

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 3rd March, 2015 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 Clowes, L Gilbert, B Moran, P Raynes,
D Stockton and D Topping

Members in Attendance

Councillors Rhoda Bailey, S Corcoran, I Faseyi, D Flude, S Gardiner,
M Grant, P Groves, S Hogben, L Jeuda, W Livesley, R Menlove, A Moran,
B Murphy, J Saunders, M Simon, L Smetham and A Thwaite

Officers in Attendance

Mike Suarez, Lorraine Butcher, Peter Bates, Anita Bradley, Caroline
Simpson, Brenda Smith, Heather Grimbaldston, Steph Cordon and Paul
Mountford

Apologies

Councillors J P Findlow, L Brown and K Edwards

132 **DECLARATIONS OF INTEREST**

Councillor S Corcoran declared a non-pecuniary interest on the basis that his wife was a GP and he would be asking a pertinent question under Members' Questions. Councillor D Flude declared a non-pecuniary interest as a retired member of UNISON.

133 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public wishing to speak.

134 **QUESTIONS TO CABINET MEMBERS**

Councillor S Corcoran asked if the blank referral form for child safeguarding concerns could be made available to enable GP referrals to be speeded up. The Portfolio Holder for Safeguarding Children and Adults undertook to pursue the matter in liaison with Primary Care. She stated, however, that the LSCB deliberately wished to encourage conversations over safeguarding to get better insight into the issues.

Councillor D Flude asked if the Council had received a report from KPMG on the Health Economy and if so she could receive a copy. The Portfolio

Holder for Care and Health in the Community was not aware of the report but would make enquiries.

Councillor R Menlove referred to a recent outbreak of bovine TB in the north of the Borough which appeared to be badger-related with the suspicion that the works on the new SEMMMS motorway in the Handforth area had given rise to the spread of infected badgers. He asked that the Council make representations to Stockport MBC as the lead authority for the SEMMMS works with a view to preventing any further spread of infected badgers. The Leader asked the Portfolio Holder for Housing and Jobs to pursue the matter; he also asked the Chief Executive to discuss the matter with his counterpart at Stockport. The Portfolio Holder for Safeguarding Children and Adults suggested that Councillor Menlove might wish to attend with her a meeting of the cross working group of the NFU and Badger Wildlife Trust.

135 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 11th February 2015 be approved as a correct record.

136 **NOTICE OF MOTION - OPEN AND TRANSPARENT ON LYME GREEN DIP REPORT**

Cabinet considered the following motion which had been moved by Councillor S Corcoran and seconded by Councillor K Edwards at the Council meeting on 11th December 2014 and referred to Cabinet for consideration:

“The Council commits to being open and transparent and welcomes the comments of Judge Fiona Henderson in the information tribunal on the Lyme Green DIP report.”

It was noted that the first tier tribunal had evidenced that the Council had disclosed as much information as it was able to do lawfully and fairly in respect of the DIP report.

The Council was committed to working openly and transparently and had designated the Chief Operating Officer as its Transparency Champion; a number of positive changes were explained. There was a Transparency Project in place to ensure that the Council was able to meet its commitment to openness, as well as to fulfil the requirements of the Local Government Transparency Code.

Councillor Corcoran, as mover of the motion, spoke on the matter.

RESOLVED

That

1. Cabinet notes the decision of the first tier tribunal and, in particular, that it supports the Council's actions in respect of the level of disclosure of the Lyme Green DIP Report; and
2. Cabinet notes the work being undertaken on the transparency agenda and confirms that this evidences the Council's commitment to putting residents first in ensuring openness and transparency to enable effective involvement and scrutiny by residents.

137 NOTICE OF MOTION - UNISON'S ETHICAL CARE CHARTER

Cabinet considered the following motion which had been moved by Councillor D Flude and seconded by Councillor L Jeuda at the Council meeting on 11th December 2014 and referred to Cabinet for consideration:

“That the Council consider signing up to UNISON’s Charter, and becoming an Ethical Care Council; and that Cheshire East Borough Council pledge to commission care only from providers who:

- § *Give workers the freedom to provide appropriate care and be given the time to talk to their clients.*
- § *Allocate clients the same homecare worker(s) wherever possible.*
- § *Do not use zero hour contracts.*
- § *Pay the Living Wage.*
- § *Match the time allocated to visits to the particular needs of the client. In general, 15-minute visits will not be used as they undermine the dignity of the clients.*
- § *Pay homecare workers for their travel time, their travel costs and other necessary expenses such as mobile phone use.*
- § *Schedule visits so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.”*

A summary of the Charter was appended to the report.

It was noted that some of the commitments within the Charter were things that the Council was already doing.

Councillor J Clowes, Portfolio Holder for Care and Health in the Community, commented that the Cabinet would consider each of the proposals within the Charter but she added that preliminary studies had indicated that some proposals, such as the Living Wage to external contractors, were likely to have significant cost implications.

Councillors Flude and Jeuda, as mover and seconder of the motion respectively, spoke on the matter.

RESOLVED

That the motion is noted and Cabinet will give further consideration to the proposals within the Ethical Care Charter.

138 HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE - CARERS TASK AND FINISH GROUP REPORT

Cabinet considered the report of the Carers Task and Finish Group.

The Group had undertaken a review to consider the changes in the legislative framework arising from the Care Act 2014 with a view to supporting the development of the Carers Strategy.

The Group's recommendations were set out in paragraph 6.1 of its report.

Councillor M Simon presented the report as Chairman of the Task and Finish Group. She thanked her fellow Group members, Councillors J Saunders and L Jeuda, for their work on the review. Councillors Saunders and Jeuda also spoke on the matter.

RESOLVED

That

1. the Task Group's report be received;
2. the Task Group's recommendations, as contained in paragraph 6.1 of the report, be noted; and
3. a response to the Task Group's report be submitted to the Health and Adult Social Care Overview and Scrutiny Committee once the recommendations have been fully considered.

139 HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE - ASSISTIVE TECHNOLOGY TASK AND FINISH GROUP REPORT

Cabinet considered the report of the Assistive Technology Task and Finish Group.

The Group had undertaken a review to consider how assistive technology could be used and developed through adult social care services to help people remain independent and healthy within their own homes for longer. The Group had considered three policy areas: effectiveness, accessibility and charging.

The Group's recommendations were set out in paragraphs 6.1-6.11 of its report.

Councillor J Saunders presented the report as Chairman of the Task and Finish Group and thanked her fellow Group members, Councillors C Andrew and L Jeuda, for their work on the review. Councillor Jeuda also spoke on the matter.

RESOLVED

That

1. the Task Group's report be received;
2. the Task Group's recommendations as contained in paragraphs 6.1-6.11 of the report be noted; and
3. a response to the Task Group's report be submitted to the Health and Adult Social Care Overview and Scrutiny Committee once the recommendations have been fully considered.

140 **DEVELOPMENT OF ENVIRONMENTAL SERVICES HUB**

Cabinet considered a report on the Environmental Services Hub Programme.

Following Cabinet's decision to purchase the former Ideal Standard site in Cledford Lane, Middlewich, work was now underway to assess the suitability of the site for an Environmental Services Hub. The work would include engagement and consultation with the local community, and preparation of the necessary documents to inform a planning application to be submitted later in the year.

The report sought delegated approval to appoint the main contractor for the entire scheme, details of which were set out in the report.

RESOLVED

That

1. the two projects agreed in February 2014 to address the waste transfer and depot requirements in the North and the South of the Borough be merged into one project to create a single Environmental Hub;
2. in consultation with the Leader and Portfolio Holder (Service Commissioning), delegated authority be given to the Executive Director for Strategic Commissioning, the Head of Legal Services and the Chief Operating Officer to appoint the preferred supplier of the tender exercise as the main contractor and finalise the agreements required

for the two phased contract to deliver the Environmental Hub and such other documentation that is required for ANSA to operate at the site;

Phase 1: to consolidate activities including site surveys and investigations, together with demolition, site clearance activities and reconnection of utilities as well as further work required to enable submission of applications for planning permission.

Phase 2: Construction, Redevelopment and Refurbishment of facilities at Cledford Lane and relocation of staff from the current depots to the new site subject to achieving an agreed target cost and all statutory approvals.

3. it be noted that:

Phase 2 of the contract shall not be implemented until planning permission has been obtained.

A budget of £14 million has been included in Council's Capital Programme for 2015/18 for Phase 2 of the project.

The Council does not yet have a confirmed date for exiting Pym's Lane site, the implications of this are referenced in paragraph 10.1 of the report.

141 **GRANT FUNDING CITIZENS ADVICE SERVICES**

Cabinet considered a proposal to award grant funding for the provision of universal information and advice services across Cheshire East.

The Council was working with the two Citizen Advice Bureaus (CABs) to design a financially sustainable service for the future. The goal was to move away from an annual funding arrangement, which was restrictive to medium term planning and investment, to a longer term commissioned arrangement from April 2016.

The proposed grant to the two CABs for 2015/16 was £317,990. The current funding for the two CABs for 2014/15 was £287,990, split between the two bureaus £90,778 to the north and £197,212 to the south. To provide further time for the two bureaus to reach agreement it was proposed that an additional £30,000 of grant funding be brought forward from future years and allocated to CECAB North for 2015/16.

RESOLVED

That grant funding for the provision of universal information and advice services across Cheshire East be awarded as follows:

1. Cheshire East Citizens Advice Bureau: £197,212 in 2015/16

2. Cheshire East Citizens Advice Bureau North: £120,778 in 2015/16 on the understanding that the funding allocation for CECAB North, and as a consequence the overall funding for 2016/17, 2017/18 and 2018/19, will be reduced by £10,000 each year.

142 **THE CARE ACT 2014 IN CHESHIRE EAST**

Cabinet considered a report providing an overview of the Care Act 2014 and its implications for the Council.

The Act brought together in a single statute the majority of legislation governing Adult Social Care.

The report detailed the new policies which Cheshire East Council needed to introduce in order to be fully compliant with the legislation from 1st April 2015. The policies were set out at Appendices A-D to the report.

RESOLVED

That

1. the implications of the new statutory framework for Adult Social Care services and the broader Council, including financial and other risks to the Council for 2015/16 and beyond, be noted;
2. the proposal not to apply charges to care services for carers be approved; and
3. the revised policies attached at Appendices A-D to the report, which are required for Cheshire East Council to be Care Act compliant, be approved, the policies being:

Pricing and Charging Policy
Deferred Payment Scheme Policy
Direct Payment Policy
Care Top Up Policy

143 **ASSESSMENT OF WASTE COLLECTION COMPLIANCE WITH NEW LEGISLATION (TEEP)**

Cabinet considered a report providing evidence that the Council's kerbside collection of recycled materials was compliant with recent changes to waste collection legislation.

The revised Waste Framework Directive in respect to the Waste (England and Wales) regulations 2011, Regulation 13 required that if an authority collected recyclable glass, metal, paper and plastic from householders then from Jan 2015 it should collect these separately.

As Cheshire East Council collected dry recyclables in one bin (co-mingled, not separate), it needed to demonstrate that it would be unnecessary and uneconomic to switch to a separate collection and that the quality of its recycling was of the same standard as if it had been kerbside sorted.

The report demonstrated that, were the Council to change its collection scheme, this would cost nearly £650,000 more and would see a reduction in the amount of recycled materials collected. There was therefore no necessity to collect the four materials separately in that it would not be 'technically, environmentally and economically practicable' (TEEP) to do so.

RESOLVED

That the 'Note for Cheshire East Council: TEEP assessment' be received and accepted.

144 ENERGY PROCUREMENT

Cabinet considered a proposal that the Council continue to use a fully flexible method of energy procurement and enter into a contract with West Mercia Energy as the preferred provider.

The Pan Government Energy Project recommended that it was best practice for public sector organisations to buy energy through Central Purchasing Body frameworks that had aggregated volumes, could offer flexible purchasing and enabled best practice risk management.

West Mercia Energy continued to offer a fully holistic service along with a unique commercial business model that had delivered lower than market unit rates, and shared trading gains which gave confidence to Cheshire East Council and its stakeholders that it was securing value for money.

RESOLVED

That

- 1 Cheshire East Council continue to use a 'fully flexible' procurement method as recommended in the report; and
- 2 a contract be entered directly with West Mercia Energy as the preferred provider for a maximum period of three years (two years with an option to extend for a further one year period).

145 COMMUNITY EQUIPMENT SERVICE - PROVISION OF LARGER EQUIPMENT

Cabinet considered a proposal to procure two frameworks for the provision of larger equipment, one for adult equipment and a second for children's equipment suppliers.

The Cheshire Community Equipment Service provided a service which allowed the purchase of equipment to enable people of all ages and their carers to remain in their homes safely. The purpose of the procurement was to ensure that larger items of equipment could be purchased effectively and to ensure compliance with EU procurement regulations. Further details were set out in the report.

RESOLVED

That

1. the procurement of equipment for adult and children via either one overarching framework agreement or two framework agreements be approved; and
2. authority be delegated to the Director of Adult Social Care and Independent Living to approve the number of framework agreements to be procured, and determine the suppliers admitted to the framework agreement(s), following a legally compliant procurement exercise, and to subsequently enter into framework agreements with each supplier.

146 **DISPOSAL OF LAND OFF EARL ROAD, HANDFORTH**

Cabinet considered a proposal to dispose of the Council's landholding at Earl Road, Handforth to CPG Development Projects Ltd.

Engine of the North had led a comprehensive marketing exercise, undertaken between June and September 2014, to bring the site to market. Following several bidding rounds, it was recommended that CPG Development Projects Ltd be selected as the Council's preferred purchaser. The proposal from CPG unlocked a key development site for an exemplar mixed use development scheme which should generate a substantial number of jobs.

RESOLVED

That the Chief Executive or his identified nominee be authorised, in consultation with the Cabinet Member for Finance, to take all necessary action to dispose of the Council's landholding at Earl Road, Handforth to CPG Development Projects Ltd or one of their group companies, in order to maximise capital receipts and deliver jobs on an accelerated timescale.

The meeting commenced at 2.00 pm and concluded at 3.36 pm

Councillor M Jones (Chairman)