

CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Cabinet**
held on Tuesday, 2nd February, 2021

PRESENT

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

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

Councillors in attendance

Councillors S Akers Smith, R Bailey, M Benson, J Clowes, T Dean, S Edgar, D Edwardes, J P Findlow, R Fletcher, S Gardiner, P Groves, M Houston, A Moran, D Murphy, J Nicholas, S Pochin, B Puddicombe, J Saunders, M Simon, D Stockton, L Wardlaw and P Williams

Officers in attendance

Lorraine O'Donnell, Chief Executive
Frank Jordan, Executive Director Place
Jane Burns, Executive Director Corporate Services
Alex Thompson, Director of Finance and Customer Services
David Brown, Director of Governance and Compliance
Nichola Thompson, Director of Commissioning
Brian Reed, Head of Democratic Services and Governance
Paul Mountford, Executive Democratic Services Officer

The Leader welcomed Ged Rowney, interim Director of Children's Services, to his first meeting of the Cabinet. Mr Rowney introduced himself.

The Leader was pleased to announce that since the last Cabinet meeting, the numbers of Covid cases in Cheshire East had fallen significantly, and were currently the lowest in the Cheshire and Merseyside sub-region. However, the numbers were still high and there was no room for complacency.

The Leader highlighted the success of the vaccination programme led by Cheshire NHS Clinical Commissioning Group and delivered by primary care networks. He added that once the priority groups had been vaccinated, it would be necessary to review the vaccination programme and he and the Deputy Leader had written to the Secretary of State outlining their views.

Finally, the Leader thanked Council staff for their work in keeping residents safe during the recent storm and floods.

The Deputy Leader was pleased to report that the Council had reviewed its processes for administering business continuity support grants, and this had resulted in average waiting times being reduced from three weeks to two.

Since November, the Council had made grants with a cumulative value of £26.3m.

The Council had also recently revoked seven air quality management areas as a result of falling pollution concentrations. The Council was now reviewing its air quality action plan, a draft version of which was open to consultation until 12th March; the details were available on the Council's website.

75 DECLARATIONS OF INTEREST

There were no declarations of interest.

76 PUBLIC SPEAKING TIME/OPEN SESSION - VIRTUAL MEETINGS

Jane Emery asked if the Cabinet had plans to review the emergency assistance scheme, and if so, whether Nantwich and Middlewich foodbanks could be involved.

The Portfolio Holder for Finance, IT and Communication responded that a review of the scheme would be undertaken at the end of 2021 and would be subject to consultation. This would depend on funding still being available.

Nick Adams asked what social value elements the Council had secured with the signing of the recent £35m IT contract and £4.5m broadband contract and what learning could be taken from the contracts.

The Portfolio Holder for Finance, IT and Communication responded that as both contracts were for large items of IT infrastructure, various factors prevented the specific assignment of social value key performance indicators to the contracts themselves. However, both contracts formed the cornerstone for numerous Council services that would provide social value. The Portfolio Holder for Public Health and Corporate Services added that the Council would monitor contract performance against social value indicators and outcomes, and lessons learned would be reflected in updates to the Council's commissioning training package.

Sue Helliwell referred to a proposal in the budget to commercialise the Highway Service Contract by allowing the contractor to undertake external works for third parties in order to deliver savings for the Council. She asked who the third parties were.

The Portfolio Holder for Highways and Waste responded that the Council would secure income through its contract for highways based on work to be delivered to third parties including individuals, developers and businesses. Examples of such work included the provision of vehicle access crossings and the maintenance of private access roads and car parks.

Congleton Town Councillor Robert Douglas referred to a Freedom of Information request he had submitted requesting details of the new sites that Cheshire East Council was considering as suitable replacements for the existing Household Waste recycling site at Congleton. He said that the Council had refused to provide the information on grounds of commercial sensitivity. He repeated his request for the information which he said did not compromise commercial sensitivities.

The Portfolio Holder for Highways and Waste responded that, as mentioned at the previous Cabinet meeting, the Council had received a very good response to the consultation regarding the HWRC review and was now considering the results. The matter would be considered by the Environment and Regeneration Overview and Scrutiny Commission on 12th February to enable pre-scrutiny of the issue before Cabinet considered the matter. She would not wish to comment further until she had considered the results of the consultation and the observations of scrutiny. The FOI request had been appropriately responded to through that process.

Caroline Whitney expressed concern at proposals to reduce the community grants budget from £200,000 a year to £150,000 a year in 2021/22, and to £50,000 a year in 2022/23. She asked that Cabinet change the recommendation and not make the larger planned reduction in 2022. She also queried a planned refocus of the Communities Team, and expressed disappointment that a service provider had learned from the budget document, rather than the commissioner, that their service was not being recommissioned.

The Leader asked that the full text of the question, which was quite lengthy, be published on the website for this Cabinet meeting.

The Portfolio Holder for Communities responded that Community Grants remained one of many key resources the Council provided to the Voluntary, Community and Faith Sectors. The decision to reduce the Community Grants budget over two years rather than with immediate effect had been made to ensure that the Communities Team could support the regular recipients of this grant to become more sustainable. In view of the need to respond to all three questions in detail, the Portfolio Holder undertook to provide a written response.

77 QUESTIONS TO CABINET MEMBERS - VIRTUAL MEETINGS

Councillor S Akers Smith raised a number of questions in relation to a proposed greenway to be built south of the new Congleton Link Road and sought assurances regarding future development and commuted sums under S106 agreements.

The Portfolio Holder for Planning undertook to provide a written response.

The Portfolio Holder for Environment and Regeneration commented that additional tree planting was now planned along the link road. He would forward details to Councillor Fox for inclusion in her response.

Councillor J Clowes referred to flooding in the Wynbunbury and Stapeley wards, and in particular to problems with drainage and sinkholes in three specific areas. She commented that such problems required significant project management.

The Portfolio Holder for Highways and Waste undertook to provide a written response.

Councillor T Dean asked if the Council would support Option C on the list of proposed options for change of the rail services around Manchester, as this would provide an improved service on the Chester to Manchester Line serving Knutsford, Mobberley and Ashley.

The Deputy Leader responded that the Council needed to consider the impact of all three options relevant to Cheshire East. A technical rail assessment was being undertaken and a press release would be issued to encourage residents to respond to the consultation on the options.

Councillor D Edwardes commented that Macclesfield did not have one electric charging point for public use. He asked that the Council work with Macclesfield Town Council to address this issue.

The Deputy Leader responded that the Council was currently conducting a study with Zero Carbon Futures and local electricity companies to establish levels of demand and identify suitable charging locations, and Macclesfield was included in that study. The assessment would be completed by the end of March, and at that point the Council would expect to seek Government funding.

Councillor R Fletcher referred to a recent incident in Alsager when an emergency pendant worn by a vulnerable person failed late in the afternoon and due to the terms of the firm's contract with Cheshire East, the Pendant could not be repaired until the following day, placing the vulnerable person at risk overnight. He asked the Council as a matter of urgency to modify the contract to provide cover 24 hours a day 7 days a week.

The Portfolio Holder for Adult Social Care and Health responded that she had referred Councillor Fletcher's enquiry, along with the details of the individual concerned, to the Director of Commissioning and that Councillor Fletcher would be contacted by the Director.

Councillor S Pochin referred to ongoing drainage issues resulting in severe flooding in areas of her ward and asked that the Council take responsibility for addressing the issues.

The Portfolio Holder for Highways and Waste responded that in parts of the Borough the drainage infrastructure lacked sufficient capacity and that more investment, with Government support, was needed. The Council, working with the Environment Agency, United Utilities and riparian owners, was working through a prioritised list of affected areas.

The Deputy Leader added that the Council was currently undertaking a pilot scheme with his own parish council which, if successful, would enable a scheme to be developed whereby town and parish councils could buy into additional services such as gully emptying on secondary routes.

Councillor B Puddicombe asked about the timescale for the rollout of the '20isPlenty' motion passed by Council in December.

The Portfolio Holder for Highways and Waste responded that the motion was being taken forward as part of the speed management strategy review. As soon as a timetable was available, and details of how town and parish councils could become involved had been established, this information would be shared widely.

Councillor P Williams referred to the Children and Families services area and the need to make savings and economies in the face of grant reductions from central government. He asked what assurance could be given that crucial early intervention support would be protected and maintained.

The Portfolio Holder for Children and Families responded that despite significant reductions nationally in funding for early intervention services, the Council had consistently prioritised prevention funding to maintain this critical support. The Council also benefited from the Troubled Families Programme, where it had become the highest performing council in the north-west, bringing in additional payment by results funding.

Councillor L Smetham referred to the proposed removal of £110,000 for the Pathfinder contract from the Council's budget and the effect this would have on staff and residents. She asked that the Pathfinder project be incorporated into new social value initiatives.

The Portfolio Holder for Communities undertook to provide a written response.

78 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 12th January 2021 be approved as a correct record.

79 COVID-19 - UPDATE ON RESPONSE AND RECOVERY

Cabinet considered an update report on the Council's response to the Covid-19 pandemic.

RESOLVED

That Cabinet notes the issues outlined in the report.

80 CORPORATE PLAN AND MEDIUM-TERM FINANCIAL STRATEGY 2021-25

Cabinet considered a report on the Corporate Plan and Medium-Term Financial Strategy 2021-25.

The Leader commented that for the first time, the Council would have both a four-year Corporate Plan and a four-year budget to take it to 2025, which would be a significant achievement, given the unprecedented circumstances the Council was facing.

The resolutions that Cabinet was requested to recommend to Council were set out at Appendix A to the report. The new Corporate Plan 2021/22 to 2024/25 was set out in Appendix B. The Medium Term Financial Strategy (MTFS) Report (containing the Budget) for the period 2021-25 was set out at Appendix C.

The report had been considered by the Corporate Overview and Scrutiny Committee at its meeting on 28th January 2021. Councillor J Clowes, Chairman of the Corporate Overview and Scrutiny Committee, presented the Committee's comments on the report to Cabinet and asked that they be appended to the Cabinet minutes.

RESOLVED

That Cabinet

1. recommends to Council the items at Appendix A to the report;
2. notes the summary results of the Budget Consultation and Engagement exercise undertaken by the Council, as set out in the attached (Appendix C, Annex 2a and 2b);
3. notes the report 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

4. notes that the Council's Finance Procedure Rules will always apply to ensure proper approval, should any changes in spending requirements be identified (Appendix C).

81 **THIRD QUARTER REVIEW (FINANCE) 2020/21**

Cabinet considered a report on the Third Quarter Review (Finance) 2020/21.

The report had been considered by the Corporate Overview and Scrutiny Committee at its meeting on 28th January 2021. Councillor J Clowes, Chairman of the Corporate Overview and Scrutiny Committee, presented the Committee's comments on the report to Cabinet and asked that they be appended to the Cabinet minutes.

The Portfolio Holder for Environment and Regeneration reported additional funding that was likely to be made available to support the Council in relation to the Public Sector Decarbonisation Scheme and Green Homes Grant, which would require additional recommendations to Council for supplementary capital estimates. Further details were displayed on screen during the meeting and are appended to these minutes.

RESOLVED

That Cabinet

1. notes the contents of the report, and annex, and the associated impact on reserves, and the Medium Term Financial Strategy, related to the outturn position and the deferral of certain Covid-19 related financial items;
2. approves the management of any variation to the outturn as follows:
 - Surplus / Deficit in non-Covid-19 related expenditure / income is allocated to the Medium Term Financial Strategy Earmarked Reserve; and
 - Surplus / Deficit in Covid-19 related expenditure / income is allocated to the Covid-19 Earmarked Reserve;
3. approves the supplementary revenue estimates of £620,000 relating to the Northern Powerhouse 11 grant and £921,000 Restrictions Support grant (Appendix 2 Table 1 to the report);
4. notes the supplementary estimates approved to date in relation to Covid-19 activity (Appendix 2, Table 2);
5. approves the supplementary capital estimates relating to schools condition capital grant £589,604, towns fund £750,000 and grant to

support our carbon neutral ambition up to the value of £932,661 (Appendix 4, Annex C); and

6. recommends to Council to approve:

- fully funded supplementary revenue estimates above £1,000,000 relating to Covid-19 grants in accordance with Financial Procedure Rules as detailed in Appendix 2 Table 1.
- supplementary capital estimate of £1,808,000 relating to Best4Business in accordance with Financial Procedure Rules as detailed in Appendix 4, Annex D.
- an additional Supplementary Capital Estimate of up to £3,500,000 from the Public Sector Decarbonisation Fund to further the Council's carbon neutrality objectives as detailed in the appendix to these minutes.
- an additional Supplementary Capital Estimate in relation to £1,523,750 from The Department for Business, Energy and Industrial Strategy (BEIS) for Green Homes Grant, Local Authority Delivery Scheme Phase 1B (GHG LAD P1B) as detailed in the appendix to these minutes.

82 SCHOOL AND EARLY YEARS FUNDING FORMULA FOR 2021/22

Cabinet considered a report on the School and Early Years Funding Formula for 2021/22.

RESOLVED

That Cabinet approves:

1. the Schools Funding Formula:

- (a) The use of a funding formula that uses the national funding formula factors with any additional funding being allocated via the basic entitlement.
- (b) The transfer from the schools block to the high needs block of up to 0.5% to assist with pressures if the Council's application to the Department for Education is successful.
- (c) 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 2020/21 level (subject to the items included in minimum funding guarantee protection) and excluding pupil number changes.
- (d) The Growth Fund at £0.8m.

2. the Early Years Funding Formula:

- (a) 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.
 - (b) The use of summer 2019 rather than summer 2020 patterns of attendance to determine the level of deprivation funding from April 2021.
 - (c) The new funding rates. The rates for 2020/21 are shown at Appendix 4 to the report and the proposed rates for 2021/22 are set out at Appendix 5.
 - (d) Delegated authority to the Director of Prevention & Early Help to enter into revised contracts with providers in accordance with the Department for Education funding increase.
3. the request for the Leader of the Council to write to the Secretary of State to raise concerns over the impact of the national funding formula on small and rural schools.

83 DAY OPPORTUNITIES STRATEGY AND REDESIGN

Cabinet considered a report on developing a strategic vision for all day opportunities services in Cheshire East.

RESOLVED

That Cabinet approves the development of a co-produced day opportunities strategy and redesign of the current day opportunities services offer across the Borough.

84 CARBON ACTION PLAN CAPITAL INVESTMENT

Cabinet considered a report on a proposed solar photovoltaic array and tree planting project at Leighton Grange Crewe, as part of the Council's commitment to be carbon neutral by 2025.

RESOLVED

That Cabinet

- 1. approves that Council land at Leighton Grange as described in figure 1 at the end of the report be allocated for insetting purposes; and
- 2. delegates authority to the Executive Director Place to take all necessary actions, including without limitation contract award and the

execution of all necessary agreements and ancillary documentation, to implement the following carbon inseting projects:

- (a) the procurement, construction and operation of a solar photovoltaic array connected to the composting plant of approximately 5MW, subject to securing appropriate permissions and connections; and
- (b) the planting of up to seven hectares of natural assets to absorb carbon.

85 CHESHIRE EAST CONTAMINATED LAND STRATEGY 2021

Cabinet considered a report on the Cheshire East Contaminated Land Strategy 2021.

RESOLVED

That Cabinet

1. authorises the Director of Environment and Neighbourhoods to formally consult on the draft Contaminated Land Strategy for a period of 6 weeks;
2. notes that the Environment and Regeneration Overview and Scrutiny Committee will consider the revised draft and result of consultation once that is completed; and
3. delegates authority to the Director of Environment and Neighbourhood Services in consultation with the Portfolio Holder for Communities to consider the results of the consultation and to approve the final version of the strategy.

86 OCCUPATIONAL HEALTH CONTRACT PROCUREMENT

Cabinet considered a report on the procurement of an occupational health contract.

RESOLVED

That Cabinet delegates authority to the Executive Director of Corporate Services in consultation with the Portfolio Holder for Public Health and Corporate Services to award and enter into the new contract following a tender exercise.

87 POLICY ON THE PRE-PURCHASE OF GRAVES AT CHESHIRE EAST CEMETERIES

Cabinet considered a report on the adoption of a policy to cease advance purchases of graves in all cemeteries where there was less than 20 years of capacity of new grave supply.

RESOLVED

That Cabinet

1. approves the revised Policy, as set out at Appendix 1 to the report, for the pre-purchase of graves at Cheshire East managed Cemeteries; and
2. delegates authority to the Executive Director- Place to take any necessary actions to implement the policy.

88 SCHEDULE OF URGENT DECISIONS TAKEN ON BEHALF OF CABINET AND COUNCIL

Cabinet received a schedule of urgent decisions taken on behalf of the Cabinet and Council which was reported for information in accordance with Appendix 4 of the Council procedure rules.

RESOLVED

That the schedule of urgent decisions be noted.

89 ORBITAS BEREAVEMENT SERVICES CONTRACT EXTENSION

Cabinet considered a report on the extension of the contract between the Council and Orbitas Bereavement Services.

Cabinet had regard to the legal implications relevant to the decision as set out in Appendix A to the report. The Appendix contained exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and was therefore not for publication.

RESOLVED

That Cabinet

1. approves that the contract between the Council and Orbitas Bereavement Services be modified by extending it by a period of one year, to 31 March 2022; and
2. delegates authority to the Executive Director Place to take all necessary actions to implement the contract modification.

The meeting commenced at 1.00 pm and concluded at 4.00 pm

Councillor S Corcoran (Chairman)

Cabinet Portfolio Holder Script – 2nd February 2021

Cllr Nick Mannion – PH for Environment and Regeneration

Additional recommendations from Cabinet to Full Council

With regard to item 8 [on the Cabinet agenda], it has come to our attention that additional funding is likely to be made available to support the council.

The first relates to our carbon neutral objectives through the Public Sector Decarbonisation Scheme in 2021/22.

We have been notified of a grant award of £3.5m to enable the delivery of:

- Solar panels across selected 16 buildings to generate and supply renewable electricity for our leisure centres
- A renewable heat pump heating system at one of our offices
- An upgrade of lighting systems to LED across 14 of our most energy intensive buildings
- And a range of energy conservation measures like heating and lighting controls across various estate buildings

We anticipate these measure will reduce our carbon footprint by circa 350 tonnes of Co2 per annum – almost 5% of the energy efficiency needed by 2025.

To formally accept this funding I would like to propose an additional recommendation to item 8.

Recommendation:

Recommend to Full Council the approval of an additional Supplementary Capital Estimate of up to £3,500,000 from the Public Sector Decarbonisation Fund to further our carbon neutrality objectives.

In December 2020 Cheshire East submitted a consortia bids to The Department for Business, Energy and Industrial Strategy (BEIS) for Green Homes Grant, Local Authority Delivery Scheme Phase 1B to apply for a share of £124million funding to be used to improve the energy efficiency of low income houses in their area.

The bid for GHG LAD P1B was for £1,523,750, to be distributed as follows:

Partner	Tenure	Number of properties Improved	Grant Funding (£)
Cheshire East	Homeowners	30	£517,500
	Private Rented	30	
Guinness Partnership	Social Rented	79	£454,250
Peaks & Plains Housing Trust	Social Rented	51	£293,250
Cheshire West & Chester	Homeowners	20	£258,750
	Private Rented	5	

There is no requirement for match funding from Cheshire East Council. A condition of the grant is that social and private landlords must contribute a minimum of 33% of the cost of works to their properties. The Guinness Partnership and Peaks & Plains Housing Trust have confirmed that they will provide the match funding for works to their housing stock. Contributions will be secured from all participating private landlords as part of the administration of the scheme.

On 27th January 2021, Cheshire East was advised that the bid had been successful. There is a requirement for Cheshire East Council to enter into a Memorandum of Understanding with BEIS (BEIS MoU) and will be the accountable body. The partners will all be required to enter into a further Memorandum of Understanding that reflects the BEIS MoU to receive funds from Cheshire East Council. There is a requirement to accept and sign all documentation by 19th February 2021 or the offer will be withdrawn.

To formally accept this funding I would like to propose an additional recommendation to item 8.

Recommendation:

Recommend to Full Council the approval of an additional Supplementary Capital Estimate in relation to £1,523,750 from The Department for Business, Energy and Industrial Strategy (BEIS) for Green Homes Grant, Local Authority Delivery Scheme Phase 1B (GHG LAD P1B).