

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 3rd May, 2016 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Rachel Bailey (Chairman)
Councillor D Brown (Vice-Chairman)

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

Members in Attendance

Councillors Rhoda Bailey, G Baxendale, T Dean, S Edgar, I Faseyi, D Flude,
S Gardiner, G Hayes, J Jackson, L Jeuda, R Menlove, M Parsons, G Wait,
B Walmsley and M Warren

Officers in Attendance

Mike Suarez, Kath O'Dwyer, Peter Bates, Andrew Round, Bill Norman,
Heather Grimbaldeston, Brenda Smith, Steph Cordon and Paul Mountford

As this was the last Cabinet meeting of the current municipal year, the Chairman thanked the Council's officers, Cabinet and Deputy Cabinet members for their work throughout the year, as well as all members of the Council. In response, the Portfolio Holder for Housing and Planning thanked the Chairman for her stewardship as Leader of the Council.

143 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

144 **PUBLIC SPEAKING TIME/OPEN SESSION**

Jonathan Parry sought an assurance that there would be no further major development in Middlewich that added to road congestion before the completion of the Eastern Bypass. The Deputy Leader and Portfolio Holder for Highways and Infrastructure replied that the Council was committed to progressing road improvements in the town, so that as new housing and business came on stream it went hand in hand with new infrastructure.

Sue Helliwell, speaking on behalf of Alsager Town Council, asked for the Council's agreement that houses would not be built in Alsager without first addressing vital infrastructure problems. The Portfolio Holder for Housing and Planning replied that the Council recognised the importance of the timely delivery of infrastructure to support regeneration and development and had prepared an Infrastructure Delivery Plan which identified the infrastructure that was needed to enable delivery of the development

proposed in the Local Plan Strategy. This included projects in relation to highway improvements, education, health, open spaces and community facilities. The Council had also undertaken highway modelling work, including for Alsager, to understand the likely impact of development and the mitigation required to enable development to proceed.

Maeve Kelly commented that the correspondence for the children's centres consultation from February which had been uploaded onto the main consultation page did not seem to include MP Fiona Bruce's letter to the consultation process. She asked why the letter had not been included. The Portfolio Holder for Children and Families replied that the letter from Fiona Bruce MP had predated the opening of the consultation and had been in response to a letter sent to local MPs on 23rd November 2015 making them aware of the upcoming consultation. All correspondence received during the consultation period regarding children's centres had been included in the Council's considerations.

Carol Bulman asked for a progress report on the siting of a freight terminal in Middlewich and details of the impact of the plans on the existing route of the bypass. The Deputy Leader and Portfolio Holder for Highways and Infrastructure replied that the Council was encouraging Network Rail to consider the impact on the existing Basford Hall Sidings of the delivery and the development around the proposed HS2 Hub Station at Crewe. This included the potential for the relocation of some of these facilities. However, at the moment there were no definitive options developed, nor plans committed. The Strategic Case for the By-Pass had been developed and was detailed in the Cabinet report on the agenda. This included an objective for the By-Pass to facilitate and support such railway development plus other types of railway operations that the locality may attract associated with HS2.

John Allen spoke against the proposed Transatlantic Trade and Investment Partnership. The Portfolio Holder for Finance and Assets replied that this would be considered later in the meeting. He added that he had received a letter on behalf of Global Justice Macclesfield and 38 Degrees on the matter which had been copied to all members of the Cabinet.

Patrick Darlington, referring to a later item on the agenda, urged the Council to adopt ethical investment guidelines.

At the conclusion of public questions, the Chairman thanked the speakers for attending and taking part in the meeting.

Councillor D Flude asked if the former Leader of the Council had begun the process of purchasing Leighton Grange Farm. The Leader undertook to send a written reply.

Councillor Flude also asked about the Council's stance on all schools becoming academies and whether the Council had any proposals to set up a multi-academy trust. The Leader replied that it was not possible to give an answer on multi-academy trusts at the meeting as there had been no policy paper on the matter, and that therefore either a written reply would be given or a report on the matter would be submitted to a future Cabinet meeting. The Portfolio Holder for Children and Families added that a meeting with head teachers to discuss the matter was planned for June.

Councillor Flude also asked what plans the Council had for Lincoln House. The Portfolio Holder for Adults and Integration replied that now that Lincoln House, Hollins View and Mount View were closed, they would revert to the Assets Portfolio. However, that process had been put on hold whilst discussions were taking place with the Council's health partners over where the integrated care teams might be situated.

Councillor B Walmsley asked if the priority for the link from the Middlewich Bypass to the waste transfer site on Cledford Lane could be raised. The Deputy Leader and Portfolio Holder for Highways and Infrastructure replied that if a waste station were built at Cledford Lane it would be important to provide access to it. However, this needed to be dealt with as part of a wider transport study across the whole of Middlewich to ensure that everything was properly connected. Item 10 on the agenda relating to the Middlewich Eastern Bypass would deal with the matter in greater detail.

146 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 12th April 2016 be approved as a correct record.

147 **NOTICE OF MOTION - ETHICAL INVESTMENT GUIDELINES**

Cabinet considered the following motion which had been moved by Councillor S Corcoran and seconded by Councillor L Jeuda at the Council meeting on 25th February 2016 and referred to Cabinet for consideration:

“Council notes with alarm the recent statement from the Department for Communities and Local Government (DCLG) confirming that new guidelines will be introduced in 2016 which will curb councils’ powers to divest from or stop trading with organisations or countries they regard as unethical.

Council recognises that the focus of these new measures may be on procurement and investment policies and that they may have profound implications for councils’ ethical investment policies more generally.

Council believes that the proposed measures now being outlined by the DCLG will seriously undermine the Council's ability to commit to ethical procurement and investments.

Council also notes that the new guidelines represent an attack on local democracy and decision-making through a restriction on councils' powers. This is directly contrary to the government's own stated commitment to the principle of localism, given a statutory basis by the Localism Act of 2011, which holds that local authorities are best able to do their job when they have genuine freedom to respond to what local people want, not what they are told to do by government.

Council therefore requests Cabinet takes action to oppose these new measures, including writing to the Secretary of State for Communities and Local Government to express Council's opposition to the proposed changes."

Councillor L Jeuda attended the meeting and spoke in support of the motion.

RESOLVED

That for the reasons set out in the report, the motion be rejected.

148 **NOTICE OF MOTION - POTENTIAL EFFECTS OF TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP ON LOCAL AUTHORITIES**

Cabinet considered the following motion which had been moved by Councillor J Jackson and seconded by Councillor A Harewood at the Council meeting on 25th February 2016 and referred to Cabinet for consideration:

"This Council notes:

1. *That the EU and USA launched negotiations in July 2013 on a Transatlantic Trade and Investment Partnership (TTIP).*
2. *That negotiations are underway to determine which goods and services TTIP will apply to and if new rules can be agreed to protect investors, harmonise standards, reduce tariffs and open new markets throughout the EU and USA.*
3. *That there has been no impact assessment about the potential impact on local authorities.*

4. *That there has been no scrutiny of the negotiating texts by local government and no consultation with local government representatives*
5. *That MPs are also unable to scrutinise the negotiating documents.*

This Council wishes to express a concern that:

1. *TTIP could have a detrimental impact on local services, employment, suppliers and decision-making.*
2. *A thorough impact assessment of TTIP on local authorities has not been undertaken and this needs to happen before the negotiations can be concluded.*
3. *The proposed Investor State Dispute Settlement (ISDS) mechanism has been used by corporations to overturn democratic decisions by all levels of governments at significant public cost. Local decision-making must be protected from ISDS.*
4. *Sourcing supplies and employment locally is important to strengthening local economies and meeting local needs and TTIP must not impact on local authorities' ability to act in the best interests of its communities.*

This Council resolves:

1. *To write to the Secretary of State for Communities and Local Government, our local MPs and the North-West region MEPs raising our serious concerns about the potential impact of TTIP (and especially the proposed ISDS mechanism) on local authorities.*
2. *To call for an impact assessment on the potential impact of TTIP on local authorities."*

Councillor J Jackson attended the meeting and spoke in support of the motion.

The Portfolio Holder for Finance and Assets reported receipt of a letter sent on behalf of Global Justice Macclesfield and 38 Degrees in relation to the Notice of Motion and the report thereon. He thanked Global Justice Macclesfield and 38 Degrees for the letter which he undertook to forward to the Local Government Association.

RESOLVED

That for the reasons set out in the report, the motion be rejected.

Note: Because of her connection with the farming industry, the Chairman took no part in the debate or voting on this matter.

149 **MIDDLEWICH EASTERN BY-PASS**

Cabinet considered a report seeking authority to conduct a public consultation exercise in Middlewich on the development of a wider transport plan, and to develop a high level funding strategy and route-options comparison for the proposed By-Pass.

RESOLVED

That

1. authority be delegated to the Interim Executive Director of Economic Growth and Prosperity in consultation with the Highways Portfolio Holder, to conduct a public consultation in Middlewich to be concerned with the development of a wider transport plan covering public transport, walking, cycling, local junctions and safety plus full engagement over the By-Pass, seeking comments on the route options and aspects of the designs;
2. authority be delegated to the Interim Executive Director of Economic Growth and Prosperity in consultation with the Highways Portfolio Holder to enter into negotiations with key stakeholders and developers to enable the development of a high level funding strategy for the By-Pass;
3. authority be delegated to the Interim Executive Director of Economic Growth and Prosperity in consultation with Highways Portfolio Holder to complete the route-options comparison, reflecting the public engagement, developer negotiations and the Strategic Case;
4. authority be delegated to the Interim Executive Director of Economic Growth and Prosperity, in consultation with the Highways Portfolio Holder, to submit a revision to the discharge of the planning conditions, thus extending the validity period of the planning permission for the original By-Pass route by three years; and
5. it be noted that the Middlewich Eastern By-Pass Project has a capital approval of £750,000 within the 2016/17 Medium Term Financial Strategy and that spending will remain within the budgetary framework.

150 **CHILD SEXUAL EXPLOITATION (CSE) UPDATE**

Cabinet considered a progress report following the Child Sexual Exploitation Task and Finish Group's investigation into the Council's CSE safeguarding arrangements and having considered the findings from the inspection of children's services by Ofsted in July 2015. The task and

finish group's investigation had begun under the chairmanship of the late Councillor P Hoyland.

Councillor G Hayes, Deputy Cabinet Member for Children and Families, had also undertaken work in this area and spoke on the matter.

The Leader thanked members and officers for a really important piece of work.

RESOLVED

That

1. the report and subsequent updated report be received and the continued work of the Children and Family Scrutiny task and finish group in carrying out further challenge in this area be supported;
2. Cabinet's commitment to preventing child sexual exploitation across the services be reaffirmed; and
3. the improvements and positive developments to date, as outlined in the update report, be noted and welcomed.

151 COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE - DOMESTIC VIOLENCE TASK AND FINISH GROUP FINAL REPORT

Prior to consideration of this item, the Leader thanked Brenda Smith, Director of Adult Services, for her service to the Council. Brenda would be leaving the Council shortly.

Cabinet considered the report of the Domestic Violence Task and Finish Group.

The Group had been established to understand how domestic violence was dealt with, investigate the under reporting of domestic violence and understand the reasons not to have a single specialist court in Cheshire East. The Group's recommendations were set out in section 5.0 of its report.

Councillor G Baxendale, Chairman of the Task and Finish Group, presented the Group's report.

The Leader thanked members and officers for another really important piece of work.

RESOLVED

That

1. the report of the Domestic Violence Task and Finish Group be received;
2. the Task and Finish Group's recommendations, as set out in section 5.0 of its report, be noted; and
3. the Portfolio Holders responsible for this area report to the next meeting of Cabinet with a formal response to each recommendation and that response be submitted to the Communities Overview and Scrutiny Committee.

152 **MACCLESFIELD TOWN CENTRE REGENERATION -
PROPOSED PUBLIC REALM IMPROVEMENTS**

Cabinet considered a report outlining proposals to invest a £1m capital allocation into a programme of public realm improvements to be focused around Castle Street, Exchange Street and upper Mill Street, Macclesfield, in and around the pedestrianised core of the town centre.

RESOLVED

That Cabinet

- 1 approves the use of £1M from the Regeneration and Development capital allocation to fund transformational Public Realm enhancements in Macclesfield town centre;
- 2 approves the area identified in Appendix A to the report as the main focus for that investment;
- 3 endorses the concept of seeking to ensure that the brief for the enhancements stresses the desire for a package of works which have a strong creative element, to emphasise Macclesfield's distinct identity as not just a silk town but one with a strong creative and entrepreneurial edge as identified in the Macclesfield Heritage and Culture Strategy;
- 4 authorises the Interim Executive Director of Economic Growth and Prosperity to commission design work to identify options for designs to enhance the public realm in the area identified;
- 5 agrees that following appropriate stakeholder consultation, the Portfolio Holder for Regeneration and Assets, in consultation with the Interim Executive Director of Economic Growth and Prosperity and the Chief Operating Officer, be authorised to approve the exact package of public realm enhancements;
- 6 authorises the Interim Executive Director of Economic Growth and Prosperity to take all steps he considers necessary to implement the

package of public realm enhancements approved by the Portfolio Holder; and

- 7 authorises the Director of Legal Services (in consultation with the Executive Director) to approve and execute all legal documentation he considers necessary to secure the implementation of the approved package of enhancements.

153 **ELENA TECHNICAL ASSISTANCE FUNDING**

Cabinet considered the submission of a bid to the European Investment Bank for ELENA funding. ELENA was a funding stream launched by the European Commission at the end of 2009 with the aim of maximising investment in sustainable energy by helping to meet the technical support costs associated with energy efficiency and renewable energy projects.

RESOLVED

That

1. Council be recommended to approve the submission of the bid to the European Investment Bank, who administer the ELENA funding on behalf of the European Commission, and delegate authority to the S151 Officer to sign the necessary declaration form on behalf of the Council;
2. Council be recommended to approve a Supplementary Revenue Estimate of 1,739,585 EUR (£1.4m at current exchange rates), fully funded by, and subject to receipt of, ELENA funding by the Council;
3. authority be delegated to the S151 Officer, in consultation for the Portfolio Holder for Finance and Assets, to take the necessary steps for the Council to enter into a grant agreement with the European Investment Bank in order to receive the ELENA funding; and
4. the Council contribute the 10% match funding required through the use of existing staff resourcing.

154 **TRANSFER OF GABLES, NANTWICH TO NANTWICH TOWN COUNCIL**

Cabinet considered a report on the transfer of the Gables, Beam Street, Nantwich to Nantwich Town Council.

RESOLVED

That

1. authority be delegated to the Interim Executive Director of Economic Growth and Prosperity, in consultation with the Portfolio Holder for

Regeneration and Assets, the Portfolio Holder for Communities, Head of Assets and the Director of Legal Services, to finalise and agree terms for the transfer of the Gables, and once agreed, for the Director of Legal Services to execute all necessary documentation to give effect to the transfer;

2. the transfer of the freehold of the Gables to Nantwich Town Council to include a small part of the car park to the rear as well as land adjacent to the car parking meter to the side of the building;
3. a licence be granted for the Town Council to access the library in order to access the community group room in the new extension, involving shared use of the entrance and lift area, but no other areas;
4. an amendment be made to the standard overage provisions usually contained within localism transfers to provide that the clawback will only be payable if the receipt received from such disposal of the Gables is not wholly reinvested into the capital expenditure for the proposed extension to Nantwich Civic Hall; and
5. the transfer of 'the land' (being a small amount of the car park to the rear of the Civic Hall) be approved.

155 **REVIEW OF POLICY AND PROCEDURES - SURVEILLANCE
UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000
(RIPA)**

Cabinet considered an updated RIPA policy and procedure.

The Regulation of Investigatory Powers Act 2000 (RIPA) had been enacted to consolidate and update a range of law enforcement investigative powers to ensure that these powers were fit for purpose, as well as being compliant with the UK's obligations under the European Convention on Human Rights. In December 2014, the Office of Surveillance Commissioners had updated RIPA procedures and guidance. These changes had been incorporated into the Council's own policy and procedures, together with recommendations following the last RIPA inspection. The updated policy and procedure were attached at Appendix 1 to the report.

RESOLVED

That the updated RIPA policy and procedures be approved.

The meeting commenced at 2.00 pm and concluded at 3.40 pm

Councillor Rachel Bailey (Chairman)