

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 9th May, 2017 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 and
D Stockton

Members in Attendance

Councillors D Bailey, Rhoda Bailey, G Baxendale, S Corcoran, R Fletcher, D
Flude, M Grant, S Hogben, L Jeuda, A Moran, B Moran, H Murray, J Nicholas,
B Roberts, B Walmsley, L Wardlaw, G Williams and J Wray

Officers in Attendance

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

Apologies

Councillors P Groves, S Gardiner and G Hayes

The Chairman reminded everyone that Foster Care Fortnight had started
on 5th May and that Mental Health Awareness Week had started on 8th
May.

130 **DECLARATIONS OF INTEREST**

Councillors P Bates and D Brown, as local members for Congleton,
declared non-pecuniary interests in Item 10 on the agenda – Delivery of a
Town Centre Regeneration Scheme for Congleton – The Mills.

131 **PUBLIC SPEAKING TIME/OPEN SESSION**

Sue Helliwell had been donated dog poo bags to run a campaign to try
and stop dog fouling on pavements and in public open spaces. She hoped
that Cheshire East Council would visit schools with a vet to explain the
health implications of dog fouling and the heavy fines dog owners faced if
they did not pick up after their dogs. One school had already shown an
interest.

The Portfolio Holder for Communities and Health replied that the Council
was planning a series of Dog Watch Campaigns for the summer and was
keen to work with Sue Helliwell to deliver a joint campaign in Alsager.
Dates for the campaigns would be confirmed over the next two weeks.

Cabinet considered a report recommending a preferred option for a supported bus network in Cheshire East as the basis for a 10 week period of public consultation.

The Portfolio Holder for Highways and Infrastructure reported that the Environment and Regeneration Overview and Scrutiny Committee at its meeting on 4th May 2017 had made the following recommendations which would be considered as part of the consultation:

1. That Disley be included as part of the consultation events.
2. That the consultation events in principal town and key service centre be expanded to include suitable shopping centres and railway stations.
3. That Members encourage all Town and Parish Councils to appoint a champion to improve engagement with them during this process.

Councillor J Wray, Chairman of the Environment and Regeneration Overview and Scrutiny Committee, spoke in relation to the Committee's consideration of the matter.

The Chairman stressed that this was a matter for consultation at this stage and that the outcome of the consultation would be reported back to Cabinet.

RESOLVED

That Cabinet

1. approves the proposals in the Preferred Option (Appendix 3 to the report) as the basis for 10 week period of public consultation;
2. authorises the Executive Director of Place, in consultation with the Portfolio Holder for Highways and Infrastructure, to conduct a Borough-wide public consultation in accordance with the Consultation Plan and Communications Plan (Appendices 1 & 4);
3. delegates authority to the Executive Director of Place, in consultation with the Portfolio Holder for Highways and Infrastructure, to approve the final versions of all consultation material; and
4. notes that the outcomes of the consultation and any proposed amendments to the network of supported local buses will be reported back to Cabinet.

Cabinet considered a report on the Development Framework and Masterplan produced by Bentley Motors and the outcome of recent consultation with local residents and stakeholders.

The consultation process had highlighted a range of issues and concerns regarding the vision of the Development Framework and Masterplan. These issues would need to be addressed once the full detail was available following submission of a planning application.

The endorsement of the Bentley Motors Development Framework and Masterplan did not prevent the Council at a later date, through its planning duties, from exercising its right to refuse future planning application proposals relating to the scope of the plan.

At the Chairman's invitation, Michael Straughan, Board Member for Manufacturing at Bentley Motors, addressed the meeting. Mr Straughan was accompanied by his colleague Sally Hepton.

RESOLVED

That the Development Framework and Masterplan produced by Bentley Motors as the basis of their future ambitions in Crewe be endorsed.

Councillor R Fletcher referred to the requirement to provide two pedestrian crossings at Sandbach Road South and Sandbach Road North, Alsager, which he said had originally been proposed by the former Cheshire County Council in 2007. He had been informed that the locations no longer met the necessary criteria for the provision of pedestrian crossings and he asked for an explanation. The Portfolio Holder for Highways and infrastructure undertook to send a written reply.

Councillor S Corcoran referred to the recent appointment of a Section 151 Officer to take over those responsibilities from the Chief Operating Officer, and the appointment of an Interim Director of Legal Services and Monitoring Officer. He asked who had taken those decisions. At the Chairman's request, the Acting Chief Executive replied that she had taken the decisions under the Council's urgency procedures following consultation with Group Leaders and others.

Councillor H Murray asked which officer was now responsible for cycling matters. The Portfolio Holder for Highways and Infrastructure replied that the officer responsible for cycling was the Executive Director Place.

Councillor L Jeuda asked about reports that Cheshire East Council had paid some of its employees less than the minimum wage and that the employee who had made this known through the Council's Whistleblowing

procedure had lost their job. At the Chairman's request, the Acting Chief Executive replied that the Council was undertaking a piece of work to assure itself that it was satisfying the requirements of the minimum wage and that this would become clearer when the exercise had been concluded. The preliminary findings appeared to indicate that the Council was meeting the requirements. The Acting Chief Executive was unable to comment regarding individual members of staff. The Portfolio Holder for Corporate Policy and Legal Services added that following the most recent staff survey, a group had been set up under the Chief Operating Officer's chairmanship to ensure that staff were treated properly and fairly and that their views were taken into account. That work was ongoing and he awaited the outcome. Finally, the Chairman stressed that the Council's staff were its greatest asset and that it was essential to engage with staff and to have policies in place to ensure their safety.

Councillor D Flude asked if there would be an independent evaluation of the respite care service now in place compared with the previous service. The Portfolio Holder for Adult Care and Integration replied that there had been a robust regular evaluation of the new service and that reports would continue to be made to the Health and Adult Social Care and Communities Overview and Scrutiny Committee. In addition, she had asked Healthwatch to carry out an independent review and to report back. She undertook to ask Healthwatch about the timing of the review.

135 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 11th April 2017 be approved as a correct record.

136 **A500 DUALLING**

Cabinet considered a report on the findings of the recent informal stakeholder consultation on the proposed dualling of the single carriageway section of the A500 between the M6 and Crewe and Nantwich.

The report recommended a preferred option for the scheme and sought approval to undertake the further work necessary to submit a planning application and to develop the Outline Business Case.

RESOLVED

That Cabinet

1. approves the following scheme objectives:
 - To support the economic, physical and social regeneration of Crewe
 - To improve road safety and journey times and their reliability

- To improve the reliability of public transport
 - To improve connectivity between important economic centres in the sub-regional Constellation Partnership
 - To support delivery of key national infrastructure, e.g. HS2 and the Crewe Hub Station
 - To support delivery of key employment and housing allocations
 - To improve the efficiency and reliability of the highway network
 - To reduce the conflict between the local and strategic traffic, and provide an improved route for freight and business travel
 - To facilitate future improvements to Junction 16 on the M6
2. authorises the Head of Strategic Infrastructure to adopt Option 2 (as described in paragraph 5.1 of the report) as the preferred solution to meet the scheme objectives;
 3. authorises the Executive Director of Place, in consultation with the Highways and Infrastructure Portfolio Holder, to develop the preferred Option 2 further to enable the preparation of a planning application and the Outline Business Case and to submit the Outline Business Case to the Department of Transport;
 4. authorises the Executive Director of Place, in consultation with the Highways and Infrastructure Portfolio Holder, to make and issue the statutory notices to enter land for survey purposes associated with the proposed new road as required via S289-290 of the Highways Act 1980 and associated powers;
 5. notes that the Scheme Cost Estimate currently stands at £57m (including risk), and that it will continue to be refined as the design is developed further;
 6. notes the summary of consultations undertaken with key stakeholders on the options, which is included in the Scheme Assessment Report; and
 7. approves the anticipated programme for the next stage of work.

137 **DELIVERY OF TOWN CENTRE REGENERATION SCHEME FOR CONGLETON - THE MILLS**

Cabinet considered the conditional sale of two Council land assets in Congleton town centre to the Scarborough Development Group to facilitate the comprehensive development of the town centre site.

The assets in question were the freehold of the market square and the leasehold of Princess Street car park. The purpose of the acquisitions was to marry the assets with land already in the company's ownership to facilitate a mixed use redevelopment providing new town centre retail and leisure accommodation, public toilets, a new market square and an improved market facility.

RESOLVED

That authority be delegated to the Executive Director of Place in consultation with the Portfolio Holder for Regeneration, the Portfolio Holder for Finance and Assets, the Chief Operating Officer and the Director of Legal Services to

- (a) authorise the conditional sale of the land shown edged red and blue on the plan attached to the report, to facilitate the comprehensive development of the town centre site in Congleton;
- (b) complete any ancillary legal documents in conjunction with the disposal of the land and transfer of the market operation for this purpose;
- (c) advertise any required public open space notices and parking consultations and consider any responses and complete the statutory process; and
- (d) reduce the income targets and assumptions for the Car Parking Service and ANSA to reflect the reduction in annual income from parking charges and market rents once the site transfers.

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SHARED FOSTERING SERVICE

Cabinet considered a report which sought approval to progress the development of a shared fostering service for Cheshire East alongside Warrington, Halton and Cheshire West and Chester. The report also sought approval to explore the feasibility of a single local authority delivering the functions of the fostering service on behalf of the partnership.

The Portfolio Holder for Children and Families proposed a number of amendments to the recommendations in the report to provide further clarity of certain matters. Details of the amendments were circulated at the meeting.

RESOLVED

That Cabinet

1. agrees that Cheshire East should collaborate with Halton, Cheshire West and Chester and Warrington in the recruitment, assessment and training of foster carers;
2. agrees that one of the partner local authorities will be the host local authority for the initial collaboration phase;

3. agrees that the feasibility of developing a fully integrated service and a single fostering agency be explored and that, subject to the outcome, permission to progress will be sought from Cabinet;
4. agrees to the development and establishment of the shared fostering services being delegated to the Acting Executive Director of People in consultation with the Portfolio Holder for Children and Families;
5. delegates authority to the Acting Executive Director of People, in consultation with the Acting Director of Legal Services, to sign off an inter-authority agreement for Phase 1 of the development of the service as set out in paragraph 4.9.6 of the report; and
6. requires the officers to continue developing the shared fostering service in order for collaboration to occur in October 2017 and a fully integrated service, if deemed viable, in 2018.

139 **5-YEAR ICT INVESTMENT PROGRAMME 2017**

Cabinet considered a report recommending the strategic engagement of Microsoft as a Cloud migration partner to support ICT Services.

This was an aspirational and transformational investment programme which would enable Cheshire East and Cheshire West and Chester Councils to achieve efficiencies whilst delivering high quality services and keeping pace with residents' changing needs and expectations.

RESOLVED

That Cabinet

1. approves the procurement of Microsoft Cloud migration partner services at an estimated total cost of £5.31m (excluding VAT) over a 2-year contract period; funded jointly from the Cheshire East Council approved ICT Infrastructure Investment Programme budget and Cheshire West and Chester (through programme recharges or staged payments as agreed); and
2. delegates authority to the Chief Operating Officer in consultation with the Shared Services Joint Committee and Portfolio Holders for ICT from both Cheshire East and Cheshire West and Chester Councils:
 - to enter into all necessary contractual arrangements to deliver the solution; and
 - to use the Digital Marketplace G-Cloud 8 framework to procure an ICT migration partner to transfer ICT shared services into the Cloud.

**POYNTON RELIEF ROAD - APPROVAL TO PROCEED WITH
THE COMPULSORY PURCHASE OF LAND REQUIRED TO DELIVER
THE SCHEME AND APPROVAL TO NEGOTIATE AND SETTLE THE
TERMS OF A LEGAL AGREEMENT WITH ADLINGTON GOLF CENTRE**

Cabinet considered a report proposing the use of compulsory purchase powers to acquire land for the construction of the Poynton Relief Road.

The report also recommended that an early agreement with Adlington Golf Centre be progressed to remove a key risk to the scheme.

RESOLVED

That Cabinet

1. approves the use of the powers of compulsory purchase to undertake the acquisition of land and new rights required for the construction of the Poynton Relief Road and to authorise:
 - (a) 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 Poynton Relief Road as shown on drawings B1832054/CPO-PRR/001 to 004 inclusive ("the CPO");
 - (b) The making of a side roads order (or orders) under Section 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve or stop up existing highways, construct lengths of new highway and stop up and provide replacement private means of access as required to deliver the Poynton Relief Road ("the SRO");
 - (c) The Executive Director of Legal Services in consultation with the Director of Place to conclude an agreement under section 8 of the Highways Act 1980 with Stockport Borough Council to exercise their functions in relation to the promotion and progression of the orders and these authorisations shall apply to both the exercise of the functions of Cheshire East and those of Stockport pursuant to the "section 8 agreement";
 - (d) The Executive Director of Legal Services in consultation with the Director of Place to determine whether the acquisition of the land for the provision of replacement land for the golf course land to be acquired at Adlington Golf Centre and identified on drawing number B1832054/CPO-PRR/005 should be undertaken under the powers identified at (a) above or under other appropriate powers and pursuant to a separate

compulsory purchase order and should that be the case then paragraphs (e) – (j) below shall apply to such order;

- (e) The Executive Director of Place in consultation with the Director of Legal Services to make any amendments necessary to the contemplated 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 Poynton Relief Road;
- (f) The Executive Director of Place with the approval of the Director of Legal Services to secure the confirmation of the contemplated orders including:
 - i) To take all necessary actions to secure the making, submission to the Secretary of State for confirmation and (if confirmed) implementation of the SRO and the CPO including the publication and service of all relevant notices and for the Director of Legal Services to secure the presentation of the Council's case at any public inquiry and the subsequent service of Notices to Treat and Notices to Enter or, as the case may be, the execution of General Vesting Declarations; and
 - ii) The negotiation and the entering into of agreements and undertakings with the owners of any interest in the order lands and with any objectors to the confirmation of the CPO and/or SRO setting out the terms for the withdrawal of objections including, where appropriate, the inclusion in and/or exclusion from the CPO of land or new rights or the amendments to the SRO;
- (g) The Executive Director of Place in consultation with the Director of Legal Services to agree compensation for the acquisition of land and rights acquired compulsorily and in the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) to authorise the Director of Legal Services to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings;
- (h) That, in parallel with the preparation and submission for the confirmation of the Orders, the Head of Assets to initiate negotiations and seek to conclude terms to acquire the land and rights (or extinguish the same) required for the Poynton Relief Road by voluntary agreement and to instruct the Director of Legal Services to carry out such steps and enter into all necessary agreements to complete such acquisitions;

- (i) The appointment of CBRE (CPO Specialists) as the Council's additional support to the delivery of the scheme acting on behalf of the Council and under the Instruction of the Director of Legal Services; and
 - (j) The Director of Legal Services (in consultation with the Executive Director of Place) to approve and execute all legal documentation he considers necessary to give effect to the above.
2. approves that a contract be entered into with Adlington Golf Centre to relocate the existing 9 hole Graduate Golf Course prior to the delivery of the PRR in return for the provision of the necessary land required for the delivery of the Poynton Relief Road; and that the terms of this contract be delegated to the Head of Assets in consultation with the Portfolio Holder for Infrastructure and Highways;
 3. approves that Advance Utility Diversion works be undertaken to facilitate the relocation of the Golf Course and that the terms of this agreement be delegated to the Head of Assets in consultation with the Portfolio Holder for Infrastructure and Highways;
 4. approves that the Head of Assets conclude terms to acquire the land and rights required for the early delivery of the A6MARR roundabout spur by voluntary agreement and to instruct the Director of Legal Services to carry out such steps and enter into all necessary agreements to complete such acquisitions to purchase land at the junction with A6MARR in advance to allow this junction to be built as part of the A6MARR works; and
 5. notes that the development of the scheme will continue through the Council's highway contract supplier, Ringway Jacobs, up to and including the presentation of the proposal at a future public inquiry.

141 **FOOD WASTE COLLECTION, ORGANIC WASTE TREATMENT SOLUTION**

Cabinet considered a proposal to bring to final tender the procurement for the collection and treatment of food waste as a part of the garden waste bin recycling scheme.

Councillor J Wray, Chairman of the Environment and Regeneration Overview and Scrutiny Committee, reported that the Committee at its meeting on 4th May 2017 had made the following recommendations:

1. That the scheme does not conflict with any proposed residential development or the Bentley Master Plan and Development Framework.

2. That assurance be given that the scheme can accommodate household growth, as outlined in the local plan.
3. That assurance be given that the disposal and transport of compost will be dealt with correctly.
4. That the Council provide bio-degradable caddy bags to encourage the recycling of food waste.
5. That odour issues be dealt with appropriately.

RESOLVED

That Cabinet

1. approves the contents of the report and the findings of the Organic Waste Treatment Procurement: Final Tender Evaluation Report set out in Appendix 1;
2. approves the selection of Lot 1 Bidder 1 as the Preferred Bidder based on the Organic Waste Treatment Procurement: Final Tender Evaluation Report and the contents of the report;
3. authorises the Corporate Manager for Waste and Environment Services as the Senior Responsible Officer for the Organic Waste Treatment Procurement in consultation with the Chief Operating Officer and the Director of Legal Services to clarify, specify and optimise the Preferred Bidder's final tender to enable the Council to enter into a legally binding contract with the Preferred Bidder;
4. upon the satisfactory completion of the above clarification, specification and optimisation stage, delegates the final decision to award a contract to the Preferred Bidder to the Portfolio Holder for Regeneration and Assets;
5. notes the budget position to date and maintains the current capital budget allocated towards the cost of the Organic Waste Treatment Procurement in the Council's Capital Programme until all the Council's costs attributable to the Preferred Bidder's solution are identified; and
6. notes that if a contract is awarded to the Preferred Bidder, the implementation of the Preferred Bidder's solution will require a coordinated approach from the Council and its ASDVs including but not limited to:
 - The location subject to planning permission of the facility at the Council's site, at Leighton Grange Farm, Crewe detailed on the appended diagram;

- Upgrading of part of the access road to the Council's Site and, if necessary, any improvement works required to the junction of the access road and the A530. Costs will be confirmed following site investigation however highways initial estimate is in the order of £500,000 to 1 million depending on services and ground conditions;
- The supply and distribution of food waste caddies and bags to the relevant households estimated at approximately £322,000; and
- A communications strategy to inform residents of service changes and drive behavioural change.

Before closing the meeting, the Chairman congratulated Councillor Sam Corcoran on his election as leader of the Labour Group. Councillor Corcoran paid tribute to his predecessor, Councillor David Newton.

The meeting commenced at 2.00 pm and concluded at 4.10 pm

Councillor Rachel Bailey (Chairman)