

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 8th September, 2009 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor (none)

Councillors R Domleo, D Brickhill, P Findlow, F Keegan, A Knowles and
P Mason

Councillors in attendance:

Rhoda Bailey, R Fletcher, L Gilbert, D Hough, O Hunter, S Jones, A Kolker,
R Menlove, A Moran, B Moran, D Neilson, L Smetham, A Thwaite and
R Westwood.

Officers in attendance:

Chief Executive, Borough Treasurer and Head of Assets, Borough Solicitor,
Head of HR and Organisational Development, Head of Policy and
Performance, Head of Safer and Stronger Communities, Strategic Director
People, Strategic Director Places and Extended Services Strategy Manager
(Children and Families).

87 COUNCILLOR ALLAN RICHARDSON

The death was announced of Councillor Allan Richardson and a minute's
silence was observed in his memory.

88 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, J Macrae
and B Silvester.

89 DECLARATIONS OF INTEREST

None.

90 PUBLIC SPEAKING TIME/OPEN SESSION

Councillor Bob Edwards of Congleton Town Council made a statement in
respect of car parking control and charging in the former Borough of
Congleton.

91 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 11 August 2009 be approved as a correct record.

92 KEY DECISION 2009/10-07 SINGLE FUNDING FORMULA FOR EARLY YEARS PROVISION

Consideration was given to proposals for the delivery of the single funding formula for funding the free early years provision for 3 and 4 year olds, to be implemented in Cheshire East from 1 April 2010.

RESOLVED

For the reasons set out in the report: -

That approval be given for the draft single funding formula to go out to consultation with stakeholders in the autumn of 2009.

93 KEY DECISION 2009/10-10 CAR PARKING CONTROL AND CHARGING IN THE FORMER BOROUGH OF CONGLETON: CONSIDERATION OF OUTCOME OF STATUTORY CONSULTATION PERIOD

Consideration was given to the results from the statutory consultations carried out in respect of the introduction of car parking control and parking charges in the former Borough of Congleton. The report summarised the key grounds for objections, gave detailed responses to those objections and set out options on how to proceed.

The Portfolio Holder (Environmental Services) confirmed that although the report had been written and circulated before the end of the consultation period on 2 September 2009 all responses received up to and including the end of 5 September 2009 had been assessed. To take into account specific concerns regarding Fairview Car Park, Alsager, and Parkway and London Road Car Parks, Holmes Chapel, it was now suggested that the proposals be modified as follows: -

- Fairview Car Park, Alsager – to remove the provision for a free first thirty minutes parking.
- Parkway and London Road Car Parks, Holmes Chapel – to introduce an amended tariff as follows:
 - Monday to Saturday 8.00 am to 6.00 pm up to 2 hours maximum stay: 10p.
 - Sundays no charge

In addition it was proposed that the implementation date be revised to take effect from 11 January 2009 to accommodate the period of time required for the acquisition and installation of the car park ticket machines.

RESOLVED

For the reasons set out in the report and as stated above: -

1. That approval be given, subject to any legally necessary further consultation, for the following modifications to be made to the order as it relates to:

Fairview Car Park, Alsager – to remove the provision for a free first thirty minutes parking

Parkway and London Road Car Parks, Holmes Chapel – to introduce an amended tariff as follows:

- a. Monday to Saturday 8.00 am to 6.00 pm up to 2 hours maximum stay: 10p.
- b. Sundays no charge

and, in the event of there being no objections to the proposed modifications and subject to the Borough Solicitor taking action to remove any legal impediments regarding the affected landholdings, the Borough Solicitor be authorised to make the Cheshire East Borough Council (Off Street Parking Places)(Congleton Area) Order 2009 duly modified as set out above.

2. That the implementation date for the introduction of control and charging in the former Congleton Borough Council area be agreed as 11 January 2009.

94 RESERVES STRATEGY UPDATE

Consideration was given to the Council's reserves position in relation to current budgetary issues and medium term planning.

RESOLVED

For the reasons set out in the report: -

That the reserves strategy for 2009- 2013 be agreed.

95 JOINT WASTE PFI SCHEME

Consideration was given to this report on the steps to be taken to ensure that the proposed joint waste PFI scheme receives the necessary legal certification to satisfy external financial sources.

RESOLVED

For the reasons set out in the report: -

1. That approval be given to issue certificates under the Local Government (Contracts) Act 1997 for the purpose of the PFI waste procurement contract referred to above;

2. That the Borough Treasurer and Head of Assets as section 151 officer be invited to sign and issue certificates on the council's behalf as the Certifying Officer;
3. Given that the certificate is being given in a personal capacity by the certifying officer, that an indemnity be provided to the Certifying Officer ;
4. That authority be given to the Borough Solicitor and Monitoring Officer to execute a form of indemnity (prepared on advice) in favour of the Certifying Officer and to ensure that appropriate insurance cover is either in hand, or can be written to back up that indemnity by the date of its execution;
5. That the Certifying Officer be allowed to take independent legal advice on the form of certificate and related due diligence which may be necessary, and to pay for that legal advice. (Noting that the appointment of legal advisers will form a permitted exception under Contract Standing Order E24).
6. That confirmation be given that the Council's common seal can be affixed to the appropriate deeds of indemnity.
7. That it be noted and confirmed that arrangements will need to be made for the deposit of the certificate, for copies to be made available to the public and for it to be placed for inspection, and for the taking of copies of the certificate if the members of the public require, and for copies to be lodged with the Council's Monitoring Officer and Auditor;
8. That this report be approved as a matter of record.

96 TO CONSIDER THE RECOMMENDATIONS OF THE CHILDREN AND FAMILIES SCRUTINY COMMITTEE UPON A LOCAL GOVERNMENT OMBUDSMAN COMPLAINT AGAINST THE FORMER CHESHIRE COUNTY COUNCIL

Consideration was given to the recommendations of the Children and Families Scrutiny Committee upon a Local Government Ombudsman Complaint against the former Cheshire County Council. The report of the Ombudsman was considered, along with the minutes of the above meeting. It was noted that the report considered by that Committee had been placed in Part 2 of this agenda as it contained exempt information.

Having considered the advice of the Children and Families Scrutiny Committee the Portfolio Holder (Children and Family Services) proposed that: -

- The Cabinet welcome the support of the Committee given to the proposal to implement the Ombudsman's recommendations and to agree to implement them (Children and Families Scrutiny Committee resolution (a)).
- That the advice given by the Committee about reviewing practices and procedures (Children and Families Scrutiny Committee resolution (c)), about informing Members (Children and Families Scrutiny Committee resolution (d)), and about visits to services (Children and Families Scrutiny Committee resolution (e)) be accepted.
- That the exhortation of the Children and Families Scrutiny Committee about the funding of Children's Social Care Services (Children and Families Scrutiny Committee resolution (b)) be noted.

RESOLVED

That approval be given to accepting the advice of the Children and Families Scrutiny Committee as set out above.

97 **EXCLUSION OF THE PRESS AND PUBLIC**

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

98 **TO CONSIDER THE RECOMMENDATIONS OF THE CHILDREN AND FAMILIES SCRUTINY COMMITTEE UPON A LOCAL GOVERNMENT OMBUDSMAN COMPLAINT AGAINST THE FORMER CHESHIRE COUNTY COUNCIL**

Consideration was given to the report considered by the Children and Families Scrutiny Committee on 3 August 2009.

RESOLVED

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

W Fitzgerald (Chairman)