

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Monday, 19th July, 2010 in Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors D Brown, H Gaddum, F Keegan, A Knowles, J Macrae, P Mason
and R Menlove

Councillors in attendance:

Councillors Rhoda Bailey, J Crockatt, D Flude, S Jones, A Moran, B Moran,
H Murray, J Narraway, B Silvester, L Smetham, D Stockton, A Thwaite and R
Westwood.

Officers in attendance:

Chief Executive, Borough Solicitor, Borough Treasurer and Head of Assets,
Director of Adult, Community Health and Wellbeing Services, Head of
Corporate Improvement, Head of HR and Organisational Development,
Partnerships Business Manager, Strategic Director People, Strategic Director
Places.

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rachel Bailey.

22 DECLARATIONS OF INTEREST

Agenda Item 5 (Key Decision 47 Local Service Delivery (Town and Parish Councils)) The following Councillors declared a personal interest in this item by virtue of being a Member of a Parish Council (PC), Town Council (TC) or a Charter Trustee (CT), as indicated: D Brown (Congleton TC), H Gaddum (Sutton PC and Macclesfield CT), S Jones (Alsager TC), F Keegan (Alderley Edge PC), P Mason (Congleton TC), A Moran (Nantwich TC), B Moran (Sandbach TC), J Narraway (North Rode PC), L Smetham (Gawsworth PC and Macclesfield CT) and A Thwaite (Congleton TC).

Agenda item 6 (Key Decision 48 Future Provision for Older People with Dementia) Councillor D Flude declared a personal interest by virtue of being a Member of the Alzheimer Society and of a charity for people with learning difficulties.

Agenda Item 7 (Final Outturn 2009/10) Councillor A Moran declared a personal interest by virtue of being a Trustee of Beam Heath and Chairman of the Stakeholder Group in negotiations with Connect 2/Crewe and Nantwich Greenway.

23 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs Diane Roberts spoke regarding her concerns at the proposed closure of Cypress House, Handforth; this was to be the subject of consideration by the Cabinet later in the meeting (Agenda item 6).

24 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 14 June 2010 be approved as a correct record.

25 KEY DECISION 47 LOCAL SERVICE DELIVERY (TOWN AND PARISH COUNCILS)

Councillors D Brown, H Gaddum, S Jones, F Keegan, P Mason, A Moran, B Moran, J Narraway, L Smetham and A Thwaite had all declared a personal interest in this item.

Consideration was given to the approach to the implementation of the Council's policy to transfer and devolve functions and services to Town and Parish Councils. The ambition was to empower others to provide more relevant, responsive and value for money local public services, where appropriate, through local service delivery by working with Town and Parish Councils to promote and enhance their opportunities to deliver services for which they had powers and duties.

RESOLVED

For the reasons set out in the report: -

That agreement be given to

1. the principles which underpin this development;
2. implement the plan outlined in this report;
3. the levels of investment required and to acknowledge the potential financial and non-financial benefits;
4. incorporate community and civic halls in this project and to re-phase the related 2010-2011 budget savings target.

26 KEY DEC 48 FUTURE PROVISION FOR OLDER PEOPLE WITH DEMENTIA

Councillor D Flude had declared a personal interest in this item.

Consideration was given to the closure of Cypress House, Handforth, and to the future planning and delivery of services for people with dementia.

The report consolidated work carried out so far and pointed the way for the future planning and delivery of these services, especially the model within the Council's provider Care4CE. The decisions requested would sustain the transformational momentum in Adult Services and contribute to the wider development of commissioning, provision and delivery within the Council.

It was stressed that the closure of Cypress House would not result in any reduction of services available, but was based on a rationalisation of building use where it did not impact upon the range and volume of service provided.

Cabinet was asked to note the following amendments to the report: -

- the wording in para 9(i) (Wider Building Review) had been amended to read 'and future services are supplied from the former'.
- the recommendation in para 2.3 of the report had been deleted as it had been included in error.

RESOLVED

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

That agreement be given : -

1. To the closure of Cypress House based on the results of discussions with service users and their carers and noting that services currently provided on the site are available and nobody who qualifies will be denied a service.
2. That, Cypress House be declared surplus to requirements and that it be sold on the open market if not required for Cheshire East Council.
3. To complete further work to progress the business case to develop two further sites, one in Macclesfield and one in Congleton to deliver the Dementia model jointly with Central and Eastern Cheshire Primary Care Trust, with a next report anticipated for Cabinet in October this year.
4. To the rationalisation of building use where this does not impact upon the range and volume of service provided to enable additional capital receipts to be added to support progress with the Living with Dementia strategy.
5. To recognise that Care4CE has reduced its cost base, rationalised its structure and purpose in line with Cabinet decisions and budget requirements and should now explore securing further commercial freedom to assist its development as an asset to Cheshire East Council.

27 FINAL OUTTURN 2009/10

Councillor A Moran had declared a personal interest in this item.

Consideration was given to the final outturn position for 2009-2010, including areas of financial risk to the Council, changes from the positions reported at the three quarter year review, and updates on the capital programme and in year collection rates for council tax and business rates.

RESOLVED

For the reasons set out in the report: -

1. That

- that the final revenue and capital outturn positions contained in the main report be noted;
- that the detailed key revenue and capital issues shown in Appendix 1 and Appendix 2 of the report be noted;
- that the Council's in-year collection rates for Council Tax and Business Rates, detailed in Section 13 be noted;
- that the Council's invoiced debt position shown in Section 14 of the report be noted;
- that progress on delivering the 2009-10 capital programme, detailed in Section 15 and Appendix 3 of the report be noted;
- that the delegated decisions approved by Directors, shown in Appendix 4b of the report be noted;
- that the delegated decisions approved by Directors in consultation with the relevant Portfolio Holder and the Portfolio Holder for Resources for Supplementary Capital Estimates (SCE) and virement requests over £100,000 and up to and including £500,000 shown in Appendix 4a of the report be noted.

2. That approval be given to:

- The following budget carry forwards into 2010-11 within Performance and Capacity, detailed in Appendix 1 of the report:-
 - £70,623 for Customer Relations Management (CRM) procurement
 - £11,000 for Grants to Community Groups
 - £26,529 for Community Cohesion Area based grant projects
 - £10,000 for completion of the branding exercise
- The allocation of £280,000 in 2010-11 of unused transitional phasing provision for Finance, Human Resources and Organisational Development, Assets and Customer Services detailed in Appendix 1 of the report.
- The revised in-year capital budget for 2009-10 set out in Section 15 of the report, including;

- Supplementary Capital Estimates (SCE/Virements over £500,000 and up to and including £1.0m, shown in Appendix 4a of the report.
 - Reductions in approved budgets, shown in Appendix 4c of the report.
3. That Council be recommended to approve the following SRE requests, previously approved as subject to outturn, which require funding from balances: -
- £2,91,000 for Adults Social Care Design
 - £125,000 for Economic Development
4. That Council be recommended to approve the SCE requests to be funded from capital reserves, as detailed in Appendix 4a of the report.

28 BUSINESS PLANNING 2011 - 2014

Consideration was given to the business planning process for 2011-2014. A comprehensive business planning process was required to enable the Council to demonstrate clear links between corporate and financial planning, adherence to best practice and the development of robust proposals that have been challenged and consulted upon. The comments of the Budget Consultation Group, following its meeting on 16 July, were received and noted.

RESOLVED

For the reasons set out in the report: -

That the Business Planning Process for 2011-2014 be agreed.

29 CORPORATE PLAN

Consideration was given to the final draft of the Corporate Plan. Cabinet received a resume of the views and comments on the Plan, which had been considered by the Scrutiny Committees at meetings throughout June and July. A number of drafting amendments/addition to the Corporate Plan arising from this consultation had been requested and these were agreed by the Cabinet as follows:-

1. The reference to household income at the end of the first paragraph on page 4 will be amended to read; "Household income also differs, ranging from £65,000 in parts of Macclesfield to £18,000 in parts of Crewe."
2. Section 10 on page 22 where it refers to the Overview and Scrutiny Committee will be amended so that the penultimate sentence reads; "Again, you are more than welcome to attend these meetings."

3. The final bullet point under “What we will do to achieve our ambition?” in Corporate Objective 4, in Appendix 1, will be amended to read “Improve our parks and green spaces across the Borough.” This replaces “Achieve and increase existing level of Green Flags in our Greenspace sites.” The related outcome under the column headed “How will we know if we have been successful?” which refers to Green Flags will be removed.
4. It is proposed to add an extra bullet point to Corporate Objective 4, in Appendix 1, under the column headed “What we will do to achieve our ambition?” stating that “Drive forward our work with local partners in the police and justice system to reduce the fear of crime and improve public safety in the borough.” Likewise it is proposed to add a bullet point to the next column headed “How will we know if we have been successful? Stating that “The residents of Cheshire East will feel safer in their local communities.”

RESOLVED

For the reasons set out in the report: -

That Council be recommended to approve the Corporate Plan, subject to the inclusion of the amendments/addition detailed above.

30 SUSTAINABLE COMMUNITY STRATEGY

Consideration was given to the final draft of the Sustainable Community Strategy. The Strategy had been considered by the Sustainable Communities Scrutiny Committee on 15 July and the following comments had been made: -

- The document was well written and clear.
- A clear definition of a town is needed – the Strategy should refer to the fact that the LDF process will address this.
- Members questioned whether or not producing such a strategy represented value for money.
- Members noted that the strategy was aspirational and not compulsory.
- Members were disappointed that the contribution of agriculture, rural economy and productiveness of land, had not been given sufficient emphasis or greater reference, throughout the strategy.
- That any reference to the PCT should be replaced with health services

In considering these comments it was agreed by Cabinet that the following words be inserted as an additional bullet point under the heading ‘We have a strong, sustainable economy’ on page 17 (Cheshire East in 2005, Our Vision):-

‘Farming and agriculture are valued and supported for the contribution they make to Cheshire East’s economy and the distinctiveness of our rural communities.’

RESOLVED

For the reasons set out and as now reported: -

That Council be recommended to adopt the Sustainable Community Strategy, subject to the inclusion of the additional words detailed above.

31 CONSERVATION AREA APPRAISALS - MOODY STREET AND WEST STREET, CONGLETON

Consideration was given to the extension and adoption of the boundaries of the Moody Street and West Street, Congleton, Conservation Areas. The draft Conservation Area Appraisals had been approved for public consultation and the results of this had resulted in changes to the recommended boundary revisions.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the amended extensions to the boundaries of the Conservation Areas for formal designation and that the Conservation Area Appraisals be adopted.
2. That it be noted that the Strategic Director Places and/or the Head of Planning and Policy will undertake all necessary formal procedures and notices to amend the Conservation Area boundaries; including complying with statutory requirements and notifying all property owners, Local Land charges and G.I.S., and that such officers be authorised, so far as is necessary, to undertake such steps.

32 LOCAL DEVELOPMENT FRAMEWORK DOCUMENTS

Consideration was given to a number of documents forming part of the Cheshire East Local Development Framework. It was noted that the Statement of Community Involvement, Alsager Town Centre Supplementary Planning Document, Smallwood Village Design Statement Supplementary Planning Document and the Local List of Historic Buildings and its Supplementary Planning Document had all been considered by the Strategic Planning Board at its meeting on 14 July; it had been recommended that these documents be adopted subject to: -

- (1) any references to agencies/policies contained within the document which have now been abolished be deleted from the document.
- (2) reference to Partnerships on page 108 of the report should be included under Voluntary Bodies.
- (3) that the LSP is now referred to as PACE (Partnerships for Action in Cheshire East) and the document should be amended to reflect this change.

Cabinet considered these comments and noted that the change of name of the LSP to PACE was due to be announced formally in the near future. It was agreed, however, that all the existing terminology in the documents should be retained until such time as the agencies/policies referred to had been formally abolished by Parliament and that these could then be amended in future revisions.

RESOLVED

For the reasons set out in the report: -

That approval be given to the adoption of the Statement of Community Involvement Alsager Town Centre Supplementary Planning Document, the Smallwood Village Design Statement Supplementary Planning Document, the Local List of Historic Buildings and its accompanying Supplementary Planning Document and to commence the consultation process set out in paragraph 9.4 of the report.

33 LOCAL DEVELOPMENT FRAMEWORK PROCESS AND AMENDMENTS TO THE CONSTITUTION

Consideration was given to streamlining the process for the approval of the Local Development Framework (LDF) whilst maintaining appropriate opportunities for Members to be consulted and to contribute to the LDF preparation and approval process. The report set out the existing arrangements and the timetable for consulting upon the proposed changes.

RESOLVED

For the reasons set out in the report: -

1. That the current arrangements for approving the Local Development Framework be noted.
2. That the consultation process within the Council to take this matter forward, described in Section 9.2 of the report, be noted and commenced.
3. That it be noted that subject to the outcome of the consultation process, Cabinet will be invited to make recommendations to full Council regarding the alternative arrangements described in the table at Appendix 2 of the report.
4. That it be noted that, in adopting the recommendations, full Council will need to address any necessary authority for the Borough Solicitor to make any necessary and consequential amendments to the Constitution including additions to the terms of reference of Strategic Planning Board.

34 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

35 MANAGING WORKFORCE CHANGE

Consideration was given to the report of the Head of Human Resources and Organisational Development.

RESOLVED

For the reasons set out in the report: -

1. That Cabinet supports the decision of the Chief Executive to release the employees whose roles are listed 1 to 34 in Appendix A of the report under the arrangements agreed in relation to voluntary severance provisions for employees in the Council.
2. That Cabinet notes the details of the employees who are listed as 34 to 41 in Appendix A of the report.
3. That it be noted that, due to an urgent need for the release two of these employees – one of whom (34) has volunteered for redundancy whilst the other employee's compulsory notice period was due to end (35), the Executive Member for Procurement, Assets and Shared Services has agreed these under the terms of his delegated powers.
4. That it be noted that redeployment is currently being sought for the employees listed as 36 to 41, however they will shortly have completed their redeployment period and if the search proves unsuccessful, they may become compulsorily redundant. As such they would receive payments under the arrangements agreed in relation to severance provisions for employees.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

W Fitzgerald (Chairman)