

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 4th February, 2020 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor S Corcoran (Chairman)
Councillor C Browne (Vice-Chairman)

Councillors K Flavell, T Fox, L Jeuda, N Mannion, J Rhodes, A Stott and
M Warren

Councillors in attendance

Councillors Q Abel, S Akers Smith, R Bailey, J Barber, M Benson, C Bulman,
J Clowes, L Crane, B Evans, J P Findlow, S Hogben, S Holland, M Simon,
D Stockton, R Vernon and L Wardlaw

Officers in Attendance

Kath O'Dwyer, Acting Chief Executive
Frank Jordan, Executive Director Place
Mark Palethorpe, Executive Director People
Jane Burns, Executive Director Corporate Services
Jan Bakewell, Director of Governance and Compliance
Alex Thompson, Director of Finance and Customer Services
Paul Mountford, Executive Democratic Services Officer

The Chairman referred to Councillor Brian Roberts who had sadly passed away on Sunday. Councillor Roberts had served as Portfolio Holder for Highways and Waste on the Cabinet. All stood for a minute's silence as a mark of respect.

The Chairman announced that Councillor Laura Crane had been appointed as Deputy Cabinet Member for Highways and Waste to support that Portfolio. A Deputy Cabinet Member could not take decisions and therefore, for the time being, decisions relating to Highways would be taken by the Deputy Leader and decisions relating to Waste would be taken by the Portfolio Holder for Public Health and Corporate Services.

98 DECLARATIONS OF INTEREST

In the interests of openness and transparency, the following non-pecuniary interests were declared in relation to items later on the agenda:

Councillor S Corcoran declared an interest as a governor of St Gabriel's Catholic Primary School, Alsager.

Councillor M Warren declared an interest as a governor of Puss Bank School, Macclesfield.

Councillor L Jeuda declared an interest as a governor of Ash Grove Academy, Macclesfield.

Councillor J Rhodes declared an interest as a governor of Vine Tree Primary School, Crewe.

Councillor N Mannion declared an interest as a governor of Broken Cross Primary Academy and Nursery, Macclesfield.

99 PUBLIC SPEAKING TIME/OPEN SESSION

Jane Smith asked if the Council would commit to providing two to four 'toad crossing' signs in the Smallwood area.

The Leader undertook to provide a written response.

Sue Helliwell referred to the latest housing figures in the Local Plan for Alsager and asked how many had been built or had received planning permission.

The Portfolio Holder for Planning replied that as at 31st March 2019, 567 dwellings had been completed and a further 1,453 had received planning permission. Allocated sites without planning permission comprised a further 178 dwellings. The total housing supply in Alsager was therefore 2,198 dwellings.

Stacey Rowley, on behalf of Bridgemere CE Primary School and Calveley Primary Academy, expressed concern about the decision by the Council to take the roads close to the schools off the gritting route and said that the schools had not been consulted.

Amanda Edwards, headteacher at Whirley Primary School, Macclesfield expressed concern that Whirley Road was to be taken off the Council's gritting route and said that there had been no consultation with the school.

Richard Slater, Henbury Parish Council, also expressed concern at the decision regarding Whirley Road and asked if the Council had looked at the physical characteristics of the location.

The Deputy Leader responded that the issue of gritting and road maintenance would be considered in detail later in the meeting when a report on the revised road maintenance policy was considered. He added that a detailed assessment had been carried out and he would be making the figures public after the meeting.

At the request of the Deputy Leader, a highways officer advised that local safety inspectors and highways officers who were familiar with the topography and safety issues in each area had been consulted. The provision of grit bins could be considered based on a risk assessment.

100 **QUESTIONS TO CABINET MEMBERS**

Councillor R Vernon commented that 500 residents had signed a petition asking for the decision to take Whirley Road, Macclesfield off the gritting route to be reconsidered. He added that Whirley Road hosted the No. 19 bus route linking Prestbury and Greenside Estate to Macclesfield town centre and that a number of on-call firefighters lived on Greenside Estate and relied on the winter gritting service to turn out.

The Deputy Leader gave a commitment that a Member Panel would be established to review the implementation of the policy.

101 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 14th January 2020 be approved as a correct record.

102 **THIRD QUARTER REVIEW (FINANCE) 2019/20**

Cabinet considered a report on the Third Quarter Review (Finance) 2019/20.

The report had been considered by the Corporate Overview and Scrutiny Committee at its meeting on 3rd February 2020. Councillor J Clowes, Chairman of the Corporate Overview and Scrutiny Committee, presented the Committee's comments on the report to Cabinet.

The Leader of the Council congratulated the Portfolio Holder for Finance, IT and Communication and the Finance team in achieving a balanced outcome.

RESOLVED

That Cabinet

1. notes the contents of the report and the mitigating actions to manage the forecast outturn;
2. notes the contents of Annex 1 to the report;
3. approves in accordance with Finance Procedure Rules Capital a virement over £1,000,000 and up to £5,000,000 (Appendix 4, Annex C):

£1,909,959 to amalgamate the Minor Works and Premises Capital (Facilities Management) budgets.

Cabinet considered a report on the Medium Term Financial Strategy for Cheshire East Council for the four years 2020/21 to 2023/24.

The resolutions that Cabinet was requested to recommend to Council were set out at Appendix A to the report. The Medium Term Financial Strategy (MTFS) Report (containing the Budget) for the period 2020/21 to 2023/24 was set out at Appendix C.

The report had been considered by the Corporate Overview and Scrutiny Committee at its meeting on 3rd February 2020. Councillor J Clowes, Chairman of the Corporate Overview and Scrutiny Committee, reported the Committee's comments to Cabinet.

Cllr Clowes proposed two amendments to the Medium Term Financial Strategy on behalf of the Conservative Group. The first related to utilising Council-owned land for the creation of new car parking facilities on Macon Way, near Crewe Station. The second related to creating new assisted living accommodation and support for adults with additional needs on existing sites in the Borough, providing improved facilities for current service users, offering permanent supported living accommodation for young adults with additional needs, and offering the opportunity to provide accommodation for local service users whose care needs were currently being sourced at high cost outside of Cheshire East.

It was proposed that these proposals be included in the Capital Addendum to enable officers to carry out feasibility studies during 2020/21.

The Portfolio Holder for Finance, IT and Communication thanked the Finance officers for their work on the pre-budget consultation and the budget itself.

RESOLVED

That

1. subject to resolution 2 below, the items set out in Appendix A to the report be recommended to Council;
2. the amendments proposed by Cllr J Clowes on behalf of the Conservative Group as outlined above be recommended to Council as amendments to the Medium Term Financial Strategy 2020-24 for inclusion in the Capital Addendum;
3. Cabinet notes:
 - (a) the summary results of the Budget Consultation, attached at Appendix B and the Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix C, Annex 2);

- (b) the comments of the Council's Section 151 Officer, contained within the MTFs Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix C, Comment from the Section 151 Officer); and
- (c) that the Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (Appendix C).

104 **SCHOOL AND EARLY YEARS FUNDING FORMULA FOR 2020/21**

Cabinet considered a report which set out the process to determine the schools funding formula and the early years funding formula for 2020/21.

The Portfolio Holder for Children and Families advised that the proposed allocations formula was subject to an application to the Department for Education. If DfE approval were not granted, it was proposed that the Portfolio Holder be authorised to take a final decision on the schools allocation model. This was because the Council was required to set the schools budget by 28th February 2020. The Shadow Portfolio Holder for Children and Families would be invited to join in that meeting to provide proper scrutiny of the decision-making process.

RESOLVED

That Cabinet

1. with regard to the Schools Funding Formula:

- (a) approves the use of a funding formula that uses the national funding formula factors but increases the primary minimum per pupil funding value above the headline level of £3,750 to for 2020/21. A figure of £3,843 has been used in the latest model using October 2019 pupil numbers; this is subject to the outcome of the Council's application to the Department for Education to allow this change;
- (b) approves the 0.5% transfer from schools block to high needs, subject to the Council's application to the Department for Education to change the Schools Forum recommendation being successful;
- (c) approves the use of +0.5% as the minimum funding guarantee percentage, meaning that individual school funding levels should increase by +0.5% compared to the 2019/20 level (subject to the items included in minimum funding guarantee protection) and excluding pupil number changes; and

2. with regard to the Early Years Funding Formula:
 - (a) approves the continued use of the current funding formula and agrees to increase the hourly rates by the same percentage increase as the increased funding from the Department for Education; and
 - (b) delegates authority to the Executive Director of People to enter into revised contracts with providers in accordance with the Department for Education funding increase.
3. authorises the Portfolio Holder for Children and Families to take the final decision on the schools allocation model if the Department for Education rejects the Council's proposed allocation model.

105

WELL-MANAGED HIGHWAY INFRASTRUCTURE

Cabinet considered a report on proposed changes to a number of highways policies and plans to ensure that they aligned with the Well-Managed Highway Infrastructure Code of Practice. This would involve the adoption of a new approach to the management of highways that was risk-focussed. The Appendices referred to throughout the report had been published on the Council's website.

The report had been considered by the Environment and Regeneration Overview and Scrutiny Committee at its meeting on 20th January 2020. Councillor J P Findlow, Chairman of the Environment and Regeneration Overview and Scrutiny Committee, presented the Committee's comments on the report to Cabinet.

During the discussion on this matter, it was suggested by some visiting members that the consultation had been inadequate. Some also questioned the basis of the decision to remove gritting from roads within their wards.

The Deputy Leader advised that the Department for Transport had made it clear that future maintenance funding through the Local Highway Maintenance Incentive Fund would be linked to compliance with the new Code. The proposed changes to highway maintenance had been considered at several overview and scrutiny meetings and the comments of the Environment and Regeneration Overview and Scrutiny Committee were being addressed. The Deputy Leader advised that a Member Panel would be appointed to review the implementation of the maintenance programme. He gave an undertaking that the risk assessment criteria and scoring matrix would be published on the Council's website and circulated to all members.

RESOLVED

That Cabinet

1. approves the adoption of the Resilient Network Approach to Highway Safety Inspections;
2. approves the adoption of the Highway Safety Inspection Policy 2020, Code of Practice for Highway Safety Inspections 2020, the Winter & Adverse Weather Policy 2020, Adverse Weather Plan 2020/21 and the Cheshire East Highways Resilient Network 2020; and
3. delegates authority to the Director of Highways and Infrastructure in consultation with the Portfolio Holder for Highways and Waste to make minor operational changes to the Highway Safety Inspection Policy, Code of Practice for Highway Safety Inspections, the Winter & Adverse Weather Policy, Adverse Weather Plan and the Cheshire East Highways Resilient Network Strategy from time to time and as appropriate.

106 **DATA CENTRE LOCAL AREA NETWORK (LAN) AND HOSTING**

Cabinet considered a report on proposals to upgrade the Local Area Network and hosting infrastructure and equipment.

RESOLVED

That Cabinet

1. approves the procurement (via further competitions under the RM3808 Crown Commercial Framework) and the award of a call off contract for the purchase of new and replacement of equipment (end of line and end of service LAN, WAN, endpoint security); licence extensions and maintenance cover for all new and existing Cisco equipment that is still serviceable; with an expected total value of up to £7m across both councils over a seven year contract period;
2. approves the procurement (via further competitions under the RM6808 Crown Commercial Framework) and the award of a call off contract for the purchase of new and replacement of data hosting services, equipment, business continuity and disaster recovery capabilities, maintenance and licensing for all new and existing data hosting equipment that is still serviceable; with a total expected value of up to £7m across both councils over a seven year contract period; and
3. authorises the Executive Director of Corporate Services, in consultation with the Portfolio Holder for Finance, IT and Communication, to award the call-off contracts, including any contract negotiations.

107 **PERFORMANCE UPDATE 2019/20**

Cabinet considered a report presenting performance data on a range of key performance measures supporting the Council's six Outcomes in the Corporate Plan.

RESOLVED

That Cabinet notes the performance to date against key indicators which support the delivery of Council priorities.

Before proposing that the meeting move into private session, the Chairman announced that this would be the last Cabinet meeting attended by the Acting Chief Executive, Kath O'Dwyer. He thanked her for the support she had given to the Cabinet and Cheshire East Council and wished her well for the future.

108 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

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 4 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

109 **STAFF PAY - TERMS AND CONDITIONS**

Cabinet considered a report on staff pay terms and conditions.

Non-Cabinet members had been given an opportunity to attend a briefing with officers prior to the Cabinet meeting to consider and comment on the report.

RESOLVED

That the recommendations in the report be approved.

The meeting commenced at 1.00 pm and concluded at 3.20 pm

Councillor S Corcoran (Chairman)