

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Tuesday, 16th June, 2009 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor W Fitzgerald (Chairman)  
Councillor B Silvester (Vice-Chairman)

Councillors R Domleo, D Brickhill, D Brown, P Findlow, F Keegan, A Knowles  
and P Mason

Councillors in attendance:

Councillors Rachel Bailey, Rhoda Bailey, G Baxendale, O Hunter, L Smetham,  
D Flude, A Moran, A Arnold, R Fletcher, D Neilson, R Westwood, S Jones, A  
Richardson, J Weatherill, G Walton, A Thwaite, B Moran, L W Gilbert, A  
Kolker

Officers in attendance:

Strategic Director People, Strategic Director Places, Borough Solicitor, Head  
or Safer and Stronger Communities, Head of Environmental Services, Head of  
Policy and Performance, Communications and PR Manager

Apologies:

Councillor J Macrae

## **31 DECLARATIONS OF INTEREST**

Councillor D Brickhill declared a personal and prejudicial interest in Item 6  
(National Dementia Strategy).

Councillors J P Findlow, A Arnold, D Flude, L Smetham, J Weatherill and  
D Neilson declared personal and prejudicial interests in Item 10 (Support  
for Charter Trustees).

Councillor D Flude declared personal interests in Items 5 (Adult Social  
Care Redesign), Item 6 (National Dementia Strategy) and Item 13 (16-18  
Transfer Arrangements and Future 14-19 Partnership and Planning).

## **32 PUBLIC SPEAKING TIME/OPEN SESSION**

The following members of the public, having given the required notice  
under the Constitution, attended the meeting and spoke/raised questions  
in connection with the matters referred to.

Mr William Goodall (on behalf of Sandbach Council) – in connection with  
Item 9 (Civil Enforcement Powers) and Item 15 (Car Parking within the  
former Congleton Borough Council area).

Mr J R Girbow, Headteacher of Alsager Highfields Community Primary School in connection with Item 15 (Car Parking within the former Congleton Borough Council area).

Mr John Poulson, Secretary of the Alsager Chamber of Trade in connection with Item 15 (Car Parking within the former Congleton Borough Council area).

Councillor D Brickhill responded in each case as the relevant Portfolio Holder.

Note: Details of the questions and responses are available from Democratic Services.

### **33 MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 2 June 2009 be approved as a correct record.

### **34 KEY DECISION CE09/10-01 - ADULT SOCIAL CARE REDESIGN IMPLEMENTATION**

Members received an update on the redesign and implementation of Adult Social Care services. The report contained significant operational and financial implications for a service which was undergoing transformation and which constituted a large proportion of the Cheshire East budget at £72m in 2009-10.

RESOLVED

That

- (1) the new model of Social Care services for Adults, which fully embraces and expresses the personalisation of services, be adopted;
- (2) the responses to the public consultation exercise be noted and the action taken to incorporate these views within the new model as appropriate be supported;
- (3) it be agreed that the implementation of the new model should involve the development and establishment of locality teams across East Cheshire by March 2010, in line with the Council's commitment to localism and Local Area Partnerships;
- (4) approval be given to the phased implementation by locality teams, starting in Wilmslow, of an upfront Resource Allocation System (RAS) for *all new users* and for users requiring an *unscheduled* review (as

defined within the report) when the system has been sufficiently tested and is fully compatible with necessary IT systems;

- (5) a review of implementation of RAS be undertaken during 2009-10 and subject to the outcomes of that review its application be extended to all existing users by the end of 2010-11;
- (6) the intention to develop a schedule of prices for provider services, based on the current policy of full cost recovery, be noted and the Cabinet Members for Adults and Finance be authorised to approve the pricing schedule prior to the start of implementation;
- (7) the intention to instigate a review of the Council's Finance and Contract Procedure Rules to ensure compliance with a personalised approach to commissioning adult social care services be noted;
- (8) re-ablement services be offered free of charge to users assessed with Critical or Substantial needs under Fairer Access to Care Services (FACS) criteria on a cost-neutral basis;
- (9) Social Care Reform Grant and other carried forward Social Care specific resources up to a maximum of £6.9m be earmarked to deliver the changes required as outlined in the report, insofar as these costs cannot be contained within the Directorate outturn position for the duration of the implementation;
- (10) robust financial and performance management systems be put in place and the risks inherent in implementation be carefully managed on a whole Council basis; and
- (11) quarterly reports be made to Members during the implementation of the new model over the medium term.

**35 KEY DECISION CE09/10-05 - LIVING WELL WITH DEMENTIA IN CHESHIRE EAST : THE LOCAL RESPONSE TO THE NATIONAL DEMENTIA STRATEGY**

Members received a report on the National Dementia Strategy which highlighted some of the challenges, particularly around resources, which Cheshire East Council would have to address in implementing the Strategy.

RESOLVED

That

- (1) it be agreed that the re-commissioning of the Council's Community Support Centres (CSCs) is fundamental to the implementation of the National Dementia Strategy;

- (2) the outcome of the Consultation exercise carried out by Cheshire County Council on the future of CSCs be noted;
- (3) the development of new and enhanced services at Lincoln House in Crewe and Hollins View in Macclesfield constitute the first phase of the Council's implementation plan, with services currently provided at Santune House being transferred to Lincoln House;
- (4) the dementia services at Hollins View be supported in principle, subject to the successful conclusion of the Extra Care Housing Round 5 PFI scheme; and
- (5) a Supplementary Capital Estimate of £3m be approved for the development of Lincoln House (£1m) in 2009/10, and Hollins View (£2M) in 2012/13, funded from prudential borrowing charged direct to the revenue budget of the Adults service, the Hollins View development being subject to the successful conclusion of the round 5 PFI scheme.

Note: Councillor D Brickhill, having declared a personal and prejudicial interest in this matter, left the meeting during its consideration.

**36 KEY DECISION CE09/10-08 - FREE GARDEN WASTE COLLECTION IN THE AREA OF THE FORMER CREWE AND NANTWICH BOROUGH COUNCIL**

Members received a report on the provision of a free garden waste collection in the area of the former Crewe and Nantwich Borough Council.

RESOLVED

That a free garden waste collection service be offered to householders in the area of the former Crewe and Nantwich Borough Council in the form of a single wheeled bin.

**37 KEY DECISION CE09/10-09 - ALTERNATE WEEKLY WASTE COLLECTION IN THE AREA OF THE FORMER CONGLETON BOROUGH COUNCIL**

Members received a report outlining proposals to introduce an alternate weekly collection of residual waste (dark grey/black bins) to households in the area of the former Congleton Borough Council. This would harmonise the collection of residual waste to households throughout the area of Cheshire East Council.

RESOLVED

That the introduction of an alternate weekly collection for the collection of residual waste (dark grey/black bins) from households within the area of the former Congleton Borough Council be approved.

**38 KEY DECISION CE09/10-11 - APPLICATION FOR CIVIL ENFORCEMENT POWERS - FORMER CONGLETON BOROUGH COUNCIL AREA**

Members considered a report seeking the necessary approvals to progress an application to the Department for Transport for adoption of civil enforcement powers.

RESOLVED

That

- (1) the decision made by the former Congleton Borough Council, and endorsed by the former County Council Portfolio Holder, to make application to the Department for Transport (DfT) to adopt civil enforcement powers under the Traffic Management Act 2004 in the former Congleton Borough Council area be reaffirmed; and
- (2) the penalty charge level to be adopted be approved.

**39 ACCOMMODATION AND SUPPORT FOR THE CHARTER TRUSTEES**

Members considered requests for accommodation and other support from the Crewe and Macclesfield Charter Trustees.

RESOLVED

That

- (1) the Charter Trustees for Crewe and Macclesfield be advised that this Council is unable to provide the direct Officer support requested;
- (2) an interest-free loan be made available to the Charter Trustees to cover any consequential shortfall for 2009/10, to be repaid from their 2010/11 precepts and on terms to be negotiated by the Borough Solicitor;
- (3) accommodation be provided on terms to be negotiated by the Head of Property Services; and
- (4) the Officers report further on the resource implications of carrying out the community governance review for the above.

Note: Councillors J P Findlow, A Arnold, D Flude, L Smetham, J Weatherill and D Neilson, having declared personal and prejudicial interests in this matter, left the meeting during its consideration.

#### **40 ANTI-FRAUD AND CORRUPTION STRATEGY**

Members considered a report on an Anti-fraud and Corruption Strategy for Cheshire East.

The Strategy described the comprehensive framework of policies and procedures that were intended to deal with acts of fraud or corruption.

RESOLVED

That

(1) the Anti-fraud and Corruption Strategy be approved; and

(2) the Internal Audit Team be nominated as the main body dealing with and co-ordinating any enquiries in response to allegations of fraud and corruption.

#### **41 COMMUNICATIONS STRATEGY**

Members considered a report setting out a Communications Strategy for Cheshire East Council. The Strategy sought to ensure that the reputation of the Council was protected and enhanced, and provided advice and guidance on dealing with the media.

The Strategy included a Media Relations Protocol. An amended section 3(a) to the Protocol was circulated at the meeting.

RESOLVED

That subject to the amendment circulated at the meeting, the Communications Strategy be approved.

Note: The updated Protocol incorporating the amendment is available in full on the Council's website.

#### **42 16-18 TRANSFER ARRANGEMENTS - MACHINERY OF GOVERNMENT AND FUTURE 14-19 PARTNERSHIP AND PLANNING**

Members considered a report summarising two significant issues which were crucial in taking forward the 14-19 agenda and the variety of reforms which were planned during the next 2-3 years.

The report outlined Members' duties as originally outlined within the '16-18 Transfer Arrangements Machinery of Government' (MOG), and their responsibilities in planning for and establishing effective 14-19 Partnerships.

## RESOLVED

That

- (1) the establishment and duties of the Sub-Regional Grouping (SRG) formed with Cheshire West and Chester and Warrington Borough Councils be noted;
- (2) Cabinet endorses the proposed SRG model which provides whilst there will be strategic collaborative structures in place between the three Local Authorities, each Local Authority is responsible for funding/commissioning FE, Sixth Form Colleges and School Sixth Forms in their own area within priorities set by the Employment and Skills Board/and or agreed through the sub regional partnership;
- (3) the Head of Children & Families be asked to take the necessary steps to ensure that the Council is ready to take on the commissioning role from 2010;
- (4) Cabinet endorses the role of the Lead Member in having a strategic overview of the needs of young people by ensuring that the work on 14-19 transfer links to the priorities for the Children's Trust; and
- (5) Cabinet approves the creation of a 14-19 Partnership to have a strategic role in delivering the 14-19 Plan from September 2009, to include statutory/legal responsibilities, long term visioning for 14-19 as well as operational delivery.

### **43 AMENDMENT TO THE LOCAL ENVIRONMENTAL QUALITY STRATEGY**

Members considered a report on the Local Environmental Quality Strategy adopted by Cabinet on 23 March 2009.

The Strategy provided guidance to Community Wardens and Environmental Enforcement Officers on the Council's approach to enforcement and, in particular, the issuing of Fixed Penalty Notices.

## RESOLVED

That subject to the Borough Solicitor being satisfied with the legality of the arrangements for the issue of such notices, the Local Environmental Quality Strategy be amended as outlined in Section 7.0 of the report to allow the issue of Fixed Penalty Notices to persons over the age of 10.

**44 KEY DECISION CE09/10-10 - CAR PARKING CONTROL AND CHARGING IN THE AREA OF THE FORMER BOROUGH OF CONGLETON**

Members gave consideration to the principle of introducing car parking control and charging on a number of public car parks within the area of the former Congleton Borough. This was to be in advance of securing civil enforcement powers under the Traffic Management Act 2004 for both on and off street parking, which was expected to receive Department for Transport (DfT) approval by the end of September 2009. The aim was to ensure a uniform approach to car park management and control throughout Cheshire East.

Off street parking in the former Congleton Borough area was currently uncontrolled and free of charge. Car park operational and maintenance costs were therefore borne by the Council Tax payer as a whole rather than the user of the facility. On-street enforcement in Congleton was currently the responsibility of the Police although this was not a high priority area of work for them and would remain an anomaly within Cheshire East until civil enforcement powers were adopted in that area.

The proposal would bring parking control into line with the Council's Parking Strategy as approved by Cabinet on 21 April 2009.

Before considering the matter further, Members agreed to consider the legal implications set out in Item 17.

**45 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

**46 KEY DECISION CE09/10-10- CAR PARKING CONTROL AND CHARGING IN THE AREA OF THE FORMER BOROUGH OF CONGLETON - LEGAL IMPLICATIONS**

Members considered the legal implications set out in the report.

RESOLVED

That the report be noted.

At this stage, the public and press were re-admitted.



Having noted the legal implications, Members gave further consideration to the proposals referred to in Item 15 concerning parking control and charging in the area of the former Congleton Borough.

RESOLVED

That

- (1) Subject to the Borough Solicitor taking action to remove any legal impediments regarding the affected landholdings, the list of car parks to be subject to control and charging be approved;
- (2) the scale of parking charges and the controlled hours which are proposed as 8am to 6pm Monday to Saturday be approved;
- (3) the Borough Solicitor, or his nominated officer, be authorised to advertise the intention to make an off-street car parking order in respect of car parks in the former Congleton Borough (as set out in the report) pursuant to the Road Traffic Regulation Act 1984. Following advertisement, the proposal be subject to the statutory 21 day consultation period during which objections may be submitted, any such objections to be considered by the Cabinet at a subsequent meeting; and
- (4) in the event of there being no objections to the proposed order received within the consultation period, the Borough Solicitor or any officer nominated by him be authorised to take all necessary actions to make the order.

The meeting commenced at 2.00 pm and concluded at 4.50 pm

W Fitzgerald (Chairman)