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CHESHIRE EAST COUNCIL

Minutes of a meeting of the Cabinet
held on Monday, 8th September, 2008
in the Council Chamber, Municipal Buildings, Earle Street, Crewe

PRESENT

Councillor W Fitzgerald (Chairman)

Councillors D Brickhill, D Brown, P Findlow, F Keegan, A Knowles, J Macrae,
P Mason and B Silvester

Apologies

Councillors R Domleo

Also Present: Councillors B Dykes, Mrs L Smetham and R Westwood.

49 APOLOGIES

Apologies for absence were received from Councillor R Domleo.

50 DECLARATIONS OF INTEREST

Minute 53 (Key Decision CE15 - School Funding 2009/11)

Minute 54 (Key Decision CE16 - Establishment of the Schools Forum for Cheshire East)

Minute 55 (Adults with Learning Disabilities Pooled Budget Agreement)

Minute 56 (Responsibilities for Local Authorities in Relation to Post 16 and 19 Education and Training)

Minute 66 (Key Decision CE19 - Residential and Nursing Contract)

Councillors D Brickhill, P Findlow and P Mason declared personal interests in these items by virtue of being Members of Cheshire County Council. In accordance with the Constitution they remained in the meeting during consideration of these items.

51 PUBLIC QUESTION TIME/OPEN SESSION

Hilary Cartwright and Lynda Bigmore submitted questions in respect of waste disposal and waste treatment, and the Cheshire Waste Contract. Councillor David Brickhill responded to these questions and confirmed that a written copy of his responses would be provided.

52 MINUTES

RESOLVED

The Minutes of the meeting held on 12 August were approved as a correct record.

53 KEY DECISION CE15 - SCHOOL FUNDING 2009/10 TO 2010/11

(Councillors D Brickhill, P Findlow and P Mason had declared personal interests in this item. In accordance with the Constitution they remained in the meeting during its consideration.)

Consideration was given to a report of the People Block Lead Officer on various aspects of school and local authority funding. The report also sought approval to work in respect of the school funding formula and the Scheme for Financing Schools.

RESOLVED

For the reasons set out in the report: -

That authorization be given for work to be undertaken on

(i) the school funding formula for the authority. The proposed formula needs to be agreed during January 2009 and will be used to issue school budgets in 2009-10.

(ii) the Scheme for Financing Schools that sets the financial regulations under which schools spend their budget shares. The Scheme needs to be approved by the Schools Forum during early 2009 and should be issued to schools before 1 April 2009.

54 KEY DECISION CE16 - ESTABLISHMENT OF THE SCHOOLS FORUM FOR CHESHIRE EAST

(Councillors D Brickhill, P Findlow and P Mason had declared personal interests in this item. In accordance with the Constitution they remained in the meeting during its consideration.)

Consideration was given to a report of the People Block Lead Officer on the size and composition of the Cheshire East Schools Forum, and on its proposed terms of reference. The Cabinet considered that the suggested size of the Forum was too large and it was therefore agreed that it should be reduced from a total of 31 to 27; this would still allow for proper representation from the various sectors, with 8 primary representatives and 8 secondary representatives for the Schools Group (4 headteachers and 4 governors for each) and that the Forum would be of a more manageable size.

RESOLVED

For the reasons set out and as now reported: -

1. That approval be given to the size and composition of the Cheshire East Schools Forum as now amended and to the proposed terms of reference.
2. That authorization be given to the setting in hand of arrangements to elect the members of the schools group and to seek nominations from relevant bodies for members of the non schools group.

55 ADULTS WITH LEARNING DISABILITIES POOLED BUDGET AGREEMENT

(Councillors D Brickhill, P Findlow and P Mason had declared personal interests in this item. In accordance with the Constitution they remained in the meeting during its consideration.)

Consideration was given to a report of the Cheshire East People Workstream on extending the pooled budget agreement for adults with learning disabilities until 31 March 2010.

RESOLVED

For the reasons set out in the report: -

That approval be given to extend the Adults with Learning Disabilities pooled budget agreement until 31 March 2010 subject to the terms of an agreement to be approved by the County Solicitor and Monitoring Officer.

56 RESPONSIBILITIES FOR LOCAL AUTHORITIES IN RELATION TO POST 16 AND 19 EDUCATION AND TRAINING

(Councillors D Brickhill, P Findlow and P Mason had declared personal interests in this item. In accordance with the Constitution they remained in the meeting during its consideration.)

Consideration was given to a report of the County Manager, Inclusion and Education, in respect of the transfer of commissioning and funding for all 16 – 19 education and training. With regard to the establishment of a Project Board it was agreed that the Portfolio Holder be delegated to make the necessary arrangements.

RESOLVED

For the reasons set out in the report: -

1. That delegated authority be given to the Portfolio Holder (Children and Family Services) to set up a Project Board with representation and active engagement from all of the relevant teams, and to identify an appropriate Project Lead, in consultation with the Shadow Council for Cheshire West and Chester, and the County Council.
2. That an analysis be undertaken of the Travel-to-Learn patterns in order to be able to contribute to regional discussions and agree sub-regional groupings once further criteria are known.
3. That there be engagement through the Project Board, with regional Learning and Skills Council teams to shadow the Learning and Skills Council Business Cycle over the next 18 months.
4. That through the Project Board, discussions take place with the local Learning and Skills Council to secure some semi-formal arrangements for closer working on this work.

57 WORKING WITH THE THIRD SECTOR - A PARTNERSHIP FRAMEWORK FOR CHESHIRE EAST COUNCIL

Consideration was given to a draft framework to guide and govern the Council's future partnership relationship with the third sector in East Cheshire, as detailed in the report of the People Block Lead Officer.

RESOLVED

For the reasons set out in the report: -

That the principles and direction of the Framework (Appendix 1) be endorsed and the current level of investment (without inflation uplift) be retained in organisations in the sector in 2009/10. In addition, further work from officers be commissioned during the Autumn/Spring to negotiate a new Compact Agreement, develop commissioning policy, asset transfer proposals and a Volunteering Strategy, in partnership with the Third Sector, for consideration by the Council.

58 CONSOLIDATED (INTERIM) SUSTAINABLE COMMUNITY STRATEGY FOR CHESHIRE EAST

Consideration was given to the report of the Partnerships Workstream, Performance and Capacity Block, on a Consolidated Sustainable Community Strategy for Cheshire East, for use as an interim document.

RESOLVED

For the reasons set out in the report: -

That Council be recommended to receive the Consolidated Sustainable Community Strategy for Cheshire East (Appendix 1) as an interim document and to agree its use as the basis for corporate and financial planning prior to vesting day.

59 CLIMATE CHANGE

Consideration was given to a report of the Cheshire East Climate Change Group, building on recommendations arising from the Members Induction Day in June 2008, on how Cheshire East can take forward Climate Change.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the Nottingham Declaration on Climate Change being signed.
2. That information on Climate Change implications be included in Cabinet reports as soon as practicable.

60 CORPORATE IDENTITY/BRANDING DEVELOPMENT

Consideration was given to a report by the Communications and Marketing Group on the recent public and staff feedback on the shortlist of three designs for the new brand for Cheshire East Council. Members were now invited to select which of the three options they would like to be implemented as the new brand for the Council.

RESOLVED

For the reasons set out in the report: -

That approval be given to option 3, a refinement of the original Wheatsheaf design into a 2 colour format for ease of implementation, as the new brand for Cheshire East Council.

61 PROGRAMME BOARD LEADERSHIP ROLE

Consideration was given to a report of the Interim Monitoring officer on the revised Officer arrangements for supporting the Cheshire East Council upon the Chief Executive taking up her post. The Cabinet expressed its thanks to the Joint Implementation Team for all its work so far.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to formally disestablish the Implementation Team established in accordance with Regulation 21 of the Cheshire (Structural Changes) Order 2008 with effect from 06 October 2008.
2. That the Implementation Team be authorised to continue for the time being from 06 October 2008 under the leadership of the Chief Executive of Cheshire East Council, pending the Chief Executive reviewing the officer arrangements necessary to support Cheshire East Council and to ensure ongoing consultation and co-operation with the County Council and the East Cheshire Councils.
3. That the Chief Executive be given authority during that review to add to, reduce or change the composition of the Implementation Team.

62 SECTION 24 APPLICATIONS FOR CONSENT

Consideration was given to a report of the Interim Monitoring Officer and the Interim Chief Financial Officer on Section 24 Applications for Consent received since the last meeting.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

63 PROGRESS REPORT

Consideration was given to a report by the Leader of the Council updating Members on the programme, drawing attention to progress made against key milestones and highlighting the steps to be taken over the coming months.

RESOLVED

For the reasons set out in the report: -

That the report and the activities to be undertaken in September and October be noted.

64 FREE SWIMMING AND CAPITAL MODERNISATION PROGRAMME - FUNDING TO LOCAL AUTHORITIES

In accordance with Section 100B(4)(b) of the Local Government Act 1972, and because of the necessity of making a decision on this matter which needed to be communicated to the Department for Culture Media and Sport by 15 September 2008, the Chairman agreed to allow consideration of this report as an urgent item of business.

Consideration was given to a report of the People Block Lead Officer on the implications of the Governments Free Swimming and Capital Modernisation funding offer for Cheshire East Council.

RESOLVED

For the reasons set out in the report: -

Cabinet confirmed that Cheshire East Council wishes to participate in the Government's Free Swimming Programme for the over 60's and express an interest only for the remainder of the programme, and to respond accordingly to the Department of Culture, Media and Sport by the deadline of 15th September 2008.

65 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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

(Paragraph 3 concerns information relating to the financial or business affairs of any particular person (including the authority holding that information)).

66 KEY DECISION CE19 - RESIDENTIAL AND NURSING CONTRACT (PARAGRAPH 3)

(Councillors D Brickhill, P Findlow and P Mason had declared personal interests in this item. In accordance with the Constitution they remained in the meeting during its consideration.)

Consideration was given to a report of the People Block Lead Officer on the contract for residential and nursing care for adults and older people.

RESOLVED

For the reasons set out in the report: -

That agreement be given to the contract rates and pricing mechanism under the extended contract.

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 8th September 2008
Report of: The People Block Head Officer
Title: Free Swimming and Capital Modernisation Programme –
Funding to Local Authorities

1.0 Purpose of Report

To consider the implications of the Government's Free Swimming and Capital Modernisation funding offer for Cheshire East Council.

2.0 Decision Required

Cabinet is requested to confirm that Cheshire East Council wishes to participate in the Government's Free Swimming Programme for the over 60's and express an interest only for the remainder of the programme, and respond accordingly to the Department of Culture, Media and Sport by the deadline of 15th September 2008.

3.0 Financial Implications for Transition Costs

There are no financial implications for transition costs.

4.0 Financial Implications 2009/10 and beyond

The Government's funding offer for all elements of the scheme is initially for a two year period with no further commitment beyond that time at present being given.

5.0 Legal Implications

No authority is required to enter any element of the scheme so there is no new entitlement to free swimming.

6.0 Risk Assessment

6.1 An evaluation and assessment of the risks are laid out in section 7.4 of this report.

7.0 Background and Options

7.1 In June of this year Government announced its intention to fund local councils to provide free swimming for certain targeted groups with the aspiration of

providing free swimming for everyone by 2012. At the end of July, the Department for Culture Media and Sport (DCMS) sent out letters to all local authority Chief Executives outlining the packages that were available to roll out the programme.

The package includes three distinct elements:-

- (i) A fund to local authorities to allow them to introduce free swimming for people over 60 of £15m per annum for the next two financial years
- (ii) A further fund to local authorities to allow them to introduce further measures to promote increased participation particularly for under 16's, of £25m per annum for the following two years.
- (iii) A "Free Swimming Capital Modernisation Programme" into which local authorities could bid for the renovation and maintenance of their pools (including school pools) in support of schemes (i) and (ii) above. (£10m in the current financial year for those local authorities who sign up to both schemes on a pro rata population based share, and £25m per annum for the next two financial years through a bid process.)

7.2 No authority is being required to enter any element of the scheme, so there is no new entitlement to free swimming. The only key criteria / condition at present (although more will no doubt be laid out as part of the final agreement) is that the free swimming offer must be to the respective age groups at all times when they would normally be admitted to public sessions.

- Authorities wishing to participate in free swimming for the aged 60 or over must provide confirmation by 15 September 2008. Those who also wish to participate in free swimming for those under 16 must also submit an expression of interest by the same date. Details of a prospective allocation for the latter will be made by Government by 30 September with authorities invited to confirm their participation or otherwise by 15 October. Authorities can only participate in the under 16 and capital programme if they also roll out the over 60 package. The closing date for Round 1 initial capital applications is also the 15th October with Round 2 timetable to be announced in April 2009.
- The offer of grant allocation per annum to the existing three district Councils to provide swimming for those aged 60 or over is based on a formula taking into account the local population within this age category. The funding available is as follows: -

Congleton Borough Council	£30, 743
Crewe and Nantwich Borough	£36, 168
Macclesfield Borough Council	<u>£52, 582</u>
	<u>£119, 493</u>

- 7.3 An initial evaluation of the financial implications has been made based on current usage and income for each age group for each authority and possible projections of uptake should a decision be made to either confirm involvement or express interest (for under 16's) by 15 September. However, it is important to highlight that at this stage whilst there would probably be an initial surge in uptake on either offer, it is not possible to either quantify to what level that would be or to what level it would probably remain at over the period of the available funding and thereby the amount of income required at the end of the two year period to replace the funding should none be forthcoming.

Over 60's

	Macclesfield		Crewe		Congleton		Total	
	Usage	Income	Usage	Income	Usage	Income	Usage	Income
2007/08	14,962	23,143	16,935	21,020	10,518	15,670	42,415	59,833
2008/09	19,451	30,988	22,016	28,146	13,673	20,982	55,140	80,116
2009/10	19,451	31,918	22,016	28,990	13,673	21,612	55,140	82,520

Assumptions -

30% increase in existing usage for 2008/09

No further increase in usage for 2009/10

3% price increase each year

Under 16's

	Macclesfield		Crewe		Congleton		Total	
	Usage	Income	Usage	Income	Usage	Income	Usage	Income
2007/08	55,856	97,392	35,723	58,088	26,244	54,047	117,823	209,527
2008/09	83,784	150,471	53,585	89,746	39,366	83,503	176,735	323,719
2009/10	83,784	154,985	53,585	92,438	39,366	86,008	176,735	333,431

Assumptions -

50% increase in existing usage for 2008/09

No further increase in usage for 2009/10

3% price increase each year

- 7.4 In an initial appraisal and risk evaluation of the offer, the following points need to be considered:

- From an initial review of each current district and notwithstanding the unknown level of take-up it is considered that the funding available for the over 60's would be likely to be covered by the finance available to compensate for loss income from this age group. However, the additional funding over and above that required to cover the loss in income would be needed to address possible additional costs which could include extra lifeguard staffing, increased cleaning, maintenance and pool water treatment.. In addition it will be a requirement to monitor free swimming and this may necessitate the production of a specific

user card or development of current management systems in operation (which currently vary across the different authorities). All of the above would then have to be managed within the available funding.

- It is difficult at this stage to provide such an analysis for the under 16 age category given that funding figures are not yet available. However, it is clear that the levels of lost income for offering free swimming to this category, plus the added costs outlined above (life guarding, maintenance, pool water treatment) would be far higher given that it is likely that there may be a greater additional take-up than might be the case for the over 60's, and any potential compensatory grant available may be far less likely to offset lost income and additional costs. However, at this stage government is only requesting an expression of interest for this age group and a decision on whether to proceed could still be taken once the funding offer is known.
- On the issue of the capital programme a share of the £10m for this year will only be available if both programmes are taken up. At this stage it is not possible to estimate the value of this as it will depend on the number of participating authorities. In terms of bidding for the Round 1 funding, it would be difficult given the short timescale and the need to outline cultural strategic plans and priorities which Cheshire East has yet to establish to make a bid for the next financial year, but this may be possible for the following year and final year.

8.0 Reasons for Recommendation

8.1 In making a recommendation Members need to take into account the following: -

- Participation in the programme (even just for the over 60's) may allow the new authority to send out a positive message about encouraging health and wellbeing and can also be used to create closer partnerships with other agencies such as the Primary Care Trust.
- There may be public expectation that some aspects of the free swimming programme will be offered by Cheshire East following the recent national publicity launch.
- Acceptance of the over 60's offer would allow bidding into under 16 funding and capital monies. At this stage an expression of interest doesn't commit Cheshire East to anything firm, however much further work needs to be done to evaluate the financial risks dependant on the level of funding offer made. This evaluation would be subject to a further report to Cabinet to meet the DCMS response deadline for these areas of the programme.

- The funding is initially only for two years and there is a risk of no or reduced further funding which may lead to either a need to reintroduce charging or to cover costs within revenue budgets. The level of that cost would be at least that already offered for the over 60's programme.
- There will be some additional costs over the two years as outlined within the report, which as indicated should be able to be covered within the funding for the over 60's. However, as there is no clear way of projecting take-up, it is difficult to estimate at present.
- It is possible that there may be a reduction of pool space for existing paying customers and consequent loss of income. Again it is difficult at this stage to quantify if this will be the case.

For further information:

Portfolio Holder: Councillor Andrew Knowles

Officer: Mark Wheelton

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Background Documents:

DCMS – Free Swimming Programme offer letter to Local Authorities

Sport England – Free Swimming, Capital Modernisation Programme Prospectus

Documents are available for inspection at:

Macclesfield Town Hall

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