

# Cabinet

## Agenda

---

**Date:** Thursday, 14th October, 2010  
**Time:** 4.45 pm  
**Venue:** The Bridestones Suite, Congleton Town Hall, High Street,  
Congleton CW12 1BN

---

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.

In order for an informed answer to be given, where a member of the public wishes to ask a question of a Cabinet Member three clear working days notice must be given and the question must be submitted in writing. It is not required to give notice of the intention to make use of public speaking provision but, as a matter of courtesy, a period of 24 hours notice is encouraged.

---

Please contact Cherry Foreman on 01270 686463  
E-Mail: [cherry.foreman@cheshireeast.gov.uk](mailto: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

4. **Minutes of Previous meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 20 September 2010.

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

The report relating to the remaining item on the agenda has 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 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 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**

6. **Waste Treatment PFI Contract - Identification of Provisional Preferred Bidder**  
(Pages 9 - 28)

To consider the report of the Waste Treatment PFI Project Director.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Monday, 20th September, 2010 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors Rachel Bailey, D Brown, H Gaddum, F Keegan, A Knowles,  
J Macrae and R Menlove.

Councillors in attendance:

Councillors C Andrew, Rhoda Bailey, D Flude, O Hunter, A Moran, D Neilson,  
B Silvester, L Smetham, 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, Director of  
Children and Families, Head of Human Resources and Organisational  
Development, Head of Policy and Performance, Procurement Manager,  
Spatial Planning Manager and Strategic Director Places

**46 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Peter Mason.

**47 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**48 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from members of the public.

**49 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 16 August 2010 be approved as a  
correct record.

**50 KEY DECISION 50 CAPITAL STRATEGY 2011/2014**

Consideration was given to the Capital Strategy, setting out Cheshire  
East's approach to capital investment, disposals and how it makes  
decisions in respect of all types of capital assets. The document is linked

with the Council's Corporate Asset Management Plan to show how the Council maximises the value of its investments to support the achievement of its key cross cutting activities, initiatives and local and national priorities.

**RESOLVED**

That the Capital Strategy for 2011/2014 be approved.

**51 FINANCIAL UPDATE - REMEDIAL ACTION PLANS**

Consideration was given to the remedial actions identified by services with a view to minimising the forecast outturn overspending of £13.6m at quarter one, as reported to Cabinet at its last meeting. It was noted that whilst the report concentrated on service actions there was some scope for mitigation within centrally held budgets and provisions. Other potential areas, for example capital financing and earmarked reserves, were also being reviewed in detail.

**RESOLVED**

1. That the projected outturn and proposed remedial actions be noted.
2. That exception report updates be brought to Members monthly for the remainder of the financial year.
3. That additional remedial measures be sought across the Council's services.

**52 KEY DECISION 45 PROCUREMENT OF UTILITIES**

Consideration was given to the most appropriate method of procurement for the Councils energy, namely gas and electricity.

The Office of Government and Commerce (OGC) Pan Government Energy Project advised the use of a recommended framework through a Central Purchasing Body. Cheshire East Council had worked closely with the Council for Cheshire West and Chester to review the procurement of energy and had concluded that a contract for energy in its entirety should be awarded using the WMS (West Mercia Supplies, Shrewsbury) framework which was one of the OGC's recommended flexible, risk managed organisations.

**RESOLVED**

That approval be given to the use of the fully flexible procurement method, and to the appointment of West Mercia Supplies as the preferred provider.

**53 WHOLE SYSTEM COMMISSIONING MODEL - ENHANCED CHESHIRE EAST AND CECPCT PARTNERSHIP**

Consideration was given to this report seeking support to explore in more detail the value of a whole system commissioning model through an enhanced partnership arrangement between Cheshire East Council and the Central and Eastern Cheshire Primary Care Trust. The principle to be explored was that through such joint commissioning, and by contracting collaboratively, there would be the potential for both savings and workforce efficiencies.

**RESOLVED**

1. That the potential value for local communities of developing a Whole System Commissioning Model through an Enhanced Partnership between CEC (Adults, Health & Wellbeing, Children & Family Services), CECPCT, GP Commissioning groups, Schools and others to meet the health and wellbeing needs of our citizens and patients be noted.
2. That Officers undertake to explore the potential value of such a development and report back to both the Cabinet, PCT Board members and the GP Commissioning Executive on the value and implications identified through trialling and developing the proposed model.
3. That it be noted that formal Joint Commissioning under a section 75 arrangement [NHS Act 2006] already takes place in respect of meeting the needs of the adult learning disability population and that this will be sustained; in addition that an 'in principle' agreement be given for the development of a section 75 agreement for Continuing Care to be sought, pending legal and financial advice as well as risk assessment.
4. That the appropriate Overview and Scrutiny Committee be briefed on this work and Whole System Commissioning Model as it evolves.
5. That the following extract from the NHS White Paper be noted:  
'.... Councils will be assessing local needs promoting more joined up services and supporting joint commissioning. This builds on the excellent work that is already done by some Councils in joining up services to improve health & social care and will ensure a closer working relationship between health and other council responsibilities, such as housing and environmental health. This means that patients who need the help of both health and social care services can expect to get much more coherent, effective support in future' DOH Liberating the NHS: Local democratic legitimacy in health, July 2010 [link to full paper is available in appendix 1].

**54 KEY DECISION 54 INTERIM PLANNING STATEMENT ON AFFORDABLE HOUSING**

Consideration was given to the Council's policy position on the provision of affordable housing, and to the results of the Strategic Housing Market Assessment. It was proposed that an Interim Planning Statement be used in considering planning applications for housing development pending the adoption of a policy for Cheshire East in the Local Development Framework Core Strategy.

**RESOLVED**

Subject to the endorsement of the document by the Strategic Planning Board, to which Cabinet directs this document is now reported, that Cabinet approves the draft Interim Planning Statement on Affordable Housing, as appended to the report, for consultation purposes and agrees that it be treated as a material consideration in the determination of planning applications pending the adoption of the finalised document in such a format as may be appropriate following the consultation process.

**55 LOCAL DEVELOPMENT FRAMEWORK - PROCESS AND AMENDMENTS TO THE CONSTITUTION**

Consideration was given to the current arrangements for developing and finally approving the Local Development Framework (LDF) documents, and to proposed amendments to that process in order to streamline it whilst maintaining appropriate opportunities for members to be consulted and to contribute to the LDF preparation and approval process.

The Sustainable Communities Scrutiny Committee, and the Environment and Prosperity Scrutiny Committee, had considered the report on 2 and 14 September respectively, and their recommendations to Cabinet were circulated and noted.

**RESOLVED**

1. That the current arrangements for approving the LDF, and the recommendations of the Strategic Planning Board, the Sustainable Communities and the Environment and Prosperity Scrutiny Committees concerning the revised procedures, be noted.
2. That Council be recommended to approve the revised procedures for approving the LDF documents as set out in Appendix 2 of the report.
3. That Council be recommended to agree 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.

## **56 LOCAL DEVELOPMENT FRAMEWORK DOCUMENTS**

Consideration was given to those reports forming part of the Cheshire East Local Development Framework (LDF) which had been revised in the light of comments received during the consultation process.

The Sustainable Communities Scrutiny Committee, and the Environment and Prosperity Scrutiny Committee, had considered the report on 2 and 14 September respectively, and their recommendations to Cabinet were circulated and noted.

### **RESOLVED**

1. That the comments of the Strategic Planning Board, the Sustainable Communities Scrutiny Committee, and the Environment and Prosperity Scrutiny Committee be noted.
2. That Council be recommended to adopt the Statement of Community Involvement, the 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.

## **57 OBESITY AND DIABETES REVIEW**

Consideration was given to the report and recommendations of the Task and Finish Group, set up by the Health and Adult Social Care Scrutiny Committee, to examine issues in Cheshire East concerning the incidence of Obesity and Diabetes.

The Health and Adult Social Care Scrutiny Committee had considered and endorsed the report and its recommendations; the Chairman of the Committee and of the Chairman of the Task Group were at the meeting to introduce the report and its findings.

In accordance with the draft Overview and Scrutiny Committee final reporting procedure the Portfolio Holders for Health and Wellbeing, Children and Family Services and Adult Services were requested to receive the recommendations contained in the report and to come back to the next meeting of the Cabinet with a formal response.

### **RESOLVED**

That the recommendations contained in the report of the Health and Adult Social Care Scrutiny Committee into the incidence of Obesity and Diabetes in Cheshire East be received and that a formal response be given at the next meeting of the Cabinet.

**58 REVIEW OF RESIDENTIAL PROVISION**

Consideration was given to the final report on residential provision, following the review carried out by the Task and Finish Group set up by the Children and Families Scrutiny Committee.

The Chairman of the Children and Families Scrutiny Committee, and the Chairman of the Task and Finish Group, were at the meeting to introduce the report and its findings.

In accordance with the draft Overview and Scrutiny Committee final reporting procedure the Portfolio Holder for Children and Family Services was requested to receive the recommendations contained in the report and to come back to the next (or a subsequent) meeting of the Cabinet with a formal response.

**RESOLVED**

That the recommendations contained in the report of the Children and Families Scrutiny Committee into Residential Provision be received and that a formal response be given at the next or a subsequent meeting of the Cabinet.

**59 TRANSFORMATION OF HIGHWAYS SERVICES SUB COMMITTEE - CALL IN OF DECISION**

The decision made by the Sub Committee at its meeting on 15 July had been called in and considered by the Corporate Scrutiny Committee on 26 August; the recommendations arising from that meeting were considered by the Sub Committee on 7 September 2010.

At its meeting the Sub Committee had been advised that it was not within its role to make recommendations on the recommendations of the Scrutiny Committee and it had, therefore, commented on each of the recommendations made. Cabinet was now requested to approve those comments and to respond to the Corporate Scrutiny Committee regarding consultation on matters that appear on the Forward Plan.

The Corporate Scrutiny Committee had recommended that the overview and scrutiny committees be given an opportunity to be consulted on all matters that appear within the forward plan in a timely fashion. In considering this recommendation the Leader of the Council advised that overview and scrutiny arrangements were in the process of being reviewed and that a draft paper included arrangements for regular meetings between Portfolio Holders and Scrutiny Chairmen, and scrutiny consideration of key decisions in the Forward Plan.



**RESOLVED**

1. That the comments of the Transformation of Highways Services Sub Committee, contained in the minutes of its meeting on 7 September 2010, be endorsed.
2. That the Corporate Scrutiny Committee be advised that an overview and scrutiny procedure was currently being prepared and that it would include the involvement of overview and scrutiny in the consideration of key decisions contained in the Forward Plan.

**60 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 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.

**61 MANAGING WORKFORCE CHANGE**

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

**RESOLVED**

That Cabinet supports the decision of the Chief Executive to release the four employees whose roles are listed in Appendix A of the report under the arrangements agreed in relation to voluntary severance provisions for employees in the Council.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

W Fitzgerald (Chairman)

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank