

Ms Erika Wenzel  
Chief Executive  
Cheshire East Borough Council  
Westfields  
Middlewich Road  
Sandbach  
CW11 1HZ

**Formal Complaint to Cheshire East Borough Council**  
**Agenda Item 6 – Cabinet Meeting 8 September 2009**  
**Proposed Off Street Parking Places Order**

**Basis of Complaint:**

1. Failure to consider relevant matters in coming to a decision; and
2. Failure to fulfil statutory responsibilities.

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Dear Ms Wenzel

This is a Formal Complaint with respect to the failure of Cheshire East Council to consult in manner consistent with the required due process, as required by Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, in a Statutory Consultation with respect to the above noted decision (“the Decision”).

**Whereas:**

1. The closing date for objections on proposed car parking charges in the former Congleton Borough was set by Cheshire East Borough Council (CEC) at 2<sup>nd</sup> September, 2009;
2. the Final Report (“the Report”) was published on CEC’s website on the 28<sup>th</sup> August, 2009 at 13:20, this being several days before the closing date for representations;
3. the report misrepresents the input of Sandbach Town Council in a number of ways material to the consultative process;
4. the circulation of “last minute information” with respect to the above noted Cabinet meeting and resulting Decision was done in breach of the constitution of CEC;
5. a legal requirement stated in the Report at paragraph 5.3 is that “before a local authority makes an off-street parking places order it must consider all valid objections received during the consultation period which have not been withdrawn”. Then CEC, because of the prematurity of the Report and its own constitutional demands, cannot have carried out this legal obligation;



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6. the process leading up to this decision appears to be invalid and to contravene the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

**Therefore:**

We respectfully suggest that the Decision appears not to be legal and that the Decision thereby should be rescinded.

Yours sincerely

**Town Clerk, for and on behalf of Sandbach Town Council**

CC: Councillor Wesley Fitzgerald,  
CEC Monitoring Officer  
Chair of CEC Corporate Scrutiny Committee  
Chair of CEC Sustainable Communities Scrutiny Committee