

Cabinet Agenda

Date: Tuesday, 6th January, 2009
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. **Minutes of Previous meeting** (Pages 1 - 4)

To approve the Minutes of the meeting held on 17th December 2008.

Please contact Cherry Foreman on 01270 529736
E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

5. **Notice of Motion**

Report to follow.

6. **Key Decision CE28 Culture and Values**

Report to follow.

7. **Key Decision CE52 Disaggregation of the County Balance Sheet**

Report to follow.

8. **Key Decision CE56 Criminal Records Bureau and Independent Safeguarding Authority**

Report to follow.

9. **Private Sector Housing Renewal Policy** (Pages 5 - 10)

To approve the progression of the Interim Cheshire East Private Sector Assistance Policy to public consultation and approve the policy in principal, subject to no significant changes following consultation.

10. **Cabinet Decision Making Arrangements**

Report to follow.

11. **Local Choice Functions**

Report to follow.

12. **Delegation of Executive Functions**

Report to follow

13. **Cabinet Procedure Rules**

Report to follow.

14. **Section 24 Schedules of Consent**

Report to follow.

15. **Progress Reporting Paper**

Report to follow.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Wednesday, 17th December, 2008 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors D Brown, F Keegan, A Knowles, J Macrae and B Silvester

In attendance:
Councillors A Arnold and Mrs D Flude.

116 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brickhill, J Findlow and P Mason.

117 DECLARATIONS OF INTEREST

There were no declarations of interest.

118 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

119 MINUTES OF PREVIOUS MEETING

RESOLVED

The minutes of the meeting held on 2 December were approved as a correct record.

120 KEY DECISION CE07 MEDIUM TERM FINANCIAL STRATEGY

Consideration was given to the medium term financial strategy, and to the progress in the development of the Council's three year capital programme for 2009/10 to 2011/12. The purpose of the report was to demonstrate that Cheshire East Council would set a balanced budget in line with its corporate priorities, to provide a summary view ahead of the budget setting report to Cabinet in February, and to inform members of future financial pressures. The Portfolio Holder asked to placed on record the thanks of Cabinet for the many Officers who had contributed to this process.

RESOLVED

For the reasons set out in the report: -

1. That the Medium Term Financial Strategy be approved.
2. That the progress in the development of the Council's three-year Capital Programme for 2009/10 to 2011/12 detailed in Section 13 of the report be noted.
3. That the risks and mitigation measures identified in Section 15 of the report be noted.

121 CARETAKER AND NOMINATED AUTHORITIES FOR CLOSURE OF ACCOUNTS

Consideration was given to the role of the nominated authority with regard to the Cheshire County Council Closure of Accounts, and the role of a caretaker authority as defined in the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008.

RESOLVED

For the reasons set out in the report: -

1. That it be agreed that Cheshire West & Chester Council will be responsible for the Closure of Accounts for Cheshire County Council for 2008/09 and that Cheshire East Council will be responsible for the Closure of Accounts for the Districts in the Cheshire East area for 2008/09.
2. That, in accordance with Regulation 10 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008, Cheshire West & Chester, as the Nominated Council, shall hold on trust for itself and Cheshire East Council the reserves of Cheshire County Council up to the date agreed by the successor Councils.
3. That, in accordance with Regulation 13 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008, the arrangements detailed in Section 5.3 of the report be adopted with regard to the role of Caretaker Authority.
4. That, in accordance with Regulation 17 of the Local Government (Structural Changes) (Transfer of Functions, Property, Rights and Liabilities) Regulations 2008 the organisations detailed in Section 5.4 of the report are identified to arbitrate in the event that an agreement is not reached by 31 December 2008.

122 KEY DECISION CE36 STATEMENT OF LICENSING POLICY, LICENSING ACT 2003

Cabinet was requested to approve the Statement of Licensing Policy for the purposes of undertaking the statutory consultation exercise required by the Licensing Act 2003. Members were asked to note that as a result of a recent change in the regulations the latest date by which a reviewed policy needed to be published had been revised to 2014 from 2011 (paragraph 12.1 of the report refers). It was noted that the timescale to have the Policy in place for 1 April 2009, necessitated a shorter period of consultation than normally would be the case.

RESOLVED

For the reasons set out in the report: -

That the Statement of Licensing Policy be approved for consultation.

123 **KEY DECISION CE43 STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005**

Cabinet was asked to approve the Statement of Principles in its draft form for the purpose of undertaking the statutory consultation exercise required by the Gambling Act 2005. Members were asked to note that Appendix A, the table of delegation, should be amended to reflect the recent decision of Council that fee setting be delegated to the Licensing Committee. It was noted that the timescale to have the Policy in place for 1 April 2009, necessitated a shorter period of consultation than would normally be the case.

RESOLVED

For the reasons set out in the report: -

That the Statement of Principles be approved for statutory consultation.

124 **JOINT WORKING FOR MINERALS AND WASTE PLANNING POLICY**

(In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman agreed to allow consideration of this item as a matter of urgency so as to enable a response to be made by the deadline required by the Government Office North West.)

Consideration was given to the decisions made to date in respect of joint working for minerals and waste planning, and the implications of these for the Local Development Scheme and for future working.

RESOLVED

For the reasons set out in the report: -

1. The content of the report be noted.

2. That Cabinet confirm the decisions made so far, that joint working on minerals and waste planning policy is an appropriate way forward.
3. That Government Office for the North West be advised of suggested amendments to the Local Development Scheme in relation to the aspect of joint working on minerals and waste planning policy,
4. That Cabinet confirm that the Portfolio Holder authorise the Director (or his nominee(s)) to enter into interim arrangements under the Local Authority (Goods and Services) Act 1970 to support and enable officers to facilitate joint working on minerals and waste planning policy and that progress on joint working be reported regularly to the Local Development Framework task group;
5. That further consideration be given to the form of any joint working.

125 **INDEMNITIES FOR MEMBERS AND OFFICERS**

(In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman agreed to allow consideration of this item as a matter of urgency in order to ensure the correct provision for officers was in place.)

Consideration was given to the current powers available to local authorities in relation to the provision of indemnities to Elected Members and Officers and to agree, prior to vesting day, an indemnity for officers.

RESOLVED

For the reasons set out in the report: -

That approval be given for Officers to be indemnified to the maximum extent permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004 and Section 111 of the Local Government Act 1972.

The meeting commenced at 2.00 pm and concluded at 2.50 pm

W Fitzgerald (Chairman)

CHESHIRE EAST COUNCIL

CABINET

Date of the meeting: 6th January 2009

Report of: Places

Title: The development of an Interim Cheshire East Private Sector Assistance Policy

1.0 Purpose of Report

- 1.1 The purpose of this report is to seek approval to send the draft Interim Cheshire East Private Sector Assistance Policy out for public consultation and to approve the policy in principal, subject to no significant changes following consultation.

2.0 Decision Required

- 2.1 To give permission to progress the Interim Cheshire East Private Sector Assistance Policy to public consultation and approve the policy in principal, subject to no significant changes following consultation.

3.0 Financial Implications for Transition Costs

- 3.1 There are no financial implications for transition costs

4.0 Financial Implications 2009/10 and beyond

- 4.1 No assumption on available resources has been made, but in order to maintain current levels of activity and to develop the loans across the new authority, existing levels of funding should be retained. This information will be linked to the capital programme.
- 4.2 The financial implications for retaining the current level of investment are as follows:

Disabled Facilities Grants (Mandatory)

Current level of investment	Specified Capital Grant 2009/10	Required capital investment from Cheshire East
£1,070,000	£478,000 (CBC £162k, CNBC £150k, MBC £166k)	£592,000

Private Sector Initiatives

Current level of investment	Estimated level of Regional Housing Pot Allocation (65% of 2007/08 allocation)	Required capital investment from Cheshire East if Regional Housing Pot Allocation is ring fenced.	Required capital investment from Cheshire East if the Regional Housing Pot Allocation is not ring fenced
£1,170,250	£1,090,050	£80,200	£1,170,250

- 4.3 If existing resources are retained at the same level, this will equate to incurred expenditure of £592,000 for Disabled Facilities Grants and £80,200 for Private Sector Initiatives, if the Regional Housing Pot Allocation is ring fenced and there are no further reductions in Regional funding (decision expected January/February 2009). If Regional Housing Pot allocations are not ring fenced then £1,170,250 will be required.

5.0 Legal Implications

- 5.1 Under the Housing Grants, Construction and Regeneration Act 1996 local authorities have a statutory duty to administer Disabled Facilities Grants.
- 5.2 The Housing Act 2004 states that a local authority has a duty to keep under review housing conditions within their local authority area.
- 5.3 Whilst the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 removed most of the prescriptive housing renewal grant legislation in the Housing Grants, Construction and Regeneration Act 1996, it states that a local authority should not have a blanket no assistance policy.

6.0 Risk Assessment

- 6.1 There are currently inconsistencies in the policies, which are in operation across the 3 District authorities, and if residents are not to be disadvantaged in any way then a new Cheshire East policy needs to be in place by 1st April 2009.
- 6.2 The Government have stated that by 2010 70% of all vulnerable households should be living in decent homes and this increases to 75% by 2020. Whilst an ambitious target, without private sector assistance this target will not be achieved within Cheshire East.
- 6.3 There is a risk of market failure in isolated parts of Cheshire East if properties are not maintained to a decent standard.
- 6.4 Empty properties are a wasted commodity and can attract anti-social behaviour. The policy gives officers the ability to work with owners of

empty properties to bring them back into use, this cannot be achieved without a policy in place.

- 6.5 The Home Energy Conservation Act states that Local authorities should reduce CO2 emissions by 30% by 2010. In order to achieve this target we need to promote and offer incentives to encourage homeowners to improve the energy efficiency of their properties.

7.0 Background and Options

- 7.1 The Interim Private Sector Assistance Policy sets out the forms of assistance that will be available from Cheshire East Council to assist vulnerable homeowners, owners of private rented property and disabled people to improve or adapt their properties. (Appendix 1)
- 7.2 The policy suggests that Cheshire East shares the Government's view that the prime responsibility for maintaining and improving housing rests with the owner, but acknowledging that there are vulnerable homeowners who cannot afford to repair or adapt their home and who may not be able to obtain loans from commercial lenders, and that there are properties where significant investment is needed which may be beyond the economic resources of the owner.
- 7.3 The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 removed most of the prescriptive housing renewal grant legislation in the Housing Grants, Construction and Regeneration Act 1996, and introduced new wide ranging discretionary power to local housing authorities to develop different forms of financial assistance to meet local needs.
- 7.4 To be able to give financial assistance with housing renewal, the local housing authority must adopt and publish a policy setting out how it intends to use this general power to give assistance. As the new Cheshire East Council takes effect on 1st April 2009, a new consistent policy across the administrative area is necessary to be able to continue to give assistance to improve housing standards.
- 7.5 The framework for assistance is based on a 'safety net' concept: offering assistance to residents on an interest-bearing repayable basis in the first instance, and recognising there are circumstances where people will not be able to afford this repayable assistance, so moving people to the next level where the assistance is repayable but without interest. The third tier of assistance is non-repayable but without interest. The third tier of assistance is non-repayable, which is reserved for the most vulnerable and at risk, disabled people, and for low levels of assistance including energy efficiency.

7.6 In developing the interest-bearing repayable assistance, attention has been paid to ensuring that within the initiative there is a safety net – the amount for repayment is based on the lower of two calculations – ensuring that in times of high increases of property values the assistance remains attractive and does not deter vulnerable people from bringing their home up to a decent standard, and ensures that applicants do not repay a disproportionately excessive amount.

7.7 By offering repayable assistance, property owners will take financial responsibility for the maintenance of their properties, in line with Government's view, while receiving assistance at the time they need it most. Once repaid, the financial resources can be recycled by the Council and used to assist further vulnerable people in Cheshire East. Integral to the Policy is the objective to improve the housing stock and reduce the number of non-decent homes occupied by vulnerable people.

8.0 Overview of Day One, Year One and Term One Issues

8.1 In order to be able to administer a consistent approach to private sector improvement across Cheshire East a new policy needs to be in place from Day one.

9.0 Reasons for Recommendation

9.1 In order to meet the timescales for the production of a new Cheshire East private sector assistance policy, approval needs to be given to progress the policy to public consultation and to give approval in principle.

For further information:

Portfolio Holder: Councillor J. McCrae

Officer: Karen Carsberg

Tel No: 01270 529689

Email: Karen.carsberg@congleton.gov.uk

Background Documents: Summary of Assistance (Appendix 1.)

Draft Interim Cheshire East private sector assistance policy.

Initiative	Target Group/Theme	Maximum assistance	Type of assistance	Nature of works	Specific qualifying criteria
Additional Disabled Facilities	Disabled people	£10,000	Repayable: local land charge, no interest	Adaptations, e.g. extensions	Only available with Disabled Facilities Grants.
Category 1 Hazard	Privately Rented	£1,000	Non repayable	Repairs to fabric of the house	
Common Water Supply	Owner occupiers; Privately rented	£250	Non repayable	Replace common water supply pipes	
Decent Homes	Owner Occupiers	£5,000	Repayable; local land charge; no interest	Repairs to fabric of house	Qualifying benefits or age 60+, subject to means test
Decent Homes Plus	Owner Occupiers	£30,000	Repayable; equity share or compound interest	Repairs and renovations	Qualifying benefits, subject to means test
Decent Homes Plus	Owner Occupiers	50% up to £15,000	Repayable; equity share or compound interest	Repairs and renovations	Property in Council Tax Band A or B, pre-1940
Disabled Facilities Grant	Disabled People	£30,000	Mandatory Grant	Adaptations, e.g. stairlifts, showers, extensions	Subject to means test and OT assessment
Disability Relocation	Disabled People	£5,000	Non repayable	Moving costs and fees	Assessed as eligible for DFG, property not suitable to adapt
Empty Homes	Intended Owner Occupiers	50% up to £10,000	Repayable, local land charge, no interest	Repairs and Renovations	Property Empty at least 3 years
Energy Efficiency	Climate Change	£100 per measure	Non repayable	Loft and Cavity Wall Insulation	
Fire Safety in HMOs	Privately rented	50% up to £10,000	Repayable in Kind ; 5 year nomination for letting	Fire safety improvements	
Landlord renovation	Privately rented	50% up to £15,000	Repayable in Kind ; 5 year nomination for letting	Repairs and renovations	
Renewable Energy	Climate Change	£300 per measure	Non repayable	Wind, solar, ground power	
Warm Front Contribution	Climate Change	£750	Non-repayable	Insulation and Heating	Cost of work exceeds warm front grant
Urgent Works	Disabled people; Owner Occupiers; Privately rented	£2,000	Non repayable	Repairs and small adaptations	Imminent risk to health and safety or other urgent needs

