

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 9th December, 2014 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

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

Members in Attendance

Councillors Rhoda Bailey, L Brown, S Corcoran, K Edwards, I Faseyi,
D Flude, S Gardiner, M Grant, P Groves, S Hogben, L Jeuda, P Mason,
R Menlove, A Moran, B Murphy, D Newton, L Smetham and A Thwaite

Officers in Attendance

Mike Suarez, Lorraine Butcher, Peter Bates, Anita Bradley, Caroline
Simpson, Heather Grimbaldeston, Brenda Smith, Steph Cordon, Brian Reed
and Julie North

90 DECLARATIONS OF INTEREST

There were no declarations of interest.

91 PUBLIC SPEAKING TIME/OPEN SESSION

Mr Jeff Gazzard referred to a report on the agenda relating to the closure of Hollins View and criticised the conclusions drawn from the user consultation exercise and the cost of independent sector respite provision as stated in the report which he felt was considerably higher than the figure negotiated by the Council for its own referrals. He suggested that Hollins View and other care facilities should remain open while the Council explored the option of transferring the facilities and staff to an appropriate charitable institution within the independent sector. The Leader responded that the Council was obliged in accordance with the Care Act to consider all the options and had done so. Councillor J Clowes, the Portfolio Holder for Care and Health in the Community, addressed the specific issues raised by Mr Gazzard.

Mrs Christine Gazzard, whose husband was her carer, was a regular user of Hollins View and felt that the standard of care and the staff at the facility were first class. She asked the Council to consider keeping Hollins View open. Councillor Clowes responded that the proposals were about providing personalised care and giving people what they wanted to meet their own needs.

Sue Helliwell asked why the Council was not already securing cheaper provision in order to keep the two homes open and asked if the Council would apply the national care quality system of rating to alternative facilities within the independent sector. Councillor Clowes responded that because the Council had only two facilities within the Borough there would inevitably be a high corporate cost of running them. With regard to quality assurance she commented that the Council already placed 80% of its respite users in the independent sector and needed to ensure that they received care of a high standard. Whilst the Council did adhere to the guidance of the Care Quality Commission, it felt that having its own independent scheme of quality assurance would best guarantee the care and safety of its residents.

Sylvia Dyke spoke in support of the reunification of Cheshire and referred to the increasing influence of Merseyside, Greater Manchester and the Potteries which she perceived as a threat to the integrity and identity of Cheshire as a shire county. The Leader responded that Cheshire East was a leading authority in the country and could be proud of its achievements in reducing unemployment and poverty and achieving economic growth. Cheshire East worked closely with other Cheshire authorities to promote the interests of Cheshire. Other proposals would be coming forward shortly which would aim to protect the interests of Cheshire.

Debbie Jamieson referred to the report on respite care and asked Councillor Clowes and the officers to confirm to Cabinet that a letter from Eastern Cheshire Clinical Commissioning Group had been circulated which stated that they had not been involved in the risk assessment during the review of respite care provision. She also claimed that there was insufficient alternative provision available in the independent sector and that the Council needed to provide a robust statement of what alternative arrangements it had in place when closing down 50 beds. She suggested that the Council should consider how its care beds could be saved and run by another operator.

David Wood mentioned that dementia cases were set to double over the next 15 years and that this would place increasing demands on an already stretched independent sector. The closure of Hollins View would lead to the loss of 40 beds which would increase further the pressure on existing provision. He went on to question the figures in the report for the cost of respite care in Hollins View, which he felt were inflated, and the cost of provision within the independent sector which he felt was understated. Finally, he suggested that what the public would want to see was both the expansion of the independent sector and the retention of Hollins View and Lincoln House in order to retain quality provision in both sectors and offer the widest possible choice.

In response to the previous two speakers, Councillor Clowes confirmed that the letter to Mr Wood by the CCG in relation to risk assessment had been raised at a meeting of the Health and Wellbeing Board. The Council had not invited CCG to comment on the Council's proposals as this would

have been contrary to the Council's governance arrangements since the respite service was a Council service and not an NHS or joint service. She then went on to confirm that the rate of £376 for respite care was the rate the Council had agreed with independent providers, although she did accept that self-funders might have to pay top up fees. She agreed that ideally there should be a mixed economy of service providers but that given the small contribution made directly by the Council in providing respite care it could not achieve the economies of scale necessary to provide a value for money service at a time of increasing demands on the Council's limited resources.

Clive Shore asked how closing the Council's facilities could increase choice. He also commented that the report seemed to suggest that independent providers of respite care were not already providing a personalised service. The Leader responded that the Council was taking action to ensure that the many people with dementia or in need of respite care across the Borough would receive the best service possible in the future, that it would be provided within their local communities, and that local first was a priority. He stressed that the Council was listening carefully to what its residents were saying. Councillor Clowes added that the purpose of the proposals was to ensure that residents would not have to go outside their own communities to obtain respite care. The proposed arrangements would offer more choice of service, not less, and would address the personal needs of individuals. There was also no intention to reduce the number of care beds within the Council's facilities until the Council was satisfied that there was sufficient capacity within the independent sector.

At the conclusion of public questions, and in response to the comments and requests made by the speakers, the Leader announced that he now needed to discuss the implications of the requests with relevant Cabinet members and officers and that accordingly the meeting would be adjourned for approximately fifteen minutes. He would then bring forward the item on respite care on the agenda.

92 MOVING TO LOCAL AND PERSONALISED CARER RESPITE

At the resumption of the meeting, Councillor Clowes began by thanking the speakers for their contributions. She then commented that Mr and Mrs Gazzard in particular had made some suggestions about a possible way forward and that these had been considered during the adjournment.

Councillor Raynes, the Portfolio Holder for Finance, announced that the cost of keeping the Council's two respite centres open for another year would be in the order of £1M which would be affordable and the Council would still be able to deliver a balanced budget.

The Leader then announced that the Cabinet would be asked to endorse the respite care report but with a number of amendments to the recommendations. Members had regard to the report on the agenda.

In light of the reassurances given by the Finance Portfolio Holder with regard to the affordability of additional resources, the Leader, Councillor Michael Jones, announced that Lincoln House and Hollins View would remain open while the Council continued to explore the development of alternative forms of respite care provision across the Borough with potential partners. Councillor Clowes then set out three proposed amendments to the recommendations in the report.

RESOLVED

That the recommendations in the report be approved as amended as follows:

1. Cabinet approves the option to continue to provide residential carer respite at Lincoln House and Hollins View up until December 2015 whilst the Council explores options with alternative partners, alongside recommendations 2 to 7 below;
2. Cabinet approves the adoption of additional residential carer respite support to address wider identified local need;
3. the respite provision for adults with learning disability continue at Lincoln House;
4. officers be authorised to take all necessary actions to implement the proposal;
5. it be noted that officers are reviewing with the Council's health partners' new and enhanced ways of offering intermediate care services, which may result in alternate services being provided from Local Authority buildings;
6. Intermediate Care bed based services continue to operate from Lincoln House and Hollins View until the end of May 2015, and further discussions take place to confirm the full range of Intermediate Care services available beyond this date; and
7. Cabinet approves the review of the collective carer respite options in line with the Care Act.

93 QUESTIONS TO CABINET MEMBERS

Councillor Dorothy Flude asked whether the future of Carter House in Crewe was under consideration. Councillor Clowes responded that there were currently no proposals in relation to Carter House.

Councillor Sam Corcoran referred to an Ombudsman report in relation to White Moss Quarry in which the Council had been found guilty of knowingly and persistently misleading the public. He asked what had

caused a second entry on the audit trail and who had instigated it. The Leader asked the Chief Executive to ensure that Councillor Corcoran was given a definitive answer by the end of the year. He also asked the Portfolio Holder for Housing and Jobs, Councillor Don Stockton, and the officers to ensure that for the future the process in relation to certificates of lawfulness was made more robust; he asked that Councillor Corcoran be invited to participate in reviewing the process.

Councillor Ken Edwards referred to the current arrangements whereby youngsters with special educational needs were currently being reassessed and were understandably concerned about the process even though the aim was to provide them with a better service. He asked if the Portfolio Holder for Safeguarding Children and Adults, Councillor Rachel Bailey, could ensure that the process was handled with sensitivity. Councillor Bailey in response indicated that she intended to bring an update report to the next Cabinet meeting.

Councillor Brendan Murphy referred to the Macclesfield Local Service Delivery Committee and wondered if it was ceasing to have any official role or recognition. He mentioned in particular that the Committee did not appear to have a formal role in considering the transfer of assets to the new town council. The Leader undertook to give Councillor Murphy a definitive response when he had received further legal advice on the matter.

94 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 11th November 2014 be approved as a correct record.

95 DISPOSAL OF ASSETS FOR ECONOMIC BENEFIT - PYMS LANE DEPOT, CREWE

Cabinet considered a report proposing the sale of Pym's Lane Depot, Pym's Lane, Crewe, to the adjacent land owner, Bentley Motors Ltd.

The disposal would enable Bentley Motors Ltd to effect its expansion plans to build a new £40 million engineering, research and development centre as part of a wider £840 million investment programme, which would see the creation of 300 new jobs at the Crewe site. The Council had worked intensively with Bentley Motors to support the company's expansion by unlocking key sites next to their existing operation.

The sale of Pym's Lane Depot aligned with the Council's Waste Strategy whereby a strategic asset would be acquired in the centre of the Borough. The proposed sale, which had been verified to be at market value, would generate a significant capital receipt to support the Council's Waste Strategy.

The report sought delegated authority to finalise the details of the proposed sale and options for a lease back of the site from Bentley Motors Ltd to allow a managed and controlled exit of the site, ensuring service continuity for residents.

RESOLVED

That

1. the freehold interest in the site listed in paragraph 1.3 of the report be sold to Bentley Motors Ltd upon the terms outlined within the report;
2. the Chief Executive and the Head of Legal Services, in consultation with the Portfolio Holder for Finance, declare the land surplus to requirements and be given delegated authority to finalise the details of the sale in accordance with the terms and conditions outlined in the report to ensure the protection and continued delivery of the Council's waste service; and
3. the Chief Executive and the Head of Legal Services, in consultation with the Portfolio Holder for Finance, be given delegated authority to finalise the details of lease back arrangements in accordance with the terms and conditions outlined in the report.

96 DISPOSAL OF ASSETS FOR ECONOMIC BENEFIT - REDSANDS

This item was withdrawn.

97 NOTICE OF MOTION - WORK EXPERIENCE FOR YOUNG PEOPLE

Cabinet considered the following motion which had been moved by Councillor Brendan Murphy and seconded by Councillor Lloyd Roberts at the Council meeting on 16th October 2014 and referred to Cabinet for consideration:

"This Council regrets its failure to provide work-experience opportunities for young people and calls upon the Cabinet to implement an appropriate scheme at the earliest opportunity."

It was noted that an appropriate, robust work experience policy already existed in order to ensure a consistent and transparent approach to the arrangements of all four categories of specified unpaid work experience arrangements across Cheshire East Council services.

RESOLVED

That the motion be firmly rejected.

98 NOTICE OF MOTION - REUNIFICATION OF CHESHIRE

Cabinet considered the following motion which had been moved by Councillor Brendan Murphy and seconded by Councillor Lloyd Roberts at the Council meeting on 16th October 2014 and referred to Cabinet for consideration:

“In the light of the proposed escalation of power for combined city authorities, this Council welcomes the Leader’s proposal for the restoration of a Cheshire-wide authority to ensure the County is not disadvantaged or threatened by city region growth,

PROVIDED

a. The new Authority consists of elected members appointed “proportionally” by the existing Borough Councils.

b. Appropriate powers – such as Strategic Planning, Economic Development et al -are transferred from the Borough Councils to the new Authority

c. Given the arrival of Alternative Service Delivery Vehicles, there should be maximum devolution of commissioning powers and freedom of choice for Town and Parish Councils.

The Cabinet is requested to develop a long term policy as outlined above.”

Councillor Paul Findlow, Portfolio Holder for Governance, advised that since the motion had been submitted at Council discussions had been taking place on the formation of a more widely-based strategic partnership of neighbouring non-metropolitan authorities which it was felt would be better placed to meet the challenges presented by the emerging combined metropolitan authorities. The detailed governance arrangements of any such partnership were a matter for ongoing deliberation and a report would be presented to Cabinet in due course. In the circumstances, the proposals set out in the motion were considered insufficient.

RESOLVED

That

1. in the circumstances, the motion be rejected; and
2. it be noted that a report will be submitted to a future meeting with proposals for a strategic partnership.

99 NOTICE OF MOTION - RISK ASSESSMENT BEFORE CHANGES TO CURRENT RESPITE/SHORT TERM BREAK ARRANGEMENTS

Cabinet considered the following motion which had been moved by Councillor Laura Jeuda and seconded by Councillor Dorothy Flude at the Council meeting on 16th October 2014 and referred to Cabinet for consideration:

“That this Council adopts a policy of carrying out a thorough risk assessment, using criteria agreed with our Clinical Commissioning Groups, before making any decision or changes to the current respite/short term break arrangements and that the results of the risk assessment will be announced publicly and shared with all Consultees.”

Cheshire East Council applied as routine the policy of carrying out an Equality Impact Assessment for any proposed changes to services. Within this process it was required that the Council identify any potential risks of adverse or negative impact on people who used the services, or people who may use them in the future. This practice was in compliance with the Equality Act 2010.

In relation to respite services for carers, a full Equality Impact Assessment had been completed as part of the preparation for proposed changes. The planned changes to residential respite currently being considered by the Council related only to social care service provision and not health services. The Equality Impact Assessment, and hence the assessment of risk of adverse impact, had therefore been carried out by officers.

RESOLVED

That

1. the motion be rejected; and
2. the Council will continue to undertake its own independent Equality Impact Assessments in relation to any proposed changes to its own services but in cases where there is a joint service or there are joint commissioning plans, the process will be carried out as part of a joint approach which would include a risk assessment.

100 MACCLESFIELD HERITAGE AND CULTURE STRATEGY (REF CE 14/15-35)

Cabinet considered the adoption of a Heritage and Culture Strategy for Macclesfield town centre.

The Strategy was a response to a strategic theme identified in the ‘Macclesfield Town Centre Vision’. It expressed an approach to Macclesfield’s cultural landscape to 2024, providing an outline plan for

delivery. It set the tone and framework for culture led regeneration in the town-centre and provided a context for skills, creative industries, the cultural/visitor economy, project development, investment and funding applications.

An executive summary of the Strategy was attached as Appendix 1 to the report and the current action plan was attached at Appendix 2.

RESOLVED

That

1. the Heritage and Culture Strategy for Macclesfield town centre be approved and adopted; and
2. the management and delivery arrangements set out in the report be endorsed.

101 PUTTING OUR RESIDENTS FIRST BY TACKLING PROBLEM GAMBLING

Cabinet considered a report setting out proposals to tackle problem gambling.

The proposals were:

- § To block access to online gambling websites from Council public computers in libraries and any other Council computers used by residents.
- § To back a national campaign with 90 other Councils to ask the Government to reduce the stakes on Fixed Odds Betting Terminals from £100 to £2 per spin.

The policy to block access to gambling websites would enable the Council to take further action to protect people from falling into debt.

RESOLVED

That

1. a policy be introduced to block access to gambling websites through public PCs in libraries and other Council buildings; and
2. Cabinet endorses the national campaign to get Fixed Odds Betting Terminals (FOBT) stakes reduced from £100 to £2 per spin.

102 **VULNERABLE AND OLDER PERSONS HANDYPERSON
SERVICE (REF CE 14/15-34)**

Cabinet considered a report seeking authority to transfer the existing Vulnerable and Older Persons' Handyperson Service to Orbitas Bereavement Services Ltd., one of the Council's alternative service delivery vehicles.

By utilising the commercial flexibility afforded to Orbitas, the Council had the opportunity to develop practical home services that met the needs and aspirations of vulnerable and older local residents at an early stage in order to avoid or delay any dependence on statutory services. The expectation of Cheshire East was that Orbitas would expand the business, providing an enhanced offer to its residents at an affordable price. This would be overseen through a contract monitoring process. The estimated aggregated contract value was £700,000 over a 5 year timeframe.

It was noted that paragraph 8.3 of the report had been deleted.

RESOLVED

That

1. officers be authorised to enter into contractual arrangements with Orbitas Bereavement Services Ltd for the company to act as an agent of the Council in the delivery of the Vulnerable and Older Persons' Handyperson Service for a term of five years; and
2. staff currently employed by the Council in the delivery of the Vulnerable and Older Persons' Handyperson Service be transferred to Orbitas Bereavement Services Ltd in accordance with TUPE regulations.

103 **PROCUREMENT OF SECURITY CONTRACT AT CREWE
BUSINESS PARK (REF CE 14/15-32)**

Cabinet considered a report on the requirement to re-tender and award a three year security contract, including the granting of a three year lease for the security office, at Crewe Business Park, Crewe.

There was a requirement to have the new contract in place by 1st May 2015. The cost of the security service currently provided was in the region of £200,000 a year for three years. The cost was recovered by the service charge, payable quarterly in advance by all occupying companies on the business park. As part of the contract the provider would be required to enter into a lease agreement with the Council for the occupation of the security office. The Council would receive a rental income of £500.00 per calendar month from the security provider for the lease of the office.

RESOLVED

That

1. approval be given for Cheshire East Council to re-tender and award for a 3 year security contract to provide security services at Crewe Business Park, Crewe and to grant a lease to the successful bidder to occupy Crewe Business Park's security office to coincide with the contract for service delivery, both contract and lease to be on terms and conditions to be determined by the Chief Operating Officer as s151 Officer in consultation with the Head of Legal Services and Monitoring Officer; and
2. authority be delegated to the Chief Operating Officer as s151 Officer in consultation with the Portfolio Holder and the Head of Legal Services and Monitoring Officer, to award the security contract to the highest scoring bidder against the pre-determined evaluation criteria.

104 COUNCIL TAX BASE 2015/16

Cabinet considered a report on the Council Tax Base for the year 2015/16.

The report set out the tax base calculation for recommendation from Cabinet to Council.

The calculation set out the estimates of new homes less the expected level of discounts and the level of Council Tax Support. This resulted in a band D equivalent tax base position for each Town and Parish Council. The details were attached to the report at Appendix A.

The tax base reflected growth of 0.9% on the 2014/15 position, highlighting the positive changes locally in terms of additional new homes, more properties brought back into use and reduced Council Tax Support payments. Over the last 5 years the tax base (excluding the impact of Council Tax Support) had increased by 4.8%.

RESOLVED

That Cabinet

1. in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, recommends to Council the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2015/16 as 138,764.49 for the whole area;
2. agrees that the Council Tax Support Scheme be unchanged for 2015/16 other than revising allowances to reflect the uprating in the Housing Benefit rules; and

3. notes that the Council Tax Support Scheme will be reviewed during 2015/16.

The meeting commenced at 2.00 pm and concluded at 4.43 pm

Councillor M Jones (Chairman)