

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Monday, 14th February, 2011 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, A Knowles, J Macrae,
P Mason and R Menlove.

Councillors in attendance:
Rhoda Bailey, D Flude, D Hough, S Jones, A Moran, B Silvester,
D Thompson, A Thwaite, G Walton and R Westwood.

Officers in attendance:
Chief Executive, Administration and Appeals Manager (Education), Assets
Manager, Benefits Manager, Borough Treasurer and Head of Assets, Director
of Adults, Community Health and Wellbeing, Director of Children and Families,
Head of Planning and Policy, Head of Policy and Performance, Head of HR
and Organisational Development, Head of Regeneration and Interim Borough
Solicitor.

126 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

127 **DECLARATIONS OF INTEREST**

Item 19 (Key Decision 10/11-75 Tatton Park Vision) Councillor G
Walton declared a personal interest in this item by virtue of being
Chairman of the Tatton Board.

128 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from Members of the public.

129 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 17 January 2011 be approved as
a correct record.

130 **KEY DECISION 10/11-79 CONSULTATION ON PROPOSAL TO
CLOSE MACCLESFIELD HIGH SCHOOL AND PUBLICATION OF
STATUTORY NOTICES**

Consideration was given to a report detailing the background to the proposal, and the outcome of the recent consultation, on the proposed closure of Macclesfield High School on 31 August 2011 upon the establishment of an 11-16 Academy in September 2011. The permission of Cabinet was sought to publish notices that would enable the Local Authority to comply with its statutory duty in respect of the discontinuance of a school.

Appended to the report was a copy of the consultation document, frequently asked questions, a detailed summary of the feedback received on the proposal and a copy of the formal feedback log.

RESOLVED

1. That authorisation be given for the publication of statutory notices for the closure of Macclesfield High School on 31 August 2011.
2. That the closure of Macclesfield High School be approved to take effect only if by the date of closure an agreement has been made under section 482(1) of the Education Act 1996 for the establishment of an Academy to replace the School.

131 **KEY DECISION 10/11-68 ESTABLISHMENT OF A PUPIL
REFERRAL UNIT**

Consideration was given to the establishment of a pupil referral unit for up to thirty secondary school age, permanently excluded, pupils. Under Section 19 of the Education Act 1966 Local Authorities have a statutory duty to make arrangements for pupils who are resident in the Local Authority area, who are permanently excluded from school, and who are not on the role of a school. The proposal was to base the unit on two sites with effect from 1 April 2011.

RESOLVED

That approval be given to the establishment of a Pupil Referral Unit, for up to thirty secondary aged permanently excluded pupils, based on two sites from 1 April 2011.

132 **KEY DECISION 10/11-74 SHARED PROPERTY ASSETS**

Councillor Hilda Gaddum left the meeting prior to consideration of this item and did not return.

Consideration was given to the provisional agreement between Cheshire East and Cheshire West and Chester Councils regarding the

disaggregation of various property assets following Local Government Reorganisation. The agreement followed detailed discussions and negotiations between the parties and covered all outstanding issues with the exception of the particular issues identified in the report which would be the subject of separate negotiations in the future.

Members were asked to note that the surplus property referred to in 2.1.3 63/65 Wheelock Street, was in Middlewich and not Crewe as stated in the report.

RESOLVED

1. That the Borough Treasurer and Head of Assets enter into an agreement with Cheshire West and Chester Council and that the following properties shall vest in Cheshire East Council, with Cheshire East Council assuming full responsibility for their future management and associated costs, including any future liability accruing in respect of dilapidations at the end of any lease term, as from 1 January 2011.

Corporate Administrative Buildings

Chapel Lane, Wilmslow
Delamere House, Crewe
Riverside Mill, Congleton
Dalton House, Middlewich

Tatton Park, Knutsford

Surplus Properties

The Moss Macclesfield
Pyms Lane, Crewe,
63/65 Wheelock Street, Middlewich
Depot Site Newhall Avenue, Sandbach
Trinity Court, Risely Street, Macclesfield
Land at Lyon Street, Crewe

2. That the Borough Treasurer and Head of Assets enter into an agreement with Cheshire West and Chester Council that the following properties shall vest in Cheshire West and Chester Council with Cheshire West and Chester Council assuming full responsibility for their future management and associated costs, including any future liability accruing in respect of dilapidations at the end of any lease term, as from 1 January 2011.

Corporate Administrative Buildings

Richard House, Chester
Watling Street, Northwich
Backford Hall, Chester
Goldsmith House, Chester
Nexus House, Chester

Phoenix House, Winsford
Merchant House, Chester
Nicholas House, Chester
Castle Square Car Park, Chester – Remnant of Title
following earlier completed transfer of County Hall, Chester.

Surplus Properties

The Beacons, Frodsham Hill
Sherwood Court, Helsby
Winsford Highways Depot, Winsford
New Bridge Road, Ellesmere Port

Outdoor Education Centres

Burwardsley Outdoor Education Centre (OEC)
Beeston OEC
Tattenhall OEC
Delamere OEC
Conway Centre Anglesey

3. That the Borough Treasurer and Head of Assets enter into an agreement with Cheshire West and Chester Council that those farms declared surplus to requirements by the former Cheshire County Council and located in the geographical area of Cheshire East Council shall vest solely in Cheshire East Council.
4. That the Borough Treasurer and Head of Assets enter into an agreement with Cheshire West and Chester Council that those farms declared surplus to requirements by the former Cheshire County Council and located in the geographical area of Cheshire West and Chester Council shall vest solely in Cheshire West and Chester Council.
5. That in consideration of the agreements reached in 1 to 4 above, the Borough Treasurer and Head of Assets be authorized to accept a payment of £2.34million from Cheshire West and Chester Council to Cheshire East Council.

133 **KEY DECISION 10/11-76 INTERIM PLANNING POLICY ON
RELEASE OF HOUSING LAND**

Consideration was given to responses to the consultation on the draft Interim Planning Policy on the Release of Housing Land, to manage the release of additional land as an interim measure pending the adoption of the Local Development Framework Core Strategy. Revisions were now proposed in the light of comments received.

Since the report had been prepared Natural England had submitted its comments and the resulting amendments were circulated prior to the

meeting along with updated information on the number of representations received. It was noted that the Environment and Prosperity Scrutiny Committee had considered and approved the report and amendments at its meeting on 8 February 2011.

The Council was due to consider the matter at its meeting on 24 February 2011 and Cabinet recommended that:-

RESOLVED

1. Council approves the housing requirement figure of 1150 net additional dwellings to be delivered annually, to be used pending the adoption of the Local Development Framework Core Strategy.
2. Council adopts the Interim Planning Policy on the Release of Housing Land as set out in Appendix 2, subject to the revisions and updates now reported, and agrees that it be used in the determination of planning applications.

134 KEY DECISION 10/11-77 INTERIM PLANNING STATEMENT ON AFFORDABLE HOUSING

Consideration was given to the draft Interim Planning Statement on Affordable Housing, to responses received during the consultation process, and to proposed revisions in the light of comments made.

It was noted that since the report had been prepared it had been considered and approved by the Environment and Prosperity Scrutiny Committee at its meeting on 8 February. In addition, prior to the meeting, an amendment to correct a typographical error in the report was circulated.

The Council was due to consider the report at its meeting on 24 February 2011 and Cabinet recommended that: -

RESOLVED

Council adopts the Interim Planning Statement on Affordable Housing, set out in Appendix 2 of the report, subject to the revisions now reported, and agrees that it be used in the determination of planning applications.

135 KEY DECISION 10/11-81 BUSINESS PLANNING PROCESS 2011/14 BUDGET REPORT

During consideration of this item Councillor Dorothy Flude declared a personal interest by virtue of being a member of the Schools Forum.

Consideration was given to the Council budget for 2011/12 which had been produced following engagement on the pre budget report issued in January. The budget set out in detail the spending plans and income

targets for the financial year starting 1 April 2011, as well as financial estimates for the next two financial years.

At the time the report had been prepared the final formula grant allocations remained to be confirmed; it was reported that there had been no change to the allocations.

The budget was due to be considered by the Council at its meeting on 24 February 2011, and the Cabinet made its recommendations as follows:-

RESOLVED

1. That the results of the Budget Engagement exercises undertaken by the Council, detailed in Appendix A, be noted.
2. That the comments of the Borough Treasurer and Head of Assets (Chief Finance Officer), regarding the robustness of estimates and level of reserves held by the Council based on the budget detailed in Appendix B (Comment from Borough Treasurer) be noted.
3. That Council be recommended to approve the 2011/2012 Budget Report, detailed in Appendix B.
4. That Council be recommended to approve the three-year Capital Programme for 2011/2012 to 2013/2014, detailed in Appendix B, paragraphs 52 to 63 and Annex 6.
5. That Council be recommended to approve a Band D Council Tax of £1,216.34, this being no change from 2010/2011.
6. That Council be recommended to approve the Reserves Strategy, detailed in Appendix B, Annex 8.
7. That the 2011/2012 non ring fenced Specific Grants (excluding Dedicated Schools Grant) be agreed, detailed in Appendix B, paragraphs 18 to 22, and that Portfolio Holders be authorised to agree any necessary amendment to particular grants within their area of responsibility in the light of further information received from Government Departments or other funding bodies.
8. That the 2011/2012 Dedicated Schools Grant of £229.6m and the associated policy proposals, detailed in Appendix B paragraphs 23 to 33 and Annex 6, be agreed.
9. That the Children and Family Service Portfolio Holder be authorised to agree any necessary amendment to the Dedicated Schools Grant position in the light of further information received from DfE, pupil number changes and the actual balance brought forward from 2010/2011.

10. That Council be recommended to approve the Prudential Indicators for Capital Financing, detailed in Appendix B, paragraphs 62 and 63 and Annex 5.
11. That the risk assessment, detailed in Appendix B, paras 82 to 84 of the report and Annex 7, be noted.

136 **CORPORATE PLAN 2011-2013 (YEAR 3)**

Consideration was given to amendments to the Corporate Plan, as part of an annual review in parallel with budget setting. The Plan set out the framework for policy development within the Council which was then translated into objectives and actions for delivery; it therefore needed to reflect the financial planning undertaken in the budget setting process so as to ensure that the Council was able to deliver its priorities for action.

The updates to the Corporate Plan were due to be considered by the Council at its meeting on 24 February 2011 and Cabinet recommended that: -

RESOLVED

Council approves the updates to the Corporate Plan, noting that there may be need for further editorial amendments and updating following budget setting.

137 **TREASURY MANAGEMENT STRATEGY AND MINIMUM REVENUE PROVISION STATEMENT 2011/12**

The Cabinet considered the Treasury Management Strategy for 2011/12 to 2013/14, including the prudential indicators and limits required under Part 1 of the Local Government Act 2003, the Annual Investment Strategy 2010/11, and the Minimum Revenue Provision statement for the redemption of debt for 2011/12.

The Treasury Management Strategy is defined as the management of the Council's investment and cash flows, its banking, money market and capital transactions, the effective control of risks associated with those activities and the pursuit of optimum performance consistent with those risks.

The Strategy was due to be considered by the Council at its meeting on 24 February 2011 and the Cabinet recommended that:-

RESOLVED

Council be recommended to approve the Treasury Management Strategy and the Minimum Revenue Provision Statement 2011/12. The Strategy

includes the Department for Communities and Local Government reporting requirements in accordance with the Local Government Investments Guidance under Section 15(1) (a) of the Local Government Act 2003 (Appendix A).

138 RISK MANAGEMENT UPDATE REPORT

Consideration was given to the Council's risk management processes including what the key risks are and how they are evaluated, managed and reviewed. Included in the report was a summary of the management of the key corporate risks and the assessment methodology. Risks are reviewed by the Corporate Risk Management Group and its effectiveness is reviewed by the Audit and Governance Committee.

RESOLVED

1. That the key corporate risks, detailed in Appendix A of the report, be noted.
2. That Cabinet receive an annual risk report providing progress on all identified key risks and, in addition, Portfolio Holders be updated regularly on the management of risks relating to their individual areas via the risk owners.

139 STRATEGIC HOUSING AUDIT COMMISSION INSPECTION

The Council had been inspected on its approach to housing by the Audit Commission in October 2010; consideration was given to a summary of its findings highlighting the strengths, areas for improvement and recommendations. The Council had achieved a score of 'Fair' for its service quality, and it was noted that no other Authority had achieved better than this, with 'Promising' prospects for improvement.

RESOLVED

1. That the report be noted.
2. That the Strategic Director Places be requested to draw up an action plan to address the areas for improvement highlighted by the Audit Commission.
3. That the Strategic Director Places be authorized to take all necessary actions to implement and deliver the action plan.

140 BENEFITS SERVICE INSPECTION

The Audit Commission had inspected the Benefits Service in August 2010 and consideration was given to its outcome. Housing and Council Tax Benefits are fundamental in supporting the Council's priorities, ensuring residents of the Borough receive the benefits to which they are entitled, to

reduce poverty, support people into work and assist in the provision of suitable and affordable housing. The Council had achieved a score of 'Fair' for its service quality with 'Promising' prospects for improvement.

RESOLVED

1. That the report be noted.
2. That the Borough Treasurer and Head of Assets monitor the action plan to address the areas of improvement highlighted by the Audit Commission.

141 **2010/11 QUARTER THREE PERFORMANCE REPORT**

Consideration was given to this report and to detailed information on the performance of the Council during the first nine months of 2010/11. Performance reporting and a focus on improvement are fundamental to achieving the long term ambitions of the Council and performance information is vital in ensuring that it understands its performance in key areas and addresses issues of underperformance.

RESOLVED

That the report be noted.

142 **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, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

143 **MANAGING WORKFORCE CHANGE - SEVERANCE PROVISION**

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

RESOLVED

1. That the content of the report, and the review of the Council's current voluntary severance terms, be noted.
2. That the terms as detailed in section 10.1 (i) to (iii) of the report continue to apply from 1 April until 30 September 2011.

3. That from 1 April until 30 September 2011, approval be given for employees in a compulsory redundancy situation, to choose to take voluntary redundancy and leave with the terms outlined in section 10.1 (i) to (iii) of the report or proceed through the compulsory redundancy process and leave with the terms of 10.1 (i) plus contractual notice.
4. That the Council's severance scheme and related practices be reviewed again before 30 September 2011.
5. That Cabinet supports the decision of the Chief Executive to release the employees whose roles are listed as 1 to 113 in Appendix A of the report under the arrangements agreed in relation to voluntary severance provisions for employees in the Council.
6. That Cabinet notes the employees listed as 114 to 160 in Appendix A of the report who may become compulsorily redundant and would receive payments under the arrangements agreed in relation to severance provisions for employees.

144

KEY DECISION CE10/11-75 TATTON PARK VISION

Councillor George Walton had declared a personal interest in this item.

Consideration was given to a report of the Strategic Director Places.

RESOLVED

1. That agreement be given to the principle of progressing negotiations with the "Tatton Vision".
2. That Officers be authorised to obtain further specialist advice as necessary and to negotiate the most advantageous terms for the Council.
3. That Cheshire East Council agrees in principle to explore the possibility of fully funding the Capital build of the project.

The meeting commenced at 2.00 pm and concluded at 4.50 pm

W Fitzgerald (Chairman)