

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Monday, 19th August, 2013 at Council Chamber, Municipal Buildings,  
Earle Street, Crewe CW1 2BJ

## **PRESENT**

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

Councillors Rachel Bailey, L Gilbert, B Moran, P Raynes, D Stockton and  
D Topping

## **Members in Attendance**

Councillors Rhoda Bailey, L Brown, P Groves, A Moran, B Murphy,  
L Smetham, A Thwaite and S Wilkinson

## **Officers in Attendance**

Mike Suarez, Lorraine Butcher, Paul Bradshaw, Caroline Simpson, Suki Binjal,  
Vivienne Quayle and Paul Mountford

## **Apologies**

Councillors J Clowes, J P Findlow and D Brickhill

## **43 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

There were no members of the public wishing to speak.

## **45 QUESTIONS TO CABINET MEMBERS**

Councillor Rhoda Bailey asked what steps were being taken to remove  
ragwort from Cheshire East highways. Councillor David Topping, Portfolio  
Holder for Environment, replied that the Council had a programme of weed  
control and cutting which was addressing the problem of ragwort and other  
types of weed on highways.

## **46 MINUTES OF PREVIOUS MEETING**

### **RESOLVED**

That the minutes of the meeting held on 22<sup>nd</sup> July 2013 be approved as a  
correct record, subject to the inclusion of Councillor D Stockton in the list  
of members who attended the meeting.

#### **47 NOTICE OF MOTION - CREATION OF HIGHWAY COMMITTEES**

Cabinet considered a response to the motion submitted to the Council on 18<sup>th</sup> July 2013.

Councillor David Brickhill had proposed, and Cllr Michael Parsons had seconded the following motion:

“That three Highways Committees be formed to correspond to the three old District boundaries with one Member from each local Ward entitled to sit on them. All highways alterations must first be discussed by the appropriate Committee, which will send a recommendation to the Cabinet Member. All delegated powers to alter or make highways orders, other than temporary closure orders, must first be subjected to this process. That priorities for implementation will be decided by the appropriate Committee if there are budgetary constraints.”

The Leader had spoken to Councillor Brickhill who had been unable to attend the meeting. The main point of concern appeared to be the lack of adequate arrangements for notifying local ward members of highways proposals affecting their wards and the lack of an opportunity for them to submit their comments before a decision is taken. The Portfolio Holder for Environment acknowledged that there was a need to improve communications with local ward members and he would be considering ways of achieving this including the holding of drop-in sessions and road shows.

#### **RESOLVED**

That the proposal to establish area highways committees be not pursued but the Portfolio Holder for Environment consider ways to improve communications with local ward members in respect of highways proposals.

#### **48 NOTICE OF MOTION - HIGH SPEED RAIL 2 (HS2)**

Cabinet considered a response to the motion submitted to the Council on 18<sup>th</sup> July 2013.

Councillor David Brickhill had proposed and Cllr Brendan Murphy had seconded the following motion:

“That if HS2 is to be built, Council will only support its construction if, where possible, to avoid agricultural land and buildings, the Cheshire East section is underground.”

Councillor Brickhill had been unable to attend the meeting but Councillor Murphy, as seconder of the motion, spoke on the matter.

Cabinet reaffirmed its commitment to HS2 and to securing maximum economic benefit for Cheshire East with minimal harm to land and property, including, where appropriate, the provision of tunnelling and bridges. In particular, the Council would be supporting the tunnelling of the line to Manchester Airport and would be arguing against extending the line to Wigan.

## **RESOLVED**

That Cabinet

1. notes the ongoing activities being undertaken to ensure that the Borough derives maximum economic benefit and minimal harm to land and property from the HS2 proposals; and
2. reaffirms its commitment to continue to work with the local community and HS2 to change the current proposals, wherever possible and prudent to do so, to avoid the loss of agricultural land and buildings.

### **49 NOTICE OF MOTION - LYME GREEN DIP REPORT**

Cabinet considered a response to the motion submitted to the Council on 18<sup>th</sup> July 2013.

Councillor Brendan Murphy had proposed and Councillor Arthur Moran had seconded the following motion:

“In the light of the findings of the Designated Independent Person - as published by the former Interim Chief Executive in the matter Lyme Green - and to have this matter finally concluded, the Council requests its Leader to publish on its behalf a formal apology for the following reasons:

1. The matter has caused widespread anxiety and considerable unnecessary and avoidable expense for taxpayers and employees.
2. The handling of the crisis has seriously damaged the reputation of the Council and its employee; furthermore it is undermining public confidence in local democracy.
3. The published report clearly indicates a failure of the Council's Executive body to maintain due diligence in its oversight of the Council's affairs.”

Councillors B Murphy and A Moran spoke in relation to the motion.

The Council, in the interest of transparency and in response to clear public interest, issued a report publicly on 17<sup>th</sup> June 2013 which summarised the confidential report of the investigation of the Designated Independent Person into the related actions of Council officers and Elected members. The summary report, which was an extensive document numbering some 28 pages, considered, amongst other things, the matters raised within the motion. Given that the Council had acknowledged its shortcomings in this

matter on a number of occasions, including a formal apology on behalf of the Council at the special meeting of the Audit and Governance Committee on 14<sup>th</sup> June 2012, it was not considered necessary to say anything further on the matter.

The Leader stressed that the Council had drawn the necessary lessons from the report and had improved its structures and processes to ensure greater rigour, transparency and accountability in the future.

## **RESOLVED**

That no further action be taken in relation to the motion.

### **50 NOTICE OF MOTION - FUNDING OF ADULT CARE**

Cabinet considered a response to the motion submitted to the Council on 18<sup>th</sup> July 2013.

Councillor Laura Jeuda had proposed and Councillor Janet Jackson had seconded the following motion:

“Council notes that the Coalition Government has issued new Draft Rules for consultation on the future funding of Adult Social Care. In an attempt to prevent the ‘postcode lottery’ that currently exists all councils will be required, from 2015, to fund services for those deemed to have ‘substantial needs’.

Council further notes that several important national charities and voluntary organisations believe that the barrier is being set too high and that many elderly people currently receiving care will not meet the threshold of ‘substantial needs’, which would therefore have the effect of excluding people who need help with everyday tasks. The Local Government Association questions the relevance of trying to provide clarity over who is eligible for care if the money is not available in the system to enable local authorities to provide appropriate, effective, and responsive services.

This motion calls on Council to join with Age UK, Scope, the Alzheimer’s Society, and the National Autistic Society, in opposing the proposals as they stand, because they fail to meet the needs of those who rely on them most, and who will not benefit from these reforms.”

The Care Bill was currently progressing through Parliament. At present, the regulations were being written which would give much needed detail on how the Bill was to be implemented.

The Government had produced a discussion document in June 2013 entitled ‘Draft National Minimum Eligibility Threshold for Adult Care and Support’. The document detailed how the Government proposed to apply national eligibility criteria for adult care and support. The Council will

consider in detail the questions raised in the discussion document in order to provide an informed response. The Adults Policy Development Group would be asked to consider the proposals and contribute towards the Council's response. The timeframe for responses ran until 29<sup>th</sup> November 2013. The Government then intended to amend the eligibility regulations which would then be subject to a public consultation in Spring 2014.

## **RESOLVED**

That the current position, and the action being taken by officers, be noted.

### **51 EARLY INTERVENTION AND PREVENTION SERVICES (KEY DECISION REF CE 13/14-25)**

Cabinet considered a report on the retendering of all Early Intervention and Prevention services and the continuation of the Innovation Fund.

In 2012-13 all grants for adult services with Voluntary, Community and Faith Sector (VCFS) providers were commissioned and tendered for the first time to focus on the delivery of outcomes. An Innovation Fund was also established to make awards of up to £10,000 for innovative solutions which addressed need through early intervention and prevention approaches. The contracts were now due to be retendered, together with Children's Early Intervention and Prevention Services. Universal Services (provided by CABs and Healthwatch) were not included within this process. Further details were set out in the report.

## **RESOLVED**

That

1. approval be given to a re-tender of all Early Intervention and Prevention services;
2. a minimum budget of £3,113,840 for Early Intervention and Prevention services be approved for a five year period from 1 April 2014 – 31 March 2019 to enable services to be commissioned for a three year period, with the potential to extend the contract for a further two years if required;
3. the continuation of the Innovation Fund be approved;
4. the Executive Director of Strategic Commissioning be given delegated authority to award the contracts to the highest scoring bidders following a legally compliant procurement exercise, and subsequently to enter into contracts.

## 52 COMMUNITY RIGHT TO BID POLICY

Cabinet considered proposals to create a revised and strengthened policy by which Cheshire East Borough Council would manage and administer the Community Right to Bid.

The Community Right to Bid was a function of the Localism Act 2011 that the Council was required to administer. It was designed to allow community groups time to assemble bids for assets that both they and the Council considered to be of 'community value' by evoking a moratorium period when a listed asset was to be sold. The Right did apply to privately held assets as well as those owned by the Council; and it did not force the asset owner to sell to any bidding community groups.

The process and criteria by which the Council would administer the Right were further detailed in the appendices to the report.

### **RESOLVED**

That Cabinet approves

1. subject the following criteria to govern the assessment of nominations, together with the more detailed process delineated in Appendices 1 and 2 to the report:
  - The address and location of the property
  - Details of the owner and current occupants
  - The extent of the site and its proposed boundaries
  - Details and documents proving that the nominating group is constitutionally eligible to nominate
  - Details evidencing that the nominating group has a sufficient 'local connection' to nominate
  - Why it is felt the asset is of community value. This should entail evidence that:
    - the asset currently boosts the social well-being and interests of the community
    - If the asset is not currently used for community benefit, it was used to sustainably further social well-being and community interests in the recent past
    - the asset will sustainably further social well-being and community interests in the future
    - the asset will benefit different sections of the community if its use is targeted at one or more community groups
    - the asset currently has a beneficial social impact for the community
    - the asset currently has a beneficial economic impact for the community
  - A robust business plan to be submitted with the bid, demonstrating the sustainability of the proposal.

2. the following responsibilities relating to the Community Right to Bid:
- (a) The Director of Economic Growth and Prosperity be given delegated authority to consider and administer nominations and any appeals for compensation that should arise.
  - (b) The Monitoring Officer be given delegated authority to undertake internal reviews of nomination and compensation assessments should this be required.
  - (c) As required, the Director of Economic Growth and Prosperity and the Monitoring Officer to liaise with the appropriate Portfolio Holders to discharge these duties.
  - (d) Pursuant to these delegations, the Director of Economic Growth and Prosperity to put in place arrangements for an appropriate officer steering group consisting of representatives from the Assets, Resilient Communities, Economic Development and Regeneration, Legal, and Development Management teams.

### **53 TREASURY MANAGEMENT ANNUAL REPORT 2012/13**

Cabinet considered the Treasury Management Annual Report for 2012/13.

The report dealt with:

- the Council's treasury year-end position
- forecast prospects for interest rates for 2012/13
- interest rate outturn for 2012/13
- compliance with treasury limits
- investment strategy for 2012/13
- borrowing strategy for 2012/13
- economic events of 2012/13
- Prudential indicators 2012/13

The Portfolio Holder for Finance pointed out that in accordance with Council policy, external borrowing was being maintained at the current level but that existing loans were being replaced with cheaper options.

### **RESOLVED**

That the Treasury Management Annual Report for 2012/13 as detailed in Appendix A to the report be noted.

### **54 2013/2014 FIRST QUARTER REVIEW OF PERFORMANCE**

Cabinet considered a report on the 2013/2014 First Quarter Review of Performance.

The detail of the report was set out in Annex 1 which gave a summary and detailed information about the Council's financial and non-financial

performance at the first quarter year stage of 2013/2014. The report also requested approval for supplementary estimates.

Section 1 of the report brought together the impact that service performance, the change management programme and financial performance were having on the five outcomes in the Council's 3 Year Plan. Section 2 provided an update on the overall Financial Stability of the Council. Section 3 provided a summary of the key issues relating to the Council's Workforce Development Plan.

The Portfolio Holder for Finance advised that the method of reporting had been changed in accordance with best practice to relate performance to desired outcomes.

Councillor S Wilkinson, Chairman of the Corporate Scrutiny Committee, said that the Committee had considered the report a week earlier and had welcomed the overall results whilst recognising that there were issues around adult services. The Committee had also welcomed the change in reporting to relate performance to outcomes.

## **RESOLVED**

That

### **1. Cabinet notes:**

- the summary of performance against the Council's 5 key outcomes (Section 1 of the report);
- the projected Service revenue and capital outturn positions (Section 2);
- the overall financial stability of the Council, and the impact on the Council's general reserves position (Section 2);
- the delivery of the overall Capital Programme (Section 2, paragraphs 121 to 123 and Appendix 4);
- reductions in the approved capital programme (Appendix 5);
- Supplementary Capital Estimates and Virements up to £250,000 In accordance with Finance Procedure Rules (Appendix 6a);
- the Council's invoiced debt position (Appendix 9);
- the service performance successes achieved during the first quarter of 2013/2014, underperformance against targets and how these will be addressed (Section 1 and Appendix 10);
- Workforce Development and staffing issues (Section 3).



2. Cabinet approves:

- Supplementary Capital Estimates and Virements over £250,000 but under £1m in accordance with Finance Procedure Rules (Appendix 6b);
- Supplementary Revenue Estimates to be funded by additional specific grant (Appendix 8a).

3. Cabinet recommends that Council approve:

- Supplementary Capital Estimates and Virements over £1m in accordance with Finance Procedure Rules (Appendix 6c);
- Supplementary Revenue Estimates to be funded from General Reserves (Appendix 8b);
- a Supplementary Revenue Estimate of over £1m for Public Health to be funded from additional ring-fenced grant (Appendix 8a);
- the establishment of a specific earmarked reserve to hold any underspend on the Elections Budget for use in years when Elections take place. (Appendix 11, para 46).

The meeting commenced at 2.00 pm and concluded at 3.12 pm

M Jones (Chairman)