

# CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**  
held on Monday, 20th August, 2012 in Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## PRESENT

Councillor M Jones (Chairman)  
Councillor D Brown (Vice-Chairman)

Councillors Rachel Bailey, L Gilbert, J Macrae, R Menlove, B Moran and  
P Raynes

Councillors in attendance:

Rhoda Bailey, G Baxendale, L Brown, P Findlow, R Fletcher, S Gardiner,  
M Grant, P Groves, A Kolker, B Murphy, D Newton, M Simon, L Smetham,  
A Thwaite, J Weatherill and S Wilkinson.

Officers in attendance:

Interim Chief Executive; Borough Solicitor and Monitoring Officer; Director of  
Children, Families, and Adults; Director of Finance and Business Services;  
Head of Customer Services and Capacity; Head of HR and Organisational  
Development; Manager of Strategic Commissioning; and Strategic Director  
Places and Organisational Capacity.

## 35 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Clowes and H  
Gaddum.

## 36 DECLARATIONS OF INTEREST

Agenda Item 11 (Review of Discretionary Rate Relief Policy) - Councillor  
Rachel Bailey declared a non pecuniary interest by virtue of being a member  
of Cholmondeley Tennis Club.

## 37 PUBLIC SPEAKING TIME/OPEN SESSION

Ian Chalmers of the Cheshire Academy of Integrated Sport and Arts spoke  
on the need to relocate from the current base at Macon House to the  
premises of the former Broad Street School. The Charity had been founded  
20 years ago to provide care and support for the disabled and their families  
and at present approx 200 people a week used its facilities with many of its  
students participating in sports at an international level. The proposals had  
been well received by residents in the locality and it was hoped the new  
facilities would become a hub for the local community.

**38 MINUTES OF PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting held on 23 July 2012 be approved as a correct record.

**39 KEY DEC 12/13-7: SPECIAL EDUCATIONAL NEEDS AND DISABILITY POLICY**

Consideration was given to the proposed Special Needs and Disability Policy following its period of statutory consultation. The Policy was built on the vision that the Local Authority sought to ensure that 'no child or young person is left behind' and that every child and young person achieves the best possible outcomes.

The Policy reinforced the commitment of the service and its partners to continue to support, maintain and develop a diversity of high quality, effective, efficient and economic provision to meet the needs of children and young people with special educational needs and disability from birth to age 25 years.

**RESOLVED**

That the Special Educational Needs and Disability Policy be approved and endorsed.

**40 KEY DEC 11/12-21: CHESHIRE HOMECHOICE COMMON ALLOCATIONS POLICY REVIEW**

Consideration was given to proposed changes to the Cheshire Homechoice Common Allocations Policy following a period of consultation. The scheme had been operating effectively for 2 years but there were some areas that needed improving and reviewing in the light of experience and also to take into account proposed changes in the Localism Bill. The report detailed the proposed changes and all current housing register applications would be reassessed under the new need assessment.

**RESOLVED**

That approval be given to the revised Cheshire Homechoice Common Allocations Policy.

**41 KEY DEC 11/12-29: COMPULSORY PURCHASE OF LAND TO FACILITATE THE CREWE GREEN LINK ROAD SOUTH**

Consideration was given to a report updating the Cabinet on the position regarding the compulsory purchase of land to facilitate the Crewe Green Link Road South. Further detailed design work had refined the area of land

necessary to deliver the scheme and the Cabinet now had to formally resolve to use its Compulsory Purchase Powers to enable the acquisition of land and to secure funding for the scheme from the Department of Transport.

## **RESOLVED**

1. That approval be given to the use of the Councils Compulsory Purchase Powers to undertake the acquisition of land required for the scheme between the A500 roundabout and the A5020 Weston Gate roundabout.
2. That an Order be made under Sections 239, 240, 246, 250,260 and 327 of the Highways Act 1980 and all other powers as appropriate for the compulsory purchase of land and rights required for the construction of Crewe Green Link Road South as shown on drawing No: B1772401/CPO/001 (Rev.1) or with such amendments to final plot boundaries as approved by the Strategic Director Places & Organisational Capacity.
3. That the Order being submitted to the Secretary of State for confirmation.
4. That the Borough Solicitor and Strategic Director Places and Organisational Capacity be authorised to take all appropriate actions in this matter including:-
  - i) To take all necessary action to secure the making and confirmation and implementation of the Order including the publication and service of all relevant notices and the presentation of the Council's case at any public inquiry and subsequent service of Notices to Treat and Notices of Entry or at their discretion the execution of General Vesting Declarations as the case may be if the Order is confirmed; and
  - ii) To negotiate to acquire all interests in the land and new rights within the Order and rights and interests affected by the Order either by agreement or compulsorily including prior to the making of the Order and where appropriate to agree terms for relocation.
  - iii) To approve agreements and undertakings with the owners of any interest in the Order and any objectors to the confirmation of the Order setting out the terms for the withdrawal of objections to the Order, including where appropriate; seeking inclusion in and/or exclusion from the Order of land or new rights; and
  - iv) In the event that the question of compensation be referred to the Upper Tribunal (Lands Chamber) to take all necessary steps in relation thereto including advising on the appropriate compensation payable and

v) To appoint appropriate consultants if necessary to assist and advise in regard to the above.

5. That it be noted that in the meantime continuing efforts are being made to acquire the land by agreement to enable the Crewe Green Link Road to be progressed.

#### **42 KEY DEC 11/12-30: TENANCY STRATEGY**

In accordance with the requirements of the Localism Act 2011 the Council had produced a Tenancy Strategy. The Act introduced flexible tenancies under which Registered Providers could grant fixed term tenancies for a period of no less than 2 years, and determine the type and duration of a tenancy offered to new tenants, including the retention of lifetime tenancies.

The Strategy set out the matters to which Registered Providers of social housing in its district are to have regard to in formulating policies relating to tenancies.

#### **RESOLVED**

That approval be given to the Tenancy Strategy and that Officers be authorised to take all necessary actions to implement the Strategy.

#### **43 KEY DEC 12/13-9: LIBRARIES STRATEGY**

Consideration was given to a new Libraries Strategy which had been developed to define the priorities for Cheshire East Libraries to ensure the Council fulfilled its statutory duties whilst also contributing to the priorities for action set out in the Cheshire East Sustainable Communities Strategy.

No radical changes were proposed with the key challenge being to continuously improve and modernise the way the service was delivered to keep pace with evolving customer expectation, and to be flexible and responsive in order to take advantage of opportunities when they presented themselves.

#### **RESOLVED**

That the new Libraries Strategy be endorsed.

#### **44 KEY DEC 12/13-12: AFFORDABLE HOUSING PROGRAMME - PHASE TWO**

The Portfolio Holder for Prosperity and Economic Regeneration requested that consideration of this item be deferred until the next meeting of the Cabinet in order to allow further time for consultation with Members.

## **RESOLVED**

That consideration of this matter be deferred until the next meeting of the Cabinet on 17 September 2012.

### **45 KEY DEC 11/12-42: REVIEW OF DISCRETIONARY RATE RELIEF POLICY**

The Portfolio Holder for Finance requested that consideration of this matter be deferred until the next meeting of the Cabinet in order to allow time in which to clarify a number of points raised by Members and for the Policy to be considered by the Corporate Scrutiny Committee.

## **RESOLVED**

That consideration of this matter be deferred until the next meeting of the Cabinet on 17 September 2012.

### **46 KEY DECISION: TRANSFER OF THE FORMER BROAD STREET SCHOOL, CREWE**

Consideration was given to a proposal to relocate the Cheshire Academy of Integrated Sport and Arts from their existing premises at Macon Way to the former Broad Street School. The existing premises were in very poor condition in addition to which the work of the Academy had expanded significantly since its foundation and they no longer provided the scale or quality of accommodation needed.

In view of the important contribution made by the Academy to the Council's wider corporate objectives a number of alternative options had been considered and the now vacant former Broad Street School was now proposed.

## **RESOLVED**

1. That a leasehold interest for a term of more than 15 but no more than 25 years of the former Broad Street School, Crewe be granted on full repairing and insurance terms to the Cheshire Academy of Integrated Sport and Arts.
2. That the Strategic Director for Places and Organisational Capacity, the Director for Finance and Business Services and the Borough Solicitor be given delegated authority to finalise the details of the lease in accordance with the procedures and controls detailed in the report.

3. That the required consents for the proposed lease of the former Broad Street School be sought from the Secretary of State for Education.

#### **47 KEY DEC 12/13-10: REVIEW OF RECYCLE BANK SITES**

Following the introduction of the silver bin kerbside recycling service there had been a significant reduction in the use of recycling banks across Cheshire East. The opportunity had been taken to review the number and type of banks provided in order to remove the duplication of provision and to refocus sites on materials not collected as part of the kerbside scheme, such as books, textiles and shoes, the reuse and recycling of which needed to be promoted.

#### **RESOLVED**

That approval be given to cease the provision of banks that duplicate the silver bin kerbside collection of materials, and to promote the provision of banks that collect materials not collected in the silver bin.

#### **48 2012/2013 FIRST QUARTER REVIEW OF PERFORMANCE**

Consideration was given to the Council's financial and non-financial performance during the first quarter of 2012/13. The report detailed projections of service revenue, financial performance, the key financial pressures faced and the remedial measures identified by services to mitigate the pressures. The report also provided an update on the overall financial stability of the Council and the key non-financial performance headlines for the year to date. Approval was sought to requests for supplementary revenue and capital estimates and virements.

#### **RESOLVED**

1. That the projected service revenue outturn positions be noted. (Section 1 of the report)
2. That the overall financial stability of the Council, and the impact on the Council's general reserves position be noted. (Section 2 of the report)
3. That the Council's invoiced debt position be noted. (Appendix 3 of the report)
4. That the delivery of the overall capital programme, and budget adjustments within programme blocks be noted. (Section 2, paragraphs 98 to 103 and Appendices 4 and 5 of the report)

5. That the service performance successes achieved during the first quarter of 2012/2013 be noted, and how any underperformance against targets will be addressed. (Section 3 of the report)
6. That approval be given to:
  - Supplementary Capital Estimates and virement requests over £100,000 and up to and including £1,000,000. (Appendix 6 of the report)
  - Supplementary Revenue Estimates for additional expenditure fully funded from grants. (Section 2, paragraph 86 and Appendix 2 of the report)
7. That Council be requested to approve:
  - a Supplementary Capital Estimate/Virement request over £1,000,000. (Appendix 7 of the report)

#### **49 RISK MANAGEMENT POLICY REVIEW**

Consideration was given to the Council's updated Risk Management Policy which was part of the overall internal control framework and corporate governance arrangements. The Policy was last reviewed in September 2011 at which time it was agreed that it be reviewed annually; a number of minor amendments had been made to strengthen the Policy.

#### **RESOLVED**

That approval be given to the updated Risk Management Policy and that it continue to be reviewed annually.

#### **50 REVIEW OF SERVICE DELIVERY OPTIONS**

Consideration was given to a report outlining potential service delivery options for the recycling and waste service post April 2014, which marked the end of the existing contracts. The report included details of the various options available, and of the initial preferred delivery option, and sought permission to appoint consultants to carry out a more detailed analysis and to work with the Council to procure the necessary waste and recycling services.

#### **RESOLVED**

1. That approval be given to the procurement of a suitable technical consultant to review the existing service delivery arrangements and work with the Council to procure service delivery from April 2014, the funding for which was agreed by the Cabinet as part of the First Quarter report earlier on this agenda.
2. That support be given to an 'Integrated procurement' as the initial preferred procurement option subject to the work of the technical consultants referred to above.

**51 CHESHIRE EAST PLANNING GUARANTEE AND IMPROVEMENTS TO THE DEVELOPMENT MANAGEMENT SERVICE**

Consideration was given to the introduction of a Planning Guarantee Scheme designed to ensure that no planning application dealt with by the Authority should take longer than 1 year from the date of validation to reach a decision.

The Scheme was intended to improve overall planning performance and deal with perceived delays on the part of applicants in the delivery of Section 106 planning obligation agreements.

**RESOLVED**

1. That Cabinet agrees to work towards the introduction of a Planning Guarantee scheme on a phased basis from September 2012, subject to agreement with developers at the Council's Development Forum and subject to the points raised in the legal implications section of the report.
2. That improvements to date and the significant increase in performance be noted.

**52 NOTICE OF MOTION: ARMED FORCES COMMUNITY COVENANT**

A Notice of Motion, submitted by Councillor G Baxendale to the Council on 19 July 2012, had been referred to the Cabinet for consideration. On 30 June 2012 the Mayor had signed the Cheshire Community Covenant and the Cabinet was asked to take responsibility for the development of a detailed action plan to outline by service area the practical support that the Council could provide to those currently serving in the Armed Forces, their families, and those that had served in the past.

Since the Motion had been submitted the Sustainable Communities Committee had considered the issue and it was reported that the provisions for housing allocations and school admissions were to be looked at further.

**RESOLVED**

That Cabinet accepts responsibility for the development of a detailed action plan, and that the outcome of further work by the Scrutiny Committees on the provisions for housing allocations and school admissions be awaited.

**53 NOTICE OF MOTION: CORPORATE COMMUNICATIONS**

A Notice of Motion, submitted by Councillor B Murphy to the Council on 19 July 2012, had been referred to the Cabinet for consideration; the Motion called for the establishment of an all party inquiry into the Council's corporate communications.

At the meeting the Portfolio Holder for Strategic Communities reported that a Group comprising himself plus Councillors R Fletcher, B Murphy, M Simon and L Smetham was to be established to carry out a review, to include the Media Relations Protocol which had been first approved by Cabinet in 2009.

### **RESOLVED**

That a temporary cross party group be established, as set out above, to review the media relations protocol, and that the points made in the motion be noted.

#### **54 NOTICE OF MOTION: THE USE AND APPROVAL OF OUTSIDE CONSULTANTS**

Consideration was given to a Notice of Motion, submitted by Councillor D Brickhill to the Council on 19 July 2012, which had been referred to the Cabinet. The Motion concerned the employment of outside consultants. The report detailed the current approval process required for the appointment of all consultants, along with the framework agreements in place for any such procurement, both of which were considered to be sufficiently rigorous.

### **RESOLVED**

Cabinet considers that the Council already has sufficiently rigorous arrangements in place for the engagement of consultants and will therefore take no further action in response to the Notice of Motion.

#### **55 NOTICE OF MOTION: CARE QUALITY COMMISSION REPORT JUNE 2012 - LEARNING DISABILITIES**

A Notice of Motion, submitted to The Council on 19 July 2012 by Councillors G Boston and L Jeuda, had been referred to the Cabinet. The Motion concerned the placement of any people in Cheshire East in any services with safeguarding issues.

The report to the Cabinet provided the information that had been requested in the Motion along with details of action plans that had been put in place to address issues raised at the time of the Council's last unannounced inspection of the local Assessment and Treatment Unit in Macclesfield in October 2011.

### **RESOLVED**

1. That the progress that has been made in the local Assessment and Treatment Unit since the Care Quality Commission's inspection be noted.

2. That the role and monitoring arrangements of the Adult Safeguarding Board within Cheshire East be noted.
3. That the regular monitoring and the review of the advocacy services in Cheshire East be noted.

## 56 HEALTHWATCH

Consideration was given to proposals for setting up a Local Healthwatch in Cheshire East, in accordance with the Health and Social Care Act 2012. This would be an independent consumer champion for health and social care with responsibilities for monitoring and scrutinising services as well as providing advice and signposting; it would replace the Local Involvement Network (LINK) which would cease to exist. A consultation process had been carried out to understand how Healthwatch could best be delivered and its procurement now needed to be carried out.

### RESOLVED

1. That Cabinet endorses the Cheshire East Local Healthwatch consultation.
2. That a selection process be held for a Local Healthwatch Board for which support is given.
3. That procurement and tendering exercise be started now to set up and deliver Local Healthwatch in the Cheshire East Council area.
4. That it be noted that the value of the contract for this service is likely to require a Key Decision as defined by the Council's Constitution, which will be determined once the overall funding has been confirmed by the Department of Health later in 2012; the contract length would be for an initial 2 years from April 2013.
5. At least two Members be identified to take part in the selection/interview process for a Local Healthwatch support organisation.
6. That it be agreed that a representative from the Local Healthwatch should sit on the Health and Wellbeing Board (in both shadow and full form) to provide an additional channel for understanding the views of health and social care customers as set down in the Health and Social Care Act 2012.
7. That the Local Healthwatch does not take on the Independent Complaints Advocacy Service and instead this is procured separately.

## **57 EXCLUSION OF THE 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 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.

## **58 KEY DEC 12/13-12: AFFORDABLE HOUSING PROGRAMME - PHASE TWO**

The Portfolio Holder for Prosperity and Economic Regeneration requested that in line with the deferral of the associated item earlier on the agenda, consideration of this matter also be deferred until the next meeting of the Cabinet.

### **RESOLVED**

That consideration of this matter be deferred until the next meeting of the Cabinet on 17 September 2012.

The meeting commenced at 2.00 pm and concluded at 3.40 pm

M Jones (Chairman)