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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 24th March, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

In attendance: Councillors A Richardson and A Thwaite

182 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

183 **DECLARATIONS OF INTEREST**

Members gave a general declaration of personal interest in respect of items on the agenda where an individual member was a Member of Cheshire County Council and/or one of the Borough Councils or Parish Councils. In accordance with the Code of Conduct they remained in the meeting during consideration of these items.

184 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from members of the public.

185 **MINUTES OF PREVIOUS MEETING**

In considering the minutes clarification was given in respect of minute 178 (Appointments to Category 1 Schedule of Outside Organisations) to confirm that the 'Have Your Say' Cheshire Police Authority meetings (Ref no 34) are open to all members to attend, without invitation, and hence Members did not need to be appointed to this particular organisation.

RESOLVED

The minutes of the meeting held on 3 March 2009 were approved as a correct record.

186 **KEY DECISION CE57 SCHOOL ADMISSIONS**

Consideration was given to a proposed coordinated admission scheme and to admission arrangements for the year commencing September 2010.

Following the distribution of the Cabinet agenda the Admissions Forum had, at its meeting on 17 March 2009, considered the responses to the consultation and had recommended that the proposed arrangements for September 2010 admissions be approved, with minor changes set out below, and that all consultees be notified of the arrangements, as required by the appropriate Regulations. The arrangements were, therefore, now referred to the Cabinet for approval in order to comply with the statutory requirement that the arrangements were determined prior to 15 April 2009. The changes recommended were that

- In relation to the proposed re-zoning of the Church Lawton catchment area *to take effect in the event that a final decision is taken to close the school*, a small amendment to the earlier proposal, with the area to the east of the catchment area using the Trent and Mersey Canal as the southern boundary, including Lawton Hall Farm, Lawton Manor, Lawton Hall Drive, The Gardens, The Stables being rezoned to Scholar Green Primary School and not Excalibur as originally proposed.
- Additional text to be included in respect of waiting lists, which states: 'Precedence over other children held on the waiting list for children who are the subject of a direction to admit; are part of a managed transfer from a closing school; or who are allocated in accordance with the Authority's 'in Year Fair Access (Hard To Place) Protocol.

The Forum also re-considered the admission arrangements proposed by Sandbach High School and Sixth form College and responses to the proposal by the Local Authority that the increase in the published admission number from 210 to 240 should not be supported. In the light of this information, and the recalculation of the school's net capacity, together with information on the current number on roll and the number of applications received for entry in September 2009 the Forum resolved to recommend to the Cabinet that authorisation be given to an objection by the Local Authority to the School Adjudicator in the event that policy determined by the Governing Body for September 2010 includes a published admission number of 240.

In respect of the increase in admission numbers at Sandbach High School and Sixth Form College Members expressed concern at the ongoing effect this would have on the capacity of the premises; it was therefore agreed that the recommendations of the Admissions Forum should be supported.

RESOLVED

For the reasons set out in the report and as now given: -

1. That from September 2010 approval be given to the proposed primary and secondary coordinated admission schemes for Cheshire East Council's maintained schools, and to the proposed admission arrangements for its community and voluntary controlled schools, including the changes recommended by the Cheshire East Admissions Forum, and that notification of this determination be sent to all consultees.

2. That an objection be sent to the School Adjudicator on the arrangements proposed by Sandbach High School in the event that the Governing Body determine the proposed published admission number of 240 for September 2010.

187 KEY DECISION CE66 CAPITAL STRATEGY 2009/10

Consideration was given to the Capital Strategy for 2009/10, to form the basis for consultation with members and key stakeholders.

RESOLVED

For the reasons set out in the report: -

That approval be given to the proposed development of the Capital Strategy for 2009/10.

**188 KEY DECISION CE67 ASSET MANAGEMENT PLAN
2009/14**

Consideration was given to a report on progress in developing the Asset Management Plan for 2009 – 2014, and to its associated documents.

RESOLVED

For the reasons set out in the report: -

1. That the Asset Management Plan for 2009 – 2014 be approved.
2. That the work on the Asset Management paper and the Modern Use of Property document be endorsed.

**189 KEY DECISION CE53 CHESHIRE HOMECHOICE
COMMON ALLOCATIONS POLICY**

Cabinet considered amendments to the Cheshire Homechoice Common Allocations Policy, which had been made to reflect Members concerns and to take into account local connection to rural areas.

RESOLVED

For the reasons set out in the report: -

That approval be given to the amendments to the Cheshire Homechoice Common Allocations Policy, and to its adoption.

190 SUB REGIONAL HOUSING STRATEGY

Consideration was given to the Sub Regional Housing Strategy, published on behalf of the Cheshire Housing Alliance.

RESOLVED

For the reasons set out in the report: -

That the Sub Regional Housing Strategy be approved and adopted prior to its launch by the Cheshire Housing Alliance in April 2009.

191 **CRITICAL DAY 1 HR POLICIES**

Consideration was given to the policies that needed to be in place for non-teaching employees for Day One, and to policies for employees appointed on new Cheshire East terms and conditions of employment. The Head of HR and Organisational Development reported that whilst the Trade Unions were in agreement with the proposals Unison were in the process of appointing a replacement representative and, as a result, had submitted a statement to say that they were unable to agree to the policies at present but that was not to say that they would oppose them.

In order to ensure that the necessary policies were in place it was recommended that those listed in paragraphs 2.1 and 2.2 be approved and adopted and that there be an early review of terms and conditions, policies and procedures to ensure they were fit for purpose and reflected the culture and values of the new authority. Cabinet agreed that this was still the most appropriate way forward but that the matter should be referred back to them in the event of any difficulties arising.

RESOLVED

For the reasons set out in the report and as now given: -

1. That approval be given to the following policies, to apply to all Cheshire East non teaching employees, detailed in Appendices 1 to 7 of the report: -
 - Attendance Management Policy (Appendix 1)
 - Dignity at Work Policy (Appendix 2)
 - Disciplinary Policy (Appendix 3)
 - Grievance Policy (Appendix 4)
 - Recruitment Policy (Appendix 5)
 - Workforce Performance Management Policy (Appendix 6)
 - Equality in Employment Policy (Appendix 7)
2. That approval be given to the following policies, to apply to employees appointed on new Cheshire East terms and conditions of employment, detailed in Appendices 8 to 11 of the report: -
 - Attendance & Leave Policies (Appendix 8)
 - Health Policies (Appendix 9)
 - Pay Policies (Appendix 10)
 - Termination Policies (Appendix 11)
3. That there be an early review of terms and conditions, policies and procedures, and that the matter be considered further by the Cabinet in the light of any difficulties that arise.

192 **PENSION DISCRETIONS**

Consideration was given to the use of Pension Discretions for the Local Government Pension Scheme for Cheshire East Council. An amendment to paragraph 10 of Appendix 1 to the report was circulated at the meeting, the amendments being in italics as follows: -

First Tier - permanently incapable of any gainful employment but are NOT likely to work before Normal Retirement Age (accrued retirement benefits plus 100% of prospective membership until normal retirement age).

Second Tier - permanently incapable of any alternative gainful employment within a reasonable period of time, but is likely to be so capable before the age of 65 (*accrued retirement benefits plus 25% of prospective membership to normal retirement age*).

Third Tier - permanently incapable of their local authority employment but are judged by an occupational health practitioner to be capable of gainful employment within a reasonable period after leaving employment (pension equivalent to the members accrued benefits at the point of ill health retirement - payment of which will be stopped after three years or earlier, if ex-employee obtains, or becomes capable, of gainful employment)

RESOLVED

For the reasons set out in the report: -

That subject to the above amendments approval be given to the adoption of the Pension Discretions for the Local Government Pension Scheme to apply to all non-teaching employees of Cheshire East, as set out in Appendix 1.

193 **FLEXIBLE AND MOBILE AND WORKING POLICY**

Consideration was given to a Flexible and Mobile Working Policy to support service delivery and provide benefits for employees.

RESOLVED

For the reasons set out in the report: -

That approval be given to the Flexible and Mobile Working Policy, and to a proposed payment of £250 for set up costs and a tax free allowance of £3 per week to employees who are designated home workers.

194 **HEALTH AND SAFETY POLICY**

Consideration was given to a Health and Safety Policy for Cheshire East, and to the accountability arrangements. In considering the Policy the Cabinet agreed to a requested alteration to paragraph 1.6 of the Policy

whereby the word 'approval' was amended to 'consultation with a view to agreement'.

RESOLVED

For the reasons set out in the report: -

That approval be given to the Health and Safety Policy subject to the amendment detailed above.

195 **SURE START EARLY YEARS AND CHILDCARE
FUNDING AND CONTRACTUAL ARRANGEMENTS 2009/10**

Consideration was given to the extension of a number of grant funding schemes currently operated by Cheshire County Council, and to the delegation of authority to the Head of Children and Families Service to ensure they were allocated in accordance with Appendix 1 of the report.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the grant funding schemes set out in Table 1 of Appendix 1 for 2009-2010 and the individual delegation of authority to the Head of Children and Families Service to ensure that grants are allocated in accordance with Appendix 1.
2. That approval be given to the extension of arrangements for the payment and administration of the Nursery Education Grant free entitlement for three and four year olds until 31 March 2010 on the basis set out in this Report.
3. That approval be given to the extension of the contract with Action for Children for the provision of early intervention family support services to families with children aged 0 - 5 from 1 April 2009 for one year.
4. That approval be given to the arrangements for the application of funding for Extended Services during 2009/10 set out in this Report.

196 **HARMONISED POLICY AND PROCEDURE FOR
ACTIVITIES UNDER THE REGULATION OF INVESTIGATORY
POWERS ACT 2000**

Consideration was given to the Cheshire East Policy and Procedure for Surveillance, and the Procedure for the Acquisition and Disclosure of Communication Data under the Regulation of Investigatory Powers Act 2000.

RESOLVED

For the reasons set out in the report: -

That the policies and procedures identified in Section 1 of the report be adopted by Cheshire East Council from 1 April 2009.

197 **HARMONISED ENFORCEMENT POLICY FOR CHESHIRE EAST COUNCIL**

Consideration was given to the adoption of the harmonised Cheshire East Enforcement Policy for all council services with the exception of planning.

RESOLVED

For the reasons set out in the report: -

That the Enforcement Policy (Appendix 1) be adopted from 1 April 2009 for all Council services which have a responsibility for enforcement with the exception of planning.

198 **LOCAL ENVIRONMENTAL QUALITY STRATEGY**

Consideration was given to the adoption of the Environmental Quality Strategy. This Strategy would provide guidance for community wardens and environmental enforcement officers, on how they should tackle local environmental quality issues such as litter, dog fouling, graffiti, fly posting and fly tipping.

RESOLVED

For the reasons set out in the report: -

That the Local Environmental Quality Strategy be adopted.

199 **CORPORATE PROCUREMENT STRATEGY**

Consideration was given to the Corporate Procurement Strategy for 2009/12. This would set the direction for procurement within the Council and establish a framework for individuals and Directorates to operate in and be measured against.

RESOLVED

For the reasons set out in the report: -

That the Corporate Procurement Strategy be endorsed for publication and implementation.

200 **BOROUGH STATUS - COUNCIL NAME**

Consideration was given to the practical implications arising from the grant of borough status, and to the application of a consistent approach to the use of the word 'borough'. The report detailed the circumstances

under which this applied, namely when failure to do so could bring into question the legal authority to take action.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the use of the name Cheshire East Council if required to be used for any purpose except in the circumstances at 2 below.
2. That the name Cheshire East Borough Council be used where on the advice of the Borough Solicitor it is appropriate to protect the Council's legal position.

201 CABINET DECISION-MAKING ARRANGEMENTS

Consideration was given to proposed arrangements for individual Cabinet Members to make decisions in public.

RESOLVED

For the reasons set out in the report: -

1. That the Governance and Constitution Committee recommend to Council that the provisions set out in paragraph 8.2 of the report be adopted in respect of individual Cabinet Member decision making.
2. That the Governance and Constitution Committee recommend to Council that the extra provision regarding Key Decisions referred to in paragraph 8.4 be rescinded.
3. That the proposed arrangements for individual Portfolio /holder decision-making as outlined in the report be approved and implemented with effect from 1 April 2009.
4. That the Governance and Constitution Committee recommend to Council that these arrangements be incorporated into the Council's Constitution as appropriate.

202 LOCAL AREA AGREEMENT

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 comply with the deadline for the submission of the Agreement to the Department for Communities and Local Government. Negotiations on the Agreement had only been concluded on 20 March 2009.

Formal approval was sought of the reviewed and refreshed 'severed' Local Area Agreement for Cheshire East (Appendix A) to meet the submission timetable outlined by the Department for Communities and

Local Government and the statutory requirements of Section 111 of the Local Government and Public Involvement in Health Act 2007.

RESOLVED

For the reasons set out in the report: -

That approval be given to the reviewed and refreshed 'severed' Local Area Agreement for Cheshire East on behalf of the Council for submission to the Department for Communities and Local Government.

203 SHARED SERVICES

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 as the agreements needed to be completed by 31 March 2009. It had not been possible to finalise the report until the Joint Programme Development Team had met with representatives of the West on Monday 23 March 2009.

Consideration was given to this report on progress made in collaborating with Cheshire West and Chester Council to deliver a number of the Councils functions on a shared basis. The report detailed those to be shared on a long-term basis, or for a transitional period, or that were being dealt with as part of a separate process, and indicated which Council was to be the host authority.

In considering the Membership of the Joint Committee it was considered that the Portfolio Holders associated with Performance and Capacity would be the most appropriate Members. It was, however, intended that other relevant Portfolio Holders would be co-opted to attend as appropriate.

RESOLVED

For the reasons set out in the report: -

1. That the lists of transitional and longer-term shared services be ratified (Appendix 1);
2. That the Joint Programme Development Team be authorised to proceed with ensuring the smooth transition to Shared service operation at Vesting Day;
3. That the Borough Treasurer and Head of Assets, in conjunction with the Portfolio Holder for Shared Services and the Portfolio Holder for Resources, be given delegated authority to finalise the legal documents to give effect to the shared services agreements;
4. That agreement be given to enter into the necessary legal agreements to give effect to the shared services arrangements set out in this report subject to any amendments agreed by the Borough Treasurer and Head of Assets, in conjunction with the Portfolio Holder for Shared Services and the Portfolio Holder for Resources;

5. That agreement be given to the creation of a Joint Committee for the purposes of strategic decision making to facilitate shared service provision with Cheshire West and Chester Council and nominate three councillors to be members to the Joint Committee; these to be the Portfolio Holders for Resources, Procurement, Assets and Shared Services and Performance and Capacity.
6. That agreement be given for the discharge of its functions relating to the services specified in Appendix 1 by the Joint Committee for discharge by the Joint Committee as appropriate and pending such a resolution of the Joint Committee; agree to the discharge of those functions as specified in Appendix 1 where Cheshire West and Chester Council is specified as the host by Cheshire West and Chester Council;
7. That agreement be given to accept responsibility for the discharge of the services specified in Appendix 1 where Cheshire East Council is named as the host on behalf of the Joint Committee or, pending such resolution by the Joint Committee, on behalf of Cheshire West and Chester Council;
8. That agreement be given to the secondment, as appropriate, of staff working within the proposed shared service arrangement in respect of the services which are the responsibility of the Joint Committee;
9. That the transfer of assets be authorised as appropriate to give effect to the shared services arrangements.

204 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That in accordance with Section 100(A)4 of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it may 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 in maintaining the exemption outweighs the public interest in disclosing it.

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

205 **KEY DECISION CE68 WASTE TREATMENT PFI CONTRACT**

Approval was sought of the terms and conditions of the proposed Inter Authority Agreement which will govern the relationship between Cheshire West and Chester Council and Cheshire East Council in relation to the

Cheshire Waste Treatment PFI Contract, and the ongoing management of the Waste Contracts.

RESOLVED

For the reasons set out in the report: -

That the contents of the report be noted and approved and that the Certifying Officer be authorised to settle the final terms of the inter Authority Agreement and secure its completion by the 31 March 2009 deadline.

In accordance with Rule 13 of the Council's Scrutiny Procedure Rules, and as the Chairman of the Scrutiny Committee has agreed that this decision should be treated as urgent, the call in procedure does not apply to this decision.

The meeting commenced at 2.00 pm and concluded at 4.10 pm

Councillor W Fitzgerald (Chairman)

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CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 24 MARCH 2009
Report of: Russ Glennon, Head of Policy and Performance
Title: Local Area Agreement

1.0 Purpose of Report

1.1 To seek formal approval of the reviewed and refreshed 'severed' Local Area Agreement for Cheshire East (Appendix A) in accordance with the approach agreed by Council on 9 December 2008, the submission timetable outlined by the Department for Communities and Local Government and the statutory requirements of Section 111 of the Local Government and Public Involvement in Health Act 2007.

2.0 Decision Required

2.1 That Cabinet approves the reviewed and refreshed 'severed' Local Area Agreement for Cheshire East (Appendix A), on behalf of the Council, for submission to the Department for Communities and Local Government.

3.0 Financial Implications for Transition Costs

3.1 There are no direct implications for transition costs.

4.0 Financial Implications 2009/10 and beyond

4.1 Both the Sustainable Community Strategy (SCS) and Local Area Agreement (as the Delivery Plan of the SCS) are intended to influence the business planning processes of the local authority and all partners from across the public, private, community, voluntary and faith sectors within the local area. In so doing, it is expected that resource allocation and service delivery be driven by the targets and indicators, both 'designated' and 'non designated', incorporated in the Local Area Agreement.

4.2 Wherever possible, this should include the use of:

(i) non- ringfenced general grant – providing funding for core services. The main item of general grant is formula grant (made up of Revenue Support Grant and national non-domestic rates) which is distributed amongst all authorities according to relative need as determined by formulae; and

(ii) non-ringfenced Area Based Grant – a general grant providing

additional revenue funding to areas according to specific policy criteria, e.g. Supporting People. The Area Based Grant allocation for Cheshire East is £14.9m

4.3 In addition to the above, Performance Reward Grant (PRG) will be payable upon the successful achievement of LAA targets based upon 0.54% of the net budget of the new authority. The maximum amount of LAA Performance Reward Grant (PRG) that Cheshire East is eligible to earn if all LAA targets are met by 2010/11 is £2.13m.

5.0 Legal Implications

5.1 The LAA is prepared by the responsible local authority as defined in Section 103 of the Local Government and Public Involvement in Health (LGPIH) Act 2007. Under the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008, responsibility for the preparation, submission and approval of the local area agreement for Cheshire transferred from the County Council, previously the responsible authority for the agreement, to the two new unitary authorities. Once prepared, the Local Area Agreement, and any subsequent proposals for change made as a result of the annual review process, must be agreed at full council. However, recent amendments to the Local Authorities (Functions and Responsibilities) Regulations 2000 do allow for this function to be delegated to the Cabinet.

6.0 Risk Assessment

6.1 In view of the legal implications outlined above, the Council would be in breach of those statutory responsibilities placed upon it under the Local Government and Public Involvement in Health Act 2007 if formal approval of the reviewed and refreshed LAA was not achieved.

7.0 Background and Options

7.1 At the meeting of the Cabinet held on 2 December 2008, Members received an update on the process for the review, refresh and subsequent endorsement of the Cheshire Local Area Agreement prior to its second year of delivery. This approach was ratified by Council on 9 December 2008. As a result, the authority to make any proposals for 'revision' of the Cheshire Local Area Agreement 2008 - 2011 to the Secretary of State, deemed necessary as a consequence of the annual refresh process and in accordance with the requirements of Section 111 of the Local Government and Public Involvement in Health Act 2007, was delegated to the Cabinet.

7.2 Members are reminded that the LAA is prepared by the responsible local authority as defined in Section 103 of the Local Government and Public Involvement in Health (LGPIH) Act 2007. As a consequence of the Local Government (Structural Changes) (Transitional Arrangements) Regulations

2008, responsibility for the preparation, submission and approval of the local area agreement and any subsequent proposed revisions made to it under the annual refresh process has now passed to the two new unitary councils.

7.3 Members are also reminded that this first annual review of the Cheshire Local Area Agreement has included a distinct refresh element. This was deemed necessary due to a lack of alignment with the introduction of Comprehensive Area Assessment (CAA), which will provide evidence and conclusions to inform future LAA annual reviews, and delays in the finalisation of the national indicator set and subsequent local target setting also east west target disaggregation and taking account of economic recession, health and other inequalities and development of LAP arrangements

7.4 Since consideration by Council in December 2008 work on the annual review and refresh has continued apace. Where possible, this has been progressed through emerging new partnership arrangements for Cheshire East at both strategic and thematic level. The implications of the renegotiation of targets specific to the local authority have also been considered and agreed by the relevant officers of the new Management Team.

7.5 As a result of review and refresh process, the Cheshire Local Area Agreement has now been 'severed', as originally intended, to reflect indicators and targets specific to the Cheshire East and Cheshire West and Chester unitary authority areas respectively. Appendix A details the current position in relation to Cheshire East.

7.6 In summary, the following amendments have been made to Agreement to date:

- Re-classification of NI 137 (Healthy life expectancy at age 65) from 'designated' to 'non-designated indicator
- Removal of two indicators:
 - NI 110 - Young people's participation in positive activities
 - NI 115 - Substance misuse by young people
- Addition of two new indicators:
 - NI 58 - Emotional and Behavioural Health of Looked After Children
 - NI 68 - Percentage of referrals to children's social care going on to initial assessment
- Year two targets now set for:
 - NI 4 - % of people who feel they can influence decisions in the locality
 - NI 21 - Dealing with local concerns about anti-social behaviour and crime by the local councils and police
 - NI 30 - Re-offending rate of prolific and priority offenders
 - NI 32 - Repeat incidents of domestic violence cases reviewed at MARAC

- NI 111 - First time entrants to the Youth Justice System aged 10-17
- NI 112 - Under age conception rate
- NI 155 - Number of affordable homes delivered (gross)
- NI 171 - New business registration rate
- Revised year two targets set for:
 - NI 8 - Adult participation in sport and active recreation
 - NI 18 - Adult re-offending rates for those under probation supervision
 - NI 20 - Assault with injury crime
 - NI 56 - Obesity in primary school age children in Year 6
 - NI 123 - Stopping smoking
 - NI 125 - Achieving independence for older people through rehabilitation/intermediate care
 - NI 130 - Social Care clients receiving Self Directed Support (Direct Payments and Individual Budgets – adults all ages)
 - NI 141 - Percentage of vulnerable people achieving independent living
 - NI 142 - Percentage of vulnerable people who are supported to maintain independent living
 - NI 154 - Net additional homes provided
 - NI 191 - Residual household waste per household

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

8.1 Day One –Cheshire East Council needs to have a Local Area Agreement in place in order to fulfil its legal obligations under the Local Government and Public Involvement in Health Act 2007. Year One – 2009/10 represents the second year of delivery of the current three-year agreement. Responsible local authorities and partner authorities are required to ‘have regard’ to all those targets which ‘relate’ to them. In order to fulfil this requirement, responsible local authorities and partner authorities are expected to be able to demonstrate how they are effectively planning for the implementation of their contribution to the achievement of those targets to which they have signed up. This requires:

- responsible and partner authorities to clearly establish the link/s between all local improvement targets that relate to them in their relevant business planning and performance management processes;
- that relevant LAA targets be clearly but proportionately reflected within each individual partner authority’s local, regional or sub-regional resource allocation;
- that the staff of responsible and partner authorities are made aware of any pertinent LAA priorities and, where appropriate, that these are reflected in the setting of senior staff performance management objectives; and

- that partners work through the LSP board and its thematic partnerships to collectively oversee progress against delivery plans for all targets in the LAA based on existing data and information provided by individual partners.

8.2 In addition, there will be an ongoing role for the local authority as the responsible authority in monitoring performance against LAA targets.

Term One – in accordance with statutory guidance, the LAA will continue to be refreshed on an annual basis. In future, this process will be informed by the outcome of the Comprehensive Area Assessment. It will also be informed by the new Sustainable Community Strategy for Cheshire East to be developed over the next 6 months. The current three-year LAA runs to March 2011. Consequently, a new three year Agreement will need to be developed through the LSP framework towards the end of the first term of the new unitary authority.

9.0 Reasons for Recommendation

9.1 Under the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008, Cheshire East Council now has the responsibility for the preparation, submission and approval of the local area agreement and any subsequent proposed revisions made to it under the annual refresh process. The recommendation in 2.1 enables the Council to meet its new statutory duties in line with the timescale outlined for the review and refresh process by the Department for Communities and Local Government.

For further information:

Portfolio Holder: Councillor David Brown
Officer: Russ Glennon
Tel No: 01270 529623
Email: russ.glennon@cheshireeast.gov.uk

Background Documents:

Documents are available for inspection at: Westfields, Sandbach

CHESHIRE EAST LAA 2008 – 2011: Designated Improvement Targets

Priority	New National Indicators	Note	Area	Baseline	LAA Improvement Target			Lead Partner
					2008/09	2009/10	2010/11	
1. Stronger Communities	NI 4 % of people who feel they can influence decisions in the locality		East	23.80%		27.00%	30.00%	Local Authority
2. Stronger Communities	NI 8 Adult participation in sport and active recreation		East	23.97%	25.97%	26.97%	27.97%	Sport Cheshire; Local Authority
3. Safer Communities	NI 18 Adult re-offending rates for those under probation supervision	Offender numbers in brackets	East	8.70% (291)		8.20% (275)	7.70% (259)	Cheshire Probation Service
4. Safer Communities	NI 20 Assault with injury crime		East		5.30 (1895)	5.00 (1819)	4.9 (1753)	Cheshire Police
5. Safer Communities	NI 21 Dealing with local concerns about anti-social behaviour and crime by the local councils and police		East	(2008/09) 25.3%		27.3%	35.3%	Local Authority; Cheshire Police
6. Safer Communities	NI 30 Repeat incidents of domestic violence cases reviewed at MARAC	Year 3 target unavailable	East	14.00%		15.00%	To be determined 2010/11	Cheshire Probation Service
7. Safer Communities	NI 32 Repeat incidents of domestic violence	Proxy baseline data – subject to amendment	East	(2008/09) 31.00%	28.00%	26.00%	24.00%	Cheshire Domestic Abuse Partnership
8. Safer Communities	NI 33 Arson incidents		East	994 (27.7)	653 (18.2)	622 (17.3)	597 (16.6)	Cheshire Fire and Rescue Service
			East Secondary	669 (18.6)	417 (11.6)	408 (11.4)	400 (11.1)	
			East Primary	325 (9.6)	236 (6.6)	214 (6.0)	197 (5.5)	
9. Safer Communities	NI 47 People killed or seriously injured in road traffic accidents		East	(June 2007) 280	249	233	229	Cheshire Safer Roads Partnership
10. Children and Young People	NI 56 Obesity in primary school age children in Year 6		Central & Eastern	(2007) 17.9%		17.0%	17.0%	Children's Trust

Priority	New National Indicators	Note	Area	Baseline	LAA Improvement Target			Lead Partner
					2008/09	2009/10	2010/11	
			PCT					
11. Children & Young People	NI 58 Emotional and Behavioural Health of Looked After Children		East		National data not available until Sept 2009	TBC	TBC	Children's Trust
12. Children and Young People	NI 68 Percentage of referrals to children's social care going on to initial assessment		East	(Feb. 2009) 76%		78%	80%	Children's Trust
13. Children and Young People	NI 111 First time entrants to the Youth Justice System aged 10-17	6% reduction by 2010/11	East	(2007/08) 518 = 1422 per 100,000		492 = 1350 per 100,000	487= 1336 per 100,000	Children's Trust
14. Children and Young People	NI 112 Under age conception rate	Female population aged 15 – 17 is 6,046	PCT population	(1998) 230 = 38.0 per 1000 (2006) 196 (-15%)		163 = 27.0 per 1000 (-29%)	115 = 19.0 per 1000 (-50%)	Children's Trust
15. Children and Young People	NI 117 16 to 18 olds who are not in education, employment and training (NEET)		East	(2007) 5.2%		4.4%	4.1%	Children's Trust
16. Adult Health and Wellbeing	NI 120 All-age all cause mortality rate (VSB 01)	Targets to be set by SHA	Central & Eastern PCT	(2005) Male 705.31	652	633	614	Central & Eastern Cheshire PCT
	(VSB01)	Targets to be set by SHA	Central & Eastern PCT	(2005) Female 507.49	453	439	425	
17 Adult Health and Wellbeing	NI 121 Mortality rate from all circulatory diseases at ages under 75	Targets to be set by SHA	Central & Eastern PCT	(2005) 80.1	70.35	66.62	63.09	Central & Eastern Cheshire PCT
18. Adult Health and Wellbeing	NI 123 Stopping smoking (VSB05)		Central & Eastern Cheshire PCT	795	785	668	643	Central & Eastern Cheshire PCT
			Central & Eastern Cheshire PCT	Number of 4-week smoking quitters who attended NHS Stop	2,912	2,499	2,425	

Priority	New National Indicators	Note	Area	Baseline	LAA Improvement Target			Lead Partner
					2008/09	2009/10	2010/11	
				Smoking Services				
		From ONS projections from SHA	Central & Eastern Cheshire PCT	Population aged 16 and over	371,183	374,300	377,300	
19. Adult Health and Wellbeing	NI 125 Achieving independence for older people through rehabilitation/intermediate care	Pilot data in use. New data available Autumn 2009	East	(2008/09) 73.00%		74.00%	75.00%	Central & Eastern Cheshire PCT; Local Authority
20. Adult Health and Wellbeing	NI 130 Social Care clients receiving Self Directed Support (Direct Payments and Individual Budgets – adults all ages)		East	(2008/09) 7.90% or, 777		30.00% or, 2950	60.00% or, 5890	Local Authority
21. Adult Health and Wellbeing	NI 135 Carers receiving needs assessment or review and a specific carer's service, or advice and information		East	(2007/08) 45.00%	47.00%	48.00%	50.00%	Local Authority
22. Tackling exclusion and promoting equality	NI 141 Percentage of vulnerable people achieving independent living		East	(2008/09) 55.07		56.07	57.7	Supporting People Team
23. Tackling exclusion and promoting equality	NI 142 Percentage of vulnerable people who are supported to maintain independent living		East	(2008/09) 97.68		98.00	98.68	Supporting People Team
24. Tackling exclusion and promoting equality	NI 153 Working age people claiming out of work benefits in the worst performing neighbourhoods	Baseline and targets for Crewe and Nantwich only	East	(May 2007) 26.30%		0.33%	0.34% (1% over 3 years)	Jobcentre Plus
25. Local Economy	NI 154 Net additional homes provided	Year 2 & 3 targets revised	East	1273	960	1277	995	LPAs, RSLs and housebuilders
26. Tackling exclusion and promoting equality	NI 155 Number of affordable homes delivered (gross)	Year 2 & 3 targets set	East	130	344	364	526	Local Authority; Cheshire Housing Alliance
27. Tackling exclusion and promoting equality	NI 156 Number of households living in temporary accommodation		East	231	24	18	12	Local Authority

Priority	New National Indicators	Note	Area	Baseline	LAA Improvement Target			Lead Partner
					2008/09	2009/10	2010/11	
28. Local Economy	NI 163 Proportion of population aged 19-64 for males and 19-59 for females qualified to Level 2 or higher		East	(2006) 73.90%	(2009) 79.50%	(2010) 81.30%	(2011) 83.20%	LSC/DIUS
29. Local Economy	NI 164 Proportion of population aged 19-64 for males and 19-59 for females qualified to Level 3 or higher		East	(2006) 53.20%	(2009) 57.90%	(2010) 59.40%	(2011) 61.00%	LSC/DIUS
30. Local Economy	NI 168 Principal roads where maintenance should be considered		East	5.00%	5.00%	4.00%	3.00%	Local Authority
31. Local Economy	NI 169 Non-principal classified roads where maintenance should be considered		East	9.00%	8.00%	7.00%	6.00%	Local Authority
32. Local Economy	NI 171 New business registration rate		East	134.20%		134.80%	135.20%	Local Authority
33. Environmental sustainability	NI 186 Per capita reduction in CO2 emissions in the Local Authority area		East	8.8 tonnes per capita	8.68 t per capita (47,000 tCO2 saved)	8.53 t per capita (99,250 tCO2 saved)	8.40 t per capita (145,500 tCO2 saved)	Local Authority; Energy Projects Plus; Groundwork
34. Environmental sustainability	NI 191 Residual household waste per household	2008/09 data is a forecast and subject to amendment	East	(2007/08) 721kg per household	601kg per household	594kg per household	591kg per household	Local Authority

CHESHIRE LAA 2008 – 2011: Non-designated (Local) Improvement Targets

Priority	Local indicators	Area	Baseline	LAA Improvement Target			Lead Partner
				08/09	09/10	10/11	
35. Stronger Communities	Percentage increase in Local Authority spending in contracts and grants to Third Sector organisations	C/wide	(2007/08)				Local Authority
36. Safer Communities	Reported incidents of ASB	East	18,640	17,708			CDRPs
37. Safer Communities	Increase in proportion of non-Police referrals to the Cheshire DAFSUs and MARACs	East	15%	20%			Cheshire Domestic Abuse Partnership
38. Safer Communities	Alcohol arrest referrals	East		240			Cheshire DAAT
39. Safer Communities	(Anti-social behaviour – criminal damage)	East	5567	4957			Local Authority
40. Children and Young People – <i>Be Healthy</i>	NI 56 Obesity in primary school age children in Year 6 (DCSF DSO) <i>(Looked after children – proxy measure)</i>	East					Children's Trust
41. Children and Young People – <i>Make a positive contribution</i>	NI 110 Young people's participation in positive activities (PSA 14) <i>(Looked after children – proxy measure)</i>	East					Children's Trust
42. Children and Young People – <i>Make a positive contribution</i>	NI 111 First time entrants to the Youth Justice System aged 10-17 (PSA 14) <i>(Looked after children – proxy measure)</i>	East					Children's Trust
43. Children and Young People – <i>Make a positive contribution</i>	NI 112 Under age conception rate (PSA 14) <i>(Looked after children – proxy measure)</i>	East					Children's Trust
44. Children and	NI 115 Substance misuse by young	East					

Priority	Local indicators	Area	Baseline	LAA Improvement Target			Lead Partner
				08/09	09/10	10/11	
Young People – <i>Make a positive contribution</i>	people (PSA 14) *						
45. Children and Young People – <i>Economic Wellbeing</i>	NI 117 16 to 18 olds who are not in education, employment and training (NEET) (PSA 14) *	East					
46. Adult Health and Wellbeing	NI 134 The number of emergency bed days per head of weighted population (DH DSO) Emergency bed days for those 75 and over (current LAA sub outcome)	East	(2007/08) 3333		3300	3266	Central & Eastern Cheshire PCT; Local Authority
47. Adult Health and Wellbeing	C32 Older people only Proxy for NI 136 People supported to live independently through social services (all adults) (PSA 18)	East	(2007/08) 2987		3079	3278	Local Authority
48. Adult Health and Wellbeing	NI 137 Healthy life expectancy at age 65	East	(2008) 15.07		15.52	15.67	
49. Adult Health and Wellbeing	(Mental Health – number of organisations adopting the Mental Health Employment Charter))	East		6	6	4	
50. Local Economy	Increase the value of the Cheshire visitor economy (STEAM)	East	£0.532 billion	£0.57 billion	£0.593 billion	£0.61 billion	Visit Chester and Cheshire; Local Authority; NWDA; Private Sector
51. Local Economy	(Enterprise development – new social enterprises demonstrating growth after 12 months)	East	13	23	28		Cheshire & Warrington Social Enterprise Partnership

Priority	Local indicators	Area	Baseline	LAA Improvement Target			Lead Partner
				08/09	09/10	10/11	
52. Local Economy	NI 171 New business registration rate	Crewe only	96.0%		98.6%	100%	Local Council Business Link NW
53. Environmental sustainability	NI 192 Percentage of household waste sent for refuse, recycling and composting (DEFRA DSO)	East	(2007/08) 42.56%	50.11%	51.00%	51.50%	Local Council

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CHESHIRE EAST COUNCIL

Cabinet

Date of meeting: 24 March 2009
Report of: Borough Treasurer & Head of Assets
Title: Shared Services

1.0 Purpose of Report

- 1.1 This report updates Cabinet on progress made in collaborating with Cheshire West and Chester Council (CWACC) to deliver a number of the Council's functions on a 'shared' basis.
- 1.2 The breadth of services to be provided and the scale of the budgets to be shared make this one of the pre-eminent shared services arrangements in the Country. As such there are a range of commercial, legal and operational issues to be considered before entering into such a relationship.
- 1.3 However the relationship itself is also a key factor in the success of the collaboration. This report sets out the work done to date in building the links between the two Councils as well as addressing the aforementioned issues to structure the right deal for Cheshire East.
- 1.4 It should be noted that under current plans, a range of services will be provided by Cheshire East as 'host' authority on behalf of CWACC and similarly the latter will discharge some functions on behalf of Cheshire East. This report sets out the practicalities involved in setting this up and requests endorsement of the approach taken to date.

2.0 Decision Required

Cabinet is requested to:

- 2.1 Ratify the lists of transitional and longer term shared services (Appendix 1);
- 2.2 Authorise the Joint Programme Development Team to proceed with ensuring the smooth transition to shared service operation at Vesting Day;
- 2.3 Delegate authority to the Borough Treasurer and Head of Assets in conjunction with the Portfolio Holder for Shared Services and the Portfolio Holder for Resources to finalise the legal documents to give effect to the shared services agreements;
- 2.4 Agree to enter into the necessary legal agreements to give effect to the shared services arrangements set out in this report subject to any amendments agreed

by the Borough Treasurer and Head of Assets, in conjunction with the Portfolio Holder for Shared Services and the Portfolio Holder for Resources;

- 2.5 Agree to the creation of a Joint Committee for the purposes of strategic decision making to facilitate shared service provision with Cheshire West and Chester Council and nominate three councillors to be members to the Joint Committee;
- 2.6 Agree to the discharge of its functions relating to the services specified in Appendix 1 by the Joint Committee for discharge by the Joint Committee as appropriate and pending such a resolution of the Joint Committee; agree to the discharge of those functions as specified in Appendix 1 where Cheshire West and Chester Council is specified as the host by Cheshire West and Chester Council;
- 2.7 Agree to accept responsibility for the discharge of the services specified in Appendix 1 where Cheshire East Council is named as the host on behalf of the Joint Committee or, pending such resolution by the Joint Committee, on behalf of Cheshire West and Chester Council;
- 2.8 Agree to the secondment, as appropriate, of staff working within the proposed shared service arrangement in respect of the services which are the responsibility of the Joint Committee;
- 2.9 Authorise the transfer of assets as appropriate to give effect to the shared services arrangements;

3.0 Financial Implications for Transitional Costs

- 3.1 The recommendations contained within this report have no additional financial implications for transitional costs.

4.0 Financial Implications 2009/10 and Beyond

- 4.1 The budgeted contribution of Cheshire East reflects the savings identified in respect of the shared services within the LGR business case.
- 4.2 Costs for 2009/10 will be shared between both authorities on a basis still to be agreed, but based on providing standard cost effective services to each authority and estimates of each authority's usage. If either authority requires a non-standard variation to agreed practices this may affect the overall costs of delivery.
- 4.3 Services will be expected to capture information on both usage and directly allocable costs incurred on behalf of each Authority and build these into more detailed cost share models for 2010/11 and beyond.
- 4.4 The Borough Treasurer and Head of Assets will regularly review the performance of the shared services and the impact of agreed cost share mechanisms on the contributions required from Cheshire East.

5.0 Background and Scope

- 5.1 Progress by the Joint Programme Development Team (JPDT) on sharing a range of services with CWACC was reported to Cabinet on 3rd March 2009.
- 5.2 Currently 38 services have been identified as potentially benefiting from a shared approach either for the longer term or on a transitional basis. A host (discharging) authority has been identified for each and in the case of the transitional services a proposed date for exiting the arrangement and taking on sole responsibility for discharging the service within the Borough. The current list is provided at Appendix 1.
- 5.3 The JPDT continues to refine this list to take account of feedback received from senior officers and Members, however at this stage it is envisaged that any further changes are likely to have minimal impact on preparations for day one operations.
- 5.4 The JPDT has developed the agreed governance principles (as set out in the 3rd March report to Cabinet) into an inter-authority agreement which will contain a number of individual service and secondment agreements and an overarching administrative agreement. Together these documents will set out the mechanisms for managing the overall relationship between the Council and Cheshire West and Chester as well as the obligations of each in the discharge of the individual services and functions to required standards and cost.

6.0 Operation of Joint Committee

- 6.1 The process for entering into the sharing of service requires a formal delegation of discharge (allowing one Council to deliver services on behalf of the other) which, given that some services are to be hosted by Cheshire East and others by Cheshire West & Chester, will be a resolution required of both Councils.
- 6.2 The initial delegation will be to a Cheshire Shared Services Joint Committee, which will then further delegate to the 'discharging' authority i.e. the Council that is hosting the service.
- 6.3 The Joint Committee will comprise 3 members from each Council, with terms of reference enshrined in the Administrative Agreement. In line with the collaborative approach to the relationship as a whole, the chairing responsibilities, legal and financial support roles for the Joint Committee and venues will be shared. The Chair responsibility will be rotated on an annual basis between the Councils. A similar set of principles will be adhered to by the Joint Officer Board that executes the Joint Committee's decisions.
- 6.4 Each Service Agreement requires the production of a business plan for the relevant shared service. For the first year of operation these will be completed by 31st May 2009.

- 6.5 For the longer term shared services this will include the projects and programmes to be put in place to optimise processes and productivity, in particular for the Back Office and ICT services. The Business Plan will identify the rolling 3-year revenue and capital expenditure requirements for a shared service and will be prepared annually by the relevant service manager to coincide with the Councils' individual budget processes. The first set of business plans will, together, form the Detailed Business Case for sharing services.
- 6.6 Business Plans will be reviewed by the Joint Officer Board and then submitted to the Joint Committee for approval. Final approval will remain with each of the Councils as part of the annual process of approving their overall budgets.

7.0 Risk Assessment

- 7.1 Not entering into a shared service agreement with CWACC at this stage would require immediate disaggregation of the relevant services with substantial associated business continuity and service performance risk
- 7.2 Business continuity risk during transition is being addressed through:
- (i) Minimal service redesign and staff relocation through early stages of transition;
 - (ii) Liaison with ORACLE LGR project team.
- 7.3 The completion of the various legal agreements will occur very close to the 31st March 2009 and there is therefore a risk that any late issues that can not be resolved in time will prevent the signing of the agreements. The JPDT is working hard to ensure that this does not happen and therefore mitigating this risk as much as possible. However the timescale inevitably means that this risk remains and the delegation will only be acted upon if the relevant officer and Member are certain that the agreements are in line with requirements of Cheshire East.

8.0 Conclusion and Reasons for Recommendation

- 8.1 The following tasks need to be completed in order to enter into the sharing arrangement with Cheshire West and Chester Council:
- (i) Finalisation of inter-authority documents, including cost-share mechanisms for 2009-10 and 2010-11 onwards
 - (ii) Identification of membership of the Joint Committee
 - (iii) Identification of assets to be shared as part of this arrangement
- 8.2 To do so will require further work to be undertaken by the JPDT, taking account of information to be provided over the course of the period up to 31 March 2009. At this stage it is envisaged that the completion of documentation will be undertaken within the governance principles already agreed by Cabinet and hence it is suggested that the authority to complete the agreements be

delegated to the Borough Treasurer and Head of Assets and Shared Services Portfolio Holder and the Portfolio Holder for Resources.

Appendices:

Appendix 1 – List of Services Confirmed for Sharing

For further information:

Portfolio Holder: Councillor Peter Mason

Officer: Lisa Quinn, Borough Treasurer & Head of Assets

Tel No: 01625 504801

Email: Lisa.Quinn@cheshireeast.gov.uk

Background Documents:

Cabinet Report – Shared Services – 7th October 2008

Cabinet Report – Shared Services – 3rd March 2009

Documents are available for inspection at:

Cheshire East Democratic Services

Westfields

Middlewich Road

Sandbach

CW11 1HZ

Appendix 1 – List of services confirmed for sharing**Longer Term Shared Services**

Ref	Service	Host	2008/09 Net Budget (£k)
A1a	Back Office Services	CWAC	4,540
A1b	ICT	CWAC	14,618
A3	Farms Estates	CEC	-221 (net income)
A4	Civil Protection / Emergency Planning	CWAC	413
A5	Occupational Health	CWAC	177
A6	Archives & Local Studies	CWAC	600
A8	Libraries Special Services	CWAC	2,940
A9	Emergency Out Of Hours Support	CWAC	750
A10	International Unit	CEC	343
A14	Rural Touring Network	CWAC	133
A15	Approved Mental Health Professional	CWAC	4

Transitional Services

Ref	Service	Host	Proposed Review Date	2008/09 Net Budget (£k)
B1	Inclusion & Education	CWAC	09/09	30,000
B2	Autism Support	CWAC	04/11	314
B3	Sensory Impaired Service	CWAC	04/11	1,164
B4	Urban Traffic Control	CWAC	04/11	835
B5a	Highways & Geotechnical Lab Service	CWAC	04/10	TBA
B5b	Highways and Vehicle Term Maintenance Contract	CWAC	TBD	26,000
B6	Transport Coordination	CWAC	09/10	51,000
B7	Childcare Strategy	CWAC	03/11	212
B8	Children's Centres Development Programme	CWAC	04/11	265
B9	Schools Admissions	CWAC	09/10	408
B11	Student Finance	CWAC	04/11	354
B12	Support Services for Schools	CWAC	09/09	265
B13	Outdoor Education	CWAC	09/10	TBA
B14	Archaeological Service	CWAC	04/10	263
B15	Drug & Alcohol Action Team	CEC	04/10	TBA
B16	Commissioned Community Equipment Service	CEC	04/11	832
B17	Learning Resource Network	CWAC	04/10	TBA
B18	Cheshire Domestic Abuse Partnership	CEC	04/10	165
B19	County Contact Centre (Dalton House)	CEC	TBD	907
B20	Visual Impairment Service	CEC	03/10	270
B22	Apprenticeship Programme (NVQ)	CEC	04/10	TBA
B23	Mineral Waste & Planning	CWAC	TBD	246
B27	CBS Supplies	CWAC	TBD	-137 (net income)
B28	Learning Disability Pooled Budgets	CEC	03/10	32,500
B29	Youth Offending Team	CEC	TBD	1,200

Non- Shared Services (out of scope)

Ref	Service
A2	Pensions
A11	Waste PFI and Disposal Contracts
A12	Extra Care Housing
B10	Schools Transport Policy
B24	Cheshire and Warrington Improvement Partnership
B25	Cheshire and Warrington Economic Alliance
B26	Weaver Valley Enterprise