

# CHESHIRE EAST COUNCIL

## Cabinet

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**Date of Meeting:** 11<sup>th</sup> November 2014  
**Report of:** Director of Adult Social Care and Independent Living  
**Subject/Title:** Cheshire East Council Partnership with Congleton College  
(Phase 1)  
**Portfolio Holder:** Councillor Janet Clowes, Care and Health in the Community

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### 1 Report Summary

- 1.1 The aim of the project is for Cheshire East Council to work in partnership with Congleton College to provide a unique opportunity for young people to receive training and employability skills in a care setting and develop a ground-breaking community resource that will advance to meet the changing needs of the community.
- 1.2 The selected care setting is Mountview in Congleton. The current day-care provision at Mountview will continue to be provided by the Council's in house provider service, Care4CE.

### 2 Recommendations

- 2.1 That Cabinet consider and endorse the proposal to work in partnership with Congleton College to develop this pioneering centre in Congleton.
- 2.2 That Cabinet agree to grant a lease for Mountview to Congleton College with a form of leaseback arrangement to Cheshire East Council for the day-care centre element.
- 2.3 That Cabinet delegate responsibility to the Director of Economic Growth and Prosperity in conjunction with the Portfolio Holder to execute the leases.
- 2.4 That Cabinet give approval to officers to explore the option of TUPE of building maintenance and selected other staff (those not directly involved in the day-care provision) to Congleton College.

### 3 Reasons for Recommendations

- 3.1 This project meets the aims of Outcomes 1, 2, 3 and 5 of Cheshire East Council Three Year Plan.

- Outcome 1 –
  - The centre will develop a thriving and vibrant community resource that will develop to meet the changing needs of the community.
  - The centre will be established as a resource that facilitates the provision of wider services such as support for the local residents in sheltered housing and other social care and health services.
  - The centre will link the younger generations with the elderly community whilst training and preparing the next generation of carers and professionals for the health and care sector.
  
- Outcome 2 –
  - This is an innovative opportunity to help build the workforce of the future in Cheshire East and provide young people with genuine work experience in a commercial environment to deliver benefits of their learning to the wider community.
  - The centre will offer ground-breaking training opportunities to ensure that young people have a true alternative to university whilst ensuring the skills required in the care community are provided in the future.
  
- Outcome 3 –
  - The centre will provide a unique opportunity for social care and health to work in partnership with Congleton College to offer young people the chance to study in a care setting.
  - The centre will provide employment and training opportunities for students on higher-level apprenticeships in health & social care, social work, educational psychologists, nursing in learning disabilities, occupational therapy assistants, personal assistants and childcare.
  - The centre will provide a training centre for students to study courses in hair & beauty, catering, cookery and other courses.
  
- Outcome 5 –
  - The project will continue the provision of day care to the local community in its current setting.
  - There will be community facilities offering a café and hair salon to the wider community.
  - There will be opportunities for other partners to offer local community services from this setting which will benefit the community and at the same time provide learning experiences for the college students.

This is Phase 1 of the partnership with Congleton College with a possibility of Phase 2 in future years.

#### **4 Wards Affected**

- 4.1 Congleton West (the location of the centre and services for the community)  
Congleton East (services for the community)

#### **5 Local Ward Members**

- 5.1 Councillor Gordon Baxendale  
Councillor Roland Domleo  
Councillor David Topping  
Councillor David Brown  
Councillor Peter Mason  
Councillor Andrew Thwaite

#### **6 Policy Implications**

- 6.1 The project helps to fulfil Outcomes 1, 2, 3 and 5 of the Cheshire East Council Three Year Plan.

#### **7 Financial Implications**

- 7.1 A 125 year lease to be granted to Congleton College at a peppercorn rent with a lease back for the day-care provision.
- 7.2 The lease will be a full repairing and insuring lease and Congleton College will also be responsible for paying all utilities, including those for the day-care provision.
- 7.3 Possibility of building maintenance and selected other staff (not connected to the day-care provision) to TUPE to Congleton College.

#### **8 Implications for Rural Communities**

- 8.1 This will give an opportunity for young people living in the rural areas around Congleton to access the training opportunities. It will also allow residents in surrounding areas to make use of the services offered going forward bringing the services closer to the community.

## **9 Legal Implications**

- 9.1 Local Authorities are able to dispose of land and buildings at less than the best consideration reasonably obtainable under the General Disposal consent (England) 2003 where the undervalue is less than £2 million. A lease for a term of more than seven years is a disposal. The consent requires the local authority to be of the view that the disposal is likely to help secure the promotion or improvement of the economic, social or environmental well being of its area or residents resident in the area.
- 9.2 There is also a requirement for a local authority to satisfy itself that it will not give unlawful State Aid as by accepting an undervalue the local authority is providing a subsidy.
- 9.3 A transfer of a lease can trigger The Transfer of Undertakings Protection of Employment Rights Regulations (TUPE) so that staff, particularly who are wholly or mainly assigned to the maintenance of that building have a right to transfer to the new leasee. However it may be that if the maintenance service is specifically retained by the lessor, in this case the Council then TUPE may not apply. If TUPE does apply then both the council and college will have to ensure that the TUPE consultation obligations are complied with and that the council complies with the requirements to provide the employee liability information to the College.

## **10 Risk Management**

- 10.1 The Educational Funding Agency has given a verbal agreement for this to progress. By using an Academy Lease this reduces the possibility of challenge or delays.
- 10.2 Both Congleton High School and Eaton Bank Academy are supportive of this proposal.
- 10.3 A group has been formed including Portfolio holders for Care and Health in the Community and Safeguarding Children and Adults to assist in the progression of this project. An officer group with representatives from education are driving the project including the negotiation of the lease.
- 10.4 A decision is required regarding the TUPE of staff currently working in the building.
- 10.5 A communication strategy is in place which includes meetings with service users, carers and staff.

- 10.6 Congleton College intends to start services in September 2015 so there is ample lead in time to ensure any issues can be mitigated.
- 10.7 The Council needs to give consideration to the requirements needed to meet the General Disposal consent. In general terms when assessing the merits of a community asset transfer the decision is essentially a choice between a capital receipt from the disposal of the asset and using that receipt to support the Council's spending needs and the benefits generated by the community and/or the Council by the proposed lease of the asset. In making this asset transfer decision the local authority should:
1. Have regard to its community strategy
  2. Assess the likely amount of the undervalue
  3. Understand what community benefits will be realised by the lease and how the interests of local people will be better served
  4. Have regard to the business plan and financial viability of the lessees plans
  5. Understand the State Aid implications
  6. Assess market interest

## **11 Background and Options**

- 11.1 Option 1 – As per recommendation. Day-care is currently provided at the centre and this proposal will provide an excellent innovative community resource for Congleton building on the service currently provided here by Cheshire East Council.
- 11.2 Option 2 – Continue the day-care provision and look for alternative use of the remainder of the building.

## **12 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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