

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Monday, 10th December, 2012 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor M Jones (Chairman)  
Councillor D Brown (Vice-Chairman)

Councillors J Clowes, J P Findlow, L Gilbert, J Macrae, R Menlove, B Moran  
and P Raynes.

## **Also Present**

Councillors Rhoda Bailey, D Bebbington, S Corcoran, K Edwards, R Fletcher,  
D Flude, M Grant, P Groves, P Hoyland, B Livesley, P Mason, G Merry,  
B Murphy, D Newton, L Smetham, D Stockton, A Thwaite and S Wilkinson.

## **Officers in attendance**

Interim Chief Executive; Borough Solicitor and Monitoring Officer; Director of  
Finance and Business Services; Head of Health Improvement; Head of HR  
and Organisational Development; Strategic Director Children Families and  
Adults; Strategic Director Places and Organisational Capacity; and Strategic  
Planning and Housing Manager.

## 108 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Rachel Bailey.

## 109 **DECLARATIONS OF INTEREST**

Agenda Item 6 (Key Decision 14 Cheshire East Local Plan – Draft  
Development Strategy and Policy Principles) Councillor P Findlow  
declared a non-pecuniary interest by virtue of being a Governor of a  
School; Councillor B Moran declared a non-pecuniary interest by virtue of  
having been a member of the former Sandbach Stakeholder Advisory  
Panel.

Agenda item 10 (Council Tax Base 23013/14) Councillor P Findlow  
declared a non-pecuniary interest by virtue of being the owner of a  
property that might at some time become vacant.

In each case they took no part in the discussion and did not vote on the  
decision requested.

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

Erin Buck, Janey Parish and Heidi Reid each spoke on the walking route  
from Bollington to Tytherington High School. Following the removal of the

free school bus service 94 parents had walked the recommended safe route to the school from Bollington and found it to be unsatisfactory for a number of reasons including the distance and time it would take to get to school, the difficulty for children of having to carry backpacks and musical instruments over such a distance, inadequate lighting on large stretches of the Middlewood Way, poor drainage and surface treatment and the general overall safety on isolated stretches of the Middlewood Way. Cabinet Members were invited to walk the route themselves in order to investigate further the concerns of the parents.

Councillor Bill Scragg, of Sandbach Town Council, spoke on a number of matters associated with the Cheshire East Local Plan, particularly concerns in respect of the amount of housing allocated to sites in and around Sandbach, and also regarding proposed changes for sites previously allocated for employment only.

#### 111        **MINUTES OF PREVIOUS MEETING**

##### **RESOLVED**

That the minutes of the meeting held on 12 November 2012 be approved as a correct record.

#### 112        **KEY DECISION 4 - INTERIM HEALTH AND WELLBEING STRATEGY 2013/14**

Consideration was given to the Interim Joint Health and Wellbeing Strategy for 2013/14, between the Local Authority and the Clinical Commissioning Groups in Cheshire East. The Strategy had been prepared in accordance with the requirements of the Health and Social Care Act 2012 and it identified a number of priority areas for the Board to work on together over the next year.

##### **RESOLVED**

That the Interim Joint Health and Wellbeing Strategy 2013/14 be endorsed.

#### 113        **KEY DECISION 14 - CHESHIRE EAST LOCAL PLAN - DRAFT DEVELOPMENT STRATEGY AND POLICY PRINCIPLES**

*Councillors P Findlow and B Moran had each declared a non-pecuniary interest in this item.*

Consideration was given to the Cheshire East Development Strategy and to the Policy Principles Document prior to commencing a period of consultation. The Council had undertaken a strategic Issues and Options consultation and over the last year had carried out an intensive programme of place shaping and neighbourhood planning. The two documents now being considered pulled the various elements together

and presented a jobs led strategy for growth and prosperous communities which would be consulted on before a final submission version of the Core Strategy was prepared in the summer of 2013.

The Portfolio Holder for Communities gave detailed feedback on the public speaking session and on the ensuing debate at the Strategic Planning Board on 6 December; both reports had been endorsed at that meeting the minutes of which were circulated for information.

Visiting Councillors spoke on a number of matters including the amount of housing proposed and the location of some of the proposed sites, the need and value of retaining employment only sites, concerns for wards affected by prospective road and infrastructure improvements, and changes in green and open space allocations.

## **RESOLVED**

1. That the recommendations of the Strategic Planning Board on 6 December 2012 be noted.
2. That the Cheshire East Development Strategy (Appendix 2 of the report) and the Cheshire East Policy Principles (Appendix 3 of the report) be approved for consultation.
3. That approval be given for the Cheshire East Development Strategy to be used as a material consideration for Development Management purposes with immediate effect.
4. That approval be given for any minor typographical or other non material amendments to be delegated to the Portfolio Holder for approval prior to publication.

## **114 KEY DECISION 28 - LIBRARIES STOCK PROCUREMENT**

Consideration was given to the procurement of a new libraries stock contract jointly with Cheshire West and Chester Council. The existing contract was due to expire on 31 March 2012 and a new contract was required in order to ensure that the needs and expectations of users were met and that the Council could fulfil its statutory duty to provide a comprehensive and efficient library service.

## **RESOLVED**

That the Customer Services and Libraries Manager be given delegated authority to award a new contract for libraries stock following procurement.

## **KEY DECISION 22 - FUTURE DELIVERY MODEL FOR WASTE MANAGEMENT SERVICES**

The identification of future service delivery options for recycling and waste was a major change project for the Council and specialist consultancy had been commissioned to assess options for the delivery of the Councils household waste and recycling services. Four service delivery options had been considered and the report identified the option that would deliver the highest savings, the relevant timescales for its implementation, measures that could be taken in the short term and the steps to be taken to commence the procurement process.

It was reported that the contract for residual waste disposal was due to expire in March 2014 and could not be extended further. Although the garden waste composting, recycle processing and bulking contracts were due to expire at the same time there was more flexibility with those as they could be extended beyond that time.

### **RESOLVED**

1. That approval be given to Option i/ii as the preferred way forward and that the Strategic Director Places and Organisational Capacity, and the relevant Portfolio Holders, work with the relevant Members to commence the procurement exercise immediately.
2. That the Strategic Director Places and Organisational Capacity, in consultation with the relevant Portfolio Holders, appraise the Cabinet of the outcome of the tender exercise, and seek their approval to proceed with the contract award, at a future meeting of the Cabinet.
3. That the Strategic Director Places and Organisational Capacity, in consultation with the relevant Portfolio Holders, be authorised to procure an interim residual waste treatment contract to run from April 2014 until the implementation of new overall arrangements.
4. That the Strategic Director Places and Organisational Capacity, in consultation with the relevant Portfolio Holders, be authorised to extend the current dry recycling and garden waste contracts to coincide with the implementation of the new arrangements.
5. That the Strategic Director Places and Organisational Capacity, in consultation with the relevant Portfolio Holders, be authorised to procure external consultancy support to deliver new arrangements.
6. That the Strategic Director Places and Organisational Capacity, in consultation with the relevant Portfolio Holders, be authorised to explore alternative procurement routes to traditional procurement processes, including working with other local authorities or local authority consortia to deliver the goals of this project but in a more cost effective manner .

116      **KEY DECISION 32 - AWARD OF LOCAL SUSTAINABLE  
TRANSPORT FUND BUS SERVICE CONTRACT**

Consideration was given to the award of a new Crewe Town Centre bus service, to be an integral element of the Council's aspirations to develop sustainable transport in Crewe. The provision of the new services was a key component of the Local Sustainable Transport Fund (LSTF) programme approved by the Department for Transport.

**RESOLVED**

That approval be given to the award of contract to D&G for the new Crewe town centre bus service, funded through the LSTF with a contract date of 31 March 2015.

117      **COUNCIL TAX BASE 2013/14**

*Councillor P Findlow had declared a non-pecuniary interest in this item.*

Consideration was given to the Council Tax Base for 2013/14 and to important changes in its calculation. Approval of the Tax Base was required before 31 January 2013 so that the information could be used by the Cheshire Police Authority, and by the Cheshire Fire Authority, for their budget purposes.

The Portfolio Holder for Finance gave a detailed explanation of the changes in addition to which he reported on the recommendations to Cabinet by the Corporate Scrutiny Committee following its meeting on 7 December 2012 which were circulated at the meeting.

**RESOLVED**

1. That the Cabinet, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, recommends to Council, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2013/14 as 137,122.19 for the whole area.
2. That the Cabinet recommends to Council the Cheshire East Council Tax Support Scheme, in accordance with Appendix A of the report.
3. That the Cabinet recommends to Council the calculation of the Council Tax Base for Local Preceptors, in accordance with Appendix B of the report.

118      **THREE YEAR MEDIUM TERM FINANCIAL STRATEGY 2013/16**

Consideration was given to an update on the budget setting process for the Council for 2013/14 and to the progress made in the development of

the Medium Term Financial Strategy for 2013/16. A number of strategic decisions were included in the report that would support the overall balancing of the Council's budget for 2013/14 and in the medium term.

## **RESOLVED**

1. That the updated medium term financial analysis, informed by the Mid Year Review of Performance reported to Cabinet on 12 November 2012 as part of the first phase of review, be noted.
2. That approval be given to the following strategic financial decisions that contribute to the Budget Setting process for 2013/2014, and to the Medium Term Financial Plan for 2013/2016, which will be subject to both internal and external consultation up to the final approved position at Council in February 2013 (detailed in Table 2 of the report):
  - Increase estimated Grant Funding based on the return of national contingencies in 2013/2014 of £3.7m (related to New Homes Bonus).
  - Reduce the Capital Financing element of 'Central Adjustments' by £2.8m based on the review and reductions of the Capital Programme (subject to Council decision on 13 December 2012).
  - Apply Capital Reserves to reduce existing borrowing costs by £2.4m in 2013/2014 and enable further reductions in future years.
  - Freeze Council Tax Band D levels for a third consecutive year, making the Council eligible for additional Freeze Grant funding of approximately £1.8m. Cheshire East Council Tax will again be £1,216.34 for a Band D property.
  - Increase Council Tax income by £3.3m based on the reduction in certain discounts and the revised tax base for 2013/2014 (subject to Council decision on 13 December 2012).
  - Apply the current annual contribution to General Reserves of £1.6m, associated with the impact of Business Planning proposals in the 2012/2015 Business Plan, to the Council's base budget for 2013/2014 and future years.
  - Increase the contribution to reserves by £1.3m from 2013/2014 to 2015/2016 based on the pay back of the strategic investment of reserves of £3.9m in 2012/2013.
  - To commit to the investment of reserves, in excess of the risk assessed minimum level of reserves, in the Change Projects that will deliver the Council's 3 Year Plan, particularly with regard to its local economic growth ambitions.

- To approve the savings forecast from the first phase of the review of Change Projects (Appendix 7 of the report) as a contribution to balancing the 2013/2014 Budget and the 3 Year Medium Term Plan for 2013/2016, subject to appropriate consultation internally via Policy Development Groups and the Executive Monitoring Board governance arrangements and externally with the public, key stakeholders and via specific consultation mechanisms where required.
3. That the other relevant assumptions in the Council's Medium Term Financial Plan, such as Government funding estimates, that will be subject to further updating during the second phase of review in the period leading up to the setting of the Council's 2013/2014 Budget in February 2013 (Appendix 6 of the report) be noted.
  4. That approval be given to initiation of the consultation/engagement arrangements on the Change Projects in the lead up to the setting of the Council's 2013/2014 Budget in February 2013, internally via Policy Development Groups and the Executive Monitoring Board governance and externally with the public and key stakeholders.

## 119 **ANNUAL GOVERNANCE REPORT - CABINET RESPONSE**

Cabinet was requested to approve the Council's response to the recommendations in the Audit Commission Annual Governance Report which had been presented to the Audit and Governance Committee on 27 September 2012. The four recommendations in the report were intended to improve the Council's arrangements to secure value for money and it was important to demonstrate the Council's commitment to improvement and to its new vision for the future, as set out in its 3 Year Plan and on which significant progress had already been made,

### **RESOLVED**

That approval be given to the Council's response to the Audit Commission Annual Governance Report, as set out in Appendix 2 of the report, the recommendations of which were intended to improve arrangements to secure value for money.

## 120 **REGULATION OF INVESTIGATORY POWERS ACT - REVISIONS TO POLICY AND PROCEDURES**

Consideration was given to revisions to the Regulation of Investigatory Powers Act (RIPA) Policy and Procedures to take into account the Protection of Freedoms Act 2012. The Council was obliged to comply with the necessary legislation and regulations and to ensure that its policies and procedures reflected the latest changes.

## **RESOLVED**

That approval be given to the revised RIPA Policy and Procedures.

### **121 REVISED STATEMENT OF GAMBLING PRINCIPLES**

Consideration was given to the content of the Revised Statement of Principles under the Gambling Act 1985; the Statement formed part of the Council's Policy Framework and were, therefore, due to be formally adopted by the Council at its meeting on 13 December. The Council was required to review its existing Statement of Principles by 31 January 2013 and a consultation with stakeholders had been carried out as part of that process.

## **RESOLVED**

That the Cabinet supports the content of the Statement of Principles, set out in Appendix 1 of the report, and that their formal adoption be recommended to the Council.

### **122 UNIVERSAL INFORMATION AND ADVICE SERVICES**

Cabinet was asked to agree to grant aid the provision of universal information and advice services across Cheshire East. The Welfare Reform Act 2012 provided for the introduction of a universal credit to replace a range of means tested benefits and tax credits and as the impact of these changes was unknown it was not possible to specify the Council's requirements for such services to inform formal tendering process. The provision of grant aid was, therefore, a mechanism through which the Council could ensure the continued provision of universal information and advice services during the financial year 2013/14.

## **RESOLVED**

1. That agreement be given to grant aid the provision of universal information and advice services across Cheshire East.
2. That it be noted that this will be a competitive process that will invite suitably qualified organisations to apply.

### **123 NOTICE OF MOTION - HIGHWAYS MAINTENANCE RESPONSE TIMES**

A Notice of Motion had been submitted to the Council at its meeting on 11 October 2012 and Cabinet was now asked to consider the response. The report set out the current situation with regard to highway maintenance and how it was delivered by Ringway Jacobs, and set out the actions that were now proposed.



## **RESOLVED**

1. That the Notice of Motion be noted.
2. That approval be given to the recommendations set out in Section 10 of the report.

## **124 COMMISSIONING CREWE CUMBERLAND LIFESTYLE CENTRE**

Consideration was given to the delivery of the Crewe Lifestyle Centre, on the existing Cumberland Arena site, by procuring and appointing a design and build contractor. The Centre would be part of the 'All Change for Crewe' regeneration plans and provide new inclusive leisure facilities, modern family and adult social care provision and community facilities all in one place, it would facilitate further economic regeneration within Crewe and provide a modern 21<sup>st</sup> Century Lifestyle Centre.

## **RESOLVED**

That approval be given to progress the delivery of the Crewe Lifestyle Centre Scheme as set out in the business case attached to the report, by procuring a design and build contractor.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

M Jones (Chairman)