

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Monday, 12th November, 2012 at Council Chamber - Town Hall,
Macclesfield, SK10 1EA

PRESENT

Councillor M Jones (Chairman)
Councillor D Brown (Vice-Chairman)

Councillors Rachel Bailey, J Clowes, J P Findlow, L Gilbert, J Macrae, R Menlove,
B Moran and P Raynes.

Also Present

Councillors Rhoda Bailey, Louise Brown, D Flude, P Groves, D Marren,
P Mason, A Moran, B Murphy, A Thwaite and S Wilkinson.

Officers in attendance

Interim Chief Executive; Borough Solicitor and Monitoring Officer; Director of Finance and Business Services; Head of HR and Organisational Development; Strategic Director Children, Families and Adults; and the Strategic Director Places and Organisational Capacity.

97 APOLOGIES FOR ABSENCE

There were no apologies for absence.

98 DECLARATIONS OF INTEREST

There were no declarations of interest.

99 PART 2 PRIVATE AGENDA - TO RESPOND TO ANY REPRESENTATIONS RECEIVED

There were no Part 2 items on the agenda.

100 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public were present.

101 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 15 October 2012 be approved as a correct record.

102 **KEY DECISION CE12/13-26 ACCOUNTABLE BODY ROLE FOR CHESHIRE AND WARRINGTON LOCAL ENTERPRISE PARTNERSHIP**

Consideration was given to Cheshire East Council acting as the Accountable Body for the Cheshire and Warrington Enterprise Partnership (LEP) for the administration of the Growing places Fund and LEP Core Funding.

The report sought approval for various arrangements to enable LEP Core Funding to be received and handled on behalf of the LEP, for processes to be established for approving individual bids relating the Growing Places Fund, and with regard to the roles and accountabilities of the various bodies involved.

RESOLVED

1. That, subject to 3 below, approval be given for the Council to act as the Accountable Body in respect of the Cheshire & Warrington Local Enterprise Partnership (LEP) for the administration of the Growing Places Fund and LEP Core funding, and that delegated authority be given to the Director of Finance & Business Services to permit the Council to undertake an Accountable Body role for future funding directed by the Government towards the LEP (up to £100,000 annual grant per initiative), subject to consideration by the Borough Solicitor and Strategic Director for Places & Organisational Capacity, and in consultation with the Portfolio Holder (Finance).
2. That the Director of Finance and Business Services, in consultation with the Portfolio Holder for Finance, be given delegated authority to release grant monies and administer the GPF loan repayment scheme in accordance with the grant conditions imposed by the CLG, based on the detailed recommendations of the Investment Panel of the LEP who, after obtaining appropriate professional advice, will consider and process all applications.
3. That each of the successful tenderers appointed by the Cheshire & Warrington Enterprise Commission (CWEC), provide legal and/or appraisal advice in relation to the GPF scheme for the Council with the same duty of care and indemnity that they would have if the Council had carried out the procurement exercise itself. Also that CWEC itself shall provide an indemnity against any loss sustained by the Council in its role of Accountable Body, relating to either the appointment of the external advisors, or as a result of relying on such advice and releasing funding or entering into the loan agreements.

103 **KEY DECISION CE12/13-16 OPTIONS FOR THE ESTABLISHMENT OF AN AUTISM SPECTRUM CONDITION SPECIAL SCHOOL**

Proposals were considered to identify a suitable partner/sponsor for the establishment of an Autism Spectrum Condition Special School in Cheshire East. The proposal arose as the result of a review, commenced in 2010, of arrangements for children and young people with special Educational Needs and Disability. An outline business case for the proposal in principle was approved by the Cabinet in November 2011 but, in February this year, changes were made to the Education Inspections Act 2006 part 2 whereby any Local Authority seeking

to establish a new school is now under a statutory duty to seek proposals to establish an Academy or Free School in the first instance.

RESOLVED

That approval be given to identify and support the proposals of a suitable partner/sponsor who can make a bid for funding to the Education Funding Agency to establish an ASC Special Free School in Cheshire East.

104 KEY DECISION CE12/13-31 DEVELOPMENT PROGRAMME - DEVELOPER FRAMEWORK

Consideration was given to the establishment of a new Developer Framework Agreement, for development companies and related services, to aid delivery of the Council's Capital Programme.

The requirement for separate procurement exercises for almost every asset disposal or development project undertaken by the Council was a significant barrier to maximising the value of the Council's asset base and to operating as efficiently and effectively as possible; the development of this Framework would streamline that process.

RESOLVED

That approval be given to delegate authority to the Strategic Director Places & Organisational Capacity to take all necessary steps to establish a new Developer Framework Agreement for development companies and related services to aid delivery of the Council's capital programme, including appointing the successful bidders onto the Framework Agreement upon conclusion of the procurement exercise.

105 2012/2013 MID YEAR REVIEW OF PERFORMANCE

The financial and non-financial performance of the Council at the mid-year stage of 2012/13 was considered. The report included a projection of financial performance for each service for the financial year 2012/13, detailed the key financial pressures being faced, areas of high financial risk and the remedial measures identified by services to mitigate the pressures. The report also included an update on the overall financial stability of the Council and a summary of the key non-financial performance headlines for the year to date.

RESOLVED

1. That the following issues be noted:

- The projected Service revenue and capital outturn position, set out in Section 1 of the report;
- The overall financial stability of the Council and the potential impact on the Council's general reserves position, set out in Section 2 of the report;
- The Council's invoiced debt position, set out in Appendix 2 of the report;

- The delivery of the overall Capital Programme, set out in Section 2 paragraphs 105 to 119, and Appendix 3 of the report;
 - The service performance successes achieved during the first half of 2012/2013 and the issues raised in relation to underperformance against targets and how these will be addressed, set out in Section 3 of the report.
2. That approval be given to a Supplementary Revenue Estimate of £40,000 for additional expenditure in Children & Families, fully funded from specific grant, set out in Section 2 paragraph 93 of the report.
3. That Council be recommended to approve:
- Reductions in the approved capital programme, set out in Appendix 4 of the report;
 - Supplementary Capital Estimates and Virements, set out in Appendix 5 of the report; and
 - Amendments to the Treasury Management Strategy, set out in Appendix 7 of the report.

106 CALL IN OF KEY DECISION CE12/13 DELIVERY OF STREETSCAPE AND PARKING MAINTENANCE ACTIVITIES

Following the call-in of the decision made by the Cabinet at its meeting on 17 September 2012 the Environment and Prosperity Scrutiny Committee had considered the matter and, at its meeting on 1 November, offered the advice *“That Cabinet be recommended to defer the decision until a full report had been received from the relevant Policy Development Committee”*. A copy of the minute from that meeting was circulated detailing the ongoing concerns of the Committee.

The Portfolio Holder for Environment and the Leader of the Council confirmed that Cabinet had considered the feedback and recommendation from the Scrutiny Committee and that the earlier recommendation of Cabinet in respect of the Streetscape Contract would now be deferred to allow time for further study by the relevant Policy Development Committee; the second part of the earlier recommendation in respect of Parking Maintenance Activities would, however, be acted upon.

RESOLVED

That the decision of Cabinet on 17 September 2012 in respect of the inclusion of Streetscape activities in the Highways Services Contract be deferred in order to allow time for the matter to be considered by the relevant Policy Development Committee, but that the part of the decision relating to Parking Maintenance be proceeded with.

107 KEY DECISION CHESHIRE EAST UNIVERSITY TECHNICAL COLLEGE COMPANY

In accordance with Section 100B (4) (b) of the Local Government Act 1972, the Chairman of the Cabinet agreed that this be considered as an item of urgent business as a company needed to be formed by Cheshire East in order to submit an expression of interest to the Department for Education by 16 November 2012;

failure to meet this deadline would mean that Cheshire East would have to wait a further 12 months in order to submit its application.

As this was an urgent item it would also be exempt from the provisions of call-in.

Consideration was given to a report seeking approval and authorisation to submit an expression of interest to the Department for Education to pursue the establishment of a University Technical College (UTC).

RESOLVED

1. That it be noted that, at their meeting on 15 October 2012, Members approved the pursuit of a University Technical College as part of the Councils Three Year Plan 2013/16.
2. That approval be given to the submission of an Expression of Interest to the Department for Education by 16 November 2012 on behalf of the Company, to be established in accordance with 3 below, to develop a UTC in Cheshire East, and that the process thereafter, set out in para 7.2 of the report, be noted.
3. That the Council be authorised to establish a Company Limited by Guarantee as part of the process, as set out in Appendix 1 of the report.
4. That Lorraine Butcher, Strategic Director of Children, Families, and Adults be approved as an initial director of the UTC Company, and that Fintan Bradley be confirmed as Company Secretary in the first instance with key business and academic partners/sponsors to be appointed at a later date.
5. That it be noted that membership of the Company will change to reflect the Business/Industry and University partners once further negotiations have been completed at which point a further report will be submitted to the Cabinet.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Councillor M Jones (Chairman)