

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Tuesday, 13th March, 2018 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor L Wardlaw (Vice-Chairman)

Councillors A Arnold, P Bates, J Clowes, J P Findlow, J Saunders and  
D Stockton

## **Members in Attendance**

Councillors Rhoda Bailey, E Brooks, B Burkhill, S Corcoran, L Durham,  
S Edgar, D Flude, S Gardiner, M Grant, S Hogben, O Hunter, B Moran,  
S Pochin, J Rhodes and G Williams

## **Officers in Attendance**

Kath O'Dwyer, Jan Willis, Mark Palethorpe, Linda Couchman, Dan Dickinson,  
Sara Barker, Sean Hannaby, and Paul Mountford

## **Apologies**

Councillor Rachel Bailey and Frank Jordan

In the absence of the Leader of the Council, the meeting was chaired by  
the Deputy Leader, Councillor L Wardlaw.

In opening the meeting, the Chairman took the opportunity to refer to the  
publication of the Government's consultation response on taking forward  
the vision of a Crewe Hub for HS2.

## 108      **DECLARATIONS OF INTEREST**

Councillors E Brooks, S Gardiner, S Hogben and S Pochin declared  
disclosable personal interests in relation to Items 20 and 23 of the agenda  
as directors of ASDVs.

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

Jane Smith asked if the Council would commit to funding a robust  
pollinator strategy to ensure that all urban spaces, including new housing  
developments, were designed and maintained in ways that maximised  
benefit to pollinators. The Portfolio Holder for Housing, Planning and  
Regeneration responded that the Council did not currently have a specific  
pollinator strategy and understood that it was not a statutory requirement  
to produce one. However, he undertook to look at the Council's current  
practices in terms of supporting the aims of the National Pollinator  
Strategy.

Sue Helliwell referred to a question she asked at a previous meeting regarding replacement play equipment for Wayside Linley Park, Alsager, and asked for an assurance for residents that the Park would receive the necessary investment. The Portfolio Holder for Environment responded that there was no S106 funding available but officers would be willing to work with local residents to explore funding options.

Sylvia Dyke referred to the loss of three major employers in Alsager with the sites being redeveloped for housing which would lead to more congestion and a loss of visual amenity in the area.

Rob Vernon referred to the condition of the road in Becks Lane, Macclesfield which he likened to a gravel track. The Portfolio Holder for Environment undertook to look into the matter.

Brendan O'Brien, speaking in relation to the proposed withdrawal of free school transport for children attending Knutsford Academy, asked if Cabinet believed it was reasonable for parents to be expected to walk 11.6 miles a day taking their children to school. The Portfolio Holder for Children and Families responded that it was the responsibility of all parents to get their children to school safely and she outlined a number of ways that this could be done.

Richard Walton asked about the Council's policy for recording member attendance at meetings on its website and whether the Council would advise Congleton Town Council to pursue a similar policy. The Chairman confirmed that Cheshire East Council published its member attendance figures online but that Mr Walton needed to address any questions regarding Congleton Town Council to that Council.

Daniel Rush sought clarification of the amount of privately arranged funding required for the placement of refugee families from Syria in Cheshire East. He had also expected his application to have come to this Cabinet meeting. The Chairman responded that a report would be submitted to Cabinet in April or May. She also briefly outlined the Council's advice on the funding required for placements.

David Latham referred to the recent traffic commissioner's decision to grant a full operating licence with conditions to ANSA on Cledford Lane, Middlewich, and outlined a number of traffic issues involving refuse vehicles in Middlewich including speeding, 'jumping' traffic lights and using country lanes and estate roads. The Portfolio Holder for Environment asked Mr Latham to provide evidence of the practices referred to so that the matter could be investigated. The Portfolio Holder for Finance and Communication had also noted the issues and undertook to raise the matter at his next meeting with the MD.

Carol Jones asked what support would the Council provide for people under 65 with mental health problems. The Portfolio Holder for Adult Social Care and Integration responded that the Council was working with

its health partners on a wide-ranging consultation looking at the future of mental health care provision across the Borough and re-ablement services.

Michael Unett referred to traffic problems at the junction of Linley Lane / Linley Rd, Alsager and sought assurances that a scheme to install traffic lights would go ahead this summer. The Portfolio Holder for Environment was unable to provide a guarantee on the timing of the scheme but undertook to look into the matter.

At the conclusion of public questions, the Chairman thanked everyone concerned.

## 110 **QUESTIONS TO CABINET MEMBERS**

Councillor D Flude asked if the Council had sought or received advice from the Department of Housing and Local Government in relation to the matters currently under investigation at the Council and if so, when members could expect such advice to be made available to them. The Chairman undertook to provide a written response.

Councillor S Hogben asked for an update on how the New Homes Bonus funding was to be used and who might benefit from it. The Portfolio Holder for Finance and Communication responded that a further meeting of the body considering the matter had been scheduled for 26<sup>th</sup> March and that the body would be bringing forward proposals which would be reported through the overview and scrutiny process to Cabinet.

Councillor S Corcoran expressed disappointment that the report requested at the Special Council meeting into the extra costs of the ANSA site had been delayed. He understood the reason for the delay in view of the police investigation but asked why the potential illegality had not been picked up before the Special Council meeting. The Acting Chief Executive, in responding, stated that she was unsure as to why aspects of concern had not been identified at the time but indicated that a number of matters of concern had since been the subject of a targeted audit programme which had led to the matter being referred to the police.

Councillor Corcoran also referred to the disciplinary process followed by the Police and Crime Commissioner in relation to the suspension of the Chief Constable and to recent advice from the Portfolio Holder for Corporate Policy and Legal Services as to why the PCC's approach towards full disclosure of the reasons for suspension could not be adopted by the Council in relation to its own disciplinary process. Councillor Corcoran felt that the Portfolio Holder's advice did not apply to the former Monitoring Officer who was no longer employed by the Council. The Portfolio Holder for Corporate Policy and Legal Services undertook to consider the matter and provide a written response.

111 **MINUTES OF PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting held on 6<sup>th</sup> February 2018 be approved as a correct record.

112 **AVAILABLE WALKING ROUTES TO SCHOOL PROGRAMME - PHASE 2A**

Cabinet considered a report on the outcome of the community engagement on Phase 2A of the Available Walking Routes to School Programme.

Councillor S Gardiner spoke on this matter as local ward member.

**RESOLVED**

That Cabinet

1. confirms that the route between Mobberley and Knutsford Academy and Knutsford Academy, The Studio is deemed an 'available' walking route. Therefore free home to school transport will be withdrawn for current and new pupils living in Mobberley within 3 miles of the Academy, effective from 1<sup>st</sup> September 2018;
2. acknowledges the feedback from the public engagement and agrees that the proposed withdrawal of transport shall be amended as detailed in section 3.6 of the report in order to address some of the concerns raised;
3. agrees that a one-off subsidy (calculated at £192 per annum) be paid to all affected families for the remainder of their child's attendance at their respective schools (this is the agreed rate for pupils at secondary schools excluding 6<sup>th</sup> form); and
4. authorises officers to undertake all necessary actions to implement the decisions above.

113 **EDUCATION TRAVEL POLICIES**

Cabinet considered a report on the outcome of consultation on a new suite of travel policies for implementation from September 2018, together with the Council's response to the issues raised and proposals for policy variations.

**RESOLVED**

That Cabinet

1. notes the outcomes of the consultation and the responses to this;
2. approves that three of the new suite of policies, as revised, be implemented with effect from 1<sup>st</sup> September 2018. These three policies are: Compulsory School Age Travel Policy, Education Travel Behaviour Code, and Education Travel Payment Policy;
3. approves that the fourth policy; Education Travel Policy Appeals and Complaints be applied from 1<sup>st</sup> April 2018 in order that it applies for any Appeals and Complaints relating to travel for the academic year starting September 2018 under the new policies; and
4. notes the proposed mitigation measures.

114            **STRATEGIC SCHOOL IMPROVEMENT FUND (SSIF) - AWARD OF GRANT**

Cabinet considered a report seeking approval to receive external funding to the value of £638,452 as recently awarded to Cheshire East Council as the named lead in a successful Round 2 SSIF bidding process.

**RESOLVED**

That Cabinet

1. approves a supplementary revenue estimate, in accordance with the Council's Finance Procedure Rules, where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity where this is fully funded; and
2. approves the receipt of the allocated DfE grant to the value of £638,452 into the Council accounts on behalf of both Cheshire East Council and Cheshire West & Chester Authorities & Teaching School Alliances.

115            **CHILDREN'S HOME COMMISSIONING**

Cabinet considered a report seeking approval to go out to tender following a difficult mobilisation of the residential care contract from 1<sup>st</sup> April 2017 and the subsequent termination of the contract.

**RESOLVED**

That Cabinet

1. agrees to go back to the market and other local authorities to re-commission up to five local residential Children's Homes;

2. authorises the Acting Executive Director of People, in consultation with the Children and Families Portfolio Holder, to award the Children's Homes contract; and
3. instructs the Acting Director of Legal Services to enter in to the contract with the successful bidder and any ancillary legal documentation required including the granting or taking of leases, underleases and licence agreements.

116      **NOTICE OF MOTION - LOCAL PLAN HOUSING LAND SUPPLY**

Cabinet considered the following motion which had been moved by Councillor S Corcoran and seconded by Councillor N Mannion at the Council meeting on 14<sup>th</sup> December 2017 and referred to Cabinet for consideration:

*"That this Council notes that*

- 1      *in a recent planning appeal case the Inspector considered whether Cheshire East Council had a 5-year housing land supply and said, "To my mind, even though the calculated supply includes a 20% buffer, the 5-year supply should be considered to be marginal and, potentially, in doubt" and said "I conclude that it would be both cautious and prudent in the circumstances of this case to regard policies for the supply of housing to be considered not up-to-date, thus engaging the tilted balance of paragraph 14 of the Framework."*
- 2      *the Local Plan assumes a housing need of 1800p.a.*
- 3      *a recent government consultation included a figure for housing need in Cheshire East of 1142 p.a.*
- 4      *if the 5-year housing land supply calculation were based on a housing need of 1142p.a. then Cheshire East would have a secure and robust 5-year housing land supply*
- 5      *in order to take advantage of the lower figure for housing need in calculating a 5-year housing land supply, the Local Plan will need to be refreshed*

*This Council requests that a report be presented to the next Cabinet meeting setting out the work required to refresh the Local Plan to ensure that Cheshire East has a secure and robust 5-year housing land supply."*

Councillor S Corcoran spoke on this matter as the proposer of the motion.

The report before Cabinet addressed the issues raised in the motion.

## RESOLVED

That Cabinet notes the explanation given in the report why a recent indicative figure of housing need for Cheshire East published alongside the recent Government consultation paper '*Planning for the right homes in the right places*' cannot be substituted for the current Local Plan housing figure for the purposes of calculating 5 year housing supply.

### 117 NOTICE OF MOTION - UK100

Cabinet considered the following motion which had been moved by Councillor S Corcoran and seconded by Councillor S Hogben at the Council meeting on 14<sup>th</sup> December 2017 and referred to Cabinet for consideration:

*"This Council acknowledges;*

- *the historic commitments made at the 2015 United Nations Climate Change Conference in Paris toward the future of renewable energy;*
- *our responsibility to help secure an environmentally sustainable future for our residents and in relation to the global effects of anthropogenic climate change.*

*This Council subsequently notes that;*

- *despite the Paris Agreement placing no binding commitments upon Local Government institutions, we as a Council can still play our part in the global movement towards a sustainable energy future;*
- *additional benefits of the development of green industries include the potential to create well-paid, high-skilled employment locally, regionally and nationally;*
- *the UK100 Agreement pledge outlines the ambition for the UK regions to exceed the Paris Climate targets through achieving 100% 'clean energy' usage by 2050.*

*In light of this, this Council therefore resolves to;*

- *match the ambitions of the UK100 Agreement through pledging to achieve 100% clean energy across Cheshire East Council's full range of functions by 2050 (defined as 70% from fully renewable sources [Wind, Water, Solar], with the remainder from other low CO2 forms of energy production, in line with ambitious post-2040 energy mix forecasts;*
- *work in partnership with our residents and business community to deliver against the commitments made nationally and internationally at the 2015 Paris Summit;*
- *turn these commitments into reality through developing a 'route map' to a sustainable future, working together with Cheshire*

*East's business, educational and residential communities as part of an integrated approach to a shared sustainable future."*

Councillors S Corcoran and S Hogben spoke on this matter as the proposer and seconder respectively of the motion.

The report before Cabinet addressed the issues raised in the motion.

## **RESOLVED**

That the Executive Director of Place present an Energy Strategy for Cabinet to consider in November 2018.

### 118 **NOTICE OF MOTION - M6 JUNCTION 17**

Cabinet considered the following motion which had been moved by Councillor B Moran and seconded by Councillor G Baggott at the Council meeting on 14<sup>th</sup> December 2017 and referred to Cabinet for consideration:

*"At M6, Junction 17, the delivery of the Local Plan depends on the ability of people to make reliable journeys on Highways England's strategic road network and that the adjacent local roads can cope with the additional traffic that will need to safely access and exit the Junction into the future. The arrival of the HS2 Hub at Crewe will place more demands on the road network in this area, but the growth of traffic on the M6 should not be at the expense of more congestion on local roads which will affect local journeys.*

*Future investment by Highways England into a major upgrade of Junction 17 should be a key consideration of Transport for the North as they commence their process of developing a Strategic Transport Plan for the North which will be the basis for determining Highways England's future programme. Consultation on this Plan starts in the New Year and I propose that the Portfolio Holder for the Environment, in conjunction with the Executive Director for Place, include within the Council's response, support for an early inclusion of a major scheme to improve capacity at Junction 17 in Highways England's next investment period.*

*This Motion reflects the question raised by Fiona Bruce MP, in the House of Commons on 30 November 2017. This concerned the need for improvements at Junction 17 to be prioritised in Transport for the North's Strategic Transport Plan, in order for Cheshire East Council to deliver continuing high levels of economic growth."*

Councillor B Moran spoke on this matter as the proposer of the motion.

Councillor S Corcoran spoke as a local ward member.

The report before Cabinet addressed the issues raised in the motion.

## **RESOLVED**

That Cabinet notes that the issue of capacity at Junction 17 of the M6 and a potential future upgrade to the junction will be addressed in the Council's response to the current consultation on TfN's Strategic Transport Plan, to be considered at the April meeting of Cabinet.

### **119 NOTICE OF MOTION - MAINTENANCE OF HIGHWAYS IN CREWE**

Cabinet considered the following motion which had been moved by Councillor J Rhodes and seconded by Councillor S Brookfield at the Council meeting on 14<sup>th</sup> December 2017 and referred to Cabinet for consideration:

*“This Council should review its current asset led management approach to the repair and maintenance of roads and footpaths in the light of its failure to adequately maintain the highways in the principal town of Crewe.*

*Furthermore, it should institute an open and transparent system for funding and spending on highways, as is currently used for local highways groups. This would prevent any possible accusation of favouritism towards any particular town or ward. The annual assessment of highways and the list of areas to be maintained should also be made available to Councillors and the public.*

*Lastly, a comprehensive scheme of repair for highways in Crewe should be drawn up and submitted to the relevant scrutiny committee, alongside an estimate of the 3 year budget requirement.”*

Councillor J Rhodes spoke on this matter as the proposer of the motion.

The report before Cabinet addressed the issues raised in the motion.

## **RESOLVED**

That Cabinet

1. continues to endorse the evidence-led Asset Management approach for the management and maintenance of the Borough's highway network;
2. notes the Council's performance in achieving the highest banding for the Department of Transport's Incentivised Funding element; and

3. supports the proposals to share the annual highway programmes of work on the Council's website, together with the guidance and factsheets explaining the Council's Asset Management approach.

## 120 **NORTH WEST CREWE PACKAGE - PROCUREMENT STRATEGY**

Cabinet considered a report setting out the proposed procurement strategy for the package of improvements in support of the development masterplan for Leighton; and the procurement path for delivery of the North West Crewe Package.

### **RESOLVED**

That Cabinet

1. notes that the latest total scheme cost estimate for the North West Crewe infrastructure package is £42 million;
2. approves the procurement strategy as set out in paragraph 3.4 for delivery of the North West Crewe Package;
3. authorises the Executive Director Place in consultation with the Director of Legal Services and the Portfolio Holder for Environment to enter into any necessary agreements (or supporting agreements) for the provision of any services required to proceed with all necessary technical work and consultations for the submission of a detailed planning application for the scheme works;
4. subject to the appropriate planning approvals for the scheme works and the associated strategic housing sites and the necessary financial approvals by the Portfolio Holder for Finance and Communications and the Interim Executive Director of Corporate Services (Section 151 Officer) being in place, authorises that the scheme be procured in line with the recommendations set out in the accompanying Procurement Strategy Report at Appendix 1 to the report and authorises the Executive Director Place in consultation with the Acting Director of Legal Services and the Portfolio Holder for Environment to procure the North West Crewe Package using the SCAPE Civil Engineering and Infrastructure Framework;
5. notes that a Cabinet report will be coming forward with further recommendations on the funding strategy and which will set out the approval process for the release of funding to deliver the North West Crewe Package of works and that the funding from Cheshire East resources is subject to affordability and is therefore included in the Addendum to the approved Capital Programme;
6. subject to approval of the funding strategy, the appropriate planning approvals for the scheme works and the associated strategic housing

sites and the necessary financial approvals by the Portfolio Holder for Finance and Communications and the Interim Executive Director of Corporate Services (Section 151 Officer) being in place, authorises the Executive Director Place in consultation with the Acting Director of Legal Services and the Portfolio Holder for Environment to enter into any necessary agreements (or supporting agreements) for the delivery of the North West Crewe Package under a Delivery Agreement set out in the procurement route under paragraph 3.4 using the SCAPE Civil Engineering and Infrastructure Framework; and

7. notes the continued use of the Council's nominated designer using the reach-back arrangement within the current Highway Services Contract to provide design and provision of any services within the scope of the relevant Highway Services Contract and subject to the necessary funding approvals to proceed with the completion of the detailed design and works information, documents and drawings to enable delivery of the works to deliver the North West Crewe Package of new infrastructure works.

121        **NORTH WEST CREWE PACKAGE - APPROVAL TO PROCEED WITH THE COMPULSORY PURCHASE OF LAND REQUIRED TO DELIVER THE SCHEME**

Cabinet considered a report recommending that Cabinet resolve to use compulsory purchase powers to acquire land to facilitate the construction of the North West Crewe Package scheme and associated works to the existing highways network.

**RESOLVED**

That Cabinet

1. authorises the appointment of external solicitors as the Council's additional legal support for the delivery of the scheme acting on behalf of the Council and under the direction of the Acting Director of Legal Services;
2. authorises the Head of Assets to continue negotiations and seek to conclude terms to acquire the land and rights (or extinguish the same) required for the North West Crewe Package Scheme by voluntary agreement and to instruct the Acting Director of Legal Services to draft the necessary documents and to execute such documents including any required for temporary access or use of land, subject to the necessary financial approvals being in place;
3. authorises the Head of Assets to negotiate and approve the payment of relevant and reasonable professional fees incurred by landowners and others with compensateable interests in taking professional advice in connection with the acquisition of their interests required for the scheme and related compensation claims. Also in advancing the

development or implementation of the North West Crewe Package Scheme, subject to the necessary financial approvals being in place;

4. subject to a positive resolution of the Strategic Planning Board to grant planning permission for the scheme and the necessary financial approvals by the Portfolio Holder for Finance and Communication and the Interim Executive Director of Corporate Services (Section 151 Officer) being in place, authorises the use the powers of compulsory purchase to undertake the acquisition of land and new rights required for the construction of the North West Crewe Package Scheme, issue “requisition for information” notices on occupiers and land owners and to authorise:
  - (a) The making of an order (or orders) under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and all other powers as appropriate for the compulsory purchase of land and rights required for the construction of the North West Crewe Package as shown on drawing Nos B1832065-DWG-0100-003 and B1832065-DWG-0100-004 (“the CPO”);
  - (b) The making of a Side Roads Order (or orders) under Sections 8, 14 and 125 of the Highways Act 1980 and all other necessary powers to improve, stop up existing highways, construct lengths of new highway and stop up and provide replacement private means of access as required to deliver the North West Crewe Package (“the SRO”);
  - (c) The Executive Director of Place in consultation with the Director of Legal Services to make any amendments necessary to the contemplated orders arising as a result of further design work or negotiations with landowners and statutory undertakers or affected parties or for any connected reasons in order to enable delivery of the North West Crewe Package;
  - (d) The Executive Director of Place in consultation with the Director of Legal Services to take all appropriate actions to secure the confirmation of the contemplated orders including:
    - (i) To take all necessary action to secure the making, submission to the Secretary of State for confirmation and (if confirmed) implementation, of the Side Roads Order (SRO) and the CPO (“the Orders”) including the publication and service of all relevant notices and for the Director of Legal Services to secure the presentation of the Council’s case at any Public Inquiry and the subsequent service of Notices to Treat and Notices of Entry or, as the case may be, the execution of General Vesting Declarations;

- (ii) To negotiate and enter into agreements and undertakings, prior to or following the making of the Orders, with the owners of any interest in the land effected by the Orders and any objectors to the confirmation of the Orders setting out the terms for the withdrawal of objections to the Orders including where appropriate, the inclusion in and/or exclusion from the CPO of land or new rights or the amendments of the SRO and to authorise the Head of Assets to negotiate and the Director of Legal Services to draft, agree and execute all necessary legal documents to record any such agreements and/or undertakings;
  - (iii) To authorise the Director of Legal Services to appoint suitable counsel to advise and represent the Council at any Public Inquiry held in respect of the Orders and to provide legal support to the project team through the process;
- (e) The Executive Director of Place in consultation with the Director of Legal Services to agree compensation for the acquisition of land and rights acquired compulsorily and in the event that any question of compensation is referred to the Upper Tribunal (Lands Chamber) to authorise the Director of Legal Services to take all necessary steps in connection with the conduct and, if appropriate, settlement of such proceedings, subject to the necessary financial approvals being in place.
5. authorises the Acting Director of Legal Services in consultation with the Executive Director of Place to approve and execute all legal documentation that is considered necessary to give effect to the above.

122      **LOCAL TRANSPORT PLAN REFRESH**

Cabinet considered a report on an updated draft Local Transport strategy, which was now proposed for public consultation.

**RESOLVED**

That Cabinet

1. approves the draft Local Transport Plan strategy (Appendix 2 to the report), which includes the 'Issues and Options' elements of the South East Manchester Multi Modal Strategy (Appendix 3) and a draft high level Parking Strategy (Appendix 4);
2. agrees that these documents be published for Borough-wide public consultation, in accordance with the Engagement Plan (Appendix 1);

and agrees that all final consultation materials will be approved by the Executive Director of Place;

3. notes that the outcomes of the consultation and any subsequent amendments to the Local Transport Plan or associated strategies will be reported to Cabinet for consideration;
4. notes the proposals for reporting to the Overview and Scrutiny Committee, as at paragraph 7.9 of the report; and
5. notes that the development of delivery programmes for transport, during the life of the Local Transport Plan, will be informed by the consultation; and that proposed delivery programmes will be reported to Cabinet as part of a final draft Local Transport Plan in Autumn 2018.

123        **BETTER CARE FUND - AGREEMENT OF SECTION 75 FOR 2018/19 - 19/20**

Cabinet considered a report seeking authority to enter into two new S75 Partnership Agreements from 1st April 2018 with local health partners.

**RESOLVED**

That Cabinet

1. authorises the Executive Director of People in consultation with the Cabinet member for Adult Social Care and Integration to agree terms and enter into two S75 Agreements (Pooled Fund) one with NHS Eastern Cheshire CCG Clinical Commissioning Group (ECCG); and one with NHS South Cheshire Clinical Commissioning Group (SCCCG) for an initial period of one year (2018-19);
2. authorises the Council to enter into a pooled budget(s) for 2018/19 that meet(s) the minimum required budget. In 2018/19 uplifts to all four funding sources mean that the revised Pool will be £31.331m. Disabled Facilities Grant is expected to be £1.89m, the minimum contributions from the Clinical Commissioning Groups are expected to be £11.104m from South CCG and £12.337m from East CCG and the Improved Better Care Fund allocation is £6.0m;
3. authorises the Executive Director of People in consultation with the Cabinet member for Adult Social Care and Integration to decide to extend the agreement for a period of one further year (2019/2020) and that the Council enter into pooled budget(s) agreement for 2019/20, subject to there being a continuing national requirement to operate the Better Care Fund and Improved Better Care Fund as a Section 75 pooled budget agreement for that period;

4. authorises the Better Care Fund Governance Group to continue oversight and responsibility for reviewing the delivery of the agreement; and
5. delegates authority to the Executive Director of People in consultation with the Cabinet member for Adult Social Care and Integration to make decisions and agreements on behalf of the Council in relation to the commissioning of schemes funded by the Better Care Fund.

124        **A DYNAMIC PURCHASING SYSTEM FOR CARE AND SUPPORT FOR PEOPLE WITH A LEARNING DISABILITY AND OR MENTAL HEALTH**

Cabinet considered a report seeking approval to establish a Dynamic Purchasing System for the future procurement of care and support services for individuals eligible for Adult and Children's social care support.

**RESOLVED**

That Cabinet

1. endorses the co-production of a Learning Disabilities and Mental Health Needs 'Dynamic Purchasing System' with statutory partners, neighbouring local authorities, Voluntary Community Faith Sector organisations, and other providers;
2. approves the development of a Dynamic Purchasing System in order to procure and award contracts for Learning Disabilities and Mental Health services, for both Adults and Children's social care; and
3. delegates authority to award contracts to the Executive Director of People.

125        **CONGLETON LEISURE CENTRE - REDEVELOPMENT PROJECT**

Cabinet considered a report seeking approval to appoint a preferred bidder as the Development Partner for the redevelopment of the leisure centre in Congleton. The Appendix to the report contained exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and would be considered under Part 2 of the agenda.

**RESOLVED**

That Subject to the consideration of the Appendix to the report in Part 2 of the agenda, Cabinet

1. notes the findings of the Congleton Leisure Centre, Development Partner Procurement: Final Tender Evaluation Report (Appendix A);

2. approves the selection of Bidder C as the Preferred Bidder;
3. authorises the Executive Director Place in consultation with the Interim Executive Director of Corporate Services and the Acting Director of Legal Services to clarify, specify and optimise the Preferred Bidder's final tender to enable the Council to enter into a legally binding contract with the Preferred Bidder;
4. upon the satisfactory completion of the clarification, specification and optimisation stage, delegates the final decision to award a contract to the Preferred Bidder to the Portfolio Holder for Health in consultation with the Executive Director Place, Interim Executive Director of Corporate Services and the Acting Director of Legal Services;
5. notes that the budget required for the development of the leisure centre is identified in the Council's capital programme approved in February 2017;
6. authorises the Executive Director Place in consultation with the Interim Executive Director of Corporate Services to negotiate a reduction in the management fee payable to the incumbent operator, Everybody Sport and Leisure, in recognition of the expected transformation of the operating performance; and
7. notes the potential implications for Facilities Management, Public Realm and Highways budgets in future years.

126        **REVIEW OF ALTERNATIVE SERVICE DELIVERY VEHICLES  
(ASDVS)**

Cabinet considered a report summarising the key recommendations following a review of the Council's alternative service delivery vehicles. The Appendices to the report contained exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and would be considered under Part 2 of the agenda.

The Portfolio Holder for Finance and Communication emphasised that he was committed to ensuring that the proposed shareholder committee was made up of those with the skills and experience appropriate to delivering the role the committee needed to deliver, even if that meant extending the membership of the committee beyond the Cabinet membership. However, in light of advice contained in the report that executive functions could only be discharged by executive members, there was a need to amend slightly the recommendations in the report. The amended recommendations were read out at the meeting.

**RESOLVED**

That subject to the consideration of the Appendices to the report in Part 2 of the agenda, Cabinet

1. notes the contents of the report, the findings and recommendations of the Edge report set out in Appendices A and B, and endorses the need for an ASDV change programme;
2. approves the creation of a Cabinet Committee named the Shareholder Committee which will give advice and direction to the Cabinet member(s) with legal responsibility for making ASDV shareholder decisions; and
3. instructs the Shareholder Committee to design and oversee the implementation of an ASDV change programme.

127        **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 Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

Note: with the agreement of the Monitoring Officer and the Chairman in accordance with paragraph 48.4 of the Access to Information Procedure Rules, Councillors Rhoda Bailey, B Burkhill, D Flude, M Grant and B Moran remained in the meeting and received the Part 2 papers.

128        **CONGLETON LEISURE CENTRE - REDEVELOPMENT PROJECT**

Cabinet considered the confidential appendix to the report in Part 1 of the agenda.

**RESOLVED**

That having considered the Appendix to the report, Cabinet reaffirms its decision on this matter.

129        **REVIEW OF ALTERNATIVE SERVICE DELIVERY VEHICLES (ASDVS)**

Cabinet considered the confidential appendices to the report in Part 1 of the agenda.

**RESOLVED**

That having considered the Appendices to the report, Cabinet reaffirms its decision on this matter.

The meeting commenced at 1.00 pm and concluded at 4.10 pm

Councillor L Wardlaw (Chairman)