

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 15th October, 2013 at The Assembly Room - 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, B Moran,
P Raynes, D Stockton and D Topping

Members in Attendance

Councillors Rhoda Bailey, L Brown, K Edwards, S Gardiner, P Groves,
J Hammond, A Harewood, P Hoyland, J Jackson, B Livesley, D Marren,
P Mason, R Menlove, A Moran, B Murphy, D Neilson, D Newton, A Thwaite,
R West

Officers in Attendance

Mike Suarez, Peter Bates, Suki Binjal, Heather Grimbaldeston, Caroline
Simpson, Sarah Smith and Paul Mountford

Apologies

Councillor Gail Wait

69 DECLARATIONS OF INTEREST

There were no declarations of interest.

70 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

71 QUESTIONS TO CABINET MEMBERS

Councillor K Edwards asked what had been done to address criticisms of the Council by an Ofsted report into the care of children. The Leader responded that the Council had accepted the criticisms and was taken positive steps to address any weaknesses in procedures. The Children and Family Services Portfolio Holder added that the Council was working closely with its partners to address any issues and would be circulating a newsletter detailing how it had responded to the Ofsted report.

Councillor K Edwards referred to a recent case involving a family and their cared for son in which the Council had not acted on the instructions of Local Government Ombudsman. He asked what would be done to prevent a recurrence of this. The Leader responded that this related to a failure of

mediation involving the individual concerned and his family but had no direct implications for the individual's care.

Councillor K Edwards asked the Finance Portfolio Holder if he would meet him to discuss the method by which the Council had disposed of the Priors Hill Children's Home. The Finance Portfolio Holder agreed to discuss the matter with Councillor Edwards.

Councillor A Moran asked when would members know who would be the directors of the new arms-length companies, what scrutiny arrangements would be put in place to monitor the performance of the companies and why streetscape had been included in the Environmental Services delivery model and not offered to town councils as a devolved function. The Leader responded that the Council was in the process of identifying directors for the companies, that the new companies would be placed under strong scrutiny, with a range of proposals coming forward, and that he was not convinced that the devolution of streetscape services to town councils could be achieved at no cost to Cheshire East Council. The Environmental Services Portfolio Holder added that the original intention had been to hand over streetscape services to Ringway Jacobs but that following meetings with the staff and unions he was convinced that a better service would be provided if the service were retained in-house.

Councillor J Jackson referred to the future purchase of domiciliary care services and asked if the Council intended to enter into agreements with providers who operated zero hours contracts or provided care in as little as 15 minute slots. The Leader responded that the Council would not support 15 minute slots but that zero hours contracts were often the choice of the individual although the Council would not impose such contracts. The Health and Adult Care Portfolio Holder added that the new framework would enable the Council to ensure that quality care was provided efficiently.

Councillor W Livesley asked if the Council would be working closely with Macclesfield Town Football Club now that it had become a Community Interest Club. The Leader responded that he commended the Club for what it was doing and looked forward to continuing to work with the Club in the future.

72 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 17th September 2013 be approved as a correct record.

73 CARE LEAVERS: RESPONSE TO CHILDREN AND FAMILIES TASK AND FINISH GROUP REPORT

Cabinet considered the final report of the Children and Families Policy Development Group which was invited to review the Children and Families Scrutiny Task and Finish Group's report on Care Leavers.

The Task and Finish Group had reviewed the 16 plus service for cared for children with the aim of identifying ways to improve the outcomes of some of the Borough's most vulnerable young adults.

Councillor P Hoyland, Chairman of the Policy Development Group, and Councillor D Neilson, Chairman of the Task and Finish Group, and Councillor Rachel Bailey, Portfolio Holder for Children and Family Services, spoke in support of the findings and recommendations of the Groups as set out in the report.

RESOLVED

That

1. the report of the Policy Development Group be noted;
2. the findings and recommendations set out in the report be endorsed;
and
3. the Director of Children's Services be asked to consider the next steps and advise on what work should now be undertaken by officers to develop the recommendations further.

74 NATIONAL HOUSING FEDERATION CAMPAIGN BACKED BY CENTRAL GOVERNMENT

Cabinet considered a report on the National Housing Federation's 'Yes to Homes' campaign.

The 'Yes to Homes' campaign aimed to promote consultation and engagement with local communities in order to develop the right homes, in the right places, at the right price in accordance with local need. As such, the campaign was deemed to align with the Council's commitments to housing and economic growth.

The report sought to formalise the Council's support for the campaign.

RESOLVED

That

1. the report be noted; and

2. in line with the objectives outlined in the report, the Council formalises its support for the 'Yes to Homes' campaign, which promotes the engagement of the local populace in the development of the right homes, in the right places, at the right price.

75 A6 TO MANCHESTER AIRPORT RELIEF ROAD - PLANNING SUBMISSION AND OUTCOME OF PUBLIC CONSULTATION PROCESS (FORWARD PLAN REF: 13/14-56)

Cabinet considered a report seeking authority to submit a planning application for the A6 to Manchester Airport Relief Road and to progress the necessary legal agreements.

The scheme was being jointly promoted by Stockport Metropolitan Borough Council Cheshire East Council and Manchester City Council and all three authorities would need to consider the planning application when submitted.

Appendix B to the report outlined the results of the second phase of SEMMMS consultation undertaken in June/July as part of the development of a preferred option for the scheme. The key phase two consultation results relating to Cheshire East residents were highlighted in the main report.

RESOLVED

That

1. approval be given for the A6 to Manchester Airport Relief Road planning application to be submitted to the Council Strategic Planning Board based on the scheme plan in Appendix A;
2. delegated authority be granted to the Director of Economic Growth and Prosperity in consultation with the Portfolio Holder to authorise the Section 8 Agreement with Stockport MBC required to develop and deliver the road;
3. the Monitoring Officer/Head of Legal Services be instructed to negotiate and enter into a legal agreement between the Council and Greater Manchester Combined Authority regarding the circa £4.75m funding package inclusive of Cheshire East Council £1m match funds towards highway improvements in the Borough, in particular the Poynton Relief Road;
4. the summary report (Appendix B) outlining the results of the second phase of consultation undertaken in June and July and the approach taken by the SEMMMS project team in responding to the consultation be noted;

5. it be noted that there are some outstanding issues around traffic mitigation measures for the A6 corridor which are being considered by officers in consultation with the Portfolio Holder, and are close to being resolved;
6. the detailed draft plans for sections along the proposed A6 to Manchester Airport Relief Road within the Cheshire East boundary as attached as Appendix C be noted; and
7. local ward members be consulted and involved as appropriate.

76 STRATEGIC INFRASTRUCTURE - DELIVERY OF LOCAL PINCH POINT FUNDED SCHEMES (FORWARD PLAN REF: 13/14-36)

Cabinet considered a report on the Council's success in securing Pinch Point funding from the Department for Transport to deliver vital highway infrastructure improvements across the Borough. The report sought approval to proceed with the development and delivery of the following schemes:

- Basford West Spine Road
- A500 Widening approaching M6 Junction 16
- M6 Junction 16 Junction Improvement
- M6 Junction 17 Junction Improvement

This equated to around £25 million of roads investment.

The delivery of the schemes would support the Council's key objective of infrastructure delivery to support economic growth. A condition of the funding was that the schemes were delivered by the end of March 2015.

RESOLVED

That

1. the use of the Pinch Point funding to develop and deliver the Basford West Spine Road and A500 widening be approved;
2. the layout designs for each Pinch Point scheme shown in Appendix A to the report be approved; and
3. delegated authority be granted to the Director of Growth and Prosperity in consultation with the Portfolio Holder to:
 - enter into the necessary highways legal agreements to enable the Highways Agency to deliver those schemes that interact with the Strategic Road Network, namely M6 Junction 17 and M6 Junction 16 and the A500 widening.
 - enter into the necessary highways legal agreements with the developer of Basford West to enable them to deliver the Basford West Spine Road.

- sign off funding for the completed works using the approved capital allocations from the DfT Pinch Point grants, any third party contributions, and the Council's Corporate Capital Programme.
- approve minor amendments to the current scheme designs.

77 STRATEGIC INFRASTRUCTURE - DEVELOPMENT OF CHESHIRE AND WARRINGTON LOCAL TRANSPORT BODY SCHEMES (FORWARD PLAN REF: 13/14-35)

Cabinet considered a report highlighting the Council's success in securing funding to deliver schemes prioritised by the Cheshire and Warrington Local Transport Body.

The CWLTB "development pool" contained the following Cheshire East schemes following the prioritisation process undertaken earlier this year:

- A500 Barthomley Link
- Congleton Link Road
- Crewe Northern Growth Corridor – A530 to Crewe Green Roundabout
- Macclesfield Pinch Points Package
- Middlewich Eastern Bypass
- Poynton Relief Road (remaining funding) and A523 Corridor

Further details relating to the schemes were set out in the report.

RESOLVED

That Cabinet

1. notes the CWLTB "development pool" schemes in Cheshire East and the work required to support future funding bids, including for the sub-regional Growth Deal through the Government's recently announced Single Local Growth Fund.
2. notes the progress already being made on the development of Congleton Link Road, Poynton Relief Road and Middlewich Eastern Bypass, all of which are subject to other Cabinet Reports and are in the "development pool".
3. approves the work required for the development and delivery of the new Sydney Road Railway Bridge scheme, as set out in section 10.6 of the report.

78 DEVOLUTION OF BUS SERVICE OPERATOR GRANT (BSOG) FOR COUNCIL SUPPORTED BUS SERVICES (FORWARD PLAN REF: 13/14-46)

Cabinet considered a report on the payment of Bus Service Operator Grant following the Department for Transport's decision to devolve payment of the grant for Council supported bus services to Transport Authorities with effect from 1st January 2014.

This change , initiated by the DfT to give more local control over public transport funding, was welcomed by Cheshire East Council. It was likely that, over time, this would allow for greater investment in rural bus services as it would give the Council control over a greater pool of funding.

This report sought Cabinet agreement to increase contract payments to allow for distribution of the funding previously undertaken by DfT along the lines included in their guidance.

RESOLVED

That

1. the report be noted;
2. the revision of contract payments to operators of current Council supported local bus services to reflect the change in the BSOG payment mechanism be approved; and
3. it be noted that a fully funded Supplementary Revenue Estimate will be approved in accordance with Finance Procedure Rule A.36, once the grant allocation from Government is known.

79 SUPPORTING COMMUNITY TRANSPORT & ACCESSIBILITY INITIATIVES - GRANTS & VEHICLE DONATION (FORWARD PLAN REF: 13/14-45)

Cabinet considered a report seeking approval of three complementary policies to allocate resources to communities in Cheshire East to support transport and accessibility initiatives:

- Policy for the Allocation of Transport & Accessibility Grants: aimed to allocate funding to local community and voluntary groups to support community-led transport and accessibility initiatives tailored to local needs (see Appendix 1 to the report).
- Policy for the Allocation of Surplus Council Vehicles: aimed to gift vehicles which are no longer required by the Cheshire East Transport Service to community and voluntary groups to establish community bus schemes which improve access to key services (see Appendix 2).
- Policy for the Allocation of Local Sustainable Transport Fund (LSTF) Business Travel Planning Grants: aimed to utilise a proportion of the Department for Transport (DfT) funding to award grants to the business community in Crewe on a match fund basis as part of the LSTF programme (see Appendix 3).

RESOLVED

That

1. the “Policy for the Allocation of Transport & Accessibility Grants” be approved and authority for decision making on the award of grants be delegated to the relevant Portfolio Holder with responsibility for transport;
2. the allocation of £250,000 in 2013/14 for transport and accessibility grants be confirmed in line with the policy referred to above;
3. the “Policy for Allocating Surplus Council Vehicles” be approved and authority for the decision making on the allocation of vehicles be delegated to the relevant Portfolio Holder with responsibility for transport;
4. the “Policy for the Allocation of Local Sustainable Transport Fund (LSTF) Business Travel Planning Grants” be approved and authority for decision making on the award of grants be delegated to the relevant Portfolio Holder with responsibility for transport; and
5. the officers be authorised to take all necessary actions to implement the decisions above and establish each of the schemes in line with the associated policy.

80 MAJOR CHANGE PROJECT 6.4 - ENVIRONMENTAL OPERATIONS CHANGE PROGRAMME (PREVIOUSLY KNOWN AS "DETERMINE FUTURE DELIVERY MODEL FOR WASTE MANAGEMENT SERVICES") (FORWARD PLAN REF: 13/14-48)

Cabinet considered a report on the work that had been carried out to further define and scope out the overall Environmental Operations Change Programme and the five major project strands within it.

The transformation team had further defined the cost of investment and capital investment required to deliver the overall programme and the projects within it, these being:

- A. Existing Service Efficiency Review
- B. Future Service Delivery Model
- C. Review of Depot Infrastructure
- D. Interim Residual Waste Solutions & Longer Term Procurement
- E. Strategy (which is being governed through the Policy Development Group (PDG) process and is likely to form a separate paper at a future date)

Significant progress had been made to move the transformation programme forward. A wholly-owned company had now been registered which would help to facilitate culture change, improving responsiveness

and enabling a stronger focus on delivering targeted services to Cheshire East residents.

An amendment to the report was circulated at the meeting which set out the background to the inclusion of Fleet and Streetscape Services within the scope of activities of the wholly-owned company.

The report tracked progress against the various project streams and clarified the scope of the proposed alternative delivery vehicle.

RESOLVED

That Cabinet

Programme and Project Cost of Investment

1. approves that the revenue cost of investment needed to support programme delivery this year is available from existing approved transformation budgets;

Future Service Delivery Model

2. notes and approves the findings of the options appraisal submitted to Cabinet in June 2013 and subsequent legal advice that has concluded that the most appropriate delivery model is that of a Teckal exempt, wholly-owned company limited by shares;
3. approves the defined scope which previously focused on the Waste delivery model to include:
 - Waste and Recycling Management Service
 - Fleet Management Service
 - Streetscape Service (mechanical sweepers, grounds maintenance and street cleansing)
4. agrees that the wholly-owned company formed in June 2013 includes the defined scope and the transfer of the Waste and Recycling Management Service, the Fleet Service and the Streetscape Service with an effective operational target date of January 2014 subject to internal and external dependencies.

Depot infrastructure

5. notes and approves that
 - further to the June 2013 Cabinet Report, depot infrastructure work is progressing;
 - feasibility work is ongoing with a detailed scope of improvements developed for Pym's Lane that include improvements to the transfer tip along with improved welfare facilities; and
 - the Northern depot solution is still being developed

Replacement of Fleet

6. approves the procurement of a rolling fleet replacement programme to commence in 2014/15 which will be financed through existing revenue provision; and
7. grants delegated authority to the Head of Environmental Protection and Enhancement (SRO for the Programme), the Monitoring Officer and the Section 151 Officer to commence the detailed implementation of the Environmental Operations Change Programme, including the wholly-owned company and other project strands, in consultation with the Portfolio Holder for Environment.

81 **FUTURE DELIVERY MODEL FOR BEREAVEMENT SERVICES (FORWARD PLAN REF: 13/14-32)**

Cabinet considered a report seeking approval to progress with the registration of a wholly owned company limited by shares to act as the Council's agent in managing the provision of Bereavement Services.

The catalyst for change was driven by the need to invest in buildings and services and to improve the quality of the service for local residents. This would ensure that services remained sustainable and able to provide high quality services in a dignified and sensitive manner for local residents.

RESOLVED

That

1. the formation of a new wholly-owned company limited by shares, benefiting from the Teckal exemption principles as the future management model for delivery of Bereavement Services, be approved;
2. delegated authority be given to the Head of Environmental Protection and Enhancement, the Borough Solicitor and the Section 151 Officer (and officers that are devolved those powers) to commence the detailed implementation of the WOC, (including, but not limited to, identifying the optimum procurement route) in consultation with the Portfolio Holder for Environment and subject to the corporate project quality assurance process governed by the Executive Monitoring Board (EMB) to ensure that the project is reviewed prior to any future implementation; and
3. following the outcome of the actions contained within 2 above, Cabinet be asked to agree to the establishment of a Board of Directors for the company and the Portfolio Holder for Environment work with the Leader of the Council and Chief Executive to define the appointments of the non- Executive Directors, nominating three Board Members to

act as the Chairman, Vice-Chairman and Director on the new Company Board of Directors.

82 DOMICILIARY CARE FRAMEWORK (FORWARD PLAN REF: 13/14-19)

Cabinet considered a report seeking approval for the establishment of a framework agreement through which to purchase future domiciliary care services.

Domiciliary Care was the range of care and support services provided in people's own homes to enable them to remain independent. These services ranged from a short call to assist with medication up to 24 hour live-in care. In response to customer preference and demand the Council was committed to developing this type of care provision as an alternative to residential-based care services.

RESOLVED

That

1. the establishment of a framework agreement through which future domiciliary care services will be purchased be approved;
2. all current Personal Support Contracts be transferred to the new framework agreement; and
3. authority be delegated to the Director of Adult Social Care and Independent Living to approve the providers admitted to the framework agreement, following a legally compliant procurement exercise, and subsequently to enter into agreements with providers.

83 UNIVERSAL INFORMATION AND ADVICE SERVICES (FORWARD PLAN REF: 13/14-25)

Cabinet considered a report recommending that the Council continue to Grant Aid Cheshire East Citizens' Advice Bureau and Cheshire East Citizens' Advice Bureau North for the provision of universal information and advice services across Cheshire East without competition for a period of 12 months from 1st April 2014 to 31st March 2015.

Prevention and Early Intervention Services were now due to be retendered for a three year period from 1 April 2014 – 31 March 2017. The Welfare Reform Act 2012 would not be fully implemented until April 201. People on relevant existing benefits would move to Universal Credit when contacted by the Department for Work and Pensions or when there was a significant change in their circumstances. The impact of these changes therefore remained unknown and the Council's requirements for universal information and advice services could not be accurately specified to inform the current formal tendering process. It was therefore proposed that Grant Aid for Universal Information and Advice Services continue on a time

limited basis to address this specific set of circumstances and that the service be tendered when considered appropriate.

RESOLVED

That the Council continue to Grant Aid Cheshire East Citizens Advice Bureau and Cheshire East Citizens Advice Bureau North for the provision of universal information and advice services across Cheshire East without competition for a period of 12 months from 1st April 2014 to 31st March 2015.

84 EXCLUSION OF THE PRESS AND PUBLIC

Item 17 on the agenda invited Cabinet to consider whether the public and press should be excluded from the meeting for the consideration of the next following item of business on the grounds that the item contained exempt information of the type specified in paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

However, the Chairman was of the view that while the item may contain exempt information, it was in the public interest for the item to be considered in open session with the public and press present.

RESOLVED

That the next following item of business be considered in open session and the public and press be allowed to remain present.

85 TERMS OF VOLUNTARY REDUNDANCY AND VOLUNTARY EARLY RETIREMENT (FORWARD PLAN REF: 13/14-24)

Cabinet considered a report on the terms that the Council offered to employees volunteering for redundancy or early retirement.

The terms that the Council offered to employees volunteering for redundancy/ early retirement were reviewed regularly to ensure that they provided value for money in enabling the Council to reduce its workforce in a way that was efficient, cost-effective and conducive to a positive employee relations climate. The last review took place in August 2012 and Cabinet was now asked to consider retaining the existing terms for a further period.

RESOLVED

That the existing terms offered to employees volunteering for redundancy or early retirement be retained for now and a further review be carried out in May 2014.

The meeting commenced at 2.00 pm and concluded at 4.25 pm

M Jones (Chairman)