

Cabinet

Agenda

Date: Monday, 4th April, 2011
Time: 11.00 am
Venue: Fred Flint Room, Westfields, Middlewich Road, Sandbach
CW11 1HZ

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 at the time of notification. 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 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 - 10)

To approve the minutes of the meeting held on 14 March 2011.

5. **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 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.

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

6. **Workforce Change** (Pages 11 - 16)

To consider a report of the Head of Human Resources and Organisational Development.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Monday, 14th March, 2011 in The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

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

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

Councillors in attendance:

Rhoda Bailey, D Flude, S Jones, B Silvester, L Smetham, D Thompson and S
Wilkinson.

Officers in attendance:

Chief Executive, Borough Treasurer and Head of Assets, Director of Adults
Community Health and Wellbeing, Head of Policy and Performance, HR
Delivery Manager, Interim Borough Solicitor, Interim Services Manager
Integrated Delivery and Strategic Director Places.

145 APOLOGIES FOR ABSENCE

There were no apologies for absence.

146 DECLARATIONS OF INTEREST

Item 11 - Rationalisation and Temporary Closure of Buildings in Adult
Services

Councillor D Flude declared a personal interest by virtue of being a
member of the Alzheimer Society and of the Central Cheshire Advocacy
for People with Learning Difficulties. Councillor S Jones declared a
personal interest by virtue of being a member of the Alzheimer Society.

Item 12 – Fairtrade Status

Councillor S Jones declared a personal interest by virtue of being one of
the members who had submitted the original Notice of Motion to the
Council.

147 PUBLIC SPEAKING TIME/OPEN SESSION

Jean Aldcroft spoke in respect of item 6 (Key Decision 10/11-72 Adult
Services Transport) and expressed her concern at the short period of time
since the matter had been considered by the Health and Adult Social Care
Scrutiny Committee; and wished to stress the number of people who were
in favour of retaining the bus fleet.

Natalie Abbott, speaking on behalf of the Macclesfield Fairtrade Group, and the Cheshire East Collaborative Group, spoke in support of the Council taking the necessary steps to achieve Fairtrade status and welcomed the opportunity to work with the Council accordingly.

148 **MINUTES OF PREVIOUS MEETING**

RESOLVED

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

149 **KEY DECISION 10/11-65 ADULT SERVICES CHARGING POLICY REVIEW**

Consideration was given to the results of a formal consultation on Adult Services Charging Policies, and to a Scheme of Delegated Commissioned Care Charges, the aim of which was to remove significant subsidy from commissioned care prices. The report included a summary of the consultation responses, and the equality impact statement.

RESOLVED

1. That agreement be given to set the Scheme of Delegated Charges (including flat rate fees for transport) at a suitable level to remove significant subsidy from commissioned care prices. This to include Council overhead costs and enable the recovery of additional income from customers who can afford to pay, whilst ensuring the level of charges provide Care4CE with competitiveness in the open market.
2. That it be noted that customers will continue to have the choice to meet their needs in the open market through a personal budget as an alternative to choosing commissioned care services.
3. That approval be given to levy a one-off administrative charge (approx £400 to cover the costs of administrative and legal time) for deferred charge agreements.
4. That approval be given to apply interest at contract end to deferred debt at base rate plus 5%, capped at 8% whilst base rate is below 7.5%, then base plus 1%, in accordance with statutory guidance.
5. That approval be given to maximise the use of direct debit for income collection. Offering this as the preferred payment option in new cases and applying an administrative fee to those who could pay via direct debit but chose to pay through alternative methods.
6. That approval be given to maximise the use of the Empower processes as the primary method of receiving a direct payment and

as the single option to new service users unless in exceptional cases and where legally required to commission services on behalf of the customer.

7. That agreement be given to move to a process where the Council encourages net payments to care providers through revised contract terms, thus reducing Council overheads in income collection.
8. That agreement be given to introduce a one-off charge for the administration of managed individual personal budgets by the Council, should the Council's provider service (Care4CE) move to be able to trade independently, and for signpost access to Third Sector support, where the customer can reasonably afford to pay a suggested charge of £25.
9. That approval be given to explore options to streamline the Council's Appointeeship and Deputyship system via electronic banking/Empower processes and to introduce a moderate annual fee for administration of the service where possible from interest gained on accounts.
10. That approval be given to remove subsidy from the Non-Residential Charging formula taking account of the strong public view not to increase this to 100%. This is currently set at 90% of disposable income taken as a maximum charge. It is proposed this moves to 97%, from 9th April 2011, however the impact of this change should be reviewed again at 2012/13 to consider a move to 100% of disposable income as a charge from April 2012, subject to Cabinet approval.
11. That, following consideration of the strong public opinion to the Council's proposal to extend the Non-Residential Charging policy to include strategically commissioned care services for carers, it be withdrawn from consideration.
12. That agreement be given to extend the Non-Residential Charging policy to recipients of Independent Living Funds subject to guidance on the continuation of this funding.
13. That agreement be given to revise and tighten the disability expenditure assessment framework to ensure consistent and fair application and to account for personal budgets which cover many disability costs reducing the dual funding in this area.
14. That approval be given to review the structure of charges within Extra Care Housing by mid-year 2011; to move away from banded average charges to actuals based on hourly provision, aligned to hourly home care charges. To protect those people who receive no care services in their own right (partners of service users or people

who have made a life-style choice), at their current contribution through transition and as part of the full review of charges to introduce a Health & Wellbeing charge.

15. That the hot meals unit price to the customer remain at the current level of £3.25 per meal whilst the contract is reviewed due to the reduction in demand for commissioned hot meals and increased private sales. That it be agreed that care managers from April 2011 offer a personalised service to new customers directing people through the open market for their provision of meals, with support as required, only commissioning meals in exceptional circumstances and where legally required to do so. Adult Services will support ineligible hot meals service users to access private purchased meals, Extra Care Housing Restaurant, brokerage, reablement services to promote independence, IT training to facilitate on-line ordering, personal budget via Empower Card removing the need for cash transactions or assisted technology for checking on safety of customers who have no other services.
16. That customers be charged for the actual number of double handed staff hours of care commissioned subject to the means test, removing inequity between those who choose commissioned care and those who have their care provided through a personal budget where subsidy is already removed.

150 **KEY DECISION 10/11-72 ADULT SERVICES TRANSPORT**

Consideration was given to the results of a consultation on the provision of adult services transport and associated client charges, and to a phased programme to move away from strategically commissioned adult transport provision over the next two financial years.

In considering this matter it was stressed that Adult Services was committed to ensuring that no individuals would have commissioned transport withdrawn without an appropriate alternative solution being available to them to meet their eligible unmet transport needs.

RESOLVED

1. That approval be given for Adult Services and Places to begin a phased programme from April 2011, to move away from Strategically Commissioned Adult Transport provision over the next two financial years. This extended timescale is to mitigate against corporate cost impacts, customer safe transition and to enable the market and support services to fully develop to aid a safe transfer. Adult Services recognise that there may be a need to retain a small element of strategically commissioned transport for those individuals who cannot be supported to travel through alternative transport options.

2. That it be agreed that no new Adult Services eligible transport needs will be met through strategically commissioned transport, unless in very exceptional circumstances and where legally required to do so.
3. That the Places Directorate and Adult Services work closely to develop a range of mitigating measures and alternative provision, as detailed in section 3 of the report.
4. That approval be given for Adults Services to set the fee for commissioned transport to £4 per one-way trip from 9 April 2011 (representing a £2 per trip increase) bringing additional income of £200k based on current transport user numbers which will taper as demand reduces. The average amount people felt they would be happy to pay from consultation equates to £4.55 per one-way trip. Adults with mobility issues receive a welfare benefit which should be used to pay toward transport. Within disregarded income, people have an amount protected for transportation and all eligible customers would also have concessionary travel passes.
5. That approval be given for the re-investment of savings amounting to £473,400 (2011/12 detailed in Section 7 of the report) to develop transport support services, develop concessionary travel and to cover the likely demand on personal budget expenditure. Future years investment would then be determined by demand on provision.

151 **KEY DECISION 10/11-82 FIVE YEAR CARBON MANAGEMENT PLAN**

Consideration was given to the five year Carbon Management Plan in order to achieve a 25% reduction in CO₂ emissions and energy consumption, and to reduce energy costs.

RESOLVED

1. That the 5 year Carbon Management Plan be accepted and approved.
2. That a commitment be given to provide funding for the range of projects that will deliver the anticipated carbon savings and enable the development of additional practical projects beyond those currently identified.
3. That the Embedding Strategy, and its development, be endorsed to enable the Council to integrate into its decision making procedures the need to reduce its carbon emissions, to endeavour to achieve sustainability for all service delivery.

152 **KEY DECISION 10/11-83 CORPORATE PARENTING BOARD AND STRATEGY**

Consideration was given to the Council's duty to act as the corporate parent for children in its care. The report clarified the role of Elected Members and proposed that membership of the Corporate Parenting Board be reviewed in order that it could appropriately advocate for Cared for Children, and embed the concept of corporate parenting across the Council's functions. In addition the report outlined the key commitments of the Council to children and young people formally in its care.

RESOLVED

1. That the Corporate Parenting Board membership be reviewed based on the proposals and Terms of Reference detailed in the report.
2. That the balance of elected members representation of the Corporate Parenting Board be: 3 Conservative, 1 Labour, 1 Liberal Democrat.
3. That the Draft Corporate Parenting Strategy be approved.

153 **KEY DECISION 10/11-85 TRANSFORMATION OF WASTE AND RECYCLING COLLECTION SERVICES**

Consideration was given to the transformation of waste and recycling collection services, and to the implementation of the services described. The report outlined the current service provision, service design principles and the key operational matters surrounding the new services.

The implementation of the proposed services would deliver premier waste collection services for the Council through a change of emphases; the Council's primary waste services would be seen as recycling and composting, rather than residual waste. The transformation would have a significant impact on the resources needed, and on the operational costs incurred, with substantial savings to be achieved.

RESOLVED

1. That the financial and operational benefits of the proposed new waste collection services, and the supporting procurement necessary to deliver the services successfully, be noted.
2. That approval be given to the implementation of the proposed new waste collection services as described, including the introduction of

silver wheeled containers across Cheshire East, in accordance with the proposed timetable detailed in paragraph 10.6 of the report.

3. That the Capital Programme be updated at the next opportunity, to reflect the requirement for £437k to acquire containers, detailed in para.7.4 of the report, to be funded by prudential borrowing but repaid from revenue contributions already factored into the 2011/12 budget proposals and medium term financial strategy (para 7.1 of the report).

154

KEY DECISION 10/11-87 ASSETS FOR PLACE SHAPING

Consideration was given to a review of the Council's Asset Management Service and to its approach to maximising the benefits from its land and property portfolio. The report included a review of the service, sought agreement to a programme of work to promote the increased supply of affordable housing within the Borough, and included an outline of how the Council could develop a more market-facing/commercial approach to its Asset portfolio with the potential to deliver major strategic benefits to the Council in the medium/longer term in addition to the generation of significant financial benefits.

RESOLVED

1. That the report be noted.
2. That the work of EC Harris in reviewing the Asset Management Service, and how the Council might maximise the benefit of its land and property portfolio to improve operational effectiveness and efficiency whilst supporting the achievement of the Council's wider aims and objectives, specifically in relation to place shaping and Housing, be endorsed.
3. That the early adoption of a Corporate Landlord approach to the management of the portfolio be endorsed.
4. That the commencement of a programme of activity with Registered Providers for the accelerated development of affordable housing within the Borough through the selected sale and/or transfer of land be supported, in accordance with the detail set out within the report.
5. That approval be given to commence a soft market testing exercise to allow the Council to explore the potential use of an appropriate asset backed vehicle or market facing arrangement that will deliver long-term regeneration and housing growth.

155 **RATIONALISATION AND TEMPORARY CLOSURE OF BUILDINGS IN ADULT SERVICES**

Councillors D Flude and S Jones had both declared a personal interest in this item.

Consideration was given to the findings of a re examination of the proposed closure of 291 Nantwich Road, and to the transfer of services to the nearby Hilary Centre. In addition proposals were put forward for the future of the building. The proposal was in line with good practice whereby mental health day services, where possible, were based away from day care centres in more socially inclusive settings.

RESOLVED

1. That approval be given to the closure of 291 Nantwich Road once the remaining groups have transferred to the Oakley Centre.
2. That, when it has been vacated, 291 Nantwich Road be declared surplus to the service requirements of the Adult, Community, Health and Wellbeing Directorate, and that officers be authorised to take the necessary actions to implement the proposals.
3. That approval be given for the property to be appropriated to the management of the Assets Manager and for consideration to be given to the use of the property by other Services within the Council or otherwise.

156 **FAIRTRADE STATUS**

Councillor S Jones had declared a personal interest in this item.

Following the receipt of a notice of Motion by the Council on 16 December 2010 consideration was given to the criteria required to be fulfilled in order for the Council to achieve Fairtrade status. The report summarised the various steps needed and identified how they would be undertaken, with their respective financial implications.

RESOLVED

That approval be given for the Council to take the action necessary to achieve Fairtrade status.

157 **ITEM OF URGENT BUSINESS - APPOINTMENT OF MEMBER TO CONNEXIONS CHESHIRE AND WARRINGTON**

In accordance with Section 100B (4) (b) of the Local Government Act 1972 the Chairman agreed that by reason of special circumstances this item

should be considered as a matter of urgent business on the grounds that at this time there is a need for the Council to ensure that it has a full complement of representatives in respect of the organisation.

Consideration was given to the Council's appointment of members to the Board of Connexions Cheshire and Warrington. Cabinet was invited to appoint two members to represent the Council, with Councillor Thwaite remaining as its third representative.

RESOLVED

That Councillor G Baxendale be appointed to the Board of Connexions Cheshire and Warrington, and that the remaining representative be nominated by the Leader of the Liberal Democrat Group.

158 **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.

159 **WORKFORCE CHANGE**

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

RESOLVED

1. That Cabinet supports the decision of the Chief Executive to release the employees whose roles are listed as 1 to 53 in Appendix A under the arrangements agreed in relation to voluntary severance provisions for employees in the Council.
2. That Cabinet notes the employees listed as 54 to 60 in Appendix A, whose voluntary severance was approved by the Procurement, Assets and Shared Services Portfolio Holder under the terms of his delegated powers, in response to an urgent request from management, be noted.
3. That the employee listed as 61 in Appendix A, who may become compulsorily redundant and would receive payments under the arrangements agreed in relation to severance provisions for employees, also be noted.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

W Fitzgerald (Chairman)

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