

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Council**  
held on Thursday, 21st July, 2011 at The Assembly Room, Town Hall,  
Macclesfield, SK10 1DX

### **PRESENT**

Councillor R West (Chairman)  
Councillor G M Walton (Vice-Chairman)

Councillors C Andrew, Rachel Bailey, Rhoda Bailey, A Barratt, G Barton, G Baxendale, D Bebbington, G Boston, D Brickhill, D Brown, L Brown, B Burkhill, P Butterill, R Cartledge, J Clowes, W S Davies, R Domleo, D Druce, K Edwards, I Faseyi, J P Findlow, W Fitzgerald, R Fletcher, H Gaddum, S Gardiner, L Gilbert, M Grant, P Groves, J Hammond, M Hardy, A Harewood, P Hayes, S Hogben, D Hough, P Hoyland, O Hunter, J Jackson, L Jeuda, M Jones, F Keegan, A Kolker, W Livesley, J Macrae, D Mahon, D Marren, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, G Morris, B Murphy, H Murray, D Neilson, D Newton, P Nurse, M Parsons, L Roberts, J Saunders, M Sherratt, B Silvester, M J Simon, L Smetham, D Stockton, C G Thorley, A Thwaite, D Topping, M J Weatherill, P Whiteley, S Wilkinson and J Wray

### **Apologies**

Councillors S Corcoran, H Davenport, P Edwards, D Flude, S Jones, A Martin, M A Martin and P Raynes

### **23 APOLOGIES FOR ABSENCE**

### **24 MINUTES OF THE MEETING HELD ON 18 MAY 2011**

#### **RESOLVED**

That the minutes be approved as a correct record, subject to an amendment to the resolution in minute number 4, to correct a typographical error, so that the year reads 2011/12.

### **25 MAYOR'S ANNOUNCEMENTS**

#### **The Mayor :-**

1. Informed Members of the results of the election for the Crewe South Ward, where Councillors Dorothy Flude and Steven Hogben were elected. He noted that Cllr Flude had offered her apologies for the meeting and welcomed Cllr Hogben to his first Cheshire East Council meeting.
2. Reported that he had attended a large number of engagements in the last two months. One particularly memorable event had been the

lighting of the Olympic flame for the special Olympics and then, later in the month, the extinguishing of the flame. The Cheshire East team had won ten gold, five silver and five bronze medals and he had been delighted to attend.

3. Announced that, earlier in the week, several venues in Cheshire East had the honour of being visited by Their Royal Highnesses, The Duke and Duchess of Gloucester. He was at Macclesfield to greet the Duke and show him some of the installations to mark the town's 750<sup>th</sup> Charter. The Deputy Mayor had welcomed the Duchess to Queens Park, where she had met some veterans and members of Friends of Queens Park. The Royal couple were reunited at the RHS Show at Tatton Park, where they visited the Cheshire East floral bed, which had Queens Park as its theme.
4. Announced that the previous week had seen the launch of the Place Shaping Consultation, which asked for views on how the Council could improve its towns and villages, over the next 20 years. The results would help to prepare the new development plan for Cheshire East – the Local Development Framework. Everyone who lived or worked in Cheshire East had been invited to complete the questionnaire and let the Council know what they liked about their town and what they wanted to see improved. More information was available via a series of exhibitions, which were in all the major towns in Cheshire East and on the Council's website.
5. Was delighted to announced that Cheshire East Adult Services had won the "Personalisation and Choice Achievement of the Year" awarded at the Municipal Journal (MJ) National Awards 2011, which was a prestigious national competition. Cheshire East were one of six finalist, of which two got Highly Commended but Cheshire East took the award. The award reflected the work of Adult Services in modernising personal care and the support given by Corporate colleagues. The Mayor congratulated all those staff involved.
6. Was pleased to announce that Cheshire East Council won 2 Gold medals at the RHS show at Tatton – Gold for the Queens Park Flower Bed and Gold for Tatton's Japanese Garden . He congratulated all those staff involved.

He also announced that it was the centenary of the Japanese garden, at Tatton park and that the Japanese Ambassador would be visiting the garden, where the Mayor would meet him, on the following day.
7. Referred to various news bulletins, throughout the day, relating to the publication of a serious case review by the Cheshire East Safeguarding Children Board.
8. Announced that the formal feedback from OFSTED, on the effectiveness of Cheshire East's safeguarding and support,

provided to cared for children, had been positive.

9. Informed Members that he had agreed to an additional item being added to the agenda for the meeting, due to the resignation of the Health and Wellbeing Portfolio Holder and the requirement for the Leader of the Council, under the Constitution, to make an announcement to Council about changes to his Cabinet.

He was satisfied of the special circumstances of this matter, which justified this urgent item being added to the agenda and that the provisions of S100B(4) of the Local Government Act 1972 had been met. The reason for the urgency was the need to ensure seamless continuity of Portfolio Holder cover in respect of the currently vacant Health and Wellbeing Portfolio.

This item would be dealt with immediately after item 6 of the agenda: "Public Speaking Time".

## 26 **DECLARATIONS OF INTEREST**

The Mayor reported that a number of Members had sought advice from the Monitoring Officer with regard to declarations of interest in respect of item 19 – Harmonisation of Terms and Conditions, where they were related to an employee of Cheshire East Council.

Members had been advised that they should declare a personal interest in these circumstances.

The following Members declared a personal interest in this item :-

<b><u>Member</u></b>	<b><u>Relationship</u></b>
Cllr Marren	Son
Cllr Bebbington	Sister
Cllr Hogben	Daughter
Cllr Sherrat	Partner

## 27 **PUBLIC SPEAKING TIME/OPEN SESSION**

Mr T Beard used public speaking time to request that the Council review its decision to increase market rents in Crewe, in view of the number of vacant market stalls and the effect on the vibrancy of the town centre.

The Mayor undertook to request that a written response be provided to Mr Beard.

**28 URGENT ITEM OF BUSINESS - ANNOUNCEMENT BY THE LEADER OF CHANGES TO THE CABINET**

The Leader of the Council announced that, following the resignation of Cllr Peter Hayes from the Cabinet, Cllr R Domleo would take on the responsibilities for the Health and Well-being Portfolio, in addition to his responsibilities as Adult Services Portfolio Holder and that Cllr J Clowes had been appointed as a Cabinet Support Member for the Health and Well-being Portfolio.

**29 NOTICES OF MOTIONS**

Consideration was given to the following Notice of Motion, submitted by Cllrs S Jones and Fletcher :-

This Council is concerned about the capacity of the Quality Care Commission (QCC) ,to carry out its functions effectively. The Council resolves to ask the Chief Executive to register our concerns, at Ministerial level and with the Chief Executive of QCC, with copies of correspondence to our local MPs.

This Council asks Cabinet to refer to the relevant Scrutiny Committees with a view to establishing an all-party Task/Finish group to investigate the position in Cheshire East regarding the interface between the QCC and our own safeguarding service to ensure that our vulnerable residents, particularly those in receipt of domiciliary care, are properly protected.

**RESOLVED**

That the motion stand referred to Cabinet.

Consideration was given to the following Notices of Motion Submitted by Cllrs D Neilson and D Hough :-

**One**

In the written answer to Cllr. John Narraway's question to full Council, regarding the cost of redundancies and subsequent savings, it looks like the cost has been £23.8m, with estimated savings of £2m per annum. This would appear to give a payback time of over 10 years, when Cabinet reports have suggested a payback period of 4 years.

**Motion :-**

That this Council ask the Corporate Scrutiny Committee to review the costs of redundancies and pay back time and report back to Council on their findings.

Cllr Mason, Portfolio Holder Procurement, Assets and Shared Services provided the following information in respect of how the figures, included in the response, relating to the cost of redundancies and payback, had been calculated :-

### **Monthly Staffing Costs**

April 2009 – £26.385m

April 2011 – £24.958m

This 2 year reduction was rounded to £1.5m, giving an average monthly reduction of £750k. This was then multiplied by 24 months = £18m.

Redundancy Cost 9/10 – £13.9m

Redundancy Costs 10/11 – £9.8m

£23.7m = £23.7m Costs

£18.0m Savings = 1.3 Year Pay Back

It having been suggested that the motion was founded on erroneous information, the Mayor put the matter to the vote and it was : -

### **RESOLVED**

That the motion will not be referred to Cabinet.

### **Two**

That the Council suspends all new redundancy requests, until a review is carried out, relating to the counter productive effect of employees getting jobs with other employers, while their services are still required and being allowed voluntary redundancy. Thus leaving extra redundancy cost to the Council, plus the extra costs involved of recruiting from outside the organisation.

It having been suggested that the second motion was consequential upon the first, the Mayor put the matter to the vote and it was :-

### **RESOLVED**

That the motion will not be referred to Cabinet.

## **30 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES**

Consideration was given to a report, reviewing the political representation on the Council's Committees, following the election in the Crewe South Ward.

### **RESOLVED**

That the political group representation, as set out in Appendices 1 and 2 to the report and the methods, calculations and conventions used in arriving at them, as outlined in the report, be adopted.

### **31 APPOINTMENT OF MEMBERS TO COMMITTEES**

Consideration was given to a report reviewing the memberships of the Council's decision-making bodies, listed in Appendix 2 of the previous agenda item.

The Political Groups had reviewed their nominations and an appendix to the report, providing details of the political groups' nominations of Members to the various bodies was circulated at the meeting.

In proposing the nominations the Leader of the Council reported that, in view of the fact that Cllr J Clowes had now been appointed as a Cabinet Support Member, she would no longer be a member of the Children and Families Scrutiny Committee and a member/Vice-chairman of the Health and Wellbeing Scrutiny Committee. The Leader would notify the Borough Solicitor of her replacement.

The Labour group notified the replacement of Cllr L Jeuda with Cllr A Harewood on the Local Service Delivery (Macclesfield) Committee.

The Liberal Democrat Group notified the filling of the Liberal Democrat vacancy on the Standards Committee, by Cllr R Fletcher.

It was also reported that, with effect from 15 July 2011, Cllr D Flude was the Leader of the Labour Group and Cllr J Jackson was the Deputy Leader of the Labour Group.

The above changes have been incorporated into an appendix to the report, which is attached to these minutes.

#### **RESOLVED**

That, subject to the above changes, the nominations as set out in the Appendix as circulated at the meeting and as attached, be agreed.

### **32 APPOINTMENTS TO CHESHIRE FIRE AUTHORITY AND JOINT CHESHIRE PENSION FUND COMMITTEE**

Consideration was given to a report inviting Council to review appointments to Cheshire Fire Authority and the Cheshire Pension Fund Committee.

The following nominations, as submitted by the political groups, were circulated at the meeting :-

### **Cheshire Fire Authority**

Councillors M Simon, J Weatherill, J W Livesley, D Topping, G Merry, C Thorley, D Flude and D Brickhill.

### **Joint Cheshire Pension Funds Committee**

Councillors F Keegan, P Mason, P Raynes, and D Newton.

### **RESOLVED**

That the nominations, as set out above, be approved.

### **33 RECOMMENDATION FROM CONSTITUTION COMMITTEE - APPOINTMENT OF APPEALS SUB-COMMITTEE**

The Constitution Committee had considered a report on proposals for the appointment of an Appeals Sub-Committee. It was proposed that the appeals function should become the responsibility of the Constitution Committee and that the Committee appoint an Appeals Sub Committee of 5 Members, on a politically-proportionate basis.

In considering the proposals, the Constitution Committee recommended to Council that the Sub-Committee be appointed and that it comprise a pool of 10 Members, to be nominated by the Political Groups, from whom 5 Members could be drawn, on a political proportionate basis.

The following nominations were made at the meeting :-

Labour Group – Cllrs A Harewood and I Faysei.

Independent Group – Cllrs B Murphy and M Parsons.

### **RESOLVED**

1 That the following functions become the responsibility of the Constitution Committee, which will appoint an Appeals Sub Committee with full delegated powers to hear and determine the following:

- appeals lodged under the Marriage Act
- appeals lodged with the Council for determination, as authorised under all relevant education legislation, excluding those duties falling to the Independent Appeals Panel (school admissions and exclusions)
- appeals lodged with the Council in respect of school transport
- appeals from bus contractors in accordance with contract procedures

- any appeals lodged with the Council as Social Services Authority and as authorised under all relevant social services legislation

2 That the Sub-Committee comprise five members on a politically proportionate basis, the members to be drawn from a wider pool of ten members to be nominated by the political groups.

3 That the Officers arrange suitable training for those Members nominated.

4 That the Appeals Sub-Committee's meetings be held, wherever possible, on those dates already scheduled in the calendar of meetings for the former Appeals Committee.

### **34 RECOMMENDATION FROM CONSTITUTION COMMITTEE - WHISTLEBLOWING POLICY**

The Constitution Committee had considered a report, which advised them on the content of the revised Whistleblowing Policy, which formed part of the Constitution and required endorsement by the Constitution Committee, prior to its referral to full Council for approval and adoption.

The Committee had made number of suggestions in relation to the Policy, including that the wording of the Policy should reflect the fact that it also applied to elected Members as well as employees; the Whistleblower should be kept up to date on progress with the investigation; and the telephone number for the external auditor be included. The Committee had recommended that Council agree that the Borough Solicitor and Monitoring Officer, in liaison with the Vice Chairman of the Constitution Committee, agree the wording of proposed changes to the revised Policy. In light of this, a meeting had taken place between the Vice- Chairman, Cllr Marren and the Borough Solicitor, where amendments were agreed and these were circulated at the Council meeting.

### **RESOLVED**

1. That the revised Whistleblowing Policy, as circulated at the meeting, be adopted and included in the Constitution.

### **35 RECOMMENDATION FROM CONSTITUTION COMMITTEE - EXECUTIVE ARRANGEMENTS AND CABINET PROCEDURE RULES**

The Constitution Committee had considered a report on the proposed changes to the Executive and Cabinet Procedure Rules, as part of the review of the Council's Constitution.

The Constitution contained both Executive Procedure Rules and Cabinet Procedure Rules. Both contained similar or duplicate information and following review, a consolidated Cabinet Procedure Rules Section had



been produced. The Cabinet and Corporate Management Team had been consulted and no specific matters had been raised.

The Committee suggested that questions at Cabinet be included in the work programme, as part of the review of the Constitution and recommended to Council that the Constitution be amended, to include the consolidated Cabinet Procedure Rules and that a review of rules for Member questions at Cabinet be included in the review of the Constitution.

## **RESOLVED**

1 That the Constitution be amended, to include the newly consolidated Cabinet Procedure Rules.

2 That a review of rules for Member questions at Cabinet be included in the review of the Constitution.

## **36 RECOMMENDATION FROM CONSTITUTION COMMITTEE - PROPOSED AMENDMENTS TO THE COUNCIL'S CONTRACT PROCEDURE RULES**

The Constitution Committee had considered a report on proposed amendments to the Council's Contract Procedure Rules. The amendments were proposed to reflect best practice, developed by the Procurement Unit, including clarification on the taking of Delegated Decisions by Chief Officers. Amendments were also proposed, to take into account new legislation and the Council's ability to receive electronic tenders, as well as to clarify and remove parts of the Rules, which were no longer applicable.

The Committee had a number of queries and concerns about the proposed amendments and proposed that a decision be deferred and further work be carried out on the amendments to the Rules and recommended that Council note this.

The following motion was moved and seconded :-

That :-

- 1 Council note that the Constitution Committee has deferred consideration of the report to a future meeting to enable further work to be carried out.
- 2 A report be brought to a future meeting reviewing and amending the Finance element of the Finance and Contract Procedure Rules.

## **Amendment**

An amendment to add the words "that, in the interim and in no way fettering the Constitution Committee, the financial threshold at which the Rules

require a formal tendering procedure be increased from £50,000 to £75,000” was moved and seconded and declared carried.

**RESOLVED:** That :-

- 1 That Council note that the Constitution Committee has deferred consideration of the report to a future meeting to enable further work to be carried out.
- 2 That a report be brought to a future meeting of the Constitution Committee, reviewing and amending the Finance element of the Finance and Contract Procedure Rules.
- 3 That, in the interim and in no way fettering the Constitution Committee, the financial threshold at which the Rules require a formal tendering procedure be increased from £50,000 to £75,000.

**37 RECOMMENDATION FROM CONSTITUTION COMMITTEE -  
OVERVIEW AND SCRUTINY COMMITTEES TERMS OF REFERENCE**

The Constitution Committee considered a report on the Terms of Reference for the six Overview and Scrutiny Committees.

Council, at its Annual Meeting on 18 May 2011, had increased the number of Overview and Scrutiny Committee from five to six, by dividing the functions of the former Health and Adult Social Care Overview and Scrutiny Committee and thereby creating two new Committees: Health and Wellbeing Overview and Scrutiny Committee and Adult Social Care Overview and Scrutiny Committee.

The two new Committees had considered the draft terms of reference and the Scrutiny Chairmen’s Group had met with the Leader of the Council to review the terms of reference of all six Committees, in light of the changes made by the Leader in respect of the Portfolio responsibilities for each of the Cabinet Members. The Constitution Committee had recommended that Council approve the proposed terms of reference

**RESOLVED**

- 1 That the proposed terms of reference for the six Overview and Scrutiny Committees, as set out in the Appendix to the report, and part 3 of the Council’s Constitution, be amended accordingly.
- 2 That the Constitution be amended, to incorporate into the General Responsibilities of all Scrutiny Committee, as contained in part 3, the responsibility for undertaking pre-decision scrutiny work, as expressed in paragraph 10.5 of the report.

## 38 OVERVIEW AND SCRUTINY ANNUAL REPORT 2010/11

Consideration was given to the Overview and Scrutiny Annual Report 2010/11.

The Leader of the Council and other Members paid tribute to Cllr Thwaite for his work as Chairman of the Scrutiny Chairmen's Group, over the past few years.

### **RESOLVED**

That the Overview and Scrutiny Annual Report 2010/11 be received and posted on the Council's website.

## 39 QUESTIONS

The Following questions had been submitted in accordance with Procedure Rule 11 :-

### **Question 1 – Cllr Jeuda**

The phasing out by the Government of the Independent Living Fund, which allows disabled people with high support needs to live independently will affect people living in Cheshire East who are in receipt of the benefit.

Can the Cabinet member assure those affected by this change that they will not suffer further hardship by a reduction in their care and income from Cheshire East and that funding will be at the same level protected by inflation?

### **Response from Cllr Domleo**

Independent Living Funds were awarded to individuals who meet specific ILF eligibility criteria. Funding awards were made on an individual basis depending upon the service users circumstances and particular needs. Awards received by Cheshire East Council service users range from £30 per week to the maximum award of £475 per week. Current awards are protected as long as the eligibility criteria continues to be met but are frozen, which means there are no increases for current claimants and no new awards for new eligible service users. If a claimants circumstances change the ILF award can be reduced or withdrawn but will not be increased to meet additional need.

All Local Authorities await further news on the future of ILF and it is, therefore difficult to assess the impact as the future of the funding stream is currently under review. Cheshire East Council has amended its charging policy to enable the collection of client contributions directly from ILF recipients should the ILF funding devolve to Local Authority control - however, this is certainly not confirmed as an outcome of the ILF review at this stage. Any shift is likely to be subject to tight controls and guidance from Government.

Cheshire East Council, Adult Services has supported 83 service users to access additional care and support through the Independent Living Fund amounting to a total annual funding figure of £1.5m. This is made up of £1.3m direct funding to our service users from the ILF organisation and £200k in client contributions to their ILF monies as claimants are required to contribute.

Cheshire East Council has an Officer with responsibility for overseeing ILF reviews with the current priority to retain as much of this award as possible, given there is no growth.

The total estimated financial impact on costs for Cheshire East Council as a result of these changes to ILF funding is £1.3m per annum.

The Council has a statutory duty to fund unmet substantial and critical care needs. Irrespective of the changes to ILF the Council's obligation to fund such care needs remains and will be fulfilled

### **Supplementary Question**

What is the likely financial impact of such support in current and forthcoming years?

### **Response from Cllr Domleo**

£1.3M.

### **Question 2 – Cllr Jeuda**

In view of the changes proposed to the salaries of employees of Cheshire East detailed in the Harmonisation of Terms and Conditions document. For many this will mean a significant cut in pay and changes to their present conditions. In the interest of fairness will the Leader of the Council follow the advice of the Prime Minister and the Secretary of State for Communities and look closely and critically at the salaries of all Council employees who are currently earning more than the Prime Minister?

### **Response from Cllr Fitzgerald**

Thank you for your question Councillor Jeuda. I have a few points I would like to make in response.

Firstly if I could begin by stressing that I think that any comparisons which seek to compare the Prime Minister's pay with other staff in the public sector are fundamentally flawed.

Indeed, Will Hutton in his review of Fair Pay in the Public Sector, which was commissioned by the Prime Minister and Chancellor, said that "the trend to compare salaries of all public servants with that of the Prime Minister ..... is profoundly flawed." He then went on to look at how the Prime Minister's total remuneration was significantly higher than his salary, citing one estimate which placed this at over £580,000. I am pleased to

report that our most senior salaries and remuneration levels are well and truly below this value.

Secondly, I think we need to reflect upon why the Council is undertaking a review of terms and conditions of employment. This review was not about cutting the salaries of staff at any level of the Council, whether this is at the entry level or at the highest level in the Council, rather it was about putting in place equal pay so that all staff are treated equitably and fairly.

It was also about reviewing terms and conditions to ensure that they are modern, flexible and importantly affordable.

### **Question 3 – Cllr Boston**

Following the recent Panorama revelations about the disgraceful treatment of people with Learning Disabilities placed in Winterbourne View can the Cabinet member for Adult services reassure us that

- 1) They are confident there are no similar concerns about the way people with Learning disabilities are cared for in Cheshire East.

### **Response from Cllr Domleo**

We are confident that there are no similar concerns about the way people with an LD are supported in East Cheshire. We have no safeguarding investigations currently underway on any individual Learning Disability establishment. Our staff, and those of our colleagues in the Cheshire and Wirral Partnership Trust and in the Eastern and Central Cheshire Primary Care Trust, are trained in Adult Safeguarding and review individual clients regularly.

Any safeguarding concerns for Learning Disability clients living in Cheshire East are reported via our Safeguarding procedures and initially investigated by the local team managers. All providers within Cheshire East are briefed on what these procedures entail. Training for staff on Safeguarding is provided by the Safeguarding team and this is available free of charge to all providers of social care in Cheshire East.

It is a regulation requirement for all providers registered with the Care Quality Commission (CQC) that all Safeguarding concerns or incidents are reported to CQC as well as the Local Authority. A safeguarding trigger form is used for this purpose

- 2) Cheshire East have not placed anyone with Learning Disabilities either in Winterbourne view or any of the other Learning Disability Establishments owned and or run by Castlebeck the company that owns Winterbourne view.

### **Response from Cllr Domleo**

Cheshire East have not placed anyone at Winterberbourn View. This facility has now been closed. Cheshire East do, however, have a small number of individuals placed within Out of Area service which are run by the Castlebeck Company. All these individuals have been reviewed regularly and no concerns have been identified. Following this TV documentary, we have taken steps to ensure that each of these individuals has a further review. We are satisfied that the care and support for Cheshire East residents placed within these other services run by Castlebeck is of a good standard and that there are currently no safeguarding issues affecting these individuals.

### **Supplementary Question**

I am surprised to find we have people from Cheshire East in Castlebeck services. I would like to ask, do we think this is reasonable? I think we should review it, as a matter of urgency.

### **Response from Cllr Domleo**

My information is that we have reviewed it and no concerns have been identified.

### **Question 4 – Cllr Brickhill**

The Royal Mail site business case summary you sent to me a month after my last question to council, states that there are no revenue costs associated with the funding of the acquisition site.

Are there any capital costs over and above the £2.75m spent on its purchase?

If not where are we prudentially borrowing money from at no cost?

What is the limit to which the council can borrow without permission?

If the money is being taken from reserves what is the notional interest cost on replacing these reserves.

### **Response from Cllr Fitzgerald**

There have been no additional capital costs associated with the site to date.

The acquisition was funded from prudential borrowing.

The Council does not prudentially borrow without permission. The money has not been taken from reserves.

### **Supplementary Question**

What is the cost of that prudential borrowing and what interest do you pay?

### **Response from Cllr Fitzgerald**

Prudential borrowing is not from outside sources. It is internal and is probably £180,000 - £185,000 per year.

### **Question 5 – Cllr Brickhill**

If the Council does not own the railway station, the business case for the purchase of the Royal Mail site should have included details of the council's proposals for moving forward with Network Rail. Have such proposals been agreed with Network Rail. If so what are they? If not why not?

### **Response from Cllr Fitzgerald**

The Council is working closely with Network Rail to promote the redevelopment of Crewe Station to which the Royal Mail Site is key. Network Rail have been kept fully informed and remain a key partner in the overall regeneration of Crewe.

### **Supplementary Question**

Do you have any written agreement with Network Rail?

### **Response from Cllr Fitzgerald**

Network Rail have been closely involved in the vision for Crewe and will be invited onto the Steering group, led by Tom Russell. We expect them to be very much a part of that. They are delighted that we have provided the opportunity to get the station revitalised.

### **Question 6 – Cllr Brickhill**

This business case for the Royal Mail site would have been rejected outright by any board of directors of a public company as there are no income or expenditure or cash flow figures.

- A. It is now six months after purchase, has any part of the site yet been let? If so to whom and at what income to the Council?
- B. What total income has so far been generated by the site?
- C. What are the projections of income for the rest of this year.
- D. What figures of income and expenditure both capital and revenue are likely be included in next year's budget
- E. Please estimate the date when income from the site will exceed ALL costs including interest on the £2.75 M

### **Response**

- A. The Council is actively marketing the site for lease. Negotiations with interested parties are ongoing and I am hoping that the letting is quite imminent.

- B. No income has been generated so far.
- C. Income levels are dependant on leasing the site.
- D. The ongoing management of the site will continue to be part of our overall asset portfolio and therefore no specific costs are likely to be allocated to any individual site.
- E. This Council has a vision for Crewe and the station & central area of Crewe town centre is at the heart of our regeneration plans. The Council acquired the Royal Mail Site as a strategic investment to accelerate and support the regeneration of Crewe. The future development of the site will be linked to the redevelopment of Crewe Station

#### **Question 7 – Cllr Brickhill**

Since it took a whole month to send the very poor quality business plan to me after the last council meeting, it clearly had not been written before the decision to purchase the site. Do you now admit that the site was purchased without the faintest idea of costs and income or any sound business plan?

#### **Response**

I don't accept that this is the case.

The Council acquired the Royal Mail site, Weston Road, Crewe as a strategic long term investment to support the delivery of the redevelopment of Crewe Station as part of our 'All Change for Crewe' regeneration programme.

#### **Supplementary Question**

Does the Leader now agree that the purchase of the site, without a proper business plan, was an enormous error of judgement and against democratic principles?

#### **Response from Cllr Fitzgerald**

No, I disagree with that.

#### **Question 8 - Cllr Brickhill**

What was the level of the Council's reserves at close of business on July 1st 2011.



### **Response from Cllr Fitzgerald**

I refer you to our draft Statement of Accounts 2010/11 for the detailed position however I will tell you that the Council's general reserve position increased from £10.2 m to £12.5m in the last financial year. This position has not changed as at 1<sup>st</sup> July 2011.

### **Question 9 – Cllr Fletcher**

With the advent of the new refuse/recycling system from May of this year councillors in Alsager have been inundated with complaints of bins not being emptied (missed) and bins belonging to elderly and disabled people that loaders have been collecting from within their property prior to May not being collected. Also many of these people when they have tried to ring the council have found the lines engaged or they have not been answered. Also damaged bins are not being replaced very quickly.

Can the cabinet member please advise what action he is taking to ensure that bins that are put out for collection are emptied?

Can I have an assurance that the elderly and infirm will have their bins collected and emptied?

### **Response from Cllr Menlove**

We have had some challenges in introducing a completely new service and I think we should congratulate our frontline staff for working hard to get the new service delivered. Failure rates are now returning to normal and for example complaints this week are averaging one per day in the southern area where we are making more than 25000 collections a day.

We will be communicating to residents that their continued commitment to recycling is greatly appreciated and helps the Council avoid the damaging and expensive practice of landfilling.

Can I have an assurance that the elderly and infirm will have their bins collected and emptied?

### **Response from Cllr Menlove**

Yes. In fact we provide this service to more than 6000 households. We are in the process of undertaking a review to make sure that households receiving the service still need it.

Can the Cabinet Member arrange for broken bins to be replaced more quickly?

### **Response from Cllr Menlove**

Currently, we are working on a turnaround time of between 5 and 7 working days for standard bins. We prefer to package these elements of work for reasons of efficiency wherever possible.

Can the Cabinet advise what action is being taken to enable members of the public to communicate more easily with Cheshire East Council?

**Response from Cllr Menlove**

We experienced an unprecedented increase in call volumes as a result of the changes in waste and recycling collections in the south of the borough. Contact Centre resourcing levels are based on similar previous experiences. When we wrote to all residents in the former Crewe and Congleton Boroughs in June 2009 to inform them of changes to their waste and recycling collections we received 6,350 calls in response. Following the communication and introduction of the recent changes, we have received 28,000 calls. Our resourcing in the Contact Centre was based on our 2009 experience, and unfortunately we were not prepared for the volume of calls we have received. The increase in calls relating to the waste roll out, combined with the seasonal increase in Council Tax calls, also revealed that we had a technical constraint within our telephony infrastructure that limited the number of calls that we could receive into the Council's call management system at peak times, with customers receiving the engaged tone or a recorded message informing them that all lines are busy. A fix was implemented on 15<sup>th</sup> June to remove this constraint.

**Supplementary Question**

I am interested to hear that there was only one complaint last week, as people keep complaining. Will the Cabinet Member keep this under review and learn from mistakes made, when future changes are implemented in the North of the Borough?

**Response from Cllr Menlove**

I said one complaint per day. Yes we will keep it under review. There has been a lot of learning from the experiences in the South and the lessons learnt will be put into place for the North.

**Question 10 – Cllr Edwards**

Subsidies for transport for young people attending Schools and Colleges in Cheshire East

Given the strong support the Leader of Cheshire East Council has given to abolishing subsidies on transport for post 16 education for young people and for the abolition of subsidies for pupils attending schools on the basis of their faith will he now issue a clear statement on the current policy of Cheshire East with regard to subsidised transport to school and college for the academic years 2011/12 and 2012/13?

### **Response from Cllr Gaddum**

At its meeting on 4th July the Cabinet considered a number of proposed changes to School Transport. A decision was made to implement an inflationary increase in charges of 5% for denominational and post-16 transport. The decision was also made to postpone all other proposed changes for a year. During this period, it was decided that all available options would be thoroughly investigated with the assistance of the Scrutiny Committees, taking due consideration of the need to continue to provide a stable education system.

Essentially, this means that Cheshire East's school transport policies remain unchanged for 2011-12. This has been communicated through a press release, the Council's website and was included in the Schools Bulletin with a request to inform parents/carers. Other interested parties have also been informed of this decision.

### **Supplementary Question**

I thank Cllr Gaddum for her response. Would she agree that since she agreed with the Leader of the Council to put school transport on hold, there is a need to be very clear with parents, as to what the future is for subsidised transport?

### **Response from Cllr Gaddum**

That was more of a statement than a question. This needs to be looked at as a whole issue, in the round. Incidentally, I understand that Cheshire West and Chester have removed their subsidy.

### **Question 11 – Cllr Edwards**

Question to the Cabinet Member for Children and Families

Title: What is Cheshire East Council going to do to reduce child poverty during the next four years?

After 18 years of Tory Government there were 3.4 million children living in poverty. After 13 years of Labour Government there were 2.8 million children still living in poverty. There is a commitment to eliminate child poverty by 2020.

How many children in Cheshire East are living in households where the income before housing costs is deemed to be 60% less than the national median income which is the common definition used for children living in poverty?

### **Response from Cllr Gaddum**

In general terms, before housing costs means total income including any housing benefit as income. This is the measure used by the government to enable it to compare with European data. Using the National Indicator 116 (2008), derived from the Households Below Average Income (HBAI) survey, this shows that in Cheshire East there are 8,885 children aged 0-18 considered to be living in poverty. This equates to 10.6% of children in Cheshire East. This is much lower than the North West regional average (22.8%) and the national average (20.9%).

Since the publication of this data, further unofficial evidence has been released to suggest that this figure has increased as a result of the recession. However, the data was based on population estimates from 2008 and made assumptions that the number of children living in poverty correlated with increases in unemployment figures within a ratio of 1% increase in child poverty for every 3% increase in unemployment.

On 16<sup>th</sup> December 2010 Cllr, Brown stated that a grant had been received from the DCLG in order to produce a Child Poverty Needs Assessment and that the Council would produce, after a public consultation, a final strategy for reducing Child Poverty by June 2011.

#### **a) Where is that Strategy ,**

### **Response from Cllr Gaddum**

The Coalition Government's first Child Poverty National Strategy, A New Approach to Child Poverty: Tackling the Causes of Disadvantage and Transforming Families' Lives, was published on 5 April 2011. The strategy emphasised policies and programmes to:

Support families into work and achieve financial independence  
improve the life chances of families and children; and  
support wider government agendas such as Localism and the Big Society.

Prior to the publication of the national strategy, the government issued guidance on the development of Child Poverty Needs Assessment and Strategy at a local level. The guidance did not regulate when and how local child poverty needs assessments must be published, reviewed, revised or consulted upon and this has been left to local discretion.

In parallel to the national strategy, innovative work has taken place in local areas through a programme of Child Poverty Pilots. These ended in March 2011 and the learning from these is being used to shape local child poverty strategies.

In Cheshire East, significant work has taken place on developing a comprehensive child poverty needs assessment (CPNA) which can be

found on the Council's website. However, this has been mostly a desktop exercise and it is recognised that there is a need for a period of intensive engagement with key partners to make the CPNA a more robust and real evidence base. This engagement will be carried out through the Children's Trust who will also be responsible for the development of the strategy. This means that, once completed, this will be firmly rooted in an evidence base, it will have the benefit of significant input from key partners, it will not duplicate existing strategies and plans and will have an opportunity to learn from the national pilot programme so that it can reflect what works.

**b) what does it state the Council and its partners should be doing ?**

**Response from Cllr Gaddum**

When completed, the strategy will set out the priorities and actions where together partners can make the biggest impact on child poverty.

**c) what policies are in place ?**

**Response from Cllr Gaddum**

Cheshire East does not have a specific child poverty policy in place, however, there are a number of initiatives that are already working towards eradicating child poverty, including:

- Early help through children's centres which aim to give children the best start in life and to support parents offer a range of integrated services including care, education, health and family support.
- Better use of local data and intelligence to target interventions.
- The Virtual School for cared for children, which is continuing to raise educational achievement for children in care.
- Work with schools around reducing health inequalities and promoting social inclusion.
- Extended schools schemes, including breakfast clubs.
- Intervention programmes at all key stages focused on improving educational achievement and aspirations.
- The Total community project - a short term project, funded by CWIEC (Cheshire & Warrington Improvement & Efficiency Commission) which seeks to deliver a tangible model of partnership working which will achieve improvements in health inequalities, reduction in crime, and improvements in safeguarding vulnerable citizens.

In addition, the government recently announced plans for the further roll out of Community Budgets for Families with Multiple Problems. Cheshire East has been invited to take part in the next phase to be up and running by April 2012. The Department for Work and Pensions is also running a major European social fund project

around poverty (current provision 2011-2013), focusing on the Provision of Employment Related Support Services (ERSS).

Finally Cheshire East Council has recently supported the Voluntary, Community and Faith Sector in its recent bid to secure funding under the Government's Improving Futures Programme aimed at targeting support to vulnerable families.

d) what is the budget allocation for those policies to work towards eradicating Child Poverty in Cheshire East Borough?

#### **Response from Cllr Gaddum**

There are a number of funding streams linked to delivery against the child poverty agenda. In Children's Services, most of these are within the Early Intervention Grant, for example, the provision for children's centres and early education, including disadvantaged two year olds. One of the aims of the strategy will be to maximise these funding streams through joined up planning and service delivery. Tackling health inequalities will also be key in this approach.

It is acknowledged that Cheshire East is one of the wealthiest Boroughs in the north west of England. Will the Portfolio holder of Children and Families agree that we should aim to eradicate child poverty in this Borough before 2020.

When will she lay out a policy and practical strategies to achieve this aim?

#### **Response from Cllr Gaddum**

Although one of the wealthiest boroughs, it is acknowledged there are hot spots of child poverty across Cheshire East. In some places these are aggregated pockets (areas around Crewe and Handforth); in others, child poverty is isolated, for example in rural areas. There is evidence that, in parts of the borough, child poverty and associated deprivation is endemic and inter-generational. In these areas, child poverty correlates highly with levels of worklessness and low adult educational attainment. Significant work is currently taking place in these areas and the strategy and action plan will set out what further steps Cheshire East and its partners will make to address child poverty. Further work will also take place to understand more about the less visible sectors of the population including those families and children living on the edge of poverty (who do not appear in the statistics) and the black and minority ethnic (BME) population.

The government's definition of eradicating child poverty by 2020 means to reduce child poverty to between 5 and 10% to make us 'among the best in Europe' (Child Poverty Unit, 2010) and is therefore not a pledge to eradicate child poverty completely. Cheshire East is well placed to achieve this target by 2020.

### **Supplementary Question**

Does she, having absorbed all the information, think that at least in Cheshire East, we should have the aim of reducing child poverty by 2020, or before?

### **Response from Cllr Gaddum**

It is based on average income, so it becomes very clear that to get rid of child poverty is relative. In view of poverty being based on average income, the figures kept on changing. I think that Cllr Edwards will see a huge amount of work going on and put in place on this issue.

### **Question 12 – Cllr Cartlidge**

#### **Community Wardens**

Can the Portfolio Holder please explain the rationale behind the decision to move the Community Wardens to Macclesfield Fire Station?

### **Response from Cllr Bailey**

There are no community wardens based at, or working from Macclesfield Fire station.

Following a recent review of the community warden service by the Sustainable Communities Scrutiny Committee, the wardens now focus on environmental crime and anti-social behaviour including littering, fly tipping and dog fouling.

It was also agreed that the wardens should be split into two teams. The Southern team is based at Crewe police station and the Northern team at Macclesfield police station.

This has allowed us to reinforce our partnership working with the police and avoid any duplication or contradiction of our efforts in tackling the environmental problems which blight our communities and the daily lives of our residents.

### **Question 13 – Cllr Cartlidge**

#### **Queens Park**

Can the Portfolio Holder Environmental services please confirm that all necessary outstanding works connected with the park works such as pathways and landscaping will be finished to a satisfactory standard in time for the 10<sup>th</sup> of September Grand reopening celebration.

### **Response from Cllr Menlove**

The Capital Programme of works is due for completion in advance of the Park reopening event to be held on September 10<sup>th</sup> 2011. The works that will be completed are: -

- the construction of the two new pavilions,
- the dredging and reconstruction of the lake,
- construction of the five bridges,
- the restoration of the two lodges,
- the bandstand,
- two park shelters,
- new play area,
- new gates and railings,
- restoration of the Boer War Monument and Clock Tower.
- The main drive has been resurfaced and the resurfacing of the other driveways and paths will continue until the budget fund is exhausted. The Broadwalk Path is priority although funds may not be sufficient.
- The demolition and removal of the old grounds maintenance
- depot should also be completed.
- Demolition & removal of the old Toilet Block.

In the next couple of months a draft, long term management and maintenance plan will be published for consultation. This document will outline the maintenance required to keep the restored elements of the park. The document will also set out a programme for the continuing restoration of those elements of the park that could not be afforded from the project capital budget. This will include the completion of the restoration of the path network and the ongoing restoration of the "Kempian" planting schemes (After Edward Kemp) . The restoration of the Coronation Walk is another key project that will need addressing within the Management and Maintenance Plan as will the development of the community garden in the area behind the East Lodge and the ongoing additional planting schemes in the lake and its environs. Cheshire East Council will need to reassure the Heritage Lottery Fund that the resources to implement the Management and Maintenance Plan are in place before they will release the final payment (£500,000 ) of their budgetary commitment.

The restoration of the Park is a major achievement and a credit to all who have been involved in this long running project.



### **Supplementary Question**

Would the Portfolio Holder confirm that once the work is complete that the park will be maintained to a high standard, so as to prevent vandalism.

### **Response from Cllr Menlove**

Yes, the Maintenance Plan will do this.

### **Question 14 – Cllr Cartlidge**

Bin Pull out services

Can the Portfolio Holder please explain why the arrangements for the disabled, elderly or infirmed householders, why has this service been curtailed?

### **Response from Cllr Menlove**

The assisted collections service has not been curtailed. In fact we provide this service to more than 6000 households. We are in the process of undertaking a review to make sure that households receiving the service still need it.

### **Supplementary Question**

Why has this Council, with the changes to the recycling and collection days not collected the bins of a disabled lady on ten occasions?

### **Response from Cllr Menlove**

Ten occasions is unacceptable. Please can you provide the details and I will investigate.

### **Question 15 – Cllr Cartlidge**

#### **Taxi Charges**

Can the Portfolio Holder confirm that price increases on taxi fares will go out to consultation and due notice and consideration be given to taxi firms whether individual and companies if they wish to retain the current prices they charge.

### **Response from Cllr Bailey**

The process by which the Council varies the taxi 'table of fares' is prescribed by legislation.

On 7<sup>th</sup> March 2011 the Licensing Committee authorised the publication of notices relating to the variation of taxi tariffs in each of the three zones.

Consultation in relation to the proposed variations took place in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

On 8<sup>th</sup> June 2011 the Licensing Committee considered any representations received in response to the statutory consultation exercise and determined the tariffs for each of the three zones.

Whilst the 'table of fares' set by the Council represents the maximum fare that a hackney carriage proprietor may charge for a journey, it is open to drivers to charge less than that fare if they so wish.

### **Question 16 – Cllr Cartlidge**

#### **Open space**

Can the Portfolio Holder tell me when an open space audit will be carried out in the Crewe Area?

#### **Response**

An open space audit is currently being carried out across Cheshire East. Individual summary reports are being produced for the main settlements. A draft report has been completed for Crewe, the results of which have fed into the Local Development Framework Snapshot Report for Crewe as part of the Place Shaping Consultation. It is anticipated that the open space audit work will be completed by the end of November 2011. Any further detailed questions can be dealt with by Stella Kemp in Spatial Planning (01270 685640).

### **Supplementary Question**

Thanks, but there is a problem if that is the case, does it include the trees, grass verges and hedges that Cheshire East is responsible for?

#### **Response from Cllr Menlove**

The audit is really a highway asset data base audit and they will be included.

The accompanying green infrastructure plan for Crewe will identify areas and road corridors where environmental improvement will be particularly important. Trees, verges and hedges are part and parcel of that wider picture which encompasses a wide range of issues such as economic regeneration, air quality, biodiversity and green transport.

#### **40 EXCLUSION OF PRESS AND PUBLIC**

##### **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 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

#### **41 HARMONISATION OF TERMS AND CONDITIONS.**

Consideration was given to a report, which had been recommended on to Council by Cabinet and Staffing Committee, relating to the review and harmonisation of employee terms and conditions.

The Chairman of the Staffing Committee, Cllr Topping, in presenting the report, paid tribute to the officers and the Trade Union representatives for their hard work in respect of this matter.

##### **RESOLVED**

1. That the report be noted.
2. That the Chief Executive, as Head of Paid Service, be given full delegated authority, on behalf of the Council to:
  - i. Jointly agree, in consultation with the Trade Unions, changes to terms and conditions of employment of all employees affected by the current review and as set out in paragraphs 10.6 and 10.7 of the report.
  - ii. Following a positive ballot of the Trade Union membership to arrange for their implementation as a new single set of terms and conditions for all employees affected by the review through collective agreement with the joint Trade Unions.
  - iii. In the event that the ballot of the Trade Unions membership does not endorse the joint proposal as set out at recommendation i above, to determine, in consultation with the Council's Staffing Committee, the final terms and conditions of employment for all employees affected by the review, together with the appropriate options for implementation.
  - iv. Separately consider in consultation with the Council's Staffing Committee appropriate options for the implementation of a two year Increment Freeze for all staff affected by the review.

42 **STRATEGIC DIRECTOR (CHILDREN, FAMILIES AND ADULTS) AND  
DIRECTOR OF FINANCE AND BUSINESS SERVICES**

Consideration was given to a report informing Council of appointments to the posts of Strategic Director (Children, Families and Adults) and noting the designation of the Director of Finance and Business Services as the Council's Chief Finance Officer.

**RESOLVED**

That Council notes the appointments and the designation of the Director of Finance and Business Services as the Council's Chief Finance Officer and Section 151 Officer.

The meeting commenced at 6.15 pm and concluded at 9.45pm  
Councillor R West (Chairman)  
CHAIRMAN