

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Monday, 5th September, 2011 in Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor W Fitzgerald (Chairman) *in the chair for agenda items 1 - 8*  
Councillor R Domleo (Vice-Chairman) *in the chair for agenda items 9 - 14*

Councillors Rachel Bailey, D Brown, H Gaddum, J Macrae, P Mason and M Jones.

Councillors in attendance:

Rhoda Bailey, D Brickhill, L Brown, J Clowes, K Edwards, P Findlow, R Fletcher, D Flude, S Gardiner, M Grant, P Groves, D Hough, O Hunter, L Jeuda, J Jackson, S Jones, F Keegan, G Merry, B Moran, B Murphy, H Murray, M Parsons, J Saunders, L Smetham, A Thwaite and S Wilkinson.

Officers in attendance:

Borough Solicitor and Monitoring Officer; Director of Finance and Business Services; Head of Human Resources and Organisational Development; Head of Policy and Performance; Strategic Director (Children, Families and Adults); Strategic Director (Places, Organisational Capacity).

## **45 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Menlove.

## **46 DECLARATIONS OF INTEREST**

Councillors D Brown and S Jones both declared a personal interest in agenda item 5 (Transfer and Devolution to Town and Parish Councils) by virtue of being members of Alsager Town Council and Congleton Town Council respectively.

## **47 PUBLIC SPEAKING TIME/OPEN SESSION**

1. Councillor John Crowther of Congleton Town Council presented a petition 'Say No To Cheshire East Alfresco Charges', and read out a covering letter (both of which can be viewed on the Councils Website). The petition related to the recent introduction of license charges for alfresco seating in Congleton Town Centre.

The Chairman thanked Councillor Crowther for the petition. He stated that the Council was working hard to support the future prosperity of all its town centres and would review the points made in relation to the Alfresco

Policy. He would ask officers to look again at the fees and charges contained in the policy and would respond further in due course.

**2. Item 5 – Transfer and Devolution to Town and Parish Councils**

Councillor Carolyn Lowe of Sandbach Town Council welcomed the progress of this policy but expressed concern at the possibility of double taxation, the proposed financial support for town centre managers in Macclesfield and Crewe, existing funding reserves of Town and Parish Councils being taken into account in the transfer process, and the importance for Sandbach Town Council of the Small Common car park.

The Chairman Confirmed that the Council was aware of these concerns and that they would be explored further in the ongoing discussions and negotiations.

**3. Item 7 – Improvements in the Delivery of Adult Social Care Services – Building Based Services**

Dr Thompson spoke in respect of the proposal to transfer day services and short break respite care from the Stanley Centre, Knutsford to other local facilities, and requested that a full impact assessment be carried out of the effect of such changes.

Charlotte Peters Rock spoke on the same matter, on behalf of the relatives of people currently attending the Centre, and on the range of changes which were affecting both carers and the cared for. It was requested that a full assessment be made of all their needs before taking a decision to close the Centre.

4. Mr Goodwin made a statement regarding the mileage rate paid by Cheshire East Council to Councillors and Council staff which, he stated, was higher than the national recommended amount resulting in expenditure being £1m more than necessary.

**48 MINUTES OF PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting held on 1 August 2011 be approved as a correct record.

**49 KEY DECISION 10/11-62 TRANSFER AND DEVOLUTION TO TOWN AND PARISH COUNCILS**

*(Councillors D Brown and S Jones had both declared a personal interest in this item.)*

Consideration was given to the progress of negotiations with participating local authorities regarding the transfer of assets and services designed to maximise the local focus of service delivery and give each Town and

Parish Council an increasingly important role in deciding what should be delivered in its locality and how it would be best delivered.

Eight Town Councils and eighteen of the larger Parish Councils were now ready to discuss the potential transfer of assets and services the discussions on which were at an advanced stage. It was, however, stressed that this was an ongoing process and that all parishes were welcome to discuss ideas for service delivery or transfer of assets as they arose.

The report set out the current proposals for the transfer of assets and services starting from 2012 although it was recognised that it might be some time into the next financial year before the transfer took place for more complex assets. Members were asked to note that the public conveniences in the France Hayhurst Pavilion, Middlewich had been included on Appendix A in error and they were not to be included in the transfer process.

Visiting Councillors expressed concerns regarding the proposed financial support for the Town Centre Managers in Crewe and Macclesfield, the opportunity for double taxation on a range of transferred services, the need for openness and transparency regarding the precepts that might be levied by Town and Parish Councils, the intention to take the current financial reserves of existing Town and Parish Councils into account, and the proposal to apply a period of 25 years to any overage clauses.

The Chairman stressed that negotiations on all these matters were ongoing and that approval of the recommendations contained in the report were the start of the process; discussions would continue to seek to achieve a satisfactory outcome.

## **RESOLVED**

1. That delegated authority be given to the Strategic Director (Places and Organisational Capacity), to the Section 151 Officer, and to the Monitoring Officer, to finalise agreed legal and financial terms for a package of transfers (or leases) of the assets and functions contained in Appendix A of the report, with the exception of the public conveniences in the France Hayhurst Pavilion, Middlewich, with a view to transfer taking place by April 2012 or as soon as possible following that date where that is agreed by both parties.
2. That the legal terms include those points listed in section 10.12 of the report. Both parties will be expected to complete negotiations in a reasonable timeframe. It is anticipated that Civic Halls and Community Centres will be by freehold transfer for disposal at a nominal value and that, in negotiation, both parties will agree on either a transfer or a lease arrangement for the Markets and Public Conveniences with allotments likely to be transferred by way of a long lease.

3. That the contents of Appendix B of the report be noted. At this stage these assets are not approved for transfer but will be reviewed on a case by case basis as part of the overall package to transfer. Such decisions to be delegated to the relevant portfolio holder(s). An initial analysis of these assets indicates that a number of them will not be suitable for transfer.
4. That approval be given to the transfer of “other services” as listed in section 10.4 of the report.
5. That the potential overall financial implications of the implementation of this policy and the potential impact on precept levels and on Cheshire East’s budget be noted.
6. That the new delivery model for Town Centre Management, as detailed in section 10.7 of the report, be noted.
7. That the position in the un-parished areas of Crewe and Macclesfield, and in newly parished Wilmslow as detailed in section 10.8 – 10.10 be noted.
8. That it be noted that additional support costs in property and legal services will be funded from the Ear Marked Reserve.
9. That the terms of transfer and implications be discussed with both the District Valuer and the External Auditor to ensure their relevant feedback is reflected in the agreements.
10. That the joint Officer/ member working group be thanked for its work which has been instrumental in achieving the progress to date; and that in line with the reports recommendations, and the fact that negotiations are at an advanced stage, it was considered that the group should no longer continue in its current form and therefore be dissolved.

## **50 KEY DECISION 11/12-3 CHESHIRE AND WARRINGTON LOCAL INVESTMENT PLAN 2**

Consideration was given to the Housing Local Investment Plan 2. The first Plan for the sub region had been approved in 2010 and whilst its revision was optional the Cheshire and Warrington Sub Regional Board had decided to develop a second Plan building on the original document but responding to changes in both the policy and financial environment for housing over the last twelve months.

## **RESOLVED**

That approval be given to the Housing Local Investment Plan 2 for 2011 – 2015.

### **51 KEY DECISION 11/12-10 IMPROVEMENTS IN THE DELIVERY OF ADULT SOCIAL CARE SERVICES - BUILDING BASED SERVICES**

Consideration was given to a policy of improving day and short break/respite services in adult social care and to optimising the Council's building stock to improve the quality of service delivery for customers.

It was stressed that the review would not mean any loss of services but reflected the changing patterns of demand for traditional services, changes in what people wanted to be delivered from the services and in how they chose to spend their personal budgets, and that the report contained proposals for change on which the views of relevant individuals would be sought.

In response to concerns regarding the proposals, and the effect of any changes on both carers and those being cared for, the importance and value of their responses was reiterated. Care would be taken to ensure that the right people were consulted and intermediate briefing sessions updating Members would be given.

## **RESOLVED**

1. That Cabinet notes the impact of Personalisation and in particular the changing demand for specialist traditional social care provision. There is also a requirement for the Local Authority to stimulate the independent and third sector market for a greater range of alternative service provision. A consequence of these factors is a proposal to transfer day services and short breaks from Bexton Court, Peatfields, Dean Row, the Stanley Centre and Queens Drive to other local facilities. This proposal is balanced by investment in order to enhance the facilities and services at Redesmere, Hollins View and Mountview together with the Leisure Centres in Wilmslow and Macclesfield as detailed in appendix A of the report. Similar minor investment has already taken place at Mayfields.
2. That it be noted that the proposals support the introduction of 'Lifestyle' type activities designed to broaden choice and integration for individuals whilst pursuing the corporate goal of enhancing the health & wellbeing of the population as a whole.
3. That Cabinet recognises that this is the first stage of examining Borough wide day service and short break/respite provision. It requests that follow up work is undertaken to assess the business case for further stages.

4. That officers be authorised to seek the views of relevant individuals to the proposed changes and that the outcome of this be reported to Cabinet in December 2011. This paper will also include final proposals for any service transfer and incorporate a staged approach for delivering services for those with more complex needs.
5. That Cabinet endorses the minor capital investment programme to a range of health and wellbeing buildings as set out in 7.3 of the report.

*Councillor W Fitzgerald left the meeting and Councillor R Domleo took the chair for the remainder of the agenda.*

## **52 FIRST QUARTER REVIEW OF PERFORMANCE**

Consideration was given to the financial and non financial performance of the Council during the first quarter of 2011/12. The report included an update on the Councils overall financial stability, projections of financial performance for each service for the current financial year, a summary of key performance headlines to date, and an explanation of the key points emerging.

### **RESOLVED**

1. That the following financial issues be noted:
  - the overall financial stability of the Council, including Grants, in-year collection rates for Council Tax and Business Rates, Treasury Management, and centrally held budgets detailed in Annex 1 of the report;
  - the impact on the Council's general reserves position detailed in Annex 1 of the report;
  - the forecast service revenue and capital outturn positions detailed on Annex 2 of the report;
  - the Council's invoiced debt position as shown in Annex 2 of the report;
  - progress on delivering the 2011-12 capital programme, detailed in Annex 2 and Appendix 1 of the report;
  - Delegated Decisions approved by Directors for Supplementary Capital Estimates (SCE) and virement requests up to £100,000 as shown in Annex 2 Appendix 2a of the report;
  - Delegated Decisions approved by Directors in consultation with the relevant Portfolio Holder and the Portfolio Holder for Resources for Supplementary Capital Estimates and virement requests over £100,000 and up to and including £500,000 as shown in Annex 2 Appendix 2b of the report.

2. That the service performance issues, contained in Annex 3 of the report, and the successes achieved during the first quarter of 2011/12 be noted and issues raised in relation to underperformance against targets be addressed.
3. That approval be given to :
  - the retention of £0.4m of earmarked reserves previously identified for return to general balances;
  - a Supplementary Revenue Estimate of £3.0m to create a central contingency from additional non-ringfenced grant funding, to be the subject of bids from services detailed in Annex 1 of the report;
  - Supplementary Revenue Estimates for services of £2.2m to be met from the central grants contingency, detailed in Annex 2 of the report;
  - Capital virement requests over £500,000 and up to and including £1.0m, as shown in Annex 2 Appendix 2c of the report.

### **53 RISK MANAGEMENT POLICY REVIEW**

Consideration was given to the Council's updated Risk Management Policy which formed part of the overall internal control framework and corporate governance arrangements. The Strategy had last been amended and approved in July 2009 and it was recommended that it should be reviewed annually.

#### **RESOLVED**

That the updated Risk Management Policy be approved and that it be reviewed annually from now on.

### **54 BUSINESS GENERATION CENTRES**

In response to a request by the Portfolio Holder for Prosperity, a Task and Finish Group had been set up by the Corporate Scrutiny Committee to review Business Generation Centres with a view to helping to shape the Council's future policy.

In accordance with the overview and scrutiny procedure Cabinet was asked to receive the recommendations at this stage and to come back to a later meeting with a formal response to its recommendations.

#### **RESOLVED**

That the report be received and that a formal response to its recommendations be given at a future meeting of the Cabinet.

## **55 NOTICE OF MOTION - MEMORIAL TO ROYAL ENGINEERS, ALVASTON HALL, CREWE**

At a meeting of the Council on 21 April 2011 a Notice of Motion had been submitted by Councillors D Flude and C Thorley to investigate the possibility of erecting a small memorial in the Crewe area in recognition of the bravery of the Royal Engineers killed by one of four bombs that fell in a field opposite Alveston Hall in August 1940.

Consideration was now given to the options which could be pursued; the preference for which was option 1 detailed in paragraph 10.3 of the report, namely to place a plaque or other small memorial as close to the site of the tragedy as possible. This approach was favoured by the Royal Engineers Association and by Councillors Flude and Thorley.

### **RESOLVED**

1. That approval be given to proceed with the erection of a small memorial as detailed above.
2. In the event of the favoured location being on private land that the Borough Solicitor be authorised to enter into such agreements as are necessary to give effect to the Cabinet wishes and to agree the terms of such agreements.

## **56 NOTICE OF MOTION - RESIDENTIAL CARE MARKET**

At the meeting of the Council on 21 April 2011 a Notice of Motion had been submitted by Councillors D Flude and C Thorley regarding instability in the residential care market in Cheshire East and its potential impact on the finances of the Council. It was requested that a Scrutiny Committee Task and Finish Group be set up to determine the best means of managing demand for residential care including demand from returning self funders.

### **RESOLVED**

That the matter be referred to the Adult Social Care Scrutiny Committee with a view to them examining the matter and reporting back on:

- The stability of the residential care market in Cheshire East
- The availability of residential care at affordable prices in Cheshire East
- The success or otherwise of current measures to manage the demand for residential care in Cheshire East.
- The success or otherwise of measures to support self funders to remain independent of Council funding for longer



## **57 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 Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

## **58 MANAGING WORKFORCE CHANGE - SEVERANCE PROVISION**

Consideration was given to the report of the Head of Human Resources and Organisational Development.

### **RESOLVED**

1. That the terms detailed in section 10.2 to 10.4 of the report continue to apply from 1 October 2011 until April 2012.
2. That the Council's severance scheme and related practices be reviewed again before 30 April 2012.
3. That Cabinet supports the decision of the Chief Executive to release the employees whose roles are listed as 1 to 13 of Appendix A of the report under the arrangements agreed in relation to voluntary severance provisions for employees in the Council.
4. That Cabinet notes the three employees listed as 14, 15 and 16 in Appendix A of the report, whose voluntary severance was approved by the Procurement, Assets and Shared Services Portfolio Holder under the terms of his delegated powers, in response to requests from management.

The meeting commenced at 2.00 pm and concluded at 4.45 pm

W Fitzgerald (Chairman)