

CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Cabinet**
held on Tuesday, 8th September, 2020

PRESENT

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

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

Councillors in attendance

Councillors Q Abel, S Akers Smith, M Beanland, M Benson, J Buckley,
C Bulman, J Clowes, B Evans, J P Findlow, S Gardiner, L Gilbert, P Groves,
S Hogben, M Houston, J Parry, S Pochin, B Puddicombe and M Simon

Officers in attendance

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

Apologies

Councillor L Crane

The Leader announced that Councillor Marilyn Houston had been appointed Deputy Cabinet Member for Adult Social Care and Health. He stressed that the appointment had no additional cost implications for the Council. Councillor Houston thanked the Leader for appointing her to the position.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 PUBLIC SPEAKING TIME/OPEN SESSION - VIRTUAL MEETINGS

Brian Silvester, who was not present at the meeting, had submitted a question which was read out by the Portfolio Holder for Adult Social Care and Health regarding a proposed ban on walk-ins to A&E departments at local hospitals. The Portfolio Holder read out a reply from the Clinical Commissioning Groups that the proposal was intended to keep patients safe and maintain social distancing by asking them to call NHS 111 to book a time slot at an emergency department. The service would be fully in place by 1st December in line with the national roll-out. No patient would

be turned away if they presented themselves at an emergency department, but they would be provided with the most appropriate form of care.

Councillor Robert Douglas, Congleton Town Council, referred to the Council's reintroduction of car parking charges in Congleton following a failure by the Government to fully refund a shortfall in the Council's finances arising from Covid-related expenditure. He asked whether, if the Council was able to recover the shortfall from the Government, possibly through joint legal action with other councils, it would consider introducing two hours' free parking in Congleton to support local residents and businesses. The Deputy Leader replied that this would lead to lost income for the Council and that other towns across the Borough would make similar requests.

Sue Helliwell asked if a grant of £229,632 for the Local Bus Network had been spent. The Deputy Leader replied that the full amount of the grant had been spent supporting bus services operating throughout the lockdown, including a contribution to the 317 bus route serving Leighton Hospital.

Jo Dale, who was not present at the meeting, had submitted a question which was read out by the Deputy Leader regarding the Active Travel Scheme in Alsager and whether the local ward councillors had been consulted on the scheme prior to its implementation. The Deputy Leader responded that the three ward councillors had been consulted on the scheme by email on 4th August following which the consultation was opened up to wider stakeholders on 5th August. Following a period of feedback, a decision was taken on 14th August to proceed with the trial implementation of the scheme. Feedback would continue to be considered throughout the trial period.

23 QUESTIONS TO CABINET MEMBERS - VIRTUAL MEETINGS

Councillor S Akers Smith asked what assurances could be given that the Council would not take out the Active Travel emergency measures before there had been time to see if they were effective in helping people walk and cycle more. The Leader responded that the Council was listening to local people on the Active Travel Schemes and making changes where appropriate, and he encouraged residents to engage with the schemes.

Councillor M Benson asked how the decision had been taken to implement the new streamlined process for al fresco dining pavement licences and why the Licensing Committee had not been involved. The Leader responded that the decision had been taken under urgency provisions. He undertook to ask the Portfolio Holder for Highways and Waste to provide a written response. The Deputy Leader added that the timescale allowed for considering the licence applications meant that a meeting of the relevant committee could not be convened in time.

Councillor J Buckley asked about sink holes in Alsager, mainly on Crewe Road and Lawton Road, which she said were usually due to faults in the main sewer, and that United Utilities usually denied responsibility for them, with the Council having to take action itself. She asked if the Council could take action against United Utilities for wasting the Council's time. The Deputy Leader responded that Cheshire East Highways were in constant contact with all utility companies operating across Cheshire East. The Highway authority was responsible for addressing sink holes and making the road safe and for addressing the root cause, recharging the utility company where appropriate. Highways officers would be meeting United Utilities on 15th September to discuss the condition of the main sewer in Crewe Road, Alsager and agree an action plan.

Councillor J Clowes referred to a new Town and County Planning Order coming into force on 24th September as part of the preparations for leaving the EU, which provided for temporary planning permission for the use of land for the stationing of goods vehicles entering and leaving Great Britain. She asked which sites had been identified in Cheshire East for this purpose. The Leader responded that the Council had not been consulted by the Government prior to the making of the Order and he was concerned that it bypassed the normal planning process. He was still awaiting information from the Government on where the sites were likely to be.

Councillor L Gilbert referred to a Council policy which prevented new street lighting being provided in Manor Road, Holmes Chapel. The lack of street lighting discouraged active travel through the hours of darkness. He also referred to the fact that the parish council was unable to submit its tree planting programme for approval because there was a tree policy in development. The Leader encouraged the parish council to submit a proposal for street lighting in Manor Road through the Active Travel scheme. He also undertook to look into the matter of the Council's tree policy.

Councillor P Groves referred to the commissioning by the Council of Cushman and Wakefield to produce town centre vitality plans and sought confirmation that the forthcoming review would include a full and comprehensive review of car parking across the Borough. The Portfolio Holder for Environment and Regeneration responded that there would be consultation on car parking this autumn, the results of which would inform town centre recovery plans.

Councillor M Simon referred to vehicle engines idling outside schools which was not good for air quality, nor for the health of pupils, staff and local residents. She asked if a directive could be issued to schools for parents to be asked not to leave their engines running while waiting to pick up their children from school. The Portfolio Holders for Communities and for Children and Families agreed to consider a joint exercise to raise awareness of the issue in schools and with parents.

24 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 7th July 2020 be approved as a correct record.

25 COVID-19 - UPDATE ON RESPONSE AND RECOVERY

Cabinet considered an update on the work undertaken in response to the pandemic and on the work being undertaken to support the recovery from the pandemic.

The Chairman of the Corporate Overview and Scrutiny Committee, Councillor J Clowes, reported the comments of the Committee which had considered the report at its meeting on 3rd September 2020. In particular, the Committee had thanked the Council's staff for their work in responding to Covid, had welcomed the information on financial implications, and had recognised the need for more support for young people.

RESOLVED

That Cabinet

1. notes the issues outlined in the report;
2. notes the significant financial implications relating to COVID-19 as detailed in Section 7 and Appendix 1; and
3. will continue to lobby to press the Government to fund the total financial impact of the pandemic on Cheshire East Council.

26 BROOKS LANE (MIDDLEWICH) DEVELOPMENT FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT

Cabinet considered a report on the proposed adoption of the Brooks Lane (Middlewich) Development Framework as a Supplementary Planning Document.

The Strategic Planning Board, at its meeting on 26th August 2020, had recommended that Cabinet adopt the Brooks Lane (Middlewich) Development Framework (Masterplan) as a Supplementary Planning Document subject to any reference within the document to the provision of a circa 20-berth marina being amended to the provision of a marina for up to 50 berths. Councillor S Gardiner spoke on this matter as Vice-Chairman of the Strategic Planning Board.

The Portfolio Holder for Planning confirmed that the amendment recommended by the Strategic Planning Board could be accommodated within the Framework.

Councillor S Pochin, speaking as the Council's Business Champion, asked how many businesses currently located on the site might have to be relocated. She also asked about the sustainability of the development in terms of energy usage. Finally, she asked Cabinet to reconsider the proposed use of the site.

With regard to sustainability, the Leader responded that the Council needed Government rules to change to require developers to build to high environmental standards. The Portfolio Holder for Planning added that no businesses would be forced to relocate as a result of the allocation of this site or the adoption of the Supplementary Planning Document.

RESOLVED

That Cabinet

1. notes the views of Strategic Planning Board on the Brooks Lane (Middlewich) Development Framework Supplementary Planning Document;
2. notes the key issues raised in the responses received to the public consultation that took place between January and March 2020 and the corresponding modifications to the Brooks Lane (Middlewich) Development Framework Supplementary Planning Document as set out in the Report of Consultation (Appendix 1); and
3. having considered the consultation results and the views of the Strategic Planning Board, approves the Brooks Lane (Middlewich) Development Framework (Masterplan) as a Supplementary Planning Document, subject to any reference within the document to the provision of a circa 20-berth marina being amended to the provision of a marina for up to 50 berths.

27 DIGITAL CHESHIRE

Cabinet considered a report on a three-year programme of activity to enhance access to digital technology in Cheshire.

Councillor S Pochin, speaking as the Council's Business Champion, asked about the perceived risks to the project being completed in full, on time and within budget. The Portfolio Holder for Environment and Regeneration responded, outlining the approach the Council would be taking to ensure the successful completion of the project.

RESOLVED

That Cabinet

1. approves the establishment of the Digital Cheshire programme with Cheshire East Council acting as the Accountable Body and signatory to all contracts and funding agreements;
2. notes that the partners of Connecting Cheshire i.e. Cheshire West and Chester Council, Warrington Borough Council and Halton Borough Council similarly need to secure their own approvals for the acceptance of funding and to enter into the programme, the following recommendations and delegations being subject to all partners securing their necessary approvals;
3. delegates to the Executive Director Place, in consultation with the Portfolio Holder for Environment and Regeneration and the Director of Governance and Compliance, authority to accept an offer of European Regional Development Fund funding and to finalise the terms and conditions of the legal agreement between the Council and Ministry of Housing, Communities and Local Government in respect of the grant and the associated governance processes required;
4. delegates to the Executive Director Place, in consultation with the Director of Governance and Compliance, authority to finalise and enter into an infrastructure delivery contract (following due internal diligence and external State Aid approval processes) with an external supplier in order to deliver the physical broadband connectivity;
5. authorises the Executive Director Place, in consultation with the Director of Governance and Compliance, to enter into any necessary legal documentation to give effect to the above recommendations, including entering into an updated Collaboration Agreement between Cheshire East, Cheshire West and Chester, Warrington and Halton Borough Councils for the Digital Cheshire programme; and
6. authorises Officers to take all necessary actions to implement the above recommendations with particular reference to decision-making in relation to the Connecting Cheshire Partnership, the final programme scope and design of the Digital Cheshire programme, all grant and grant-related procurements and award of contracts, and the day-to-day management necessary to implement the programme.

28 REGIONAL ADOPTION AGENCY - ADOPTION COUNTS

Cabinet considered a report which sought approval to enter into an arrangement with the Regional Adoption Agency, Adoption Counts.

Councillor B Puddicombe spoke on this matter as the Council's representative on the Adoption Panel.

RESOLVED

That Cabinet

1. Agrees to enter into arrangements with the Regional Adoption Agency, Adoption Counts, to manage and deliver the Adoption Service for Cheshire East Council alongside Trafford, Stockport, Salford and Manchester local authorities, subject to completion of a TUPE consultation exercise and final agreement of the Integrated Services Agreement (ISA);
2. Authorises the Executive Director People, in consultation with the Portfolio Holder for Children and Families, to take all steps to finalise the arrangements following completion of the TUPE consultation exercise, and final agreement of the ISA between the parties, and to take any action necessary under the terms of the ISA; and
3. Notes that in order to transition to this arrangement a Portfolio Holder decision will be made to further extend the current ISA to 31st December 2020.

**29 PROPOSED EXPANSION OF WILMSLOW HIGH SCHOOL -
AUTHORITY TO ENTER INTO A CONSTRUCTION CONTRACT**

Cabinet considered a report which sought approval to enter into a construction contract for works at Wilmslow High School.

Councillor T Fox sought clarification of the current position regarding developer contributions for the scheme. The Portfolio Holder for Children and Families asked the officers to provide a written response.

RESOLVED

That Cabinet approves the procurement of a contract of works and authorises the Executive Director People to award a construction contract to facilitate the provision of additional places at Wilmslow High School, together with any other agreements associated with or ancillary to the contract.

30 MICROSOFT LICENCE AGREEMENTS

Cabinet considered a report which proposed that the Council's agreements for Microsoft Licences be aligned where appropriate and that a single contract be awarded to a Microsoft Licence Reseller.

RESOLVED

That Cabinet authorises the Executive Director of Corporate Services in, consultation with the Portfolio Holder for Finance, ICT and Communication, to award and enter into a contract to deliver Microsoft licences for Cheshire East Council and Cheshire West and Chester Council, infrastructure and desktop estate via a single Licence Service

Provider, with an estimated total cost of up to £35m (excluding VAT) as determined by the Council over two 3 year periods (6 years in total).

31 CAPITAL, INVESTMENT AND TREASURY MANAGEMENT STRATEGIES ANNUAL REVIEW 2019/20

Cabinet considered a review of the Capital, Investment and Treasury Management Strategies for the 2019/20 financial year.

The Chairman of the Corporate Overview and Scrutiny Committee, Councillor J Clowes, reported that the Committee had considered the report at its meeting on 3rd September 2020 and had expressed its support.

RESOLVED

That Cabinet

1. notes the content of the appendices to the report;
2. approves, in accordance with Finance Procedure Rules, fully funded supplementary capital estimates over £500,000 and up to £1m (Appendix 1, Annex B);
3. approves, in accordance with Finance Procedure Rules, capital virements over £1,000,000 and up to £5,000,000 (Appendix 1, Annex B);
4. recommends to Council to approve:
 - (a) capital virements above £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 1, Annex C; and
 - (b) supplementary capital estimates above £1,000,000 in accordance with Financial Procedure Rules as detailed in Appendix 1, Annex D.

32 SCHEDULE OF URGENT DECISIONS TAKEN ON BEHALF OF CABINET AND COUNCIL

Cabinet received a schedule of urgent decisions taken on behalf of the Cabinet and Council which was reported for information in accordance with Appendix 4 of the Council procedure rules.

RESOLVED

That the schedule of urgent decisions be noted.

The meeting commenced at 1.00 pm and concluded at 3.04 pm

Councillor S Corcoran (Chairman)