

Cabinet Agenda

Date: Tuesday, 17th February, 2009
Time: 2.00 pm
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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 - 6)

To approve the minutes of the meeting held on 3 February 2009.

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. **Key Decisions CE45 and CE46 Budget 2009 - 2010**

Report to follow.

6. **Key Decision CE48 Transitional Costs Update**

Report to follow.

7. **Key Decision CE49 Cheshire East Council Corporate Plan** (Pages 7 - 8)

To consider the Council's draft Corporate Plan prior to it being considered by Council on 24 February 2009.

8. **Key Decisions CE58 and CE59 Development of Partnership Arrangements in Cheshire East** (Pages 9 - 14)

To consider a report on the development of partnership arrangements in Cheshire East.

9. **Treasury Management Strategy 2009 - 2010**

Report to follow.

10. **Cheshire County Council Fostering Service Recruitment and Retention of Foster Carers**

Report to follow.

11. **School Funding 2009 - 2010 to 2010 - 2011** (Pages 15 - 18)

To consider the school funding formula to be used in setting school budgets and the Scheme for Financing Schools.

12. **Transforming Learning Communities: Locality Review for Alsager, Congleton, Sandbach and Holmes Chapel** (Pages 19 - 22)

To consider the outcomes of the formal consultations held on options identified by the Locality Review, and the recommendations being made to the County Council and the Children's Services Executive of the County Council.

13. **Cheshire East Local Development Scheme**

Report to follow.

14. **Model Publication Scheme** (Pages 23 - 26)

To consider adopting the new model publication scheme for principal councils issued by the Information Commissioners Office.

15. **Section 24 Schedule of Consents**

There are no items to report at the time of publication; a report will be provided in the event of any consents having been approved by the time of the meeting.

16. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide 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.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

17. **Key Decision CE61 Waste Treatment PFI Contract - Further Deselection of Participants** (Pages 27 - 36)

To consider the report of the County Manager Waste and Planning.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 3rd February, 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 E Howell, L Smetham, A Richardson and A Thwaite

141 APOLOGIES FOR ABSENCE

There were no apologies for absence.

142 DECLARATIONS OF INTEREST

Members gave a general declaration of personal interest in respect of every item on the agenda where an individual member was a Member of Cheshire County Council and/or one of the current Borough Councils. In addition Councillor D Brown declared a personal interest in minute 147 (People into Jobs) by virtue of being a representative on the Groundwork Trust. In accordance with the Constitution they remained in the meeting during consideration of these items.

143 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

144 MINUTES OF PREVIOUS MEETING

RESOLVED

The minutes of the meeting held on 6 January 2009 were approved as a correct record.

145 KEY DECISION CE11 HUMAN RESOURCES FLEXIBLE WORKING POLICIES

Consideration was given to policies in respect of flexible working arrangements and flexi-time which would support service delivery and provide benefits for employees in Cheshire East.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the policies on:
 - Flexible Working Arrangements (Appendix 1); and
 - Flexi-time Policy (Appendix 2)
2. That a further report on Mobile and Home Working be submitted to a future meeting following the completion of consultations with the trade unions.

146 **REDUNDANCY PROVISIONS**

The Cabinet was requested to confirm arrangements in respect of severance provisions for non-teaching employees in the new Council.

RESOLVED

For the reasons set out in the report: -

That approval be given for the severance provisions for non-teaching employees, agreed in July 2008, to continue to apply until 31 March 2010 at which point they will be subject to review.

147 **PEOPLE INTO JOBS**

Councillor D Brown had declared a personal interest in this item by virtue of being a representative on the Groundwork Trust. In accordance with the Constitution he remained in the meeting during consideration of this item.

Consideration was given to the provision of match funding from April 2009 to December 2010 in support of the People into Jobs bid. The bid for European Regional Development funding had been submitted by the Cheshire and Warrington Alliance on behalf of the Cheshire Districts and Warrington Borough Council and had been approved subject to match funding and contract arrangements by the North West Development Agency.

The Cabinet approved the match funding but also requested that in the light of the current economic situation the North West Development Agency be requested to consider what assistance could be given to people made redundant more recently and to preventing the loss of businesses in the area.

RESOLVED

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

That approval be given to the request for match funding from April 2009 – December 2010 in support of the bid, together with contributions from Other partners, equal to the amount from the European Regional Development Fund.

148 **RESPONDING TO THE RECESSION**

Consideration was given to the likely impact of the recession on both Cheshire East as an area and on the new Council, and to the development of a whole Council response. In considering the way forward and the formulation of a strategy for Cheshire East Council it was noted that Cabinet intended to establish a combined Member/Officer Recession Response Task Group, comprising Councillors D Brown, F Keegan and J Macrae and John Nicholson (Strategic Director Places), and that this Group would be able to consider this matter further.

RESOLVED

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

1. That the Recession Response Task Group be set up and that its remit include addressing the recession in a monitoring role and a remedial role, taking into account work already being carried out in this area.
2. That consideration be given to the proactive policies to be developed over the coming months to enable Cheshire East as an area to better weather the economic recession.
3. That as part of the Service Planning process all service areas review the likely impact of the recession on their own service and on their budget and that where appropriate they develop, with Member approval where necessary, proactive policies that will assist individuals, communities and local businesses.
4. That the consequences of the economic downturn be discussed with the Cheshire East Local Strategic Partnership so that strategies to assist individuals, communities and local businesses can be developed at the Local Strategic Partnership level.

149 **HOUSING BENEFIT LOCAL SCHEME**

Consideration was given to the amount of pension to be disregarded when calculating entitlement to Housing Benefit and Council Tax Benefit for people in receipt of income from War Widows (Widowers) and War Disablement Pensions and the Armed Forces and the Reserved Forces Compensation Scheme.

RESOLVED

For the reasons set out in the report: -

That approval be given for Cheshire East Council to wholly disregard War Widows (Widowers) and War Disablement Pensions and the Armed

Forces and Reserved Forces Compensation Scheme payments when assessing entitlement to Housing Benefit and Council Tax Benefit.

150 **DRAFT FINANCE AND CONTRACT RULES OF PROCEDURE**

Consideration was given to the preparation of the Finance and Contract Rules of Procedure in order that they be operational from vesting day; the rules were in the process of being prepared alongside revisions to the Constitution due to be considered by the Governance and Constitution Committee and then by Council.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the recommended approach to the Finance and Contract Procedure Rules.
2. That Officers be authorised to develop the framework and the Rules for consideration by Members in accordance with the timetable reported.

151 **SECTION 24 SCHEDULES OF CONSENT**

Cabinet were informed that no delegated decisions had been made since the last meeting of the Cabinet.

RESOLVED

That it be noted that no delegated decisions had been made since the last meeting of the Cabinet.

152 **PROGRESS REPORT**

Consideration was given to an update on the Local Government Reorganisation Programme with particular focus on Customer Access and Staffing Issues. Achievements made within the reporting period were recorded and the steps to be taken in the next reporting period were highlighted.

RESOLVED

For the reasons set out in the report:-

That progress made in this reporting period be noted.

153 **REGIONAL FUNDING ADVICE TRANSPORT PRIORITIES**

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 to the consultation

exercise relating to transport priorities the deadline for which had been extended to 4 February 2009 in order to allow the Cabinet to consider the matter.

Consideration was given to a report on the Regions consultation exercise on the draft Regional Funding Advice for the North West for the period to 2018/19. It provided a summary of the proposed changes from the first process, considered the impact that this might have for Cheshire East, and sought agreement on a Cheshire East response to the draft proposals on transport priorities.

RESOLVED

For the reasons set out in the report: -

1. That the draft Regional Funding Advice on transport priorities and its impact on Cheshire East priorities be noted.
2. That approval be given to the draft response set out in Appendix 3 to the report.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

W Fitzgerald (Chairman)

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CHESHIRE EAST

Cabinet

Date of meeting: 17 February 2009

Report of: Martin Smith, Executive Office

Title: Cheshire East Council: Corporate Plan - Improving services together

1.0 Purpose of Report

- 1.1 To enable the Cabinet to consider the Council's draft Corporate Plan.

2.0 Decision Required

- 2.1 A recommendation that Council approves the Corporate Plan at its meeting on 24th February.

3.0 Legal Implications

- 3.1 There are no specific legal implications related to the issues raised in this paper.

4.0 Risk Assessment

- 4.1 A council's Corporate Plan is an important document providing a strategic overview which will underpin a wide range of work across the Authority. By having a robust Corporate Plan in place Cheshire East Council will minimise the risk of inconsistency of approach across service areas and provide a clear focus for the deployment of resources.

5.0 Background

- 5.1 The Corporate Plan is an essential part of the Council's policy and delivery planning framework. It will inform the Council's business and service plans and therefore ensure that the day to day work of the Council is focused on local priorities. The Plan will be an important influencing factor in the development of the Authority's Workforce Development Strategy and underpin the development or refinement of a range of other strategies and policies over the coming months.
- 5.2 An equality impact assessment has been completed on the Corporate Plan and is available on request.

- 5.3 The starting point for developing the Plan were the Corporate Plans of the four constituent predecessor Authorities and the draft Cheshire East Sustainable Community Strategy. However, the draft plan in its current form is a different document to any of these plans. The Plan has evolved to reflect the unique nature of Cheshire East as an area and the challenges facing the new Council over the first twelve months of its life. The Plan has been influenced by feedback from a wide range of stakeholders, including Town and Parish Councils, local businesses and employee Trade Unions and has been developed alongside the Medium Term Financial Strategy.
- 5.4 The Corporate Plan is in effect an interim document which will serve the Council in 2009/10. Work on developing a Plan for the period 2010/11 to 2012/13 will begin in summer 2009 once Local Area Agreement have been reviewed and agreed and work has commenced on a revised Sustainable Community Strategy.
- 5.5 A second document, currently at a late stage of development, will accompany the Corporate Plan. The Annual Performance Plan will be a more detailed document which will provide information on all relevant Performance Indicators. This document will be the subject of a separate report to a future meeting of the Cabinet.

6.0 Reasons for Recommendation

- 6.1 To enable Cheshire East Council to have a Corporate Plan in place from 1st April 2009.

For further information:

Portfolio Holder: Councillor David Brown
Officer: Martin Smith
Tel No: 01244 973701
Email: martin.smith@cheshire.gov.uk

Background Documents

Documents are available for inspection at:

Westfields, Middlewich Road
Sandbach, Cheshire CW11 1HZ

CHESHIRE EAST COUNCIL

Cabinet

Date of meeting: 17 February 2009
Report of: Partnerships Workstream, Performance & Capacity Block
Title: DEVELOPMENT OF PARTNERSHIP ARRANGEMENTS IN CHESHIRE EAST

1.0 Purpose of Report

- 1.1 To seek endorsement for the work that has been done on the development of partnership arrangements in Cheshire East and, in particular, the establishment of an LSP Executive Board and the agreement of boundaries for the Local Area Partnerships.

2.0 Decision Required

- 2.1 To agree the following:

(a) to note the establishment of an LSP Executive Board for Cheshire East comprising key statutory agencies and service providers

(b) the Council be represented on the Executive Board by the Chief Executive with the Leader acting as chairman of the Board and portfolio holder attending as an observer

(c) to note the position regarding the establishment of a thematic partnership structure supporting the Executive Board

(d) to note the establishment of seven Local Area Partnerships based on the boundaries shown in the Appendix.

(e) to endorse the development of implementation arrangements for each Partnership to include terms of reference, membership etc

(e) note the development of neighbourhood projects which will form the subject of a further report to Cabinet

3.0 Financial Implications for Transition Costs

- 3.1 None identified

4.0 Financial Implications 2009/10 and beyond

- 4.1 There will be cost implications for the development of strategic partnership working. However, the scale of such costs and time at which they will be incurred will be determined by the arrangements adopted.

5.0 Risk Assessment

- 5.1 Local Strategic Partnerships are at the heart of the government's agenda for strong, safe and prosperous communities with their key roles in the formulation of Sustainable Community Strategies and Local Area Agreements. In assessing the success of the LGR transition and implementation of the principles underpinning the successful bid, CLG will pay particular attention to this aspect of work.

6.0 "Creating Strong, Safe and Prosperous Communities" - Local Strategic Partnerships

- 6.1 Whilst LSPs are not statutory bodies, they have become increasingly important in providing a forum for collectively reviewing and steering public resources, agreeing shared Sustainable Community Strategies and overseeing the Local Area Agreement process. Their importance was restated in the recent Statutory Guidance on "Creating Strong, Safe and Prosperous Communities".
- 6.2 The role of an LSP is set out in the Guidance as being as follows:
- Exercise a leadership and governing role through identifying and articulating the needs and aspirations of local communities
 - Have oversight of and co-ordinate community consultation and engagement activities of individual partners, where appropriate
 - Produce a Sustainable Community Strategy
 - Produce a Local Area Agreement
 - Have oversight of the planning and alignment of resources
 - Review and performance manage progress

7.0 Establishing a Local Strategic Partnership Executive Board for Cheshire East

- 7.1 As a first stage in the process, the Leader and Chief Executive met representatives from Cheshire Constabulary, Cheshire Fire & Rescue Service and Central & East Cheshire Primary Care Trust. As a result of these discussions it was agreed to establish an executive board which would have the responsibility for further developing partnership working arrangements, both at a strategic and local level. It was also agreed to broaden the membership to include representatives from the third sector, business, housing and education. An initial meeting was convened on 2nd February.
- 7.2 Insofar as Cheshire East Council representation is concerned, this initial meeting recommended that the Council be represented by the Chief Executive and that the Leader of the Council take on the

chairmanship role. In addition, Councillor David Brown, as portfolio holder, to be invited to attend as an observer. The Cabinet is asked to agree to these arrangements.

8.0 Thematic Partnerships

- 8.1 The Statutory Guidance states that in order to ensure the effective delivery of agreed priorities, there should be thematic partnerships which underpin and support the Executive Board of the LSP. To help inform the thematic structure for Cheshire East, a major stakeholder event was held on 26th January at Tatton Park. The purpose of the event was to identify the key issues facing the new unitary area over the next ten years and consider how those issues might best be tackled through partnership working. As a result of this event, it was suggested that three permanent themed blocks be established covering economic, environmental and social issues with a number of task and finish groups. The Executive Board has established a small sub group to investigate the feasibility of this approach. This sub group hopes to be in a position to make a recommendation to the Executive Board in March and this will inform the further development of the thematic structure, although work is already underway in many of the themed areas.

9.0 Establishment of Local Area Partnerships

- 9.1 Members will recall that, in October 2008, a report was agreed which established principles which would be used for the development of local working both at an area and neighbourhood level. The development of a series of Local Area Partnerships was also agreed (with draft terms of reference). Officers were tasked to discuss the number and boundaries for the Partnership area with partners and local councils.
- 9.2 Since October, the cross party Member Advisory Group has met to consider the possible boundaries and, as a result, an option was produced for eight Local Area Partnerships, which has been the basis of a series of stakeholder events in January. This option was based on Middle Layer Super Output Areas to better enable data collection and disaggregation.
- 9.3 Feedback from the January round of events has now been received and analysed. As a result, a revised map has been produced (appended). Whilst it does not totally follow MSOA boundaries, this option was favoured and subsequently agreed by the Local Strategic Partnership Executive Board
- 9.4 It is likely that the membership of the Local Area Partnerships will evolve over time and will be different for different areas. This, and the finalisation of terms of reference and working arrangements will now be

the subject of more detailed discussion and will form the basis of a further report to Members.

10.0 Next Steps

- 10.1 The LSP Executive is due to meet again in March. In addition to determining a thematic structure, it is likely that the agenda will feature an item on how a new Sustainable Community Strategy is to be produced and how it will link to the Local Development Framework. Over the coming months the Executive and its thematic groups, once established, are likely to have a heavy workload during this developmental time.
- 10.2 As regards the Local Area Partnerships, it is now for the individual partner agencies to confirm their agreement. Further detailed work can then begin with partners and others to work on an implementation plan for each Partnership.
- 10.3 In addition, Members will be aware that four neighbourhood projects have been suggested at Knutsford, Poynton, Crewe and Bromley Farm. These projects will help evaluate how different ways of working at a neighbourhood level will integrate with Local Area Partnerships. These projects are in the process of being scoped and will form the basis of a further report to Cabinet in the near future.

11.0 Options

- 10.1 The LSP Executive Board considered the detailed information which resulted from the series of stakeholder events held in January.

12.0 Reasons for Recommendation

- 11.1 The Shadow Authority needs to put in place arrangements to demonstrate how it will meet the People and Places bid commitments and ensure there are mechanisms in place to enable Cheshire East Council to respond to the needs and priorities expressed by local communities.

For further information:

Portfolio Holder: Councillor David Brown

Officer: Zandra Neeld

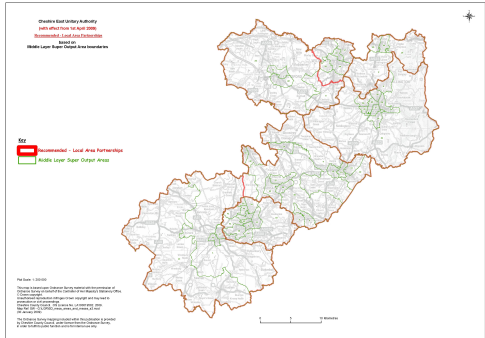
Tel No: 01244 977559

Email: zandra.neeld@cheshire.gov.uk

Background Documents:

*Creating Strong, Safe and Prosperous Communities – DCLG Guidance
Cabinet Report – October, 2008*

Documents are available for inspection at Westfields, Sandbach:



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CHESHIRE EAST

CABINET

Date of meeting: 17 February 2009
Report of: John Weeks – People Block Lead Officer
Title: School Funding 2009-10 to 2010-11

1.0 Purpose of Report

- 1.1 The purpose of this report is to seek approval to:
- the school funding formula to be used in setting school budgets for 2009-10, and
 - the Scheme for Financing Schools for 2009-10.

2.0 Decision Required

- 2.1 To adopt Cheshire County Council's school funding formula and Scheme for Financing Schools for 2009-10.

3.0 Financial Implications for Transition Costs

There are no financial implications for transition costs.

4.0 Financial Implications 2009-10 and beyond

- 4.1 There are no specific financial implications in 2009-10 arising from this decision.

5.0 Legal Implications

- 5.1 The current school funding framework is based on the legislative provisions in sections 45-53 of the School Standards and Framework Act 1998. Under this legislation, local authorities determine for themselves the size of their Schools Budget and LA Budget – although at a minimum a local authority must appropriate its entire Dedicated Schools Grant (DSG) to their Schools Budget.

School funding formula

- 5.2 Local authorities must distribute the ISB amongst their maintained schools using a formula which accords with regulations made by the

Secretary of State, and enables the calculation of a budget share for each maintained school. This budget share is then delegated to the governing body of the school concerned, unless the school is a new school which has not yet received a delegated budget, or the right to a delegated budget has been suspended in accordance with s.51 of the Act. The Council must determine its funding formula in time to issue school budgets for 2009-10 by 31 March.

- 5.3 In 2006-07, the Government introduced multi year funding periods for school funding, and there is a presumption against changes to funding formulae during a multi-year budget period to allow stability for schools. 2008-09 is the first year of the current multi-year budget period, which also includes 2009-10 and 2010-11.

Scheme for financing schools

- 5.4 The financial controls within which delegation works are set out in a scheme made by the authority in accordance with s.48 of the Act and approved by the Schools Forum. All revisions to the scheme must also be approved by the Schools Forum. Subject to provisions of the scheme, governing bodies of schools may spend budget shares for the purposes of their school. They may also spend budget shares on any additional purposes prescribed by the Secretary of State in regulations made under s.50.

6.0 Risk Assessment

- 6.1 School budgets must be issued by 31 March and the funding formula needs to be approved before the budget can be determined.
- 6.2 Schools must be informed of the requirements of the scheme before 1 April 2009.

7.0 Background and Options

- 7.1 The Cabinet received a report on School Funding 2009-10 on 8 September 2008 and resolved that:

“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.”

School Funding Formula

- 7.2 The report indicated that the starting point for Cheshire East's school funding formula in the short term was assumed to be Cheshire's

formula, which would also help the Council to meet its obligations with regard to the Minimum Funding Guarantee within the Dedicated Schools Grant available. A number of areas for potential modification of the formula were suggested, although it was noted that there was limited availability of staff with relevant expertise to undertake this work.

- 7.3 Time constraints have meant that it has not been possible to bring forward any changes to the formula and a decision needs to be made so that school budgets can be prepared and issued. Cabinet are therefore asked to adopt Cheshire County Council's school funding formula for use in setting school budgets for 2009-10. The Schools Forum must be consulted on the formula. The Forum has been informed that Cheshire East Council was likely to adopt Cheshire's formula and will be formally consulted by E Mail prior to the Cabinet meeting. Their response will be reported to the meeting.

Scheme for Financing Schools

- 7.4 The Scheme for Financing Schools sets out the financial controls within which schools spend their delegated budgets. Cabinet are asked to adopt Cheshire County Council's Scheme for Financing Schools for the financial year 2009-10. The Schools Forum is required to approve the Scheme and will be asked to do so at their meeting on 10 March.

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

- 8.1 The funding formula is required prior to Day One as school budgets for 2009-10 need to be issued before the end of March. The Scheme for Financing Schools must be in place for 1 April. Both the formula and the Scheme must be reviewed on a regular basis.

9.0 Reasons for Recommendation

- 9.1 To ensure that the Authority meets its obligations to issue school budgets before 31 March 2009, and to have an agreed Scheme for Financing Schools on 1 April 2009.

For further information:

Portfolio Holder: Councillor Paul Findlow

Officer: Anne Tunnicliffe, School Funding and Policy Manager, Cheshire County Council

Tel No: 01244 972391

Email: anne.tunnicliffe@cheshire.gov.uk

Background Documents:

Documents are available for inspection at:

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CHESHIRE EAST

Cabinet

Date of meeting: 17 February 2009
Report of: Linda Brown – Acting Director of Children's Services
Title: **TRANSFORMING LEARNING COMMUNITIES (TLC) :
LOCALITY REVIEW FOR ALSAGER, CONGLETON,
SANDBACH AND HOLMES CHAPEL**

1.0 Purpose of Report

1.1 The purpose of this report is to draw Members' attention to the outcomes of the formal consultations held on options identified by the Locality Review, and the subsequent recommendations which are being made to the County Council and the Children's Services Executive of the County Council.

2.0 Decision Required

2.1 Members are asked to note the proposed actions by the County Council in respect of the Alsager, Congleton, Sandbach and Holmes Chapel TLC Review, following the recommendations made by Cheshire County Council's School Planning Select Panel on the 26 January 2009, which are that:

- the Council on 12 February support, and that the Children's Services Executive on 17 February authorise the publication of statutory notices proposing the closure of Church Lawton Primary School in Summer 2009, subject to any further developments concerning the school's recovery plan;

and that the Children's Services Executive authorise

- the changes proposed in the net capacities of Sandbach Community Primary School (from 210 to 105) and of Offley Primary School (from 420 to 315) from September 2010, and;
- the change proposed in the net capacity of Cranberry Primary School (from 315 to 210) from September 2010 and;
- the change proposed in the net capacity of Daven Primary School (from 420 to 210) from September 2009.

3.0 Financial Implications for Transition Costs

3.1 None

4.0 Financial Implications 2009/10 and beyond

Revenue – Dedicated School Grant (DSG)

4.1 The proposal to close Church Lawton Primary School on September 1st 2009 would result in a DSG saving of approximately £58,000 in 2009-10 and an annual DSG saving of approximately £100,000 thereafter.

CAPITAL

4.2 There will be a need for capital expenditure in relation to adapting buildings for their future use in some of the options and this would need to be considered as part of the draft capital programme.

5.0 Risk Assessment

5.1 There are risks associated with further delay in proceeding with the TLC reviews to do with a failure on the part of the Local Authority to have in place mechanisms to manage the supply of school places. There are also implications to do with effective deployment of resources and Best Value if school place provision and pupil demand are not well matched.

5.2 This locality review was launched in November 2007 and the emerging proposals were shared with the communities in the locality over the summer term 2008. Any delay in the commencement of the next stage of the process is likely to result in increased uncertainty in the locality and can lead to some schools becoming destabilised through parental anticipation of the outcomes.

6.0 Background

6.1 The Alsager, Congleton, Sandbach and Holmes Chapel (ACS&HC) Review

This locality review was launched in November 2007 through a Stakeholder Conference. Informal consultations on the emerging options were held in Alsager, Sandbach and Congleton in June/July 2008, and formal consultations were held during December 2008 and January 2009.

6.2 On 26 January 2009, the School Planning Select Panel considered the outcomes and the responses of the communities who took part in the formal consultations as part of the locality review. The report, together with Appendices and supporting documents giving full details of the consultations, including summaries of the final stages of the consultation in relation to each proposal, as were presented to the School Planning Select Panel, are listed at the end of this Report as Background Documents which are available for inspection.

6.3 The County Council and Children's Services Executive will have met prior to today's meeting. However, the County Council's procedures allow,

either through a Notice of Motion to Council, or through the scrutiny procedure in relation to decisions of the Children's Services Executive, that one or all of these proposals be subject to the advice of the Children's Services Scrutiny Panel, which next meets on 3 March. It is unknown at the time of writing this report, but considered highly likely, that one (or both) of these procedures will be invoked within the County Council. In which case, the matter would be reconsidered by the Children's Services Executive on 16 March 2009.

7.0 Options

7.1 In light of the outcomes of the formal consultations, Members are invited to offer advice on whether to proceed to the issue of Public Notices in the case of Church Lawton Primary School, and whether to authorise the proposed changes in net capacity to Sandbach Community Primary School, Offley Primary School, Cranberry Primary School and Daven Primary School.

8.0 Reasons for Recommendation

8.1 To allow the County Council to continue to make progress with the Alsager, Congleton, Sandbach and Holmes Chapel (ACS&HC) TLC Review,

For further information:

Portfolio Holder: Councillor P Findlow
Officer: Linda Brown, Acting Director, Children's Services
Tel No: 01244 972301
Email: Linda.brown@cheshire.gov.uk

Background Documents:

Internal Discussion Paper to School Planning Select Panel 26 January 2009: TRANSFORMING LEARNING COMMUNITIES (TLC): REPORT OF THE OPTIONS IDENTIFIED BY THE LOCALITY REVIEW FOR ALSAGER, CONGLETON, SANDBACH AND HOLMES CHAPEL;

Appendix 1: Decision of the Children's Services Executive on 13 October 2008;

Appendix 2A: Proposed closure of Church Lawton Primary School: Summary of Formal Consultation Event;

Appendix 2B: Summary of the consultation meeting with the staff of Church Lawton Primary School;

Appendix 2C: Summary of the consultation meeting with the Governors of Church Lawton Primary School;

Summary of the consultation feedback received on the proposed closure of Church Lawton Primary School;

Letter dated 22 January 2009 to County Councillor D Rowlands from the Governing Body of Church Lawton Primary School;

Two – year Recovery Plan submitted by the Governing Body of Church Lawton Primary School;

Revised Two – year Recovery Plan submitted by the Governing Body of Church Lawton Primary School;

Appendix 2F: Proposed reduction in the net capacity of Offley Primary School & Sandbach Community Primary School: Summary of Formal Consultation Event;

Summary of the consultation feedback received on the proposed reduction in the net capacity of Sandbach Community Primary School;

Summary of the consultation feedback received on the proposed reduction in the net capacity of Offley Primary School;

Appendix 2G: Summary of the consultation feedback received on the proposed reduction in the net capacity of Daven Primary School & Cranberry Primary School;

Proposed reduction in the net capacity of Cranberry Primary School: Summary of Formal Consultation Event;

Summary of the consultation feedback received on the proposed reduction in the net capacity of Cranberry Primary School;

Documents are available for inspection at:

Westfields, Middlewich Road
Sandbach, Cheshire CW11 1HZ

CHESHIRE EAST COUNCIL

CABINET

Date of meeting:	17 February 2009
Report of:	Chris Chapman
Title:	Adopting the ICO Model Publication Scheme

1.0 Purpose of Report

- 1.1 That the Council are informed of the need to adopt the new model publication scheme for principal councils issued by the Information Commissioners Office (ICO).

2.0 Decision Required

- 2.1 That the Council agree to adopt the model publication scheme for public authorities set out by the Information Commissioners Office in June 2008

3.0 Financial Implications for Transition Costs

- 3.1 Included in the cost of developing the website for the Council.

4.0 Financial Implications 2009/10 and beyond

- 4.1 Included in the cost of publishing and maintaining the Council's website.

5.0 Legal Implications

- 5.1 To comply with the Freedom of Information Act 2000 sections 19 and 20 and the new guidance issued by the ICO in summer 2008, it is important that the web site for Cheshire East Council publishes the documents, or the availability of the documents, listed in the model publication scheme.

6.0 Risk Assessment

- 6.1 The risk of agreeing to use the model publication scheme is low. If the model publication scheme is not adopted there may be risk to the good reputation of the council. The Council could be perceived as not being open and accountable and the ICO may publish notices against the council.

7.0 Background and Options

- 7.1 In June 2008 the Information Commissioner issued a new model publication scheme for principal councils.
- 7.2 On behalf of the Information Governance Group, Jonathan Pepler has agreed with the Information Commissioner that it is a priority to develop the publication scheme for inclusion on the web sites for the new councils. The existing councils should formally adopt the new publication schemes but maintain their (existing) approved* publications schemes and websites.
- 7.3 The model publication scheme requires the local authority to publish information in seven areas:
- Who we are and what we do

- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and Registers
- Services provided by the council

Initially some documents will not exist and the information will not be available in a format meaningful to the new council areas, it is therefore appropriate to explain:

Cheshire East Council will be invested on the 1st of April 2009. The Borough councils of Macclesfield, Congleton, and Crewe and Nantwich and part of Cheshire County Council have joined together to form the new unitary council. Information relating to those councils may be found on their websites. We will endeavour to publish information and answer questions pertaining to the new council as it becomes available.

- 7.4 *Previously, the Freedom of Information Act required public authorities to publish publication schemes in self defined classes which then had to be submitted and approved by the ICO. There was a variety of approaches across the country. Research showed people rarely used the publication schemes preferring to use web sites and internet search engines. The latest guidance allows for greater consistency across the country but enough flexibility to tailor the information to local circumstances and does away with the need to submit the schemes for approval.

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

- 8.1 A website for Cheshire East Council should exist from day one.

As additional documents are produced, such as annual reports and statements of accounts, these should be added to the website and linked to from the publication scheme.

By the end of the first term the Council should have most documents published or details of how the information can be made available

9.0 Reasons for Recommendation

- 9.1 Cheshire East should be open and accountable to the electorate and in the way spends its money, conducts its business and delivers its services.
- 9.2 To make the information available via the web site is the most economical way of publishing the information to a wide audience.
- 9.3 The Freedom of Information Act 2000 had two main areas for public authorities,
- to set out the publications it makes available to the public in a publication scheme

- to respond to requests for information.
The more information that is published and available on the web site the fewer requests for information have to be responded to.

For further information:

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Officer: Chris Chapman

Tel No: 012170 529637

Email: chris.chapman@cheshireeast.gov.uk

Background Documents:

Documents are available for inspection at:

http://www.ico.gov.uk/Home/what_we_cover/freedom_of_information/publication_schemes/definition_document_local_government.aspx

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/local%20authorities%201.0_web_version.pdf

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