

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Monday, 24th June, 2013 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors Rachel Bailey, J Clowes, J P Findlow, B Moran, P Raynes and
D Topping

Members in Attendance

Councillors Rhoda Bailey, G Baxendale, L Brown, S Gardiner, P Groves, J
Hammond, S Hogben, P Hoyland, B Livesley, P Mason, A Moran, B Murphy,
D Newton, A Thwaite, R West and S Wilkinson

Officers in Attendance

Kim Ryley, Lorraine Butcher, Suki Binjal, Heather Grimbaldston, Kevin
Melling, Mark Wheelton and Paul Mountford

Apologies

Councillor L Gilbert

18 DECLARATIONS OF INTEREST

There were no declarations of interest.

19 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs Ann Thornber and Mrs Charlotte Peters Rock both spoke in support of
the Mountview Community Resource Centre, Congleton, asking that the
Cabinet resolve not to close the Centre.

20 QUESTIONS TO CABINET MEMBERS

Councillor S Wilkinson, Chairman of the Corporate Scrutiny Committee,
conveyed the Committee's wish to see greater attendance by Cabinet
Members and CMT officers at future meetings.

The Leader replied that he expected Cabinet Members and CMT officers
to attend scrutiny committees as and when required.

Councillor S Hogben asked which Cabinet Member would be responsible
for economic regeneration following the recent resignation of Councillor
Macrae.

The Leader replied that he would be making an announcement at the next Council meeting. In the meantime, the Council was forging ahead with regeneration.

21 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meetings held on 28th May and 10th June 2013 be approved as a correct record.

22 REVIEW OF SERVICES DELIVERED FROM MOUNTVIEW

Cabinet considered a report on the outcome of the recent review of services delivered from Mountview in Congleton.

The Portfolio Holder for Health and Adult Care announced that following the review and in the light of the consultation response, the Council would be retaining day care services at Mountview. This would allow more time to review provision locally. The Leader added that services at Mountview would be available to new users. A further report on respite care would be brought back to Cabinet. The Leader also referred to concerns being expressed nationally about the Care Quality Commission and commented that the Council would consider instigating its own care quality regime.

RESOLVED

That

- (1) with regard to respite services for older people, those with dementia and those with a learning disability, Cabinet approves the adoption of Option 1B in section 10.1 of the report – that ‘Mountview services continue for a defined period, whilst other facilities are secured locally in the Congleton area’;
- (2) the defined period cover a transitional arrangement while alternative care and support services (respite) for adults are explored in the market through a competitively tendered and block purchasing approach with independent sector care homes;
- (3) a further report be considered by Cabinet, when a contract has been secured for the provision of respite care from the private market; and
- (4) day care provision continue at Mountview, to be reviewed at a future date as the needs/choices of users change.

23 CONGLETON LINK ROAD - VIABILITY POSITION STATEMENT

Cabinet considered a report on the proposed Congleton Link Road between the A534 and A536.

The report sought approval to progress the design and development of the scheme and to develop a strategy for its phased delivery. The report also highlighted potential funding options.

RESOLVED

That Cabinet

- (1) notes the costs for the provision of a single carriageway link road between the A534 Sandbach Road to A536 Macclesfield Road are estimated to be in the region of £62m including land, fees and risk;
- (2) notes that land costs for the scheme are sensitive to the allocations proposed in the emerging Local Plan and that to minimise this risk the preferred route for the link road be reflected in the Local Plan Site Allocations document;
- (3) notes that contributions from the development proposed in the Draft Local Plan have the potential to raise up to £14m as part of a mixed funding strategy;
- (4) notes that substantial use of the Council's own resources is likely, in due course, to be required to both contribute to and 'forward fund' the delivery of the link road (or phases thereof) within the context of the anticipated revenues associated with future developer contributions and the estimated cost of the scheme;
- (5) notes that initial work has identified that a positive transport business case can be made for the overall scheme which can be used to support future funding bids;
- (6) notes that individual funding bids alone may be unlikely to deliver the full funding required to construct the entire link road and that a 'phased approach' to delivery is adopted;
- (7) notes that a phased delivery of the link road will require a consequential phasing of associated development in the Local Plan;
- (8) will continue to investigate options for a new link road between the A534 and A536 to support the potential adoption of a preferred route in the Local Plan;
- (9) will develop a funding strategy to evidence the scheme's financial affordability to the Council over the plan period and support future decisions on a preferred transport solution for Congleton; and
- (10) notes that the validity of the funding position and delivery strategy will be tested through the Local Plan inspection process.

24 ALCOHOL HARM REDUCTION AND MINIMUM UNIT PRICING

Cabinet considered a report on minimum unit pricing for alcohol across Cheshire and Warrington and the wider region.

The report suggested that progress towards reducing alcohol-related harm would be accelerated by supporting the introduction of a minimum price per unit of alcohol for Cheshire, Warrington and the wider North West region. It was recognised that this would be only one aspect of any comprehensive plan to reduce alcohol harm within the community and that there were other measures that could be considered.

RESOLVED

That Cabinet endorses

- (1) the principle of the introduction of a minimum unit price for alcohol across Cheshire and Warrington and the wider North West region; and
- (2) the pursuit of a byelaw supported by as many local authorities as possible, as well as active support and pursuit of the enactment of national legislation to implement a minimum unit price for alcohol, as part of a wider strategy to tackle alcohol harm.

25 PREFERRED DELIVERY MODEL FOR LEISURE, SPORT, PLAY AND DEVELOPMENT SERVICES

Cabinet considered a report on the benefits, implications and proposed approach to the creation of a new delivery vehicle for the Council's leisure facilities, sport, play and development services.

The report summarised the work of specialist leisure consultants FMG, who had been appointed to look at various company models and to evaluate and report back on a preferred model that would safeguard the scope and quality of the existing service, whilst achieving required efficiency savings as set out in the Council's three year plan.

The report sought Members' approval to set up a charitable trust (limited by way of guarantee), whereby the Council retained the freehold of the current physical assets.

RESOLVED

That Cabinet

- (1) notes the findings of the options appraisal and consultation exercise that have concluded that the most appropriate delivery model is that of a new charitable trust;

- (2) approves the formation of the Trust and the transfer of leisure services into it with an effective operational target date of 1st April 2014, with the trust being established by the end of the year (December 2013) at the latest;
- (3) gives delegated authority to the Head of Public Protection and Enforcement (SRO for the project), the Borough Solicitor and the Section 151 Officer (or the officers that are devolved those powers) to commence the detailed implementation of the Trust, in consultation with the Portfolio Holder and Leader of the Council (involving, but not being limited to, a progress report to Cabinet in October 2013), using the following actions and timetable:
- Start formal consultation with staff and Trade unions- July 2013-onwards
 - Development of a robust, detailed Business Plan, which includes an asset investment plan (for the Trust), performance specification and details of contract management- Oct 2013
 - Complete formation and registration with the Charities Commission- Nov 2013
 - Advertise intention to award contract – Nov 2013
 - Recruitment and appointment of a board of trustees (see 2.4 below) - Sept -2013
 - Recruitment and appointment of the Trust's Senior Management Board- Nov 2013
 - Complete condition surveys for all the buildings at cost of approximately £20k- Nov 2013
 - Commission the Pension Actuary to confirm cost of any bond - Approximately £5K - Aug 2013
 - Finalisation of staff transfer arrangements and related HR, insurance considerations; and operating procedures.- Dec 2013
 - Shadow Trust becomes operational- Dec- 2013
 - Enter into lease(s) for all facilities with the Trust on terms and conditions to be agreed by the delegated officers- Feb- March 2014
 - Novation of current joint use agreements and other service contracts March 2014

- Entering into pension admissions agreement and staff transfer agreement plus formal transfer of staff and services - April 2014
- (4) agrees to nominate two elected members to serve as the Council's representatives on the Trust Board, subject to approval by full Council in July 2013.

26 COMMISSIONING CREWE CUMBERLAND LIFESTYLE CENTRE

Cabinet considered a report on the appointment of the preferred contractor to work in partnership with Cheshire East Council to deliver a new Lifestyle Centre in Crewe.

The Centre would be based at the existing Cumberland Arena and would be opened in the Spring of 2015.

The value of the scheme had been budgeted at £12.7M which was included in the Council's Capital Programme. A procurement exercise had been completed through the Northwest Construction Hub Framework and after a mini-competition, Kier Construction were the Council's preferred Design and Build Contractor. A full Equality Impact Assessment and a Transport Assessment had been completed during the procurement phase.

At Members' request, the Leader undertook to consider options for a 25m or a 50m swimming pool at the Centre.

RESOLVED

That

- (1) Kier Construction be appointed as Design and Build Contractor to work in partnership with Cheshire East Council, and the officers be authorised to take all necessary action to work with the Contractor to deliver the new asset quickly; and
- (2) in order to expedite design 'sign-off', design authority be delegated to a task group consisting of the Project Board, Leader of the Council and the Portfolio Holder for Health and Adult Care.

27 2012/2013 FINAL OUTTURN REVIEW OF PERFORMANCE

Cabinet considered a report providing summary and detailed information on the Council's financial and non-financial performance at the final quarter of the 2012/2013 Financial Year. The report also requested approval for supplementary estimates.

The strength of remedial action in the final quarter of the financial year, together with better than expected service funding streams, had led to an

improvement of £5.8m in the overall outturn position since the third quarter review.

Councillor S Wilkinson, Chairman of the Corporate Scrutiny Committee, reported the comments of the Committee which had considered the outturn report at its meeting that morning. The Committee had been pleased to see the improved outturn position and increased reserves. However, the Committee had expressed concern at the use of £22.4m for remedial measures and hoped to see an improvement in future. In addition, the Committee wished future reports to mention any slippages. The Committee also felt that the report should make it clear as to which performance targets were set locally or nationally, and felt that with regard to performance indicator NI 157a (processing of planning applications) there were still issues for Cabinet to consider. Finally, the Committee had expressed its thanks to staff in achieving the reported outcomes in difficult circumstances.

The Leader acknowledged the Corporate Scrutiny Committee's comments and added his thanks to those staff involved in achieving the improved outturn position.

RESOLVED

That

(1) Cabinet notes:

- the Service revenue and capital final outturn positions (Section 1 of the report);
- the overall financial stability of the Council, and the impact on the Council's general reserves position (Section 2);
- the movements on earmarked reserves and the service manager carry forward proposals contained in the report (Section 2, paragraphs 135 to 137);
- the Council's invoiced debt position (Appendix 2);
- the delivery of the overall Capital Programme (Section 2, paragraphs 103 to 115 and Appendix 3);
- Reductions in the approved capital programme (Appendix 4)
- Supplementary Capital Estimates and Virements up to £250,000 In accordance with Finance Procedure Rules (Appendices 5a)
- the service performance successes achieved during 2012/2013, and consider issues raised in relation to underperformance against targets and how these will be addressed (Section 3).

- (2) Cabinet approves Supplementary Capital Estimates and Virements over £250,000 but under £1m in accordance with Finance Procedure Rules (Appendix 5b);
- (3) Cabinet recommends that Council approve Supplementary Capital Estimates and Virements over £1m in accordance with Finance Procedure Rules (Appendix 5c); and
- (4) Cabinet notes the comments of the Corporate Scrutiny Committee.

28 ACCESS TO PAYDAY LOAN WEBSITES THROUGH PUBLIC PCS IN LIBRARIES

Cabinet considered the introduction of a policy to block access to payday loan websites through public PCs in Cheshire East libraries and other Council buildings.

There had been significant recent media coverage regarding payday loan companies, with the Citizens Advice Bureau describing the payday loan industry as “out of control”, following claims of irresponsible lending and harassment. A report by the regulator, the Office of Fair Trading, had revealed “widespread irresponsible lending” in the industry. The proposed policy would enable the Council to take action to protect people from falling into a high interest debt trap and guide them towards affordable credit.

RESOLVED

That a policy be introduced to block access to payday loan websites through public PCs in public libraries and other Council buildings in Cheshire East.

29 IMPROVING THE COUNCIL'S APPROACH TO PROCUREMENT

The following matter had been deemed a key decision in that it was likely to involve significant savings. The date by which a decision was required had made it impracticable to include the matter on the Forward Plan. The Chairman of the Corporate Scrutiny Committee had been consulted in accordance with paragraph 54.6 of the Executive Arrangements and Cabinet Procedure Rules and had agreed that the making of the decision was urgent and could not reasonably be deferred.

Cabinet considered a proposal to engage consultants to support the Council in instilling a more robust approach to procurement.

Cheshire East Council currently operated a devolved approach to procurement supported by a small Strategic Procurement Team located in the Finance and Business Services Directorate. External Consultants, V4 Services, had been engaged to undertake an external health check of the

Procurement activity across the Council. The report summarised V4's findings and outlined their potential future involvement in helping to address some of the issues highlighted.

RESOLVED

That

- (1) V4 Services be re-engaged to support the Council to instil a more robust approach to procurement in anticipation of significant savings (between £1.85m and £4.5m being achieved on a fixed cost basis (£447k);
- (2) a monitoring process be instituted to ensure that the projected savings are achieved; and
- (3) the normal project management arrangements apply.

Prior to consideration of the next item, the Leader of the Council announced that the Interim Chief Executive, Kim Ryley, would be retiring at the end of the week. On behalf of all those present, the Leader thanked him for doing an excellent job.

The Leader also took the opportunity to introduce the new Chief Executive, Mike Suarez, and the new Interim Borough Solicitor and Monitoring Officer, Suki Binjal.

30 MAJOR CHANGE PROJECT 6.4 - DETERMINE FUTURE DELIVERY MODEL FOR WASTE MANAGEMENT SERVICES

Cabinet considered a report on a future delivery model for waste management services.

Following a service review earlier this year, the Council had identified a number of areas that would make significant contributions to future service delivery efficiencies, as set out in the report. This included a new approach to service delivery involving the creation of a wholly-owned company to manage the Council's waste collection and disposal needs.

The report was in four sections:

- Section A - Existing Service Efficiency Review
- Section B - Future Delivery Models
- Section C - Review of Depot Infrastructure
- Section D - Interim Residual Waste Disposal Options (This section contained exempt information and would be dealt with under Part 2 of the agenda)

RESOLVED

That

Existing Service Efficiency Review

- (1) Cabinet notes the findings of the service review that has highlighted the most appropriate areas for consideration (para 3.4, Section A of the report).
- (2) Cabinet approves the recommended plan and areas for delivery of the required efficiencies within the existing service (para 3.4, Section A).
- (3) Once the above have been approved, the responsibility for further development and implementation be delegated to the Head of Environmental Protection and Enhancement in conjunction with the Section 151 Officer, Monitoring Officer and Portfolio Holder for Environment, and is subject to the corporate project quality assurance process governed by the Executive Monitoring Board to ensure that the project is reviewed prior to any future implementation.

Future Delivery Model

- (4) Cabinet notes the findings of the options appraisal that has concluded the most appropriate future delivery model to be that of a wholly owned company encompassing an in-house collection service. (Section B).
- (5) Cabinet approves, in principle, the formation of the company shell and the further work required to define the most appropriate legal form of company.
- (6) Cabinet agrees to the establishment of a Shadow Board of Directors for the company and the Cabinet portfolio holder for Environment work with the Leader of the Council and Chief Executive to define the appointments of the Non-Executive Directors to the Shadow Board.
- (7) The Chief Executive and Monitoring Officer be given delegated authority to take forward the actions required to implement the recommendations and set up the Company shell, reporting back to Cabinet in October 2013 for endorsement of the new company (Section B).
- (8) Subject to agreement of 2.1 to 2.4 of Section B of the report, and with cognisance of delegation in 2.4 of the report, the responsibility for further development and implementation be delegated to the Head of Environmental Protection and Enhancement in conjunction with the Section 151 Officer, Monitoring Officer, Portfolio Holder for Environment and subject to the corporate project quality assurance process governed by the Executive Monitoring Board to ensure that the project is reviewed, prior to any future implementation.

Review of Depot Infrastructure

- (9) Cabinet acknowledges the need for new facilities within the North of the Borough along with the need for improvements to be made to existing facilities at Pyms Lane (Southern Depot) to accommodate current and future service needs.
- (10) The responsibility for further development, funding and future implementation be delegated to the Head of Environmental Protection and Enhancement in conjunction with the Section 151 Officer, Monitoring Officer and Portfolio Holder for Environment and be subject to the corporate project quality assurance process governed by the Executive Monitoring Board to ensure that the project is reviewed, prior to any future implementation.

31 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

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

32 MAJOR CHANGE PROJECT 6.4 - DETERMINE FUTURE DELIVERY MODEL FOR WASTE MANAGEMENT SERVICES - INTERIM RESIDUAL WASTE DISPOSAL OPTIONS

Cabinet considered a report on interim residual waste disposal options.

RESOLVED

That

Interim Residual Waste Disposal Options

- (1) Cabinet notes the findings of the costed options appraisal, financial implications and risks (Section D of the report, Para 3.4 to 3.5, 7.1 to 7.7 and Para 9.1 to 9.8) that concluded the most appropriate interim residual waste disposal solution;
- (2) Cabinet approves the recommended option for the interim waste disposal solution to be effective from April 2014 along with the offer to divert some residual waste away from landfill during 2013/14 as set out in Section D, Para 2.1;
- (3) once the above are approved, the responsibility for further development and implementation be delegated to the Head of

Environmental Protection and Enhancement in conjunction with the Section 151 Officer, Monitoring Officer and Portfolio Holder for Environment and be subject to the corporate project quality assurance process governed by the Executive Monitoring Board to ensure that the project is reviewed, prior to any future implementation;

- (4) Cabinet notes the update regarding the previously approved contract extensions for Garden Waste, Dry Recyclate Bulking and Dry Recyclate Haulage as set out in Section D, Para 2; and
- (5) the balance of the report and its recommendations be noted and approved.

The meeting commenced at 2.00 pm and concluded at 4.34 pm

M Jones (Chairman)