

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 11th August, 2009 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor B Silvester (Vice-Chairman)

Councillors R Domleo, D Brickhill, D Brown, P Findlow, A Knowles, J Macrae
and P Mason

Councillors in attendance:

C Andrew, A Arnold, Rhoda Bailey, O Hunter, R Menlove, A Moran,
A Richardson, L Smetham, A Thwaite, C Tomlinson and J Wray.

Officers in attendance:

Chief Executive, Borough Treasurer and Head of Assets, Borough Solicitor,
Head of HR and Organisational Development, Strategic Director People and
Strategic Director Places

70 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Keegan.

71 DECLARATIONS OF INTEREST

None.

72 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

73 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 14 July 2009 be approved as a
correct record.

74 PERFORMANCE REPORT

Consideration was given to this report giving an overview of performance
for Cheshire East. The report included details of outturn measures for
2008/09 reconfigured to Cheshire East from County Council and District
Councils' performance, the aim of which was to highlight issues inherited
from predecessor authorities and also to identify strengths to build on. In

addition a summary was attached of the Place Survey carried out to support the national indicators and to provide benchmark information.

RESOLVED

For the reasons set out in the report: -

1. That the overview of performance detailed in Appendix 1 to the report be noted.
2. That the findings of the Place Survey and the proposal to carry out further analysis be noted.

75 REVIEW OF TRANSITIONAL COSTS AT OUTTURN

Consideration was given to this report on the outcome of the 2008/09 outturn position for transitional costs, excluding severance. This was the fourth full review of the programme since the budget had been approved by the Cabinet in June 2008.

The report included details of the final 2008/09 outturn position for transitional costs and sources of funding for Cheshire East, and information on a number of changes since the three quarter year review. Also included was information in respect of changing patterns of expenditure, and the comparison of costs spent on behalf of Cheshire East based upon agreed sharing principles with the actual costs incurred by the individual Councils in 2008/09. In addition it identified the requirement to adjust for this difference in costs as part of the disaggregation of the Cheshire County Council balance sheet.

RESOLVED

For the reasons set out in the report: -

That the final 2008/09 position on transitional costs at outturn be noted.

76 FINANCIAL UPDATE – QUARTER 1 (EMERGING PRESSURES)

Consideration was given to this report on emerging financial pressures in the first quarter of the 2009-10 financial year. It focussed, in particular, on areas of high financial risk to the Council and included updates on Treasury Management, the Capital Programme, in-year collection rates for Council Tax and Business Rates and an update on the Reserves strategy.

RESOLVED

For the reasons set out in the report: -

1. That the emerging pressures on the Council's revenue budget in the first quarter of 2009-10, detailed in Section 11 of the report, and the proposed remedial action, be noted.

2. That the Treasury Management update, detailed in Section 12 of the report, be noted.
3. That the Council's in-year collection rates for Council Tax and Business Rates, detailed in Section 13 of the report, be noted.
4. That progress to date on delivering the 2009-10 capital programme, detailed in Section 14 of the report, be noted.
5. That schemes on the capital project deferred list, shown in Appendix 7 to the report, be noted.
6. That the update on the joint Waste PFI scheme, shown in Appendix 2 to the report, be noted.
7. That the delegated decisions approved by Directors, shown in Appendix 4 to the report, be noted.
8. That the updated Reserves position, detailed in Section 15 and Appendix 8 to the report, be noted.
9. That approval be given to the revised in-year capital budget for 2009-10 as set out in Section 14 of the report, including;
 - Supplementary Capital Estimates (SCE)/Virements over £100,000 and up to and including £500,000, shown in Appendix 3 to the report;
 - Supplementary Capital Estimates (SCE)/Virements over £500,000 and up to and including £1.0m, shown in Appendix 3 to the report;
 - Reductions in approved budgets, shown in Appendix 5 to the report;
 - Changes in funding sources, shown in Appendix 6 to the report.
10. That Council be requested to approve the following supplementary estimates exceeding £1m:
 - A Supplementary Capital Estimate of £1,150,000 for the Modernisation Grant 09/10 detailed in Appendix 3 to the report;
 - A Supplementary Capital Estimate of £2,227,195 for the Devolved Formula Capital Grant in Advance detailed in Appendix 3 to the report.
11. That Council be requested to give approval to Cheshire East Borough Council entering into a partnership with Cheshire West & Chester Borough Council and Warrington Council to deliver a sub regional Future Jobs fund programme, and to approve the Supplementary Revenue Estimate of £1.440m, detailed in Section 11, paragraphs 11.2.25 – 11.2.27 of the report.

77 THINK FAMILY

During discussion of this item Councillor A Thwaite declared a personal interest by virtue of being a Director of Connexions.

Consideration was given to this report identifying the dimensions of the Think Family agenda, and recommending how it might be taken forward by Cheshire East Council and by the whole system in Cheshire East.

RESOLVED

For the reasons set out in the report: -

1. That approval be given for the Think Family Strategy to be developed by Cheshire East Council.
2. That approval be given for the Strategic Director (People) to take the lead in developing the Think Family Strategy in collaboration with colleagues across the whole Authority.
3. That the work be shared with partners in the Local Strategic Partnership and the Local Area Partnerships.

78 TREASURY MANAGEMENT ANNUAL REPORT 2008-09

The Treasury Management Policy requires an annual report on the performance of the Council's treasury management operation. Cabinet considered this report containing details of the activities in 2008-09 for Cheshire County Council, Macclesfield Borough Council, Crewe and Nantwich Borough Council and Congleton Borough Council.

RESOLVED

For the reasons set out in the report: -

1. That the Treasury Management Annual Report for 2008-09, detailed in Appendix A to the report, be received.
2. That the amendments to the current credit criteria and Counterparty List, detailed in Section 12 of the report, be approved.

79 KEY DECISION 09/10-24 JOINT WASTE TREATMENT PFI PROJECT - ACQUISITION OF SITE FOR WASTE TRANSFER STATION FACILITIES

Consideration was given to this report providing details of work carried out to identify and acquire a site for Waste Transfer Facilities in the Macclesfield area as part of the Waste Treatment PFI procurement. The facility would provide for the bulking-up of residual household waste for transport to the Waste Treatment Facility. Details of alternative sites and their merits were provided and a site at Hulley Road, Macclesfield was recommended for acquisition.

It was reported that Cheshire West and Chester Council was currently the lead Authority with regard to Joint Waste Contracts and was therefore leading on the acquisition of a site in consultation with Cheshire East Council. Cheshire West and Chester Council's Executive Member for Environment had approved the acquisition, and under the terms of the relevant Inter Authority Agreement, the views and support of Cheshire East Council were now sought.

In response to questions from Members it was confirmed that any potential impacts would be assessed and taken into account in the planning and permission process. Members then passed the resolution at minute 80, resolved minute 81 and reconvened in Part 1.

RESOLVED

Following separate consideration of the Part 2 item at minute 81 and for the reasons set out in the report: -

1. That the purchase of a site at Hulley Road be approved in order to enable a Waste Transfer Station in Macclesfield to be included within the scope of the Waste Treatment PFI Contract.
2. That alternative site options continue to be explored with a view to ensuring that a Waste Transfer Station at Hulley Road provides best value.

80 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

81 KEY DECISION 09/10-24 JOINT WASTE TREATMENT PFI PROJECT - ACQUISITION OF SITE FOR WASTE TRANSFER STATION FACILITIES

In association with Minute 79 above Members considered Appendix A to the report in respect of the acquisition of a site for waste transfer station facilities in Macclesfield.

RESOLVED

For the reasons set out in the report and as now discussed: -

That Appendix A be noted.

82 KEY DECISION 09/10-16 FOOTBALL FACILITIES AND EXTRA CARE HOUSING PROVISION IN SANDBACH – PROJECT INTERDEPENDENCIES

During discussion of this item Councillor Rhoda Bailey declared a personal interest by virtue of being known to two of the objectors.

Consideration was given to this report on the partnership working that had taken place to secure leisure provision and extra care housing for older people on land in Sandbach.

RESOLVED

For the reasons set out in the report: -

1. That Council be recommended to approve a Supplementary Capital Estimate of £2.2m to acquire land, build and establish a suitable football facility in Sandbach fully funded via a variety of sources, including a grant from the Football Foundation, a contribution from the external football Club and either capital receipt on the sale of existing land owned or internal transfer of funds from Adults service within Cheshire East.
2. To authorise in principle, and subject to the relevant planning consents being obtained, the submission of the land at Newhall Avenue, Sandbach described in para 12.1 of the report, as one of the sites offered by Cheshire East for inclusion in the Round 5 Extra Care Housing Programme.
3. That, if the site is not able to be included in the Round 5 Extra Care Housing Programme as anticipated in (2) above to authorise the sale of the land at Newhall Avenue, Sandbach described in para 12.1 of the report.
4. That authorisation be given to purchase a site at Hindheath Road, Sandbach for the provision of football facilities.
5. That, as far as may be necessary, authorisation be given for the internal transfer of the Newhall Avenue site from The Health & Wellbeing Service to the Adult Service, within Cheshire East Council, accompanied by the appropriate transfer of capital funds from the Adult Service to the Health & Wellbeing Service.

83 DISPOSAL OF PREMISES KNOWN AS 63/65 WHEELOCK STREET, MIDDLEWICH

Consideration was given to this report in respect of the sale of these premises.

RESOLVED

For the reasons set out in the report: -

That approval be given to the sale of the freehold interest in 63/65 Wheelock Street, Middlewich on terms and conditions to be determined by the Borough Treasurer and Head of Assets and the Borough Solicitor.

84 APPEAL AGAINST DECISION NOT TO AWARD HARDSHIP RELIEF

In accordance with the Discretionary Rate Relief Policy agreed by Cabinet at its meeting on 2 December 2008 consideration was given to an appeal against a decision not to award hardship relief. Members raised a number of questions in respect of this case and, as the necessary background information was held by the Finance Department, agreed that the matter be delegated to the Borough Treasurer and Head of Assets and the Portfolio Holder Resources.

RESOLVED

For the reasons now stated: -

That the final decision in this matter be delegated to the Borough Treasurer and Head of Assets and the Portfolio Holder Resources.

85 MANAGING WORKFORCE CHANGE

Consideration was given to a request for voluntary early retirement.

RESOLVED

For the reasons set out in the report: -

That the request be approved.

86 COUNTY HALL

At the last meeting of the Cabinet consideration was given to a report on the future use of County Hall and a further report was now considered on the options available. Following the circulation of the agenda the decision requested had been revised and this was now approved.

RESOLVED

For the reasons set out in the report.

1. That negotiations for the potential sale of County Hall to Chester University should proceed subject to the inclusion of an overage provision.

2. That the possible transfer of the Council's interest in Castle Square Car Park be dealt with as a separate transaction and that an independent valuation of the car park be obtained jointly with Cheshire West and Chester Borough Council, taking into account relevant planning constraints and restrictive covenants.
3. That Cabinet delegate to the Borough Treasurer and Head of Assets and the Borough Solicitor the further negotiations for both transactions in consultation with the Leader of the Council.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

W Fitzgerald (Chairman)