropriate certificates.

131 **A500 - APPROVAL TO PROCEED WITH COMPULSORY PURCHASE ORDER POWERS TO ACQUIRE REVISED LAND TAKE FOR THE SCHEME**

Cabinet considered a report seeking approval for the use of compulsory purchase powers for the acquisition of land and new rights required for the construction of the A500 dualling scheme.

RESOLVED

That Cabinet

1. authorises the making of an Order (or Orders) 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 the Scheme as shown on the CPO Plan (Appendix A);
2. authorises 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 Scheme;
3. authorises the Director – Infrastructure and Highways in consultation with the Director of Governance and Compliance to make any amendments necessary to the contemplated CPO and/or SRO (“the 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 Scheme;
4. authorises the Director of Infrastructure and Highways in consultation with the Director of Governance and Compliance to take all appropriate actions to secure the confirmation of the contemplated orders including:

- (a) authority to take all necessary action to secure the making, submission to the Secretary of State for confirmation and (if confirmed) implementation, of the Orders including the publication and service of all relevant notices and the finalisation of the Statement of Reasons and for the Director of Governance and Compliance 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;
 - (b) authority to negotiate and enter into agreements and undertakings with the owners of any interest in the required land under 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 Governance and Compliance to agree, draw up, and to sign all necessary legal documents to record such agreements and undertakings;
 - (c) in the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) to authorise the Director of Governance and Compliance to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings; and
 - (d) to authorise the Director of Governance and Compliance 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; and
5. authorises the Head of Estates to seek to acquire the land and rights (or extinguish the same) required for the Scheme by agreement and to instruct the Director of Governance and Compliance to negotiate and enter into the agreements necessary to complete such acquisitions; and
 6. authorises the Head of Estates to negotiate and approve the payment of relevant and reasonable professional fees incurred by landowners and others with compensable 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 Scheme.

132 **VULNERABLE AND OLDER PERSONS' HOUSING STRATEGY
2020-24**

Cabinet considered a report seeking approval of a revised draft Vulnerable and Older Persons' Housing Strategy for the purpose of consultation.

The Portfolio Holder for Environment and Regeneration advised that a report would be submitted to the Environment and Regeneration Overview and Scrutiny Committee following the consultation.

RESOLVED

That Cabinet

1. approves the draft Vulnerable and Older Persons' Housing Strategy as outlined at Appendix 1 to the report for the purpose of consultation; and
2. delegates authority to the Portfolio Holder for Environment and Regeneration, in consultation with the Portfolio Holder for Adult Social Care and Health, to consider the results of the consultation and to approve the final version of the Strategy.

133 **PROCUREMENT OF A HOUSING DEVELOPMENT FRAMEWORK**

Cabinet considered a report outlining proposals for the procurement of a Housing Development Framework for the purpose of developing affordable housing using the Council's land holdings.

RESOLVED

That Cabinet

1. approves the procurement and establishment of a Housing Development Framework to commission the development of mixed tenure housing provision on identified Council owned land; and
2. delegates authority to the Executive Director Place in consultation with the Portfolio Holder for Environment and Regeneration to:
 - (a) award and enter into a Framework Agreement with a minimum of two and up to eight Housing Providers who meet the procurement criteria and requirements of the Framework;
 - (b) identify and approve appropriate Council owned land assets to be taken through the Framework; and
 - (c) approve the award of financial contributions held by the Council in lieu of affordable housing provision, to enhance development opportunities which are in line with the requirements specified under the terms of any Section 106 agreement where such financial contributions are made.

The meeting commenced at 1.00 pm and concluded at 4.29 pm
Councillor S Corcoran (Chairman)

