

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 15th January, 2019 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Rachel Bailey (Chairman)
Councillor L Wardlaw (Vice-Chairman)

Councillors A Arnold, P Bates, J Clowes, J P Findlow and J Saunders

Councillors in attendance

Councillors Rhoda Bailey, E Brooks, S Corcoran, M Deakin, I Faseyi, D Flude,
G Hayes, S Hogben, L Jeuda, B Moran, M Parsons, A Stott, B Walmsley and
G Williams

Officers in Attendance

Kath O'Dwyer, Acting Chief Executive
Frank Jordan, Executive Director of Place/Acting Deputy Chief Executive
Mark Palethorpe, Acting Executive Director of People
Mark Taylor, Interim Executive Director of Corporate Services
Dan Dickinson, Acting Director of Legal Services/Monitoring Officer
Sara Barker, Head of Strategic HR
Paul Mountford, Executive Democratic Services Officer

Apologies

Councillor D Stockton

74 DECLARATIONS OF INTEREST

Councillors E Brookes, G Hayes and B Walmsley declared disclosable pecuniary interests in the items to be considered in Part 2 of the agenda relating to the Council's ASDVs and indicated that they would leave the meeting prior to the consideration of those items.

75 PUBLIC SPEAKING TIME/OPEN SESSION

Jenny Unsworth referred to the proliferation of hand car washes which she said were not covered by regulation. She expressed concern about the potential impact on residential amenities and health, and called for greater planning management. The Portfolio Holder for Housing, Planning and Economic Regeneration responded that any new development or change of use to provide a car wash required planning permission. A report would be taken to the Strategic Planning Board in the next two months to review the current position and make any recommendations on additional planning policy.

Richard Hamilton referred to a S106 contribution of £20,000 which was being held by the Council but was no longer needed for the intended purpose. He asked why the contribution had not been returned to the developer. The Portfolio Holder for Housing, Planning and Economic Regeneration responded that the relevant agreement stipulated that the money would have to be repaid if unused within 10 years, which would be in 2027. There was no requirement to repay the money at this time and given that circumstances could change, the money could still be needed for its intended purpose.

Sue Helliwell asked if the Council would install a defibrillator outside Westfields in Sandbach to follow the example of Alsager in having at least three defibrillators available 24 hours a day. The Portfolio Holder for Housing, Planning and Economic Regeneration responded that given that Westfields was somewhat removed from the Town Centre, it would be more appropriate to approach Sandbach Town Council with a view to installing a defibrillator outside Sandbach Town Hall, which was more centrally located.

Jane Smith asked why glyphosate was being used routinely in and around parks and playgrounds in Cheshire East. She said that the pesticide had been labelled by one international agency as 'probably carcinogenic' and had been banned from use in public places in some cities. The Portfolio Holder for Health responded that the Council managed weeds by cutting and digging them out and by strimming, and only where necessary by the careful application of weed killing herbicides which were not routinely carried by maintenance teams. She added that various international agencies and authorities had concluded that there was no evidence to link glyphosate with cancer in humans, based on the available information.

Paul Redstone referred to the condition of The Avenue in Alsager and asked that the Council include it for treatment in next year's road improvement programme, starting in April 2019. At the Chairman's invitation, Councillor Glen Williams, Deputy Cabinet Member, responded that The Avenue had been inspected and would be prioritised against other roads in the Borough in preparation for next year's programme. In the meantime, any defects found during the site inspection which were considered to be a safety hazard would be repaired.

Sylvia Dyke, speaking on behalf of residents of White Moss, asked why certain conditions relating to two planning applications had not been enforced by the Council, the application references being 7/14766 and 13/4132N. The Portfolio Holder for Housing, Planning and Economic Regeneration responded that, whilst he acknowledged that White Moss Quarry remained a concern for local residents, the circumstances surrounding the site had been explained on numerous occasions, both in writing and in face-to-face meetings with Council officers. He added that there was a clause in the legal agreement and a condition in the planning permission which required a restoration plan for the site to be agreed before the housing permission was implemented.

76 QUESTIONS TO CABINET MEMBERS

Councillor S Corcoran referred to an estimate he had given at the previous meeting of the numbers of premature deaths resulting from poor air quality in Cheshire East; a figure which at the time had been questioned but which he stood by. He asked if the Leader would now either accept his estimate or provide one of her own. The Leader undertook to provide a written response.

Councillor D Flude referred to HS2 and asked who sat on the Crewe Joint Board and when it met. She also asked if the meetings of the Local Transport Board could be recorded as with normal Council meetings. The Leader responded that the Local Transport Board was a subsidiary of the Cheshire and Warrington Local Enterprise Partnership; she had no issue with raising the matter of recorded meetings but indicated that the meetings were well attended by members of the public. At the Leader's invitation, the Executive Director Place commented that the Joint Sponsor Board for Crewe was chaired by a senior director of Network Rail and the Council was represented on the Board by the Executive Director Place. Transport for the North were also represented on the Board. The focus of the Board was on ensuring a joined up approach to track layout and station design.

Councillor B Walmsley commented that the main traffic congestion problems in Middlewich were caused by traffic bound for Cheshire West. She therefore asked that the Council support a Middlewich southern bypass to address the problem. At the Chairman's invitation, Mr C Hindle of the Council's Highways Team responded that at the last meeting of the Local Transport Board of the LEP, it was recommended that a Middlewich southern bypass be entered as a concept for consideration into the work programme for this year.

Councillor M Deakin referred to the re-application for 68 Close Lane, Alsager, which was an application for 16 homes. When the appeal came to be re-assessed, this resulted in no claim for primary education services in the area, the Council referencing the sufficiency of S106 provisions already secured. He asked if this would have an impact on educational provisions for future planning applications in the Alsager area such as the reserved White Moss application. The Portfolio Holder for Housing, Planning and Economic Regeneration undertook to provide a written answer.

77 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 4th December 2018 be approved as a correct record.

78 MIDDLEWICH EASTERN BYPASS - DELIVERY STRATEGY

Cabinet considered a report on the delivery strategy for the Middlewich Eastern Bypass.

The report sought delegated authority for the Executive Director Place to take all steps considered necessary or expedient to deliver the Scheme.

Councillor B Walmsley, speaking for all three local ward members, welcomed the report.

Councillor S Corcoran, whilst acknowledging that the bypass would benefit Middlewich, indicated there would be problems for Sandbach through the generation of additional traffic down Middlewich Road. He sought assurances that measures would be taken to mitigate the impact on air quality by reducing traffic flows which could be achieved either through road improvements or by promoting cycling and walking. The Leader responded that any representations were best made through the statutory planning process.

RESOLVED

That Cabinet

1. notes that the Executive Director Place will in accordance with the approved processes, draw down on the budget allocation within the Capital Programme Addendum in order to deliver the Scheme, reverting to Cabinet only in the event that the Executive Director Place or the Portfolio Holder for Communication and Finance identifies a material shift in the costs and/or risks associated with the Scheme;
2. delegates to the Executive Director Place (insofar as such delegations are required), in consultation with the Portfolio Holder for Communication and Finance, authority to take all steps the Executive Director Place considers to be necessary or expedient to deliver the Scheme which, for the avoidance of doubt, shall include (but not be limited to):
 - (a) taking all necessary steps to secure DfT Grant Funding;
 - (b) exercising all statutory planning and highways powers, including the service of notices and the making, confirmation and implementation of all orders, including Compulsory Purchase Orders and Side Road Orders; and
 - (c) entering into any contracts, licences, undertakings or other agreements, including Phase 1 (pre-construction) and Phase 2 (main construction) contracts under the SCAPE framework, to secure all services needed to deliver the Scheme.

79 A500 DUALLING SCHEME - FUNDING AND DELIVERY STRATEGY

Cabinet considered a report on the funding and delivery strategy for the A500 Dualling scheme.

The report sought approval to make the necessary provision in the Council's Capital Programme to deliver the scheme, and to delegate to the Executive Director Place authority to take all steps considered necessary or expedient to deliver the Scheme.

RESOLVED

That Cabinet

1. recommends to Council the inclusion of the sum of £54.79M in the Council's Capital Programme Addendum ("the Addendum"), being the anticipated sum required to deliver the Scheme;
2. agrees to underwrite, from the sum included in the Addendum, the Local Contribution of £11.39M, being the difference between the anticipated cost of the Scheme and the anticipated DfT Grant Funding;
3. delegates to the Portfolio Holder for Finance and Communication authority to agree variations to the amounts indicated in these recommendations within the financial approval limits that apply to full Cabinet;
4. notes that the Executive Director Place will, in accordance with the approved processes, draw down on the Addendum allocation in order to deliver the Scheme, reverting to Cabinet only in the event that the Executive Director Place or the Portfolio Holder for Finance and Communication identifies a material shift in the costs and/or risks associated with the Scheme;
5. delegates to the Executive Director Place (insofar as such delegations are required), in consultation with the Portfolio Holder for Finance and Communication, authority to take all steps the Executive Director Place considers to be necessary or expedient to deliver the Scheme which, for the avoidance of doubt, shall include (but not be limited to):
 - (a) taking all necessary steps to secure DfT Grant Funding;
 - (b) exercising all statutory planning and highways powers, including the service of notices and the making, confirmation and implementation of all orders including Compulsory Purchase Orders and Side Road Orders; and
 - (c) entering into any contracts, licences, undertakings or other agreements, including Phase 1 (pre-construction) and Phase 2

(main construction) contracts under the SCAPE framework, to secure all services needed to deliver the Scheme.

Note: At this point, having declared disclosable pecuniary interests in the items to be considered in Part 2 of the agenda relating to the Council's ASDVs, Councillors E Brookes, G Hayes and B Walmsley left the meeting.

80 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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

An hour long confidential briefing on the two following items had been provided for members prior to the Cabinet meeting. At the briefing, the confidential papers had been shared with those members present and officers had addressed a range of questions.

81 ALTERNATIVE SERVICE DELIVERY VEHICLES (ASDV) GOVERNANCE ARRANGEMENTS

Cabinet considered a report on ASDV governance arrangements.

RESOLVED

That the recommendations set out in the report be approved.

82 ASDV PROGRAMME UPDATE

Cabinet considered a report on the ASDV change programme.

RESOLVED

That the recommendations set out in the report be approved.

The meeting commenced at 2.00 pm and concluded at 3.40 pm

Councillor Rachel Bailey (Chairman)