

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Tuesday, 12th November, 2013 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

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

Councillors Rachel Bailey, J P Findlow, L Gilbert, B Moran, P Raynes,  
D Stockton and D Topping

## **Members in Attendance**

Councillors Rhoda Bailey, L Brown, K Edwards, M Grant, P Groves,  
P Hoyland, F Keegan, P Mason, R Menlove, A Moran, B Murphy, H Murray,  
D Newton, P Nurse, J Saunders, A Thwaite, S Wilkinson

## **Officers in Attendance**

Mike Suarez, Lorraine Butcher, Peter Bates, Suki Binjal, Caroline Simpson,  
Brenda Smith and Paul Mountford

## **Apologies**

Councillor J Clowes

## **86 DECLARATIONS OF INTEREST**

Councillors R Menlove and A Thwaite declared non-pecuniary interests in an item relating to the disposal of land at Remenham as directors of the East Cheshire Engine of the North Development Company.

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

There were no members of the public wishing to speak.

## **88 QUESTIONS TO CABINET MEMBERS**

Councillor Groves asked the Leader if he was aware of a press release by the Labour Group which questioned why the Council was pressing ahead with changes to waste services given a delay in implementing the Council's new management structure. The press release went on to say that the creation of a wholly-owned company for waste services was a way of achieving savings at the expense of the pay and conditions of the workforce. Councillor Groves circulated copies of the press release.

The Leader responded that he had heard a rumour about the matter and had invited waste management staff to attend the meeting to give their views. Union and workforce representatives present at the meeting

commented that they had been consulted on the formation of a wholly-owned company and that discussions with Cabinet members and senior managers had been positive and constructive. The Leader thanked the staff and union representatives for their comments.

Councillor Topping, Portfolio Holder for Environment, added that there had been full and frank discussions with staff and union representatives to discuss the options for the future delivery of waste services and that there had been a favourable response to the idea of a wholly-owned company.

Councillor K Edwards sought the views of the Portfolio Holder for Children and Family Services on the proposal to extend the 15 hours a week offer of education to two year olds and asked what would be done to ensure that families could take up the offer.

Councillor Rachel Bailey, Portfolio Holder for Children and Family Services and Rural Affairs, responded that funding had been agreed for about 320 children initially, to be increased to 400 by March 2014. Beyond that, the eligibility criteria would be widened. Suitable publicity for the scheme would be arranged.

Councillor K Edwards asked if the conditions of service of the workforce of the new wholly-owned waste management company would be published.

The Leader responded that staff would be transferred to the new company under their existing terms and conditions of employment in accordance with TUPE arrangements, and that no changes to the terms and conditions were planned.

Councillor K Edwards asked if the Leader of the Council had the legal right to deny the residents of Macclesfield a ballot on whether to have a town council.

The Leader responded that a ballot had not been ruled out but that there might be more effective means of obtaining the views of the people of Macclesfield, for instance by visiting schools, hospitals and elderly people's homes to speak to people direct. He would await the report of the Community Governance Review Sub-Committee but emphasised the Council's commitment to supporting local democracy.

Councillor B Murphy asked whether, if sufficient numbers of people signed a petition, the Council would be required to hold a ballot of the people of Macclesfield on whether to have a town council. The Leader repeated his earlier comments on the matter.

Councillor P Nurse referred to a recent external audit report in which the Council was criticised for not being specific about the effects of cuts in expenditure and for being poor at achieving value for money. He asked for an assurance that the criticisms would be addressed.

The Leader responded by saying that the Council would always aim to reduce waste as a priority and would seek to ensure that it delivered value for money. He indicated that he would be bringing something forward to the December Council.

Councillor P Raynes, Portfolio Holder for Finance, added that he welcomed the auditor's comments as a way of helping the Council to improve its performance and he intended to take a report to the Audit and Governance Committee addressing the issues raised. He undertook to meet Councillor Nurse to discuss the matter further.

Councillor D Newton referred to the transfer of staff to the new wholly-owned waste management company and asked for how long the TUPE terms and conditions were guaranteed. The Leader repeated his earlier comment that there were no plans to change the workforce's terms and conditions but he added that if anything changed in the future as a result of circumstances which were beyond the Council's control, the unions and staff would be fully involved.

#### **89 MINUTES OF PREVIOUS MEETING**

##### **RESOLVED**

That the minutes of the meeting held on 15<sup>th</sup> October 2013 be approved as a correct record.

#### **90 REVISED STATEMENT OF LICENSING POLICY**

Cabinet considered the final draft of the Revised Statement of Licensing Policy which was being recommended to Council by the Licensing Committee.

The Council was required to review its existing statement of principles and publish a revised version by 31<sup>st</sup> January 2014, having consulted those stakeholders identified by the legislation.

##### **RESOLVED**

That Cabinet support the recommendation of the Licensing Committee that the Council resolves to adopt the revised Statement of Licensing Policy (Appendix 1 to the report) to take effect on 1<sup>st</sup> February 2014.

#### **91 RURAL PROOFING AND CREATING RESILIENT RURAL COMMUNITIES**

Cabinet considered a report setting out proposals to implement Rural Proofing, and which sought approval to develop a Rural Statement and regular Rural Summits. The proposals were designed to ensure that rural issues were firmly on the Council's agenda, and that there was an appropriate balance between the needs of urban and rural areas.

The report included a draft Rural Proofing Checklist, based on national guidelines and best practice at other predominantly rural local authorities, which would be used by decision-makers to rural proof key decisions to ensure that rural areas achieved the best and fairest deal from Cheshire East Council policy.

## **RESOLVED**

That

1. the Rural Proofing Checklist set out in Appendix 1 to the report be approved as an effective means of rural proofing for key decisions, and Rural Proofing be embedded into the Council's Commissioning Cycle and Impact Assessments;
2. Rural Summits be developed as a mechanism which enables partners to work collaboratively on rural priorities; and
3. a Rural Statement be developed which identifies the Council's rural priorities and joint action.

## **92 HANDYPERSON AND MINOR ADAPTATIONS SERVICE (FORWARD PLAN REF. CE 13/14-34)**

Cabinet considered a report seeking approval to conduct a procurement exercise to tender for a handyman and minor adaptations service.

Cheshire East Council was committed to helping people to stay in their own homes and remain as active and independent as possible. To support this, a number of services were provided for vulnerable people, including the handyman and minor adaptations service.

The Handyman and Minor Adaptations service was currently delivered in-house by the Strategic Housing service. As a result of a Strategic Housing review, the service had been identified as suitable for delivery by an alternative provider, which had been confirmed through market testing. The report sought permission to conduct the necessary procurement exercise.

## **RESOLVED**

That

1. the officers be authorised to conduct a procurement exercise to tender for a Handyman and Minor Adaptations Service, the tender to secure a contract for the provision of the service for three years with the option to extend the contract for up to a further two years subject to satisfactory performance; and

2. the Director of Economic Growth and Prosperity be given delegated authority in consultation with the Portfolio Holder for Housing, Planning, Economic Development and Regeneration to award the contract to the highest scoring bidder following a legally compliant procurement exercise and subsequently enter into a contract with the successful bidder.

**93 HELPING VULNERABLE PEOPLE TO STAY INDEPENDENT USING ASSISTIVE TECHNOLOGY (FORWARD PLAN REF. CE 13/14-55)**

Cabinet considered a report seeking approval for a continued and increasing Council spend on assistive technology equipment and services with the aim of enabling people to remain in their own homes and remain as active and independent as possible.

Assistive Technology, including Telecare, was a range of equipment services provided in people's own homes to enable them to remain independent and safe.

There were currently two contracts which combined to form assistive technology services: a contract for purchase of the equipment and a contract for purchase of the services that supported the use of the equipment. The contract for purchase of the equipment (contract A) was secured through a government framework agreement and it was proposed that this arrangement continue. The current contract for services (contract B) was due to expire on 31<sup>st</sup> March 2014. A procurement exercise was required for this to ensure continuity for existing customers and to support the increasing use and development of the services.

**RESOLVED**

That

1. Cabinet approves a continued and increasing Council spend on assistive technology equipment (Contract A) to a cumulative maximum of £2.1 million over 5 years, which includes Council expenditure as follows:
  - § Current eligible customers under Fair Access to Care services; £1.5 million
  - § Extra care housing customers (Supporting People funding currently); £0.6 million
2. Cabinet approves a higher total ceiling on the contract for equipment (Contract A) of £3.6 million over 5 years to allow for health and other partner spend in future to be purchased through the Council;
3. Cabinet approves a procurement exercise to retender for assistive technology services (Contract B). This tender will secure a call-off contract under an existing Framework Agreement by undertaking a mini-

competition exercise with a supplier for up to four years, 2 years initially, with possible extensions of two one year terms;

4. Cabinet approves a continued and increased Council spend on assistive technology services (Contract B) to a cumulative maximum total of £4.6 million over five years, which includes Council expenditure as follows:
  - § Current FACs eligible customers: £ 2.5 million
  - § Extra Care housing customers: £ 2.1 million
5. Cabinet approves a higher total maximum level of spend under the call-off contract for assistive technology equipment services(Contract B) than the Council maximum in order to allow for future purchasing on behalf of partner organisations including health. That maximum to be set at a cumulative total over the five years of £6.2 million;
6. authority be delegated to the Director of Adult Social Care to award the call-off contract to the highest scoring bidder following a legally compliant procurement exercise and subsequently to enter into contracts;
7. authority for the allocation of actual Council spending, up to the maximum approved in this report, be delegated to the Director of Adult Social Care, as part of the budget-setting process;
8. authority to work in partnership with and jointly commission assistive technology equipment and services on behalf of CCGs, health and other partners in future be delegated to the Director of Adult Social Care, subject to any further approvals required in accordance with the Council's Constitution.

**94 STRATEGIC INFRASTRUCTURE - POYNTON RELIEF ROAD  
(FORWARD PLAN REF. CE 13/14-51)**

Cabinet considered a report outlining a number of key tasks to be progressed in connection with the proposed Poynton Relief Road, specifically to enable a revised programme to be achieved to deliver the relief road and any A523 corridor improvements subject to the residual funding being identified.

The Leader and Deputy Leader of the Council undertook to involve local members in the key stages of the project and associated governance arrangements.

**RESOLVED**

That

1. Cabinet endorses the successful £5.62m funding allocation through the Cheshire and Warrington Local Transport Body process and the

inclusion of the scheme and A523 corridor strategy in the Growth deal bid to Government;

2. a DfT compliant business case be developed to allow access to this funding;
3. the objectives of the scheme be defined as:
  - § To support the economic, physical and social regeneration of Poynton and the North of the Borough, in particular Macclesfield.
  - § To relieve existing Village centre traffic congestion and HGVs and reduce traffic on less desirable roads on the wider network.
  - § To deliver a range of complementary measures on the A523 corridor to Macclesfield that addresses Road Safety, Congestion and mitigates the wider environmental impact of traffic.
  - § To improve strategic transport linkages across the Borough, including improving a key strategic link between the A6-MARR, Macclesfield and the M6 thereby facilitating wider economic and transport benefits including higher GVA and job creation.
  - § To allow improvements to the highway network for walking, cycling and public transport
4. the corridor of interest for new possible routes for PRR be agreed as shown in Appendix A to the report;
5. approval to proceed to public consultation on possible new routes for PRR be delegated to the Director of Economic Growth and Prosperity in consultation with the Portfolio Holder for Strategic Communities;
6. the extended scheme programme (Appendix C) be delivered with the following key milestones:

Task	Start	Finish
1. Revised Preferred Route announcement	Ongoing	May 2014
2. Preliminary Design including improvements to the A523 corridor to Macclesfield and scoping a wider multi modal strategy.	May 2014	February 2015
3. Scheme Business Case	May 2014	May 2015

4. Environmental Surveys	May 2014 (Indicative dates)	May 2015 (Indicative dates)
5. Environmental Statement	February 2015 (Indicative dates)	August 2015 (Indicative dates)
6. Planning Application	August 2015 (Indicative dates)	January 2016 (Indicative dates)

7. the revised budget profile as set out below be noted:

§ £0.350m 2013/14

§ £0.650m 2014/15

§ £0.150m 2015/16

Total £1.150m

8. the scope of the brief be extended to consider measures to address safety, environmental and congestion issues on the A523 corridor between the end of the proposed PRR and the end of the Silk Road in Macclesfield, including undertaking a wider multi modal study to manage traffic growth on the A523 corridor;
9. the necessary professional services for these tasks continue to be procured through the current Highway Services Contract (Ringway Jacobs) subject to the Strategic Infrastructure Manager being assured of value for money;
10. the project governance structure as set out in Appendix B be approved;
11. it be noted that the Highway Agency intends to remove its route protection for PRR in the near future and that Cheshire East Council will become liable for blight costs associated with the route protection of PRR as contained in the extant Macclesfield Borough Council Local Plan;
12. Stockport MBC be requested to maintain and broaden its Local Plan protection for PRR along a corridor of interest that lies within its boundaries until such time as Cheshire East Council provides a revised route and, if necessary, to indemnify Stockport MBC against any blight claims it may receive as a result of its route protection for PRR (Appendix A).

**95 DISPOSAL OF LAND AT REMENHAM, CHAPEL LANE, WILMSLOW  
(FORWARD PLAN REF. CE 13/14-59)**

Cabinet considered a report seeking approval for the disposal of the Remenham site in Wilmslow to generate a capital receipt and for housing supply, led by Engine of the North.

The disposal of the site was in accordance with the Council's strategy to use its asset base to assist housing supply and create jobs. The new East Cheshire Engine of the North development company would be the primary vehicle for achieving this.

## **RESOLVED**

That

1. the Council-owned land at Remenham, Chapel Lane, Wilmslow be disposed of on terms and conditions to be determined by the Director of Economic Growth and Prosperity and Interim Head of Legal Services; and
2. if the officers conclude that any land within the property is open space, the Council's intention to dispose of that land be advertised and the Portfolio Holder for Prosperity and Economic Growth be authorised to consider any objections received.

### **96 RE-PROCUREMENT OF OFFICE SUPPLIES (PAPER, STATIONERY AND PRINT CONSUMABLES) (FORWARD PLAN REF. CE 13/14-60)**

Cabinet considered proposals for the procurement of office supplies.

There were currently two separate contracts for the supply of general stationery and print consumables respectively, which were due to expire on 31<sup>st</sup> January 2014. It was proposed that a new contract term be procured for a period of two years with two extension periods both of 12 months. The proposed contract value over the full four years was estimated at £800,000. The most expedient, cost-effective route was to utilise a public sector framework and to undertake a mini-competition using the Government Procurement Service (GPS) framework for Office Supplies RM781. It was anticipated that significant savings would be achieved.

## **RESOLVED**

That

1. Cabinet approves the procurement route of utilising a public sector framework agreement managed by Government Procurement Service (GPS) by undertaking a mini competition and e-auction to secure both savings and value for money in its office supplies provision for the Council for the period 2014 to 2018; and
2. delegated authority be given to the Chief Operating Officer in consultation with the Portfolio Holder for Corporate Policy to award a single contract to the highest scoring bidder following a legally compliant procurement exercise, and subsequently to enter into a contract, the specification to include a quality element, seeking bids

which comply with the core requirements of lodged card payment capability, internally agreed MI specification and twice weekly consolidated delivery.

## 97 2013/2014 MID-YEAR REVIEW OF PERFORMANCE

Cabinet considered a report on the Council's financial and non-financial performance at the mid-year stage of 2013/2014.

The Portfolio Holder for Finance reported that the Council's financial and non-financial performance at mid-year showed a significant improvement on the first quarter and in comparison with previous years. He was working with officers to address the small deficit forecast in the report.

Annex 1 to the report gave summary and detailed information about the Council's financial and non-financial performance at the mid-year stage. There had been an improvement in the financial position since the first quarter, and a substantial improvement compared to previous years.

The report identified any approvals required for supplementary estimates or virements.

Councillor S Wilkinson, Chairman of the Corporate Scrutiny Committee, commented that the report had been considered by the Committee at its meeting on 11<sup>th</sup> November. The Committee had welcomed the improving position in the first quarter in relation to finance and performance. However, it has expressed disappointment at the recent decision to stop green waste collections early this year, and had asked that Cabinet be informed of the Committee's view that the scrutiny of the new service delivery vehicles should be recognised as a formal scrutiny function and that such arrangements should be written into the articles of association for each of the new companies. Finally, the Committee had expressed its appreciation of the progress made in repairing potholes across the Borough.

### RESOLVED

That

#### 1. Cabinet notes:

- § the summary of performance against the Council's 5 key outcomes (Section 1 of the report);
- § the projected Service revenue and capital outturn positions, overall financial stability of the Council, and the impact on the Council's general reserves position (Section 2);
- § the delivery of the overall Capital Programme (Section 2, paragraphs 122 to 124 and Appendix 4);

- § reductions in the approved capital programme (Appendix 5);
- § Supplementary Capital Estimates and Virements up to £250,000 In accordance with Finance Procedure Rules (Appendix 6a);
- § Treasury Management investments and performance (Appendix 7);
- § the Council's invoiced debt position (Appendix 9);
- § Workforce Development and staffing issues (Section 3).

2. Cabinet approves:

- § Supplementary Capital Estimates and Virements over £250,000 but under £1m in accordance with Finance Procedure Rules (Appendix 6b);
- § Supplementary Revenue Estimates to be funded by additional specific grant (Appendix 8).

3. Cabinet recommends that Full Council approve:

- § Supplementary Revenue Estimate of £46,500 for development of Dragons Den initiatives to be funded from General Reserves (Section 3, paragraph 151).

Before closing the meeting, the Chairman announced that Richard Hennahane from Adult Services had won a gold medal for Great Britain at the World Para-Archery Championships in Bangkok last week.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

M Jones (Chairman)