

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 6th August, 2019 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors D Flude, T Fox, L Jeuda, N Mannion, J Rhodes, A Stott and
M Warren

Councillors in attendance

Councillors J Barber, M Beanland, M Benson, J Buckley, C Bulman, J Clowes,
L Crane, A Critchley, T Dean, S Edgar, B Evans, J P Findlow, K Flavell,
S Gardiner, P Groves, A Moran, B Murphy, J Nicholas, J Parry, J Saunders,
R Vernon and L Wardlaw

Officers in Attendance

Kath O'Dwyer, Acting Chief Executive
Mark Palethorpe, Acting Executive Director of People
Catherine Parkinson, Interim Director of Governance and Compliance
Alex Thompson, Director of Financial and Customer Services
Paul Bayley, Director of Environment and Neighbourhood Services
Paul Mountford, Executive Democratic Services Officer

Apologies

Councillor B Roberts

29 DECLARATIONS OF INTEREST

There were no declarations of interest.

30 PUBLIC SPEAKING TIME/OPEN SESSION

Ted Wall referred to the recent flooding in the area of Poynton, Bollington and Macclesfield. He paid tribute to Council staff and the emergency services and in particular to those local residents who had helped those affected by the flooding.

The Portfolio Holder for Environment and Regeneration echoed Mr Wall's remarks and advised that the incident was now in the recovery stage and that a full debriefing involving all relevant agencies and local residents would be held to consider the learning from the incident and what preventative measures could be taken for the future.

Sarah Anderson, on behalf of the Alsager Neighbourhood Plan Steering Group, asked what was the national policy or guidance which was making

Cheshire East Council reduce the area covered by the town centre boundaries against the wishes of local communities, and why did the Council persist in determining its town centre boundaries by reference to retail outlets, and insist on having a primary shopping area within the town centre against recognised trends.

The Portfolio Holder for Planning replied that the Council's approach to town centre boundaries was derived from guidance in the National Planning Policy Framework which highlighted the need to define primary shopping areas reflecting where retail development was concentrated and town centre boundaries which should include the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. The forthcoming consultation afforded the opportunity to make further comments on the town centre boundary should that be necessary.

Danielle Bassi, on behalf of Keyworker Homes, stated that the settlement boundary of Shavington should revert to its previous boundary and she asked why the Council would discount the opportunity to bring forward affordable housing. (Further details of this matter had previously been emailed to members of the Cabinet on behalf of Keyworker Homes.)

The Portfolio Holder for Planning undertook to provide a written reply.

Sue Helliwell referred to the fact that the membership of the Cabinet had increased from eight to ten and asked if there had been any increase in allowances paid to councillors who sat on Cabinet.

The Leader responded that the allowance per Cabinet member had not increased but the number of Cabinet members had increased to ten. He had also noted that some outside organisations paid remuneration to the Council representatives on those bodies and he had asked for the details to be made available along with the allowances paid to Directors of the Council's ASDVs so that the full picture could be made publicly available. The Deputy Leader added that in addition to being a Cabinet member he was also Chairman of the Northern Planning Committee and Leader of the Independent Group, both of which positions, under the Council's scheme of member allowances, attracted a special responsibility allowance. However, the Council's scheme provided that no member may receive more than one special responsibility allowance. Therefore, if the allowances paid to those other positions were offset, the actual cost of the Deputy Leader of the Council was currently £3,523, rather than £16,792 as it had been in the past. In addition, the Portfolio Holder for Finance, ICT and Communication was also the Independent Group administrator, which attracted an allowance, but under the Council's scheme she could not claim both allowances, and therefore, discounting the allowance paid to Group administrators, the cost of that Cabinet member was also less than it would otherwise have been.

Jeremy Herbert, speaking on behalf of Nantwich Mill Hydro Electric Generation Company, a not-for-profit company aimed at delivering electricity from a water turbine slotted into the weir on the River Weaver in Nantwich town centre, asked for the Council's support for the scheme as the owner of the site in question.

The Leader indicated that the Council was developing an Environmental Strategy for the Borough which would be submitted to the Cabinet's next meeting in September. The Portfolio Holder for Environment and Regeneration asked Mr Herbert to provide a summary of the scheme, following which he would provide a written response.

Rachel Wright, representing the Friends of Barony Park, referred to a number of recent encampments at the Park and sought assurances that the Council would have an enforcement order in place by the weekend. She also asked why the Council was not seeking an injunction to address the issue as had been done by Thurrock and Reigate Councils.

The Leader replied that the best long term solution would be for the Council to provide a transit site in the Borough. He also asked for details of the Thurrock and Reigate injunctions and said that the Council would consider target hardening. The Portfolio Holder for Communities added that he was working with the police behind the scenes and that a summons would be served tomorrow morning.

Ken Edwards expressed concern that the Site Allocations and Development Policies Document to be considered later in the meeting required green belt to be taken out of Bollington for housing provision. He outlined four grounds on which the proposal was flawed.

The Portfolio Holder for Planning acknowledged that this was a contentious issue and noted that Mr Edwards was to have a further meeting with officers to discuss the matter. She urged him to submit representations during the consultation.

31 QUESTIONS TO CABINET MEMBERS

Councillor A Moran referred to three recent incursions by travellers onto the Barony Park, Nantwich, all of which had been dealt with differently. He referred to the anti-social behaviour that had resulted and asked that urgent action be taken to resolve the matter.

The Portfolio Holder for Communities reiterated the comments he had made on the matter during public speaking.

Councillor P Groves welcomed the Council's commitment to providing a transit site somewhere in the Borough but expressed disappointment that there had been local opposition to a transit site at Cledford.

The Leader replied that he was committed to consultation on the provision of a transit site and would await the outcome of that consultation. The Portfolio Holder for Environment and Regeneration added that any planning proposals for a transit site would be dealt with by the appropriate planning committee.

Councillor J Saunders referred to the recent flooding in Poynton which had affected approximately 100 homes and she praised the emergency services and local town council staff and members for their work in addressing the problem. She asked if the Clerk to Poynton Town Council could attend the forthcoming multi-agency debriefing.

The Portfolio Holder for Communities agreed to the request. (Note: later in the meeting, the Portfolio Holder agreed to a similar request by Councillor J Nicholas in respect of the Clerk to Bollington Town Council.)

Councillor M Beanland also referred to the flooding in Poynton and expressed concern about communication problems with the Cheshire East Emergency Planning Team and a delay in their responding.

The Leader undertook to provide a written reply.

Councillor T Dean referred to a proposal in the Site Allocations and Development Policies Document for a site for travelling showmen in the centre of Knutsford. He felt that it was important to give priority to existing local businesses and to find an alternative site.

The Portfolio Holder for Environment and Regeneration undertook to meet Councillor Dean in the next few days to discuss the matter.

Councillor J Parry circulated information regarding Cledford Hall Farm, Middlewich which had been identified in the Site Allocations and Development Policies Document as a possible transit site. He felt that there were numerous planning reasons why this site was unsuitable for this purpose and he urged the Council to undertake a thorough review of the process involved and a re-evaluation of all sites identified for a transit site, with all local councillors being kept informed and allowed to provide input. He also asked if a sustainable urban drainage report had been produced for the Cledford Lane site and, if so, whether he could receive a copy.

The Leader and the Portfolio Holder for Planning urged Councillor Parry to ensure that representations were made in response to the consultation on the SADPD document.

Councillor Parry also asked, on behalf of Councillor S Brookfield who was unable to attend the meeting, if the Portfolio Holder for Children and Families had any concerns about the number of planning applications for children's homes in the Borough.

The Portfolio Holder for Children and Families responded that she had expressed concerns for many years at the number of children's homes provided in unsuitable areas. The Portfolio Holder for Planning undertook to provide a written response.

Councillor J Buckley expressed concern at a proposal to restrict the boundary of Alsager town centre and asked Cabinet to look at policy RET9 in the SADPD document. She commented that retail was not the only factor in identifying a vibrant high street and that services and local meeting places were also important, the high street being a communal place for public health and wellbeing.

The Portfolio Holder for Planning had already held meetings with Alsager Town Council and she suggested that the way forward was to make appropriate representations in response to the public consultation.

32 MINUTES OF PREVIOUS MEETING

The Chairman reported a proposed amendment to minute 18 (Questions to Cabinet Members) of the minutes of the previous meeting as shown in italics below:

"Cllr Phil Williams referred to a response given to a question asked at the last Cabinet meeting on the badger vaccination programme and asked about badger culling on tenanted farm land. The Leader replied that he had previously asked a similar question and the answer he was given then was the Council could not in many cases dictate to tenant farmers what they allowed to happen on their land. *However, as tenancy agreements were renewed they would be amended to provide that badger culling would not be allowed on the land.*"

The Chairman added that the significance of what he had said at the previous meeting was that the new administration would look into amending leases as they were renewed to provide that badger culling would not be allowed. He also stressed that the Council would follow the proper procedures in doing this.

There were also a number of minor typing errors in the minutes which would be corrected.

RESOLVED

That subject to the amendment above, the minutes of the meeting held on 9th July 2019 be approved as a correct record.

33 SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT - PUBLIC CONSULTATION

Cabinet considered a report on the Site Allocations and Development Policies Document which formed the second part of the Council's Local

Plan. The report sought Cabinet approval of the publication draft version of the document and its publication for consultation purposes.

The Leader drew attention to the recommendations of the Strategic Planning Board on 24th July 2019 as follows:

That for the reasons set out in the report:

- 1. Cabinet approve for consultation the Publication Draft version of the Site Allocations and Development Policies Document (Appendix 1), its Sustainability Appraisal (Appendices 2 and 2a) and Habitats Regulation Assessment (Appendix 3) for public consultation with the consultation period to commence Monday 19 August 2019 and end Sunday 13 October 2019. In addition it is recommended that the consultation process take fully on board engagement with the settled Gypsy and Traveller communities across the Borough in areas of proposed residential and transit sites with the purpose of community cohesion for both settled and transient Travellers/Gypsy communities;*
- 2. Cabinet approve and publish alongside the documents listed in (i), the draft Plan's supporting evidence base (Appendix 6) and the draft Statement of Common Ground (Appendix 8).*

With regard to the consultation period of eight weeks recommended by the Strategic Planning Board, the Acting Chief Executive advised that whilst the national guidance on the SADPD required a minimum consultation period of six weeks, the Council's Statement of Community Involvement required a consultation period of six weeks and that therefore, to ensure that the process was followed legally and correctly, a six week consultation period would apply.

The Leader advised that the Strategic Planning Board's recommendation that the consultation take fully on board engagement with the Gypsy and Traveller communities across the Borough did not require a formal resolution of Cabinet.

The Leader further advised that following the consultation period, a further report would be submitted to Cabinet on the outcome of that consultation and Cabinet would have the opportunity, if it wished, to make any amendments to the SADPD in light of the consultation feedback. Any amendments made by Cabinet at that stage could require a further consultation period.

Councillor S Gardiner spoke on this matter as Vice-Chairman of the Strategic Planning Board and as the Council's Equality and Diversity Champion.

RESOLVED

That, having considered the recommendations of the Strategic Planning Board, Cabinet

1. approves the Publication Draft version of the Site Allocations and Development Policies Document (Appendix 1), its Sustainability Appraisal (Appendices 2 and 2a) and Habitats Regulation Assessment (Appendix 3) for public consultation, and approves for publication the draft Plan's supporting evidence base (listed in Appendix 6);
2. approves for publication the draft Statement of Common Ground (Appendix 8); and
3. authorises the Head of Strategic Planning to make any additional non-material changes to the consultation documents or supporting information ahead of the consultation and prepare any additional explanatory information to support the consultation.

34 EXCLUSION OF THE PRESS AND PUBLIC

The Chairman made a brief statement about the subject matter of the next item and the reason for its being considered in private.

The Best for Business programme related to the implementation of a new computer system for the Council. It was not uncommon for computer systems to be delayed in implementation. A full update on the Best for Business programme was reported to the Shared Services Joint Committee on 2nd August 2019. The item before Cabinet today concerned not the whole programme but a settlement agreement. Cabinet approval was required for claims that exceeded £100,000. A payment was made in February 2019 that exceeded £100,000 and which was not approved by Cabinet. This Cabinet was now being asked to approve the payment retrospectively. The Leader's view of the rules was that they were there to help you, particularly in difficult times, and should be followed. It was disappointing that the rules had not been followed in relation to the payment made in February 2019. He reluctantly agreed that discussion of the item on the agenda needed to be confidential because the Best for Business programme was ongoing and was commercially sensitive.

Members of the Council had been given an opportunity to attend a briefing with officers at 1.00 pm on the day of the Cabinet meeting to consider and comment on the report.

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves 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.

35 BEST FOR BUSINESS - FINANCIAL APPROVALS

Cabinet considered the report on this matter.

It was noted that a further report would be submitted to the Cabinet and the Corporate Overview and Scrutiny Committee in due course.

RESOLVED

That the recommendation in the report be approved.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

Councillor S Corcoran (Chairman)