

Cabinet

Agenda

Date: Tuesday, 3rd March, 2015
Time: 2.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

Contact: Paul Mountford, Democratic Services Officer
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

4. **Questions to Cabinet Members**

A period of 20 minutes is allocated for questions to be put to Cabinet Members by members of the Council. Notice of questions need not be given in advance of the meeting. Questions must relate to the powers, duties or responsibilities of the Cabinet. Questions put to Cabinet Members must relate to their portfolio responsibilities.

The Leader will determine how Cabinet question time should be allocated where there are a number of Members wishing to ask questions. Where a question relates to a matter which appears on the agenda, the Leader may allow the question to be asked at the beginning of consideration of that item.

5. **Minutes of Previous Meeting** (Pages 1 - 14)

To approve the minutes of the meeting held on 11th February 2015.

6. **Notice of Motion - Open and Transparent on Lyme Green DIP Report** (Pages 15 - 18)

To consider and respond to the motion.

7. **Notice of Motion - UNISON's Ethical Care Charter** (Pages 19 - 22)

To consider and respond to the motion.

8. **Health and Adult Social Care Overview and Scrutiny Committee - Carers Task and Finish Group Report** (Pages 23 - 42)

To consider the report of the Carers Task and Finish Group.

9. **Health and Adult Social Care Overview and Scrutiny Committee - Assistive Technology Task and Finish Group Report** (Pages 43 - 62)

To consider the report of the Assistive Technology Task and Finish Group.

10. **Development of Environmental Services Hub** (Pages 63 - 70)

To consider a report which outlines the current position in relation to the Environmental Services Hub Programme and which seeks approval to appoint the main contractor for the scheme.

11. **Grant Funding Citizens Advice Services** (Pages 71 - 76)

To consider a proposal to award grant funding for the provision of universal information and advice services across Cheshire East.

12. **The Care Act 2014 in Cheshire East**

Report to follow.

13. **Assessment of Waste Collection Compliance with New Legislation (TEEP)**
(Pages 77 - 98)

To consider a report which provides evidence that the Council's kerbside collection of recycled materials is compliant with recent changes to waste collection legislation.

14. **Energy Procurement** (Pages 99 - 110)

To consider a proposal that the Council continue to use a fully flexible method of energy procurement and enter into a contract with West Mercia Energy as the preferred provider.

15. **Community Equipment Service - Provision of Larger Equipment** (Pages 111 - 116)

To consider a proposal to procure two frameworks, one for adult equipment and a second for children's equipment suppliers.

16. **Disposal of Land off Earl Road, Handforth** (Pages 117 - 122)

To consider a proposal to dispose of the Council's landholding at Earl Road, Handforth to CPG Development Projects Ltd.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Wednesday, 11th February, 2015 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, B Moran, P Raynes, D Stockton and
D Topping

Members in Attendance

Councillors Rhoda Bailey, L Brown, R Cartlidge, S Corcoran, R Fletcher,
M Grant, P Groves, S Hogben, P Hoyland, F Keegan, W Livesley, P Mason,
R Menlove, A Moran, D Newton, M Simon, L Smetham and A Thwaite

Officers in Attendance

Mike Suarez, Lorraine Butcher, Peter Bates, Anita Bradley, Brenda Smith,
Julian Cobley and Paul Mountford

Apologies

Councillors J P Findlow (on Council business) and L Gilbert.

115 DECLARATIONS OF INTEREST

There were no declarations of interest.

116 PUBLIC SPEAKING TIME/OPEN SESSION

Sue Helliwell asked whether there were any Section 16 bids for smart street lighting. Councillor D Topping, Portfolio Holder for Service Commissioning, replied that the Council had an extensive programme for modernising street lighting across the Borough which included LED lighting. The Leader added that the Council would respond to further advances in street lighting technology over time.

Sylvia Dyke asked if the emerging neighbourhood plan for Alsager would include an allowance for arable land and green spaces in addition to housing. She asked if it was likely that additional housing would be imposed on Alsager in any event in order to meet housing requirements. Finally, she stated that no action had been taken in over two years regarding breaches in relation to White Moss Quarry. The Leader responded that he would look into the issue with White Moss Quarry and get back to her. He also said that neighbourhood plans were the right way forward for Cheshire East and would help to provide greater protection for the countryside and green spaces.

117 **QUESTIONS TO CABINET MEMBERS**

Councillor Rhoda Bailey asked about the likely extent of road repairs on minor roads in the Borough in the next financial year. Councillor Topping responded that the priorities for road repairs over the next year had been identified and members would be informed of the programme of works shortly. He added that whilst priority had to be given to major roads, the rural roads would not be ignored and the Council would respond to any matters brought to its attention by Members or by the public.

Councillor S Corcoran referred to the Ombudsman report into White Moss Quarry and disclosed he had further evidence that he had expected would have been taken into account. He called for an external investigation into the matter, given an internal investigation had, according to a letter he received, been concluded. The Leader undertook to discuss the matter with the Chief Executive. He also indicated that the Monitoring Officer was reviewing all actions relating to White Moss Quarry and that Councillor Corcoran would be informed of the outcome.

118 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 6th January 2015 be approved as a correct record.

119 **2014/15 THIRD QUARTER REVIEW OF PERFORMANCE**

Cabinet considered a report setting out the Council's financial and non-financial performance at the third quarter stage of 2014/15 and progress towards achieving the Council's Residents First Outcomes as described in the Council's three year plan 2013 to 2016.

The overall financial health, performance, resilience and value for money at Cheshire East Council was strong despite taking £50m out of its cost base from 2011/12, and freezing Council Tax for the fourth consecutive year. Following the three-quarter year review the Council's reserves strategy remained effective, with an underspend of £0.2m being forecast, which represented only a 0.1% variance from a budget of £253.8m.

Annex 1 to the report set out further details of how the Council was performing in 2014-15, including a summary performance, an update on the Council's overall financial position and a summary of key issues relating to the Council's workforce development plan.

Councillor P Raynes, Portfolio Holder for Finance, signalled his intention to discuss the detail of the report at a forthcoming meeting of the Corporate Scrutiny Committee.

RESOLVED

That

1. Cabinet notes the third quarter review of 2014/15 performance, in relation to the following issues:
 - § the summary of performance against the Council's 5 Residents First Outcomes (Section 1 to the Annex);
 - § the projected service revenue and capital outturn positions, overall financial stability of the Council, and the impact on the Council's reserves position (Section 2);
 - § the delivery of the overall capital programme (Section 2, paragraphs 161 to 169 and Appendix 4);
 - § fully funded supplementary capital estimates and virements up to £250,000 in accordance with Finance Procedure Rules (Appendix 5);
 - § reductions to Capital Budgets (Appendix 7);
 - § treasury management investments and performance (Appendix 8);
 - § the Council's invoiced debt position (Appendix 10);
 - § use of earmarked reserves (Appendix 11);
 - § the workforce development and staffing update (Section 3).
2. Cabinet approves
 - § fully funded supplementary capital estimates and virements above £250,000 in accordance with Finance Procedure Rules (Appendix 6);
 - § supplementary revenue estimates to be funded by additional specific grant (Appendix 9).

120 THE COUNCIL'S MEDIUM TERM FINANCIAL STRATEGY 2015/18

Cabinet considered a report presenting the Council's Medium Term Financial Strategy for 2015/16 to 2017/18.

The following key proposals were included:

- § An additional £6.5m will be spent on improving our highways.
- § Annual spending on Adult Social Care will be increased by over £1m.
- § Council tax is proposed to be frozen for a fifth consecutive year, saving local taxpayers £210 on average per year if inflationary increases had been applied.
- § Net Revenue spending is being reduced by £7.7m to deliver a balanced position in 2015/16.

§ External loans will be reduced by £8.5m.

Appendix A to the report summarised the resolutions that Cabinet were requested to recommend to Council.

The Medium Term Financial Strategy Report for the period 2015/16 to 2017/18 was set out at Appendix B.

Councillor Raynes indicated that since the MTFS report and budget had been produced, the Council had received confirmation that it would receive an additional £241,000 as part of the final settlement. It was proposed that the whole amount would be transferred to the Council's emergency assistance earmarked reserve to allow this additional funding to be called on when needed.

Councillor Raynes also referred to a proposed saving of £100,000 for Home to School Transport which was referred to in the report. This saving had in fact already been achieved by other methods.

The final version of the budget report would be updated to reflect these changes and to pick up any minor typographical errors.

RESOLVED

That

1. Cabinet notes:

- a. The Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix B, Annex 2 to the report).
- b. The comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix B, Comment from the Chief Operating Officer).
- c. The risk assessment detailed in the MTFS Report (Appendix B, Annex 5).
- d. That the estimates and profiling contained within the proposed Capital Programme 2015/16 to 2017/18 reflect the scale of ambition and future investment plans of the Council. The programme may vary to take advantage of external funding opportunities, maximise private sector investment, prudential borrowing considerations, operational capacity and to ensure optimal delivery of the overall programme (Appendix B, Annex 11).
- e. That projects will be robustly governed through the Executive Monitoring Board. The Council's Finance Procedure Rules will

always apply should any changes in spending requirements be identified (Appendix B, Annex 11).

2. Council be recommended to approve:

- f. The Revenue estimates for the 2015/16 budget and the medium term Capital Programme estimates 2015/18, as detailed in the Medium Term Financial Strategy Report 2015/18 (Appendix B) as adjusted for the home to school transport narrative change and minor typographical errors.
- g. Band D Council Tax of £1,216.34 (no change since 2010/11) (Appendix B, Section 2).
- h. The 2015/16 non ring-fenced Specific Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (Appendix B, Annex 7).
- i. The 2015/16 Capital Grants, and that any amendments to particular grants will be reported to Council if further information is received from Government Departments or other funding bodies (Appendix B, Annex 8).
- j. The relevant Portfolio Holder to agree the use of additional Specific Grants received in conjunction with the Finance Portfolio Holder as further updates to the 2015/16 funding position are received.
- k. The recommended Prudential Indicators for Capital Financing (Appendix B, Annex 10).
- l. The Safeguarding Children and Adults Portfolio Holder to agree any necessary amendment to the 2015/16 Dedicated Schools Grant (DSG) of £160.6m and the associated policy proposals, in the light of further information received from DfE, pupil number changes, further academy transfers and the actual balance brought forward from 2014/15 (Appendix B, Annex 7).
- m. The recommended Reserves Strategy, and the proposals to create an earmarked reserve of £1.0m for planning appeals and staffing restructure, and to make further contributions from general reserves of £0.45m to the Sustainable Investment reserve, and £0.25m to the Insurance and Risk reserve (Appendix B, Annex 12).
- n. That the additional £241,000 received as part of the final settlement be transferred to the Council's emergency assistance earmarked reserve to allow this additional funding to be called on when needed.

3. Council recognise that Cabinet has noted:

- o. The Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix B, Annex 2).
- p. The comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the MTFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix B, Comment from the Chief Operating Officer).
- q. The risk assessment detailed in the MTFS Report (Appendix B, Annex 5).
- r. That the estimates and profiling contained within the proposed Capital Programme 2015/16 to 2017/18 reflect the scale of ambition and future investment plans of the Council. The programme may vary to take advantage of external funding opportunities, maximise private sector investment, prudential borrowing considerations, operational capacity and to ensure optimal delivery of the overall programme (Appendix B, Annex 11).
- s. That projects will be robustly governed through the Executive Monitoring Board. The Council's Finance Procedure Rules will always apply should any changes in spending requirements be identified (Appendix B, Annex 11).

121 **TREASURY MANAGEMENT STRATEGY AND MRP STATEMENT
2015/16**

Cabinet considered a report on the Treasury Management Strategy and the MRP Statement for 2015/16.

Strong financial management had strengthened the Council's balance sheet, enabling the Council to continue its policy of utilising investment balances instead of taking out new external borrowing in order to finance capital expenditure. The Council remained committed to delivering appropriate levels of capital investment to support service improvement and local economic growth.

The key elements of the strategy were set out in paragraph 1.6 of the report. The strategy itself was set out at Appendix A and had also received consideration by the Audit and Governance Committee.

Councillor Raynes advised that the Council had been able to pay back debt and had made an adjustment to its investment strategy in order to reduce exposure to risk.

RESOLVED

That Council be recommended to approve the Treasury Management Strategy and MRP Statement for 2015/16 as set out in Appendix A to the report.

122 NOTICE OF MOTION - LOCATION OF STRATEGIC PLANNING BOARD MEETINGS

Cabinet considered the following motion which had been moved by Councillor D Brickhill and seconded by Councillor A Moran at the Council meeting on 11th December 2014 and referred to Cabinet for consideration:

"In the light of the chairman's decision to hold a Strategic Planning Board meeting in Macclesfield when all the items of the agenda (bar one in Ollerton) were in the south of the Borough, it is clear that the previous decision of Council is not being observed by him. Therefore his discretion in this matter is withdrawn. The location of the meeting in Crewe or Macclesfield shall be decided only on the basis of whether the majority of the agenda items are in the south or north of the Borough, as this was clearly the intention of council especially to avoid residents having to travel long distances e.g. Wrenbury to Macclesfield."

The current rules for determining the venue for each SPB meeting were set out in paragraph 2.2 of the report. Taking into account the need for the implications for residents to be more firmly taken into consideration when decisions about meeting arrangements were made, it was considered that the existing rules provided all of the flexibility needed in the circumstances.

Councillor A Moran as seconder of the motion attended and spoke on the matter. The proposer, Councillor D Brickhill, had been unable to attend the meeting.

RESOLVED

That the Chairman's discretion in determining the venue for a meeting of the Strategic Planning Board be retained in accordance with the arrangements approved by Council on 27th February 2014.

123 NOTICE OF MOTION - LOCAL PLAN

Cabinet considered the following motion which had been moved by Councillor D Newton and seconded by Councillor S Corcoran at the Council meeting on 11th December 2014 and referred to Cabinet for consideration:

"This Council notes:

- 1) *The recent comments of Steven Pratt on the Cheshire East Local Plan; and*
 - 2) *the appeal recovery criteria that enable a decision on any appeal that involves a potential conflict with an emerging (or recently made) Neighbourhood Plan to be taken by Ministers*
- And resolves to write to Edward Timpson MP, Fiona Bruce MP, David Rutley MP, George Osborne MP and Stephen O'Brien MP asking them to call*
- a) for any appeal that involves a potential conflict with an emerging (or recently made) Neighbourhood Plan in Cheshire East to be recovered and taken by Ministers; and*
 - b) for emerging Local Plans to be afforded greater weight at planning appeals."*

The Council had long called for emerging Plans to be given greater weight in the planning system. This request had been made previously in respect of the Local plan; and now with an accelerated programme of Neighbourhood Plans which formed part of this ongoing work. The first draft Neighbourhood Plans were expected to be made public in the coming months and more draft plans could be anticipated as the year progressed. With regard to Neighbourhood Plans, Ministers had displayed a greater willingness in recent months to attribute weight to emerging plans when deciding appeals.

Councillors D Newton and S Corcoran, as mover and seconder of the motion respectively, spoke on the matter.

RESOLVED

That Cabinet notes the points raised in the motion and confirms that all the issues raised are the subject of work already underway which was instigated immediately after the feedback from the Inspector Stephen Pratt on 6 November 2014.

124 NOTICE OF MOTION - SANDBACH NEIGHBOURHOOD PLAN

Cabinet considered the following motion which had been moved by Councillor S Corcoran at the Council meeting on 11th December 2014 and referred to Cabinet for consideration:

"This Council welcomes the strong community involvement in and the cross party support for the Sandbach Neighbourhood Plan and regrets the comments of the Leader of the Council about the Sandbach Neighbourhood Plan on the Sunday Politics Show on 30 November."

The government had confirmed funding to support neighbourhood plans into the next financial year and beyond. Cheshire East Council was committed to resisting unsustainable development and in July 2014 had

made a high level commitment to support neighbourhood planning by entering into a partnership with Cheshire Community Action. The Leader expressed his continued support for the Sandbach Neighbourhood Plan.

Councillor S Corcoran as mover of the motion spoke on the matter.

RESOLVED

That Cabinet

1. recognises and endorses the high level commitment the Council has made to the residents of Cheshire East in its support for neighbourhood planning;
2. recognises the significant and fast progress that communities are making in bringing forward their plans;
3. supports the ambition to make Cheshire East the leading local authority in neighbourhood planning; and
4. will continue to support the resources necessary to facilitate the hard work of Councillors, officers, town and parish councillors and residents, that underpins progress toward sustainable planning in Cheshire East, by and for all its communities.

125 NOTICE OF MOTION - HEYES LANE ALLOTMENTS

Cabinet considered the following motion which had been moved by Councillor S Corcoran at the Council meeting on 11th December 2014 and referred to Cabinet for consideration:

“This Council commits that it will not agree to vary the lease with Alderley Edge Parish Council for the Heyes Lane site to allow any use other than allotments, unless the Secretary of State exercises any powers that he might have to require a variation of the lease.”

The Lease of Heyes Lane Allotments to Alderley Edge Parish Council was part of Cheshire East's drive to ensure that working locally was at the heart of what the Council did. The transfer of services to town and parish councils was key to the Council's approach to asset management and was in line with the Localism Act. The devolution initiative supported the view that it was beneficial for local people to choose what services they paid for under devolved services delivered by town and parish councils.

The Portfolio Holder for Finance informed Cabinet that the Council had received 79 emails from people in support of the Heyes Lane Allotments. He summarised the key points that had been made.

Councillor S Corcoran as mover of the motion spoke on the matter.

Councillor F Keegan, as local ward member, also attended and spoke on the matter.

RESOLVED

That any future variation to the lease of the Heyes Lane Allotment Site be considered in relation to the plans and ambitions of the Parish Council, and the legal position regarding the covenanters of the land, with the intention of securing the best solution for Alderley Edge.

126 **JOBS REGENERATION AND ASSETS OVERVIEW AND
SCRUTINY COMMITTEE - HIGH GROWTH CITY PROJECT TASK AND
FINISH GROUP REPORT**

Cabinet considered the report of the High Growth City Project Task and Finish Group. The Group had reviewed and assessed the readiness of the Council to capture the full economic and social benefits that a potential superhub station at Crewe could bring for Crewe, Cheshire East and the wider sub-region.

Councillor P Groves, the Chairman of the Task and Finish Group, commended the report to Cabinet. Cabinet proposed three additions to the Group's recommendations which Councillor Groves was happy to accept.

RESOLVED

That

1. the report of the High Growth City Project Task and Finish Group be received;
2. recommendations A-I of the Task and Finish Group as set out in paragraph 2.1 of the Group's report be noted and supported subject to the following additions:
 - J. There should be compatible trains to Stoke via Macclesfield and further enhancement of Cheshire rail links in the north into HS2 and links to Manchester.
 - K. Council should support further investment and growth around Middlewich including a new station to enhance the Mid-Cheshire Line.
 - L. Health and wellbeing implications of High Growth City and HS2 be included in the report in the form of a high level Strategic Health Impact Assessment.
3. a response to the Task Group's report be submitted to the Jobs Regeneration and Assets Overview and Scrutiny Committee.

127 **CHESHIRE EAST ENERGY FRAMEWORK (REF CE 14/15-37)**

Cabinet considered a report seeking endorsement of the Cheshire East Energy Framework.

The combination of energy insecurity and soaring prices brought into sharp focus the need to lead the way to find more sustainable energy solutions for Cheshire East residents. In response to these challenges, Cheshire East Council was developing an ambitious energy programme to reduce fuel poverty, increase the production of energy from renewable and low carbon sources, and increase the number of jobs in the Borough in the low carbon economy.

The report sought the endorsement of and support for the Energy Framework, which had been produced to set out a clear ambition in providing affordable energy, developing a local energy economy and supporting secure decentralised and locally managed energy services.

RESOLVED

That

1. the Energy Framework and Vision for the Council as appended to the report be endorsed; and
2. the promotion and delivery of the Energy Framework be actively supported.

128 **DISPOSAL OF PART OF REDSANDS (AREAS 1, 2 & 3)**

Cabinet considered the disposal of part of the Redsands site to facilitate the development of a specialised design and engineering centre.

An opportunity had arisen to bring a major high value inward investor into Cheshire East. HPL Prototype (HPLP) was seeking a new location to develop a design and engineering centre to supply services to a major customer based in the North West. After an extensive site search, HPLP had selected the Redsands Site, owned by the Council, as its preferred location to expand its business operation in the North West.

RESOLVED

That Cabinet approves the disposal of Areas 1, 2 and 3 at Redsands (as delineated red on the plan attached to the report) to HPL Prototype (HPLP) on terms and conditions to be agreed by the Executive Director for Economic Growth and Prosperity in consultation with the Head of Legal Services and Monitoring Officer who shall draw up the documentation for sale to HPLP in accordance with the agreed heads of terms.

129 **DFT LOCAL HIGHWAY MAINTENANCE - CHALLENGE FUND
BIDS**

Cabinet considered the submission of two funding bids to help maintain and improve existing local highway infrastructure.

The maximum allowable bids were one £5-20M bid and one £20M+. The submitted bids would utilise the Council's maximum allowance and would cover a major maintenance scheme on the A51 at Wardle, and a significant upgrade of the Council's street lighting assets, including column replacements and upgrades to LED lanterns.

The two bid documents as referred to in the report were circulated at the meeting.

RESOLVED

That the submission of the two funding bids referred to in the report be endorsed.

130 **COMMISSIONING OF 0-19 HEALTHY CHILD PROGRAMME IN
CONJUNCTION WITH NHS ENGLAND (REF CE 14/15-28)**

Cabinet considered a report on the re-commissioning of 'healthy child' services for children and young people (aged 0–19 years).

The funding and commissioning of 5-19 years health services had transferred to the Council in April 2013, and 0-5 years health services would transfer to the Council in October 2015. The services to be commissioned included health visiting and family nurse partnership, a targeted breastfeeding service and childhood vaccinations and immunisations for school-aged children.

This report summarised the work undertaken to date and set out the procurement arrangements for securing the new services.

RESOLVED

That

1. Cabinet notes that an EU compliant procurement exercise to identify a preferred supplier for the public health services for 0-5 years (health visiting), breastfeeding, 0–5 years (school health) and 5–19 years Vaccinations and Immunisations is being undertaken and is on schedule to be completed with new services in place by 1st September 2015;
2. following the prescribed procurement process, the Council will enter into contracts (two separate contracts) for 5-19 years' service, including

the National Child Measurement Programme and for breastfeeding with one or two suppliers; the authority to enter into contract be delegated to the relevant Portfolio Holders, the Director of Public Health and Executive Director of Strategic Commissioning;

3. Cabinet notes and agrees that the 0-5 years contract, including Family Nurse Partnership which is being procured by the Council but entered into by NHS England, will be transferred to Cheshire East Council in October 2015 (in line with national guidance when responsibility for the service transfers to the Council); and
4. Cabinet notes the following:
 - § the breastfeeding contract, whilst under £500k, has been included in this work to secure the same provider as 0-5 years; and
 - § the vaccinations and immunisations contract has been included in this work to secure the same provider as 5-19 years service; the contract for this service remaining with NHS England.

131 **PAY POLICY STATEMENT 2015/16**

Cabinet considered a report on the Pay Policy Statement for 2015/16.

The Statement, which reflected the position as at 1st April 2015, was attached at Appendix 1 to the report. Key changes since last year's Statement were outlined in Section 11 of the summary report.

RESOLVED

That

1. Council be recommended to approve the Pay Policy Statement for 2015/16 for adoption on 1st April 2015;
2. the key changes since the 2014/15 Pay Policy Statement as outlined in Section 11 of the summary report be noted; and
3. it be noted that the Staffing Committee has been consulted on the Pay Policy Statement and has noted the paper.

The meeting commenced at 2.00 pm and concluded at 3.53 pm

Councillor M Jones (Chairman)

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	3 rd March 2015
Report of:	Head of Legal Services and Monitoring Officer
Subject/Title:	Notice of Motion – Open and Transparent on Lyme Green DIP Report
Portfolio Holder:	Councillor J P Findlow, Governance

1.0 Report Summary

- 1.1 The purpose of this report is to consider and respond to the following motion which was moved by Councillor S Corcoran and seconded by Councillor K Edwards at the Council meeting on 11th December 2014 and referred to Cabinet for consideration:

“The Council commits to being open and transparent and welcomes the comments of Judge Fiona Henderson in the information tribunal on the Lyme Green DIP report.”

2.0 Recommendations

- 2.1 That Cabinet notes the decision of the first tier tribunal and, in particular, that it supports the Council's actions in respect of the level of disclosure of the Lyme Green DIP Report.
- 2.2 That Cabinet notes the work being undertaken on the transparency agenda and confirms that this evidences the Council's commitment to putting residents first in ensuring openness and transparency to enable effective involvement and scrutiny by residents.

3.0 Reasons for Recommendations

- 3.1 As set out in the Background section of this report, the decision of the first tier tribunal evidences that the Council has disclosed as much information as it is able to do lawfully and fairly in respect of the Lyme Green DIP Report.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications

- 6.1 In light of the Legal Framework and the comments of the First Tier Tribunal in their decision of 12 November 2014, disclosure of any further information from the Lyme Green DIP Report is likely to be unlawful.

7.0 Implications for Rural Communities

- 7.1 None

8.0 Financial Implications

- 8.1 None

9.0 Legal Implications

- 9.1 None

10.0 Risk Management

- 10.1 Not applicable

11.0 Background and Options

- 11.1 This report addresses the issues raised by the motion referred to in paragraph 1.1.

- 11.2 The motion relates to the decision of the First Tier Tribunal of the General Regulatory Chamber (Information Rights) regarding the disclosure of a report prepared by the Designated Independent Person (DIP) appointed by the Council to investigate allegations of misconduct against Council Officers in relation to the development of a waste transfer site at Lyme Green, Macclesfield.

- 11.3 The history of this matter is as follows:

- 11.3.1 On 2 January 2013, the Council received the request for the disclosure of the DIP report. At that time, the Council was still considering that report, its implications and what should be done.

- 11.3.2 The Council considered the request under the Freedom of Information Act 2000 ('FOIA'). It refused to disclose the DIP report, relying on a number of exemptions under FOIA on grounds it contained personal data; was information provided in confidence; disclosure would prejudice free and frank exchange of views for the purpose for deliberation or would otherwise prejudice the conduct of public affairs; that it was subject to legal professional privilege and that disclosure would prejudice any investigation into improper conduct.

11.3.3 On 17 June 2013 a summary of the DIP report was published on the Council's website.

11.3.4 On 10 December 2013 the Commissioner provided his decision and rejected the Council's arguments in part. He ordered the Council to disclose a redacted version of the DIP report. The Council complied with his order.

11.3.4 An appeal was then lodged against the decision of the Information Commissioner to the First Tier Tribunal by way of a letter. The basis of the appeal was for disclosure of the redacted parts of the DIP report.

11.3.5 The Tribunal issued its Decision Notice on 12 November 2014 and dismissed the Appeal by unanimous decision. The decision was issued in the name of the Tribunal Judge, Fiona Henderson. The full decision can be found at:

[http://www.informationtribunal.gov.uk/DBFiles/Decision/i1419/Turner,%20Ben%20obo%20Macclesfield%20Express%20EA.2014.0009%20\(12.11.2014\).pdf](http://www.informationtribunal.gov.uk/DBFiles/Decision/i1419/Turner,%20Ben%20obo%20Macclesfield%20Express%20EA.2014.0009%20(12.11.2014).pdf)

11.4 The Tribunal was clear in its decision that disclosure of the full DIP report would be unlawful and unfair. It was "...satisfied that the purpose of a DIP report is not to provide a comprehensive review of what went wrong and what processes need to be amended to prevent a similar situation in the future. That role was fulfilled by the Audit Report which was published in full whose purpose was 'to establish whether controls procedures or policies have been compromised and identify the steps that need to be taken to prevent a re-occurrence, and the action plan adopted by the Audit and Governance Committee.'" (Paragraph 35 of the Decision Notice).

11.5 The Tribunal further found that disclosure of the names of individuals would be a breach of the data protection principles.

11.6 The Tribunal therefore concluded that transparency could be achieved through the publication of the conclusions of the DIP Report (but not the recommendations) in summary form together with the publication of the Audit report and action plan.

11.7 It is clear from the decision of the Tribunal that the Council has undertaken all action that it can, within the confines of the legal framework, to be transparent and open in relation to the Lyme Green DIP Report.

11.8 The Council is strongly committed to working openly and transparently as evidenced by the inclusion in the Council's three year plan of this aspiration. To ensure that this is achieved the Chief Operating Officer has been designated as the Transparency Champion for the Council and there is currently a Transparency Project in place to ensure that Cheshire East is able to meet its own commitment to openness, as well

as to fulfil the requirements of legislation and the Local Government Transparency Code.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Anita Bradley
Designation: Head of Legal Services and Monitoring Officer
Tel No: 01270 686013
Email: anita.bradley@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	3 rd March 2015
Report of:	Director of Adult Social Care and Independent Living, Brenda Smith
Subject/Title:	Notice of Motion – UNISON's Ethical Care Charter
Portfolio Holder:	Cllr Janet Clowes, Care and Health in the Community

1.0 Report Summary

- 1.1 The Following Notice of Motion, proposed by Councillor Dorothy Flude and seconded by Councillor Laura Jeuda, was submitted to Council at its meeting of 11th December 2014, and was referred to Cabinet.

“That the Council consider signing up to UNISON's Charter, and becoming an Ethical Care Council; and that Cheshire East Borough Council pledge to commission care only from providers who:

- Give workers the freedom to provide appropriate care and be given the time to talk to their clients.*
- Allocate clients the same homecare worker(s) wherever possible.*
- Do not use zero hour contracts.*
- Pay the Living Wage.*
- Match the time allocated to visits to the particular needs of the client. In general, 15-minute visits will not be used as they undermine the dignity of the clients.*
- Pay homecare workers for their travel time, their travel costs and other necessary expenses such as mobile phone use.*
- Schedule visits so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.”*

2.0 Recommendation

- 2.1 Cabinet is requested to consider the above motion.

3.0 Reasons for Recommendation

- 3.1 In order to comply with the requirements of the Council's Constitution and the wishes of Council.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 None

7.0 Implications for Rural Communities

7.1 None

8.0 Financial Implications

8.1 None

9.0 Legal Implications

9.1 None identified

10.0 Risk Management

10.1 None identified

11.0 Background

11.1 On 11th December 2014, Councillor Dorothy Flude proposed, and Councillor Laura Jeuda, seconded the motion set out at paragraph 1.1 of this report. Council referred the motion to Cabinet.

11.2 A summary of the Charter is attached as Appendix 1.

11.3 Cabinet must now decide upon how it wishes to respond to the motion.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Lynn Glendenning
Designation: Commissioning Manager
Tel No: 01625 432783
Email: lynn.glendenning@cheshireeast.gov.uk

Stage 1 contains the following commitments:-

- The starting point for commissioning of visits will be client need and not minutes or tasks. Workers will have the freedom to provide appropriate care and will be given time to talk to their clients.
- The time allocated to visits will match the needs of the clients. In general, 15 minute visits will not be used as they undermine the dignity of the clients.
- Homecare workers will be paid for their travel time, their travel costs and other necessary expenses such as mobile phones.
- Visits will be scheduled so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.
- Those homecare workers who are eligible must be paid statutory sick pay.

Stage 2 contains the following commitments:-

- Clients will be allocated the same homecare worker(s) wherever possible.
- Zero hours contracts will not be used in place of permanent contracts.
- Providers will have a clear and accountable procedure for following up staff concerns about their client's wellbeing.
- All homecare workers will be regularly trained to the necessary standard to provide a good service (at no cost to themselves and in work time).
- Homecare workers will be given the opportunity to regularly meet co-workers to share best practice and limit their isolation.

Stage 3 contains the following commitments:-

- All homecare workers will be paid at least the Living Wage. If Council employed homecare workers paid above this rate are outsourced it should be on the basis that the provider is required, and is funded, to maintain these pay levels throughout the contract.
- All homecare workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressurised to work when they are ill in order to protect the welfare of their vulnerable clients.

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 3rd March 2015
Report of: Head of Corporate Resources and Stewardship
Subject/Title: Health and Adult Social Care Overview and Scrutiny
Committee - Carers Task and Finish Group Report
Portfolio Holder: Councillor Janet Clowes, Care and Health in the Community

1.0 Report Summary

- 1.1 This report introduces the Carers Task and Finish Group's (the Task Group) Report on its findings, conclusions and recommendations following its review.

2.0 Recommendations

- 2.1 That Cabinet receive the Task Group's Report (attached).
- 2.2 That Cabinet note the Task Group's recommendations, which are contained in the attached report at page 14, paragraph 6.1.
- 2.3 That a response to the Task Group's report be submitted to the Health and Adult Social Care Overview and Scrutiny Committee once the recommendations have been fully considered.

3.0 Reasons for Recommendations

- 3.1 The Task Group was established to consider the range of implications for the Council of the Care Act and how the Council could change services to ensure it delivered better outcomes for carers. The Task Group's findings and recommendations suggest a number of principles to advise Cabinet and Officers and aid the development of future strategies and services.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Council is required to make changes to a variety of its policies as a result of new rules brought about by the Care Act 2014. The principles put forward in the Task Group's report should influence future policy on services for Carers and the Cared

for. The report also recommends the development of policy in relation to young carers and their transition to adult status.

7.0 Financial Implications

7.1 Consideration of financial implications is not required at this stage.

8.0 Legal implications

8.1 Consideration of the legal implications is not required at this stage.

9.0 Risk Management

9.1 Many of the Task Group's findings are based on interaction with carers at various events and listening to what they would like to see in the development of support services. Failure to take the views of carers into consideration when developing strategies may result in services which do not address the needs of carers.

9.2 Failure to effectively support carers may result in more carers being unable to continue their caring role, therefore increasing the pressure on Council services to support people in care.

10.0 Background

10.1 Prior to Council agreeing changes to its decision making and governance arrangements in May 2014, the Adult Social Care Policy Development Group (PDG) set up a sub group to look at the Council's Carers Policy and a Strategy which needed to be updated in anticipation for changes to the Council's responsibilities regarding carers, that were due to be introduced by the Care Bill. The sub group was set up following a PDG meeting in November 2013 where a report about the need to change the Carers Policy and Strategy was received and had the following membership:

- Councillor Margaret Simon (Chairman)
- Councillor Jos Saunders
- Councillor Laura Jeuda

10.2 At the Council's Annual Meeting on 14 May 2014 the Council decided to replace the previous scrutiny committee and policy development group system with a new Overview and Scrutiny Committee system. The responsibilities of the Adult Social Care PDG were taken up by the Health and Adult Social Care Overview and Scrutiny Committee; the Committee decided to continue the work of the PDG's sub group by setting up a task and finish group with the same membership. The Care Act 2014 received Royal Assent on 14 May 2014 and many of the new requirements of the Council need to be implemented by April 2015.

10.3 The PDG sub group, which subsequently became the Overview and Scrutiny Task and Finish Group (the Group), held several meetings over the previous twelve months, following a Carers Event held at Middlewich Community Church in November 2013, with a variety of officers to discuss a range of implications for the

Council of the Care Act and how the Council could change services to ensure it delivered better outcomes for carers and their cared for person.

10.4 Through the review the Group wanted to:

- Consider the changes in the legislative framework with the finalisation of the Care Bill and its impact on Carers
- Ensure that its review covered issues raised at the Middlewich event to show that they have been considered
- Support the future development of the Carers Strategy

10.5 The Group's report documents its findings, conclusions and recommendations.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name:	James Morley
Designation:	Scrutiny Officer
Tel No:	01270 6 86468
Email:	james.morley@cheshireeast.gov.uk

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Health and Adult Social Care Overview and Scrutiny Committee

Carers Task and Finish Group

November 2013 – January 2015

Chairman's Foreword

The Carer's event, held in Middlewich in November 2013, was the catalyst for this Task and Finish Group's review. A large group of Carers meeting together and sharing their experiences soon brought it home to me that much was still to be done to improve their caring experiences and, in fact, the quality of their own lives. Cheshire East, together with its Partners, has a big part to play in this and we all need to recognise the importance and scale of the role that Carers play in supporting health and care services. With this in mind our Task and Finish Group was formed to look at how support for Carers can be improved.

I would like to thank Councillor Saunders and Councillor Jeuda for their commitment to this piece of work and for the considerable amount of time that they have given up to bring it to fruition. Our own experiences, both as Carers ourselves and in the workplace, have helped to influence our report. We could not have done it without the continued support and dedication of Cheshire East Officers and Partners, in particular, I would like to single out Rob Walker, Commissioning Manager, and our Scrutiny Officer, James Morley, for their dedication in helping us to gather information, meet deadlines and bring this report to a close.

I commend this report to the Cabinet and our Health Care Commissioners/Providers and hope that our recommendations can be supported.

Councillor Margaret Simon

Chairman of the Task and Finish Group

Chairman of the Health and Adult Social Care Overview and Scrutiny Committee

Task and Finish Group Membership



Cllr Margaret Simon, Cllr Jos Saunders and Cllr Laura Jeuda

1.0 Introduction and Background

1.1 Prior to Council agreeing changes to its decision making and governance arrangements in May 2014, the Adult Social Care Policy Development Group (PDG) set up a sub group to look at the Council's Carers Policy and a Strategy which needed to be updated in anticipation for changes to the Council's responsibilities regarding carers, that were due to be introduced by the Care Bill. The sub group was set up following a PDG meeting in November 2013 where a report about the need to change the Carers Policy and Strategy was received and had the following membership:

- Councillor Margaret Simon (Chairman)
- Councillor Jos Saunders
- Councillor Laura Jeuda

1.2 At the Council's Annual Meeting on 14 May 2014 the Council decided to replace the previous scrutiny committee and policy development group system with a new Overview and Scrutiny Committee system. The responsibilities of the Adult Social Care PDG were taken up by the Health and Adult Social Care Overview and Scrutiny Committee; the Committee decided to continue the work of the PDG's sub group by setting up a task and finish group with the same membership. The Care Act 2014 received Royal Assent on 14 May 2014 and many of the new requirements of the Council need to be implemented by April 2015.

2.0 Methodology

2.1 The PDG sub group, which subsequently became the Overview and Scrutiny Task and Finish Group (the Group), held several meetings over the previous twelve months, following a Carers Event held at Middlewich Community Church in November 2013, with a variety of officers to discuss a range of implications for the Council of the Care Act and how the Council could change services to ensure it delivered better outcomes for carers and their cared for person.

2.2 Through the review the Group wanted to:

- Consider the changes in the legislative framework with the finalisation of the Care Bill and its impact on Carers
- Ensure that its review covered issues raised at the Middlewich event to show that they have been considered
- Support the future development of the Carers Strategy

3.0 Background and the Care Act 2014

- 3.1 The following information was provided to the Group as background regarding carers and the impact the Care Act 2014 is going to have.

What is a Carer?

- 3.2 The Council's current Carers Policy defines a carer as "...a person who looks after someone, relative, friend or neighbour, who through illness or disability is unable to look after him/herself. That person may be an adult or a child or young person". This is a very general definition of who a carer is and the roles carers perform can which vary widely in their range and size. Some carers, often spouses or children, perform a 24/7 caring role in the home and fulfil all their cared for person's needs. Other carers assist with a few tasks in the home and outside (e.g. shopping) that enables the cared for person to maintain their independence and remain in their own home.

The Value of Carers

- 3.3 A paper "Valuing Carers 2011 – Calculating the value of carers' support" by the University of Leeds and Carers UK published in May 2011 estimated the value of carers' support through the UK. The paper stated that there were over six million carers, family, friends and neighbours who provided unpaid care to someone who was ill, frail or disabled. It suggested that the economic value of the contribution made by carers in the UK was £119 billion per year, which was 37% higher than in 2007 when Carers UK had previously reported.
- 3.4 Quantifying the value of carers' support is critical as the level of unpaid care had significant implications for what the state may have to provide. The paper suggested that a 1% change in the number of carers providing care would cost the state £1 billion in care costs. The paper including figures for each local authority including Cheshire East Council. It estimated that the value of care provided by unpaid carers in Cheshire East was £643 million. Now in 2014, with the Borough's large ageing population it can confidently be concluded that these figures have risen further from 2007 and 2011 levels.
- 3.5 The Princess Royal Trust for Carers also published a report in 2011 titled "Supporting Carers – The Case for Change". The report argued that by increasing support for carers and expenditure on carers and caring in the home, local authorities could reduce expenditure on residential care by significantly more, producing an overall saving. Based on 2009/10 figures published by The NHS Information Centre in 2011, the report suggested that Cheshire East Council would have the following costs and savings:

	Increased expenditure on carers	Increased expenditure on care at home	Decreased expenditure on residential care	Overall savings
Cheshire East	£926,020	£3,766,612	£8,632,200	£3,941,567

- 3.6 The Princess Royal Trust (PRT) Report also argued that increasing support for carers improves health and wellbeing outcomes for carers and for patients and recipients of care. By providing carers with training and support (e.g. safer moving and handling, information about the cared for person's condition) it enables them to provide better care to their cared for person, improving recovery from and prevention of illness and reducing the need for services such as physiotherapy and occupational therapy.
- 3.7 In the PRT Report, Carers are identified as a group experiencing health inequalities due to the comparatively poor health they have, often resulting from the stresses and strains of their caring role. Those carers between the ages of 66-92, most likely caring for a spouse, were more likely to suffer ill health or death than those not caring for anyone. If an elderly carer were to become ill this would result in the local authority having to provide care for two additional patients. This highlights how critical it is for local authorities to support carers in maintaining their caring role.
- 3.8 Carers were also likely to suffer a reduced quality of life as a result of their caring role. The Carers UK 2011 Report suggested that one in five carers give up work to care. This reduces their independence, social interactions and well as affecting their financial security. Young Carers in particular can be at risk of suffering reduced quality of life as their caring role can put them at a disadvantage to their peers in terms of opportunities for further education and employment. As well as helping carers with their caring role, local authorities should try to support carers to maintain a high quality of life.
- 3.9 The PRT Report suggests that as well as saving local authorities costs of residential care, carers also assist in reducing the burden on health services such as hospitals. Readmissions to hospital following discharge and delayed discharges result in additional costs for Trusts and commissioners and can also threaten the independence of a patient and impede rehabilitation. Carers assist in ensuring sufficient support is in place in the home to enable a patient to be discharged on time as well as reducing the risks of a patient needing to be readmitted.

Implications of the Care Act 2014 for carers

- 3.10 When the Care Act received Royal Assent on 14 May 2014 Care and Support Minister Norman Lamb said it represented the most significant reform of care and support in more than 60 years. He suggested that the previous laws were out of date and confusing and that the Care Act had created a single, modern law that made it clear what kind of care people should expect. Specifically in relation to carers he suggested that giving carers new rights to support that puts them on the same footing as the people they care for was an historic step forward.
- 3.11 Before the Care Act 2014 came in, the key acts relating to carers were:

Carers Equal Opportunities Act 2004

This Act was the newest and was implemented in April 2005. It changed the previous act in a few important ways. Firstly it placed a duty on social services departments to inform carers of their right to an assessment. Secondly, when the assessment is carried out the purpose of it is not only to help the carer to continue to care, but should also include a discussion on their wish to start paid work or to continue to work, their wish for further

education and wish to engage in leisure pursuits. Thirdly carers and their needs have previously only been a duty for social service departments, but under this Act social service departments can ask other public bodies including local health organisations to provide services to carers; a request, which these bodies have to consider and make a reply.

Carers (Recognition and Services) Act 1995

The Carers (Recognition and Services) Act came into force April 1996. This Act, gives carers who are providing “regular and substantial care” the entitlement to request an assessment of their ability to care (a carer’s assessment), Local authorities must take the carer’s ability to care in to account when looking at what support to provide the person in need of care.

- 3.12 Under the Care Act all carers will be entitled to an assessment of their needs. If a carer is eligible for support for particular needs, they will have a legal right to receive support for those needs, just like the people they care for.
- 3.13 The assessment will consider the impact of the caring role on the carer. It will also consider the things that a carer wants to achieve in their own day-to-day life. It must also consider other important issues, such as whether the carer is able or willing to carry on caring, whether they work or want to work, whether they want to study or do more socially.
- 3.14 Once the assessment is complete, the local authority must decide whether the carer’s needs are ‘eligible’ for support from the local authority (this is similar to the assessment used for adults with care and support needs). Eligibility for support depends on the carer’s situation. The carer is entitled to support if they meet all of the following conditions:
- the needs arise as a consequence of providing necessary care for an adult;
 - the effect of the carer’s needs is that any of the circumstances specified in the Eligibility Regulations apply to the carer; and
 - as a consequence of that fact there is, or there is likely to be, a significant impact on the carer’s wellbeing.
- 3.15 If the carer is entitled to support, the local authority and the carer will agree a support plan which sets out how the individual carer’s needs will be met. As long as the person receiving care agrees, it may be the case that, care and support could be provided directly to them allowing the carer to take a break.
- 3.16 In most cases local authorities do not charge for providing support to carers in recognition of the valuable contribution that carers make to their local community. Currently Cheshire East Council does not charge for services provided to carers however, at the time of writing this report, this issue has been the subject of a public consultation and a decision will be taken as part of the Council’s budget setting process. If the local authority decides to charge a carer for providing them with support it may need to carry out a financial assessment to decide whether the carer can afford to pay.

- 3.17 Following assessment carers will receive a statement of their needs which will describe how the council will help to meet their needs and will also offer them information, advice and guidance to help them with their caring responsibilities. Providing advice about specific services they can access as a carer who the council and the clinical commissioning group have funded to support carers, they will also be given information about universal services which carers can also access. In some cases the carer having met the council's 'carer's eligibility criteria' may be eligible for support via a direct payment and personal budget.

The Implications of the Care Act 2014 on the Council (in relation to carers)

- 3.18 From April 2015 under the Care Act the Council will have a statutory duty to carry out a carer's assessment where an individual provides or intends to provide care and it appears that they may have any level of needs for support. The Council will also have a statutory duty to meet the eligible needs of carers. Carers will be eligible for support firstly if they need help to maintain their caring role and secondly if their caring is having a significant impact on their wellbeing and is having an adverse effect on their lives.
- 3.19 The implementation of the Care Act 2014 in relation to carers will impact on the Carers Policy, Adult Social Care Charging Policy and the joint Carers Strategy which was agreed with the former Primary Care Trust, VCFS and carers in 2011. It links to the delivery of priority three of the Cheshire East 3 year plan –
- Outcome 3, People have the life skills and education they need to thrive, and
 - Outcomes 5, People live well and for longer.
- 3.20 The government's transition guidance for the Care Act makes it clear that existing policies need to be reviewed in the light of the new national minimum eligibility threshold for carers. Where this indicates individuals or groups who may have become eligible then a carer's assessment should be offered.
- 3.21 If a carer is found to have eligible needs, support can be met by providing care to the person that they care for. This then forms part of the cared for person's personal budget as the service is provided directly to the adult needing care. However, this will still have cost implications for the Council, as it would increase the cost of care packages for some service users.

There are groups of carers, some of whom will have already had a carer's assessment and received information and advice, some may be already accessing universal or care specific specialist services funded by the Council or CCGs who will qualify a carers assessment under the new legislation. This will potentially impact on the number of carer's assessments that will need to be undertaken as soon as possible after April 2015.

- 3.23 The Group was informed that CCG carer breaks grants are funded by the two Clinical Commissioning Groups until 31st March 2015. In 2014/15 the allocation for these grants was £403,051 funded through a section 256 agreement, from April 2015 this money will form part of the Better Care Fund. The commitments on this fund are an extension of the original Personal Budgets pilot, Carers

Support & Activity Group for people in the South, Central Cheshire Buddies, Parent Carer Support offering regular breaks for parent carers, Cheshire East Carer Roadshow for carers of people with muscular dystrophy. The emphasis on the Carer Breaks Innovation fund for 2014/2015 was identification of Hidden carers. Further review of the demand for carer break and funding may be required and further investment by the Council may be needed.

Cheshire East Joint Carers Strategy Event

- 3.22 On 22 November 2013 a Cheshire East Joint Carers Strategy event was held in Middlewich to enable carers and professionals from health, social care and the voluntary and community sector to work together to consider how everyone could work together to deliver what matters to carers in Cheshire East. The half day workshop was organised by the Cheshire East Carers Reference Group in partnership with the Council, Eastern Cheshire CCG and South Cheshire CCG.
- 3.23 During the event, participants were asked to focus on five key areas, taken from the joint commissioning plan for 2013/15, which were:
- 1) Improve the experience carers have when interacting with services
 - 2) Increase the number of people represented on carers registers
 - 3) Increase in the number of carers feeling supported to manage their loved ones' condition
 - 4) Increase the percentage of carers engaging in social and educational activities
 - 5) Improve the information and support available to carers
- 3.24 As part of the workshop the carers, voluntary and community sector organisation and commissioners looked at what the priority issues should be. They looked at which projects, initiatives or ideas needed to be: stopped (as they had limited benefit for carers); started (as a new idea or initiative which would provide benefit to carers and providers); or continued (as they had benefit to carers and providers). Having discussed the various existing and potential projects, initiatives and ideas the participants came up with a combined top ten priorities. They were:
- 1) Continue to provide Carers' Personal Budgets
 - 2) Start marketing "Proud to be a Carer"
 - 3) A single point of information for carers – i.e. one person
 - 4) Organisations to Start talking to each other and work together, having systems that speak to each other for the benefit of the carer
 - 5) Stop treating everyone the same, one size doesn't fit all
 - 6) Use legislation e.g. Mental Capacity Act to protect people not the system
 - 7) Start planning for a crisis early to ensure people feel empowered and services don't repeat actions that don't help
 - 8) Start a local offer for carers (Carers Charter about what they can expect)
 - 9) Start listening more to the unpaid carer. What matter to the individual
 - 10) Continue Pathway planning – thinking ahead about the future

4.0 Findings

Identifying Carers

- 4.1 The Group has learned that there are a significant number of carers in the Borough that are unknown to health and care services. This is often due to the fact that the Carer does not identify themselves as a carer. Some people simply see themselves as performing their duties as a spouse/parent/child, or others who are performing minor roles to help a friend or family member and don't realise this could be classed as caring.
- 4.2 There is a risk that those carers who are unknown to services could cease their caring role as they are unable to continue leading to the deterioration of the cared for person and the need to greater intervention by health and care services. If services can identify these carers and provide the support required enabling them to continue their caring role then this can help reduce the demand for care services and the deterioration of cared for people. There will be a significant amount of publicity, both national and local about the Care Act with a view to reach out to unknown and unsupported carers.
- 4.3 The Group believes that GPs are in a valuable position to assist with identifying carers as they have access to the whole population as patients. As mentioned previously, the stresses and strains of a caring role can cause health issues. When a patient visits their GP there is an opportunity to identify whether they are currently performing any caring roles. If GPs routinely asked patients about possible caring roles and any potential impact on their health they could then signpost carers to local support services or where they could get additional information.
- 4.4 The Group has been informed that there are efforts ongoing to raise the profile of carers within primary care and GP practices have been asked to identify a "Carers' Champion" to promote carers and the benefits they bring, and to encourage carers to sign the practice register of carers. As well as practice champions there is also the opportunity to identify a CCG wide primary care Carers Champion to encourage all GP practices to engage with the initiative.
- 4.5 Others that could be in a position to identify carers are social workers, district nurses, occupational therapists, housing associations, Healthwatch and relevant charities/voluntary organisations (e.g. Age UK, Alzheimer's Society). Any services which interact with care users should be aware of the potential that there is someone performing an informal caring role and that there might be support services that they could benefit from.

Carers Assessments

- 4.6 The Care Act entitles a carer to their own assessment. The regulations which support the Act ensure that the assessment is appropriate and proportionate, so that people have as much contact with the authority as they need. In addition, they require the authority to consider the wider needs of the family of the person (for instance, if there is a young carer. The Group believes that it is important for Carers to have their needs properly considered. Where appropriate the carer and cared for

should be offered the option to be assessed together, if all parties are in agreement. However a carer should always be informed of their right to their own assessment.

- 4.7 The Group was made aware that the Council used a 20 page pre-assessment questionnaire which was a legacy document from Cheshire County Council that Carers were asked to complete prior to their assessment. The Group found this to be too detailed and onerous on a Carer, particularly if it was carried out at a time of crisis and Carers often didn't have time to complete the questionnaire before their assessment.
- 4.8 In February 2014 the Group was also informed that there was an 18 month backlog on assessments and reviews for Cared For and Carers. The Group was concerned that this backlog was leading to people's needs not being met or that people were receiving services that they were no longer entitled to. The Group subsequently learned that additional staff had been recruited during the summer of 2014 to assist with reducing the backlog of assessments.
- 4.9 The Care Act places a statutory duty to assess carers and the Act gives local authorities a new legal responsibility to provide a support plan in the case of a carer. It is expected that there will be greater demand for assessments, putting more pressure on local authorities in carrying out assessments, referrals, allocations and annual reviews. The Group considered whether adult social care should consider the possibility of commissioning a provider to carry out carers' assessments.
- 4.10 There is also potential to set up an online self assessment process for Carers. This could be set up on the Council's website and would facilitate signposting by linking an individual's responses to services/information they might benefit from. The Group has been informed that this is under active consideration as part of improvements and options to make it easier for people to access social care using a range of methods.

Financial Assessments for Carers

- 4.11 The group received a briefing on the Council's current Financial Assessment process and fairer charging process/policy. Due to the new rules introduced by the Care Act there has been a requirement for public consultation and engagement with customers at all levels due to the changes around financial planning, care accounts and reviewing the care act guidance when published on Carers Fairer Charging and policy implications. The consultation was due to close on 25 January 2015; results of the consultation would be reported to Overview and Scrutiny and Cabinet.

Cost Benefit of Supporting Carers

- 4.12 During its review the Group wanted to develop evidence that investing in support for Carers, therefore leading to less demand for residential care, would reduce the Council's overall care costs. It was explained to the Group that due to the complexity of care services and each individual case it was extremely difficult to prove that this would be the case. However, it was reasonable to assume, based on the cost of residential care and the costs of support services for carers, that the Council's costs would be reduced if supporting carers reduced the need for residential care.

- 4.13 The Group also acknowledges the role unpaid carers also play a vital role in discharge of patients from hospitals. Delayed discharge is one of the main issues hospitals are affected by and it's often the result of patients not having the appropriate care and support in place at home to enable them to be released safely. Delayed discharge is a cost to hospitals both in terms of staff caring for the patient longer than necessary and beds being blocked for new patients. Carers can provide safe environments for patients, enabling hospitals to discharge them sooner provided that they are given the information and support needed during pre discharge planning stages. Carers can also reduce the chances of readmission following discharge by, for example, ensuring medication is taken and falls are prevented although this may require some additional support post discharge.

Young Carers Transitioning to Adult Carers

- 4.14 How do young carers transition to being adult carers? How do we support them to enable them to take up further education? Pathways should be developed to ensure safe transition from young person to adult carer that enables young people to have equal access to education and employment as their peers.

A seamless service for carers

- 4.15 Changes in the Care Act require the council and, where appropriate, its partners to review the processes and Carer's Journey. The Group discussed the Implementation and Implications of the Care Act. Further concerns were raised by members that the lack of consistency in workers when the cared for goes into hospital and the change of social worker at each admission/discharge.
- 4.16 The Group discussed the number of transfers between services that take place when a patient moves from health to care services. The Group found that patients were transferred from the Hospital Teams, to the Intermediate Teams and then onto social care SMART Teams. The Members' experience this could sometimes result in issues where patients care would be delayed because they were in limbo between teams. This can create stressful situations, not only for the cared for but for the carer trying to support them. Transfers often resulted in patients having to repeat their information to new people. The Group believes patients should only need to tell their story once and all teams who subsequently come into contact with them should have access to that information.
- 4.17 There has also been some concern regarding support for self-funding customers and the lack of information, case management for these individuals and families. The Care Act requires the Council to provide more support to self funders. Work has been carried out to improve the advice, information and support offered to self funders.

Identifying the current budget allocation and associated spend for carers

- 4.18 The group were updated on the Early Intervention and Prevention commissioned services for carers, universal services and the CCG Carer Breaks fund. The issue relating to carers receiving additional respite has been a consistent theme as members recognise that this is a key service which sustains carers within their caring role. Supporting officers have clarified the difference between carer breaks and respite for the cared for being an indirect break for the carer.

- 4.19 Cheshire East Council contracts commissioned services through the Voluntary, Community and Faith Sector (VCFS) relating to Early Intervention & Prevention and also manages Carer Breaks grants on behalf of the two Clinical Commissioning Groups. The services commissioned provide 'Early Help' through either specialist or universal services that support people to remain independent and can help to stop them reaching crisis point. Universal services are available to anyone who lives in Cheshire East and has an identified social care need, or to the carers of these people. Specialist services are for specific groups of people, for example Carers services are specifically for the Carer and not for the person who they care for.
- 4.20 The Group had been informed by carers at the events that what they could spend the Carers Breaks funding on was limited, and in many cases they couldn't spend it on what they really felt would support them as a carer. For example, one carer wanted to spend the money on driving lessons, to enable her to travel for her caring duties more easily, however she wasn't able to use it for this as it was not considered a break.

Assistive technology

- 4.21 Assistive technology provides a range of benefits for those with care needs, enabling them to remain in their own home and maintain health for longer. Assistive Technology can also play a role in reducing the demands on the carer. The Group did not consider this issue in detail as there is another Task and Finish Group currently conducting a review of Assistive Technology.

Signposting on the Council's website

- 4.22 The Group examined the Council's website and how information on Adult Social Care services was communicated to the public. In their own experiences, the Group found examples of webpages which were out of date or contained incorrect information. The Web Team's goal was that all Council webpages were updated at least every three months. The Web Team was able to ensure the webpages worked effectively but did not have the expertise to know whether the information contained with a page on adult services was accurate or up to date. In quite a few cases it was unclear who was responsible for particular pages because no one had been allocated to monitor them.
- 4.23 Only 20% of visitors to the website went through the home page. Most visitors accessed pages directly through a search engine such as Google or Bing. Search engines use "tags" (words relevant to the information on the webpage) attached to webpages to produce the results of a search. Webpages with the most relevant tags to a search are placed at the top of search results list. Officers needed to attach the right tags to their pages to ensure they would appear on internet searches making it more likely that the public could find the information they are looking for.
- 4.24 The Council's website now includes a section called information Cheshire East (iCE). iCE is a directory of services that the public can use to search for services using key words and by location. This is currently being used by Children's Services and some external providers but Adult's Services is yet to make a decision about taking up the system. Having used iCE the Group believes it is an excellent

tool for sharing information about services and signposting residents to what's available in their local area. By including Council services on the directory and encouraging all health and care providers and community organisations in the Borough to contribute to the directory and ensure their information is continually up to date residents will be able to access services they may otherwise be unaware of. This will help carers to maintain their caring role and improve their quality of life.

- 4.25 Since the Group considered the content of the website, Adult Social Care has been working on its web pages in order to make improvements and meet Care Act requirements regarding information and advice. The new web pages will be launched prior to April 2015.

5.0 Conclusions

- 5.1 This review of Carers has taken place during a period of considerable change for adult social care and carers. The Care Act has initiated some of the biggest changes to services in recent memory and this has created a level of uncertainty that has made it difficult for the Group to develop detailed conclusions and recommendations. The Care Act is still in its early stages of implementation and will be followed by further regulations and guidance.
- 5.2 However there are a number of areas where the Group is clear on what is needed to improve outcomes for Carers.
- 5.3 Carers play a crucial role in keeping people out of residential care which reduces demand and saves cost of social care. Although it is difficult to clearly illustrate because of the complex nature of care and what the costs are, residential care and domiciliary care are the most costly to the Council. If budgets can be redirected to increase support for Carers, therefore reducing the demand for residential care and domiciliary care, then there is a possibility that the overall costs to the Council can be reduced and carers would feel more supported. Early intervention and prevention, rather than treatment, is one of the key themes in the future of health and care services.
- 5.4 Carers can also play a role in reducing costs for health services. They can facilitate the discharge of patients from hospital, avoiding additional costs associated with delayed discharge, and can reduce the chances of readmission. This impact could be enhanced by providing training to the carer in the use of equipment and managing the cared for person's needs prior to them being ready to be discharged.
- 5.5 The Group is aware that there are a wide variety of types of carer. All Carers should be valued by the Council. The Council should continuously be trying to identify hidden carers in order that they can be supported to continue their role. Many carers do not view themselves as carers and are reluctant to pursue or are unaware of any support that is available to them. A lack of support can lead to carers themselves becoming ill, in some cases requiring care themselves, or forcing them to relinquish their caring role therefore increasing the demand on health and care services.

- 5.6 GPs can play an important role in the identification of carers, signposting them to services and helping them to cope with their caring role. The Group urges the need for Carers Champions to encourage more services to be aware of Carers, the benefits they provide and their needs.
- 5.7 Carers Assessment process should be simplified. The Group would support the use of an online preassessment tool to enable carers to identify their needs with signposting to appropriate services and potentially on to a full assessment for those with eligible needs.
- 5.8 There should also be a seamless services for both cared for and their carers. Health and care teams should work closer together to ensure no one is lost in the system or falls through the gaps between teams. The current drive to integrated health and care services through Caring Together and Connecting Care is an important opportunity to ensure that service users receive a seamless service focussed on their needs, including those of the carers.
- 5.9 There should be a directory of services as part of signposting. The Group believes that services should make it as easy as possible for Carers to locate them and Carers should be encouraged to seek out support where there is a need. A services directory would make it simple for Carers to find services and support in their local area but would also be beneficial to providers by advertising their services to a wider audience. Service directories also help organisations to identify where they may be duplicating each other or where there are gaps in service that they can work together to fill.
- 5.10 The Group supports budgets for carer breaks however would like to see more flexibility in what carer can spend the money on. Carers know what would really help them to feel better or support them in their caring role therefore funding should work in a way that maximises the benefits to them.
- 5.11 All social care employees should be aware of the Care Act and the new ways of working. All Services should be aware of Carers and their valuable role. They should have information to support Carers earlier. Every little helps for the carers and all contributes to reducing the burden of adult social care. This would be a Corporate Parent style approach.
- 5.12 The Council's Website is a key portal for connecting with service users and providing important information. Senior Managers should ensure that each service with webpages allocates someone to be responsible for monitoring the webpages to make sure they are up to date and accurate.

6.0 Recommendations

Recommendations to Cheshire East Council

- 6.1 The Council should agree the following principles to underpin the future development of carers services:
 - A. **Carers should be informed of their entitlement to an assessment.**
The Council should carry out an options appraisal for conducting carers' assessments to assess the best option for ensuring all carers known to adult social care have an assessment when they

are identified and that existing carers who had a joint assessment with their cared for person are offered a review in their own right.

B. Carers should experience a seamless service across health and social care.

There needs to be seamless service between hospital, social care and community services. The number of transfers between care teams needs to be reduced. This could possibly be done by reducing the number of teams from three to two by integrating services.

C. “Tell Us Once” - Carers should only have to explain their situation once.

A person’s information should be available to all social workers, hospital teams, GPs and carers so there don’t have to repeat anything each time someone different interacts with them.

D. Carers should be targeted for information and advice about support available to them.

The Council needs to ensure it identifies as many carers as possible to ensure they get the support they need and avoid crisis. This includes educating those who may not see themselves as carers as they are unaware they are performing a caring role.

E. Carers should have easy access to their own assessment.

The Council needs to be prepared for the increased demand created by Carers’ entitlement to an assessment in the Care Act 2014. The Council should consider simplifying the reassessment process to avoid future backlogs.

F. Carers should have access to increased advice, information, preventative services and support.

The Council’s Adult Social Care budget should be redirected to invest more in supporting Carers and other preventative measures which may keep service users out of residential care and avoid the need for domiciliary care which are more expensive to provide. This should include training to carry their caring role effectively.

G. Carers should have access to advice and information about the support available to them.

Adult social care services need to establish the use of iCE, or something similar, to make information available to residents in the way that children and families services has. Managers also needed to encourage external providers and NHS services to use the directory to provide a comprehensive list of services to carers. Processes should also be in place to ensure pages are kept up to date and accurate.

H. Young Carers Pathway is developed to support them in their transition to adult status.

That a pathway for young carers transitioning to adult status be created to ensure all young carers are provided with the same opportunities for employment and further education as their peers. A memorandum of understanding should be put in place between Children and Families and Adult Social Care to make it clear what is required during transition.

I. Carers should be identified in order that they can be supported in their caring role.

The Council should encourage commissioned services and community organisations to contribute towards the identification of carers.

- J. **Carers should have the opportunity to engage with the Council and CCGs to influence future developments and receive services.**

The Council and CCGs should develop Engagement Strategies for carers and communities to improve standard and scale of engagement.

- K. **Carers should always feel safe and be aware of safeguarding issues if they occur.**

That the Council and CCGs promote safeguarding for carers from abuse and train them to recognise the signs of abuse from their cared for person.

Recommendations to NHS Commissioners and Providers

- 6.2 NHS Commissioners and Providers should also consider the following recommendations to improve the interaction with carers:

- L. That GP surgeries should make it common practice to proactively identify carers but also inform their GPs about which of their patients are carers so they can monitor their wellbeing from that perspective. This should include young carers and parents carers.
- M. CCGs and GP practices should have a carers' champion (This could be a nurse or receptionist: it doesn't have to be a GP) to promote the role carers play and the need to support them.
- N. All identified carers should be offered annual "carer's health checks"; this could be at GPs' surgeries or in the community/at home if needed.
- O. That other NHS service providers also be mindful of the potential impact a caring role may be having on their patients and be aware of how where they can signpost them to services.
- P. CCGs should consider how Care Breaks Funding can be made more flexible to enable carers to use funding for products and services that they feel will benefit them the most.
- Q. Health services should ensure training and advice for Carers is provided prior to their Cared for Person being discharged to ensure Carers are prepared to fulfil their role effectively, helping to avoid readmissions and delayed discharge.

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 3rd March 2015
Report of: Head of Corporate Resources and Stewardship
Subject/Title: Health and Adult Social Care Overview and Scrutiny
Committee – Assistive Technology Task and Finish Group
Report
Portfolio Holder: Councillor Janet Clowes, Care and Health in the Community

1.0 Report Summary

- 1.1 This report introduces the Assistive Technology Task and Finish Group's (the Task Group) Report on its findings, conclusions and recommendations following its review.

2.0 Recommendations

- 2.1 That Cabinet receive the Task Group's Report (attached).
- 2.2 That Cabinet note the Task Group's recommendations, which are contained in the attached report at page 14, paragraphs 6.1-6.11.
- 2.3 That a response to the Task Group's report be submitted to the Health and Adult Social Care Overview and Scrutiny Committee once the recommendations have been fully considered.

3.0 Reasons for Recommendations

- 3.1 The Task Group was established to consider future policy direction in relation to assistive technology. The Task Group's findings and recommendations are provided to advise Cabinet and Officers in the development of future strategies and services.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Task Group's report provides recommendations on a number of policy areas. These include: planning policy (in relation to extra care housing), adult social care

charging policy, the commissioning of social care services and the development of policy in relation to service users with low to medium care needs.

7.0 Financial Implications

7.1 Consideration of financial implications is not required at this stage.

8.0 Legal implications

8.1 Consideration of the legal implications is not required at this stage.

9.0 Risk Management

9.1 The role of assistive technology in social care services has continued to develop over recent years and can provide many benefits to service users and the Council. Assistive technology also plays an important role in early intervention and prevention of illness and the loss of independence which results in the need for care services. Failure to put effective strategies in place to increase the use of assistive technology to enable independence and prevent illness could result in increased pressure on Council social care services as the Borough ageing population grows.

10.0 Background

10.1 Prior to Council agreeing changes to its decision making and governance arrangements in May 2014, the Adult Social Care Policy Development Group (PDG) set up a sub group to look at Assistive Technology (AT) and how its use could be developed throughout adult social care services to help people remain independent and healthy in their own homes for longer. The sub group was set up following a PDG meeting in February 2014 where a report about the potential to develop the use of assistive technology in adult social care was received. The Sub Group had the following membership:

- Councillor Jos Saunders (Chairman)
- Councillor Janet Jackson
- Councillor Brendan Murphy

10.2 At the Council's Annual Meeting on 14 May 2014 the Council decided to replace the previous scrutiny committee and policy development group system with a new Overview and Scrutiny Committee system. The responsibilities of the Adult Social Care PDG were taken up by the Health and Adult Social Care Overview and Scrutiny Committee; the Committee decided to continue the work of the PDG's sub group by setting up a task and finish group with a new membership:

- Councillor Jos Saunders (Chairman)
- Councillor Carolyn Andrew
- Councillor Laura Jeuda

10.3 The PDG sub group which subsequently became the Overview and Scrutiny Task and Finish Group (the Group) has held several meetings and site visits over the course of the review including:

- A site visit to Liverpool Museum to see the Mi Smarthouse Exhibit to discover more about the types of AT that are currently available and how they work to help people live independently or assist carers with caring duties.
- A visit to Peaks and Plains Housing Trust to discuss the provision of the Council's Telecare service and the additional services provided by P&P to their tenants and other private customers.
- Meeting with officers to discuss financial aspect of Assistive Technology.

10.4 During the review the Group considered three policy areas suggested in the original report to the PDG which are:

- Effectiveness: - how effective is assistive technology in achieving good outcomes for prevention and early intervention of illness to help maintain independence?
- Universal Accessibility: - how accessible should the Council make AT? Should it be reserved for the few with critical and substantial needs or should it be made available to everyone who could benefit from it?
- Charging: - Who should pay and how much; what is financially sustainable for the Council and what are the cost benefits of providing AT?

10.5 The Group's report documents its findings, conclusions and recommendations.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name:	James Morley
Designation:	Scrutiny Officer
Tel No:	01270 6 86468
Email:	james.morley@cheshireeast.gov.uk

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Health and Adult Social Care Overview and Scrutiny Committee

Assistive Technology Task and Finish Group

March 2014 – January 2015

Chairman's Foreword

Cheshire East has an older age profile than the UK as a whole and this is set to increase. Obviously having a higher life expectancy and ageing community is something to celebrate, but we also need to be aware of the challenges that these figures bring. We are aware that the majority of older people wish to remain independent in their own homes but we are still in a situation whereby many people are entering residential care prematurely. This attracts costs, both to the users (and their families), as well as the Council. Assistive Technology is a tool that can be utilised to enable people to remain independent for longer, as well as supporting the principle of the Empowered Person.

We believe that the recommendations contained in this report underpin and support the Council's objectives of maximising our older resident's opportunity to live independent, safe and fulfilling lives. We believe that the recommendations would increase the usage of Assistive Technology and that with appropriate charges the service would also be financially sustainable.

I would like to thank my two Councillor Colleagues, Carolyn Andrew and Laura Jeuda, who worked with me in compiling this report. We would all like to thank the officers and the members of outside bodies who gave us so much valuable information.

Councillor Jos Saunders

Chairman of the Assistive Technology Task and Finish Group

Task Group Membership



Cllr Jos Saunders, Cllr Carolyn Andrew and Cllr Laura Jeuda

Introduction and Background

- 1.1 Prior to Council agreeing changes to its decision making and governance arrangements in May 2014, the Adult Social Care Policy Development Group (PDG) set up a sub group to look at Assistive Technology (AT) and how its use could be developed throughout adult social care services to help people remain independent and healthy in their own homes for longer. The sub group was set up following a PDG meeting in February 2014 where a report about the potential to develop the use of assistive technology in adult social care was received. The Sub Group had the following membership:
- Councillor Jos Saunders (Chairman)
 - Councillor Janet Jackson
 - Councillor Brendan Murphy
- 1.2 At the Council's Annual Meeting on 14 May 2014 the Council decided to replace the previous scrutiny committee and policy development group system with a new Overview and Scrutiny Committee system. The responsibilities of the Adult Social Care PDG were taken up by the Health and Adult Social Care Overview and Scrutiny Committee; the Committee decided to continue the work of the PDG's sub group by setting up a task and finish group with a new membership:
- Councillor Jos Saunders (Chairman)
 - Councillor Carolyn Andrew
 - Councillor Laura Jeuda

2.0 Methodology

- 2.1 The PDG sub group which subsequently became the Overview and Scrutiny Task and Finish Group (the Group) has held several meetings and site visits over the course of the review including:
- A site visit to Liverpool Museum to see the Mi Smarthouse Exhibit to discover more about the types of AT that are currently available and how they work to help people live independently or assist carers with caring duties.
 - A visit to Peaks and Plains Housing Trust to discuss the provision of the Council's Telecare service and the additional services provided by P&P to their tenants and other private customers.
 - Meeting with officers to discuss financial aspect of Assistive Technology.
- 2.2 During the review the Group considered three policy areas suggested in the original report to the PDG which are:
- Effectiveness: - how effective is assistive technology in achieving good outcomes for prevention and early intervention of illness to help maintain independence?

- Universal Accessibility: - how accessible should the Council make AT? Should it be reserved for the few with critical and substantial needs or should it be made available to everyone who could benefit from it?
- Charging: - Who should pay and how much; what is financially sustainable for the Council and what are the cost benefits of providing AT?

3.0 Background

- 3.1 British Assistive Technology Association definition of assistive technology: Assistive technology is any product or service that maintains or improves the ability of individuals with disabilities or impairments to communicate, learn and live independent, fulfilling and productive lives.
- 3.2 Telecare Services Association definition of telecare: Telecare is support and assistance provided at a distance using information and communication technology. It is the continuous, automatic and remote monitoring of users by means of sensors to enable them to continue living in their own home, while minimising risks such as a fall, gas and flood detection and relate to other real time emergencies and lifestyle changes over time.
- 3.3 Nationally it is felt that AT should be used a lot more than is currently the case as AT can support individuals to retain or regain independence which in turn reduces the costs of social care support for individuals and to local authorities as commissioners. AT takes many forms and provides a variety of benefits to people with diverse ranges of need.
- 3.4 Assistive Technology can help people to live more independently but it is also valuable to making people safe. For example; a woman living on her own with a diagnosis of dementia had some telecare fitted to manage a number of identified risks in her home. She had a heat rise detector fitted in her kitchen, flood detectors in her bathroom and kitchen where she also had a heat rise detector. Weeks after the equipment was installed there was an alert from her heat rise detector in the kitchen followed by an alert from the smoke detector. Staff at her local call centre received the alert and tried to speak to her via the loud speaker on her lifeline unit but received no reply. They contacted the fire service who attended and put out a fire in the kitchen which had started in the cooker. The woman herself had been distressed and confused by the incident and had stayed in the kitchen trying to stop the smoke alarm from beeping. She was rescued from her home uninjured with only cosmetic damage to her property. Without the telecare being fitted, the need to manage the risks to her health and safety meant that she would have been assessed as needing to go into permanent care which she (supported by her family) was anxious to avoid.
- 3.5 Another example; a woman living on her own and receiving daily domiciliary support had reported having two night time falls in a short period of time. There was no obvious cause for these falls and support workers had also reported that she was reluctant to eat when they assisted her to prepare a meal at tea time. A reassessment led to consideration of

whether this woman needed to move on to permanent care. The woman herself expressed her wish in the strongest terms to remain in her own home. She had a bed sensor placed under her mattress which produced an alert if she was out of bed for more than 15 minutes at night time which managed the risk of a night time fall. She also had a lifestyle monitoring system installed as part of the reassessment which showed that she was moving around in the kitchen half an hour before the daily support called to assist with her tea time meal. It became clear that she was able to prepare food for herself and was doing so before the support worker arrived. Her reluctance to eat was not an indicator of a general increase in needs as had been assumed. Three years later the woman was still living independently in her own home with support tailored to her needs.

- 3.6 Fire Authorities have done a lot of work over the past few years in the community, particularly elderly people living alone, to ensure that homes have the appropriate safety equipment (e.g. fire alarms) properly installed and maintained.

4.0 Findings

Mi Smarthouse Exhibit, Museum of Liverpool

- 4.1 The exhibition included technology for all rooms in a normal home, kitchen, bathroom, living area, bedroom and front door. Technology displayed in the exhibit included:
- Outside key safes for front door keys,
 - Fingerprint recognition locks on doors,
 - intercom with video link,
 - alarms to alert when front door is left open,
 - easy to use kettles and stoves,
 - talking microwave,
 - electronic adjustable beds and arm chairs,
 - wifi light controls,
 - remote power outlet controls,
 - colour coded remote buttons that link to various appliances,
 - large print home phones with pictures of people on speed dial.
- 4.2 There were examples of technology, such as front door sensors, that could be added to the range of items that the Council supplied to service users. However some of the equipment wasn't seen as essential to independent living or was too expensive to be a viable option to supply as part of a social care package (e.g. easy to use kettles and talking microwave). The Council is also unlikely to fund big capital expenses such as special adjustable beds or chairs.
- 4.3 Nonetheless, the Council could provide a signposting service to those service users who want to purchase such equipment. Anything that service users are able to do for themselves would assist the Council in reducing the level of assistance it needed to provide whilst maintaining their own living standards.

- 4.4 As well as the list of technologies above, the exhibit demonstrated the use of the internet, linked to the television or computer, to communicate with health and care services. This enables users to contact their GP or Nurse to discuss illnesses and treatment without them having to leave their home. Technology also enabled users to submit vital statistics such as blood pressure, weight and heart rate etc. online.

Council's Telecare Service

- 4.5 The Council's Telecare Service is provided through a service contract by Peaks and Plains Housing Trust. The Trust provides 24/7 monitoring on telecare.
- 4.6 The basic service comes with one control box which was used for communication between the resident and the monitoring team. Service users living in a two story house can find it difficult to get to the box quickly from a different floor. The Group was informed that additional boxes connected to the original can be installed with an additional cost.
- 4.7 All technologies used are linked to a control unit in the home which is connected to the P&P contact centre. If any of the devices are activated the contact centre will make a call to the control box to check in with the resident. If no response is received then a call is made to the house phone which will be followed by response staff attending the home if required.
- 4.8 Customers are given a comprehensive assessment with the installation of equipment to ensure its suitability. This is when the Trust will also identify the most appropriate responder e.g. family member, neighbour or Peaks and Plains staff.
- 4.9 The Council's customers (i.e. C+S eligible) are currently charged £1.14 per week for monitoring and response but not for renting equipment. A person's family is able to purchase top ups through P&P if desired on a flexible basis (i.e. they were able to increase or decrease level of service at any time which was useful when away on holiday and required extra assistance).
- 4.10 The Telecare contract allows new technologies to be added as and when they are introduced.

Financial Implications for Council

- 4.11 The Council's Telecare customers receive the service at a heavily subsidised rate and some customers do not pay for the service having been financially assessed as being eligible for support.
- 4.12 The cost of maintaining care plans and carrying out financial assessments is inefficient to keep up with the demand of reviewing 2000 assessments to reclaim £1.14 per week which makes the current situation unsustainable. Telecare has also developed since this charge

was originally but in place and much more options are available. The Council also needs to consider that service users require different levels of support which incur different costs. Therefore there is a need to examine how Telecare can be changed.

- 4.13 At the time of writing this report the Council is conducting public consultation on a new adult social care charging policy. Most of the proposed changes to the old policy are necessitated by the Care Act 2014 but there are also proposed changes to the Telecare charging structure.
- 4.14 The Council is proposing three levels of Telecare service with associated charges.
- (1) The first level was proposed to be similar to the current basic level. This would involve a standard charge that all service users would be liable for; this removes need for financial assessments at low levels.
 - (2) Level two would include more equipment such as fall sensors and property exit sensors. This would require a higher level of response from the provider therefore incurring a greater cost. This level would involve a financial assessment of the service user.
 - (3) The third level would be something that the Council does not currently provide through its current Telecare contract. This would involve more complex cover and more technology e.g. GPS trackers.
- 4.15 Evidence from elsewhere shows that there is some price elasticity in the demand for AT and people are likely to accept charges knowing the value of the service. In developing its charges, the Council will benchmark against comparator authorities and the private sector to ensure charges are competitive. The table below shows what some other authorities in the North West are currently charging.

4.16 Table 1

Halton Borough Council	Service Level 1 – Community alarm emergency response - £5.64/week Service Level 2 – Telecare service environmental monitoring response service - £6.76/week Service Level 3 - Telecare lifestyle/environmental monitoring response service - £9.00/week	http://www3.halton.gov.uk/Pages/adultsocialcare/pdf/CommunityAlarmLeaflet(new).pdf
Knowsley Council	Level 1 Lifeline unit Pendant or wristband You pay £1.09 per week for Level 1 package Level 2 Lifeline unit Pendant or wristband Environmental sensors (e.g. bogus caller alarm, smoke detector, flood detector) You pay £1.09 per week plus 33p per week for	http://www.knowsley.gov.uk/residents/care/telecare-alarms/telecare-monitoring-charges.aspx

	each environmental sensor Level 3 Lifeline Unit Pendant & wristband Lifestyle sensors (e.g. wandering alarm, bed sensors, chair sensors) You pay £1.09 per week plus 75p per week for each lifestyle sensor Level 4 Lifeline unit Pendant or wristband Combination of environmental and lifestyle sensors from levels 2 and 3 You pay £1.09 per week plus 33p per week for each environmental sensor and 75p per week for each lifestyle sensor	
Sefton Council	Based on assessment equipment can be fitted to individual needs Lifeline - £11.22/month Lifeline with falls/sensors fitted - £21.70/month Cost is means tested	http://carehomeguides.com/sefton

- 4.17 The Council's Top Up Policy (family members paying to enhance a service users care package) also applied to AT services.
- 4.18 The charging policy for people with Learning Disabilities (LD) is the same as that for the Elderly and Infirm and AT is used as part of the overall support package for people with LD.

Registered Social Landlords

- 4.19 Registered Social Landlords in the Borough all provide an AT service to its residents and private customers. Peaks and Plains, Wulvern Housing and Plus Dane Cheshire are all providers of AT and could be encouraged to market their services beyond just their residents. The Group has learned about the services RSLs can provide during a visit to Peaks and Plains (P&P).
- 4.20 P&P used to provide a standardised service for all customers but has developed a "5 star" service which offers five different levels depending on the clients requirements. The basic package of a pendent alert button and control unit for the private sector is £4.01. The top rate is £15.93 per week followed by £12.37, £10.02 and £7.68. Costs are based on a 1 to 5 star rating which prescribes the number of house calls per week the customer is entitled to. The cost includes a fee for renting the equipment and cost of monitoring and response and additional pieces of technology costs extra.

- 4.21 RSLs provide a variety of technologies including: smoke detectors, temperature gauges/alarms, flood detectors, door sensors, emergency pull cords, fall detectors, pill dispensers, pressure sensors for beds/chairs and pagers for carers (linked to the control unit). As well as providing assistive technology inside the home RSLs may potentially be able to support people outside the home, enabling people to be more active and avoid isolation in the home.
- 4.22 There is unlimited capacity to increase the number of Telecare and private customers RSLs serve and many of them are keen to develop their services further. RSLs can play a key role in supporting the Council and Health Commissioners to increase the use of assistive technology and telecare across the Borough.

Case Study (How AT enables a man with Alzheimer's disease and his wife [carer])

- 4.23 During its visit to P&P the Group met with one of the Council's customers who had volunteered to share her story. She was the carer for her husband who had Alzheimer's. The husband enjoyed getting out of the house and travelling on the bus to various locations. This often caused difficulties for his carer as he would sometimes become lost or not return home for long periods meaning that the Police were sometimes called to help bring him home.
- 4.24 To enable him to continue enjoying his trips outside yet enable the carer to keep track of him at the same time they were provided with a GPS tracker. The supplier taught the carer to use the technology on a computer and it enables her to work with the supplier to track down her husband should he wander out of his "safe zones" (familiar areas he usually goes to). The tracker gives the carer peace of mind, enables her to find her husband quickly when he needs assistance and enables the husband to enjoy his time out and about which is very important to his wellbeing.

Involvement of Health Care Providers

- 4.25 The Group believes that AT is able to support hospitals and social care services to get patients discharged quicker, reducing costs of hospital stays. RSLs work with the discharges programme board (consisting of hospital and social care managers) to install technology in patients homes were needed to enable people to be discharged into their own homes when they would otherwise have been kept in hospital or admitted to residential care. Below are further examples of how health care providers may be able to contribute to, and benefit from, AT services.
- 4.26 The Group has learnt that P&P recently took part in a pilot with North West Ambulance Service (NWAS) to help reduce hospital admissions when ambulances were called to tenants/service users. Using "Winter Pressure Funding" the pilot ran for 9 weeks. If NWAS was called out to a tenant for a fall or something that did not necessarily require hospital treatment, rather than take tenant to hospital, the paramedics would inform the Trust who

would then check in on the tenant and provide support to stabilize them. The pilot worked well with reduced admissions to hospital, meaning reduced costs for NWAS and the Hospital Trusts. P&P is currently working with Eastern Cheshire CCG to consider running the scheme again, this time for a six month period.

- 4.27 Pharmacists can play a role in increasing the use of pill dispensers, as they reduce the risks of users forgetting to take pills or taking too many/wrong pills. There is a cost to users for pharmacists' services to fill dispensers, as well as the cost of the equipment itself which might discourage some people from using them. However promoting the benefits of the technology and looking at ways to reduce the cost may encourage wide spread use.
- 4.28 There may also be a role for GP surgeries to play in promoting the use of AT. GPs could contribute to the identification of people who may be close to crisis or might benefit from some support as part of early intervention and prevention.

Assessments and Signposting

- 4.29 There are requirements in the Care Act 2014 which entitle anyone to a Needs Assessment. This means that the Council is likely to be approached by a number of people who will not be assessed as having critical or substantial needs. Whilst the Council is only required to support people with critical and substantial needs it is still in a position to be able to help those at low and medium risk avoid becoming critical and substantial by providing signposting and advice about the various AT and other services that people would be able to purchase for themselves. The Council's website would be a useful place to have a directory/portal where people can get access to information about available products and services in the area.
- 4.30 The Group asked how the Council might encourage people with low to moderate needs to invest in AT as part of early intervention and prevention. There is potential for a website promoting the benefits of AT that would also include a questionnaire for people to fill out, identifying potential needs and then signposting them to potential services. Officers were also working with GPs to encourage their patients to take on AT (where beneficial) ensuring they are aware of their needs.
- 4.31 As a private provider, anyone can refer a family member or themselves to an RSL for private assistive technology services. If it transpires that a person referred to an RSL is identified as possibly having critical or substantial (C+S) needs they will be referred on to the Council for assessment.
- 4.32 As well as providing the AT services the RSLs can signpost users to other services, activities and groups they may be interested in, and some proactively assess people for falls and social isolation to help prevent injury and illness. For example, P&P assesses it's none C+S customers on a six monthly basis to see if their conditions have degenerated to establish

whether they needed any additional services. This helps to avoid potential crisis points resulting in hospital admissions.

4.33 The Group considered ways of reaching out to people who were not yet C+S but would benefit from AT and avoid becoming C+S and maintain independence for longer. Ways identified include:

- accessing applicants for blue badges,
- those who receive council tax credits,
- through GPs and Hospitals,
- through the fire authorities community home safety scheme,
- through Age UK, Healthwatch and other sign posting organisations,

Private Service Users

4.34 The Council is aware that some private customers are choosing to go into residential care unnecessarily i.e. when they are not in critical or substantial need. This is difficult for the Council to monitor and discourage because it does not have any contact with these people therefore they can not be identified. Private providers tend not to question whether an individual is genuinely in need of residential care when they come to them (it is not in a providers interests to turn potential customers away).

4.35 These private customers will often be in residential care for a long time due to their relatively good health (the average length of stay for Council service users with C+S is three years). This often results in privately funded customers reaching the capital thresholds for eligibility for Council funding or reaching the care cost cap because residential care is expensive (The Care Act makes the Council responsible for anyone who reaches the care cost cap of £72,000). Those individuals who reach the capital threshold would then become eligible for Council funding, which results in a cost to the Council that could be avoided by those individuals living independently in their own home longer and only going into long term care when necessary.

4.36 The Council is trying to encourage private providers to do more to ensure potential customers are in need of their services and that they can afford to fund their care for at least three years.

Extra Care Housing

4.37 Before the Council admits people into residential care it explores all alternative options, including AT and Extra Care Housing.

4.38 Extra Care Housing offers a positive alternative to residential care in the same way as AT. ECH is a communal estate where care is provided to all residents, enabling them to maintain independence, support each other (also providing a social element) and provides economies for care services by having a number of service users in close proximity.

- 4.39 ECH has AT integrated into the property as standard and the control boxes are linked to an onsite monitoring service. Oakmere in Handforth, Beachmere in Crewe and Willowmere in Middlewich are all examples of ECH developments in Cheshire East however it is felt that more sites are needed to cope with the Borough's growing older population.

Cost Benefit of Keeping People out of Residential Care

- 4.40 The Group wanted to establish whether it was possible to illustrate the assumption that investing in AT and other alternative services to residential care and domiciliary care would result in an overall cost saving. The Group was informed that it is difficult to calculate precise figures because of the complexity of care services, the needs of each individual and the size of the cohort.
- 4.41 There are a number of factors that contributed towards someone remaining independent at home for longer (e.g. AT, support from a carer, individual needs both mental and physical, personal preference etc). If one element of support was missing from an individuals care package there is a likelihood that they would not be able to live independently and would require residential care.

5.0 Conclusions

- 5.1 Based on the three policy areas considered during the review, namely effectiveness, universal accessibility and charging, the Group has developed the following conclusions.

Effectiveness

- 5.2 The Group believes that assistive technology is very effective in helping people live independently in their own homes for longer. By avoiding the need for residential care and promoting independence, not only does it provide people with better quality of life but it also reduces costs to the Council and service users (and their families).
- 5.3 In certain situations AT could reduce the demands on care staff or family carers, reducing the costs to Council and reducing the burden on family members. In some instances AT can be used to support service users in carrying out tasks independently however it is noted that AT cannot replace the need for human interaction and socialising that is so important to a person's wellbeing. There are some examples of how AT can facilitate social interaction, such as Skype being linked to the television which enabled users to video chat with friends and family or easy to use mobile phones users could call friends on.
- 5.4 As well as helping people to socialise using AT in their homes the Council needed to enable service users, particularly some elderly people who were socially isolated, to have opportunities to get out and socialise with others in community settings. Linking the use of a

variety of services, including AT, to create a full package of support for service users would meet more of their needs and improve their overall health and wellbeing to a greater extent.

- 5.5 Regarding Carers the suggestion was made that as well as helping service users AT can support Carers to help reduce the demands on them and maintain their own independence. It was suggested that if Carers were to be given personal budgets then perhaps they would be able to use some of it to fund AT in their cared for person's home to assist them with their caring duties.
- 5.6 The Group agreed that the benefits of AT from an early intervention and prevention perspective, helping to reduce accidents and incidents of ill health, that result in reduced demand for health services, mean that Health Commissioners should also consider supporting the use of AT to help reduce their overall costs.
- 5.7 The Group believes that there is a need to engage CCG's, GPs, Pharmacies etc. to involve them in the use of AT in people's homes and to help people access services. The technology demonstrated by the Mi Smarthouse Exhibit shows how users can interact with their GP or Nurse without having to leave the home. Having access to your GP via email would also help users to share the health queries easier and might enable GPs to deal with more people quicker and easier than during a visit to the surgery.
- 5.8 Health care providers need to have a knowledge and understanding of AT and the benefits it can bring. Health providers should be encouraging the use of AT by signposting patients to particular items in the interest of early intervention and prevention.
- 5.9 The Group is interested in the impact of the innovative approach to handling ambulance call outs piloted by P&P and NWAS and was keen to explore extending this to the South of the Borough.
- 5.10 The Group believes that Extra Care Housing (ECH) with AT integrated into it is an effective option for people who want to maintain their independence but require close monitoring to ensure they are safe and secure. The Group agreed that the Borough needed more ECH in the future to cope with increased need.

Universally Accessibility

- 5.11 The Group suggests that there were two areas of work for the Council:
 - (1) to provide services for those with critical and substantial needs; and
 - (2) to assist people currently at low to medium risk with early intervention and prevention.
- 5.12 As well as increasing the use of telecare in the care packages of people with critical and substantial needs the Council should also encourage these services users to expand their use of assistive technology by purchasing additional items that are available in the private market that they feel would benefit them and support their independence.

- 5.13 The Group does not believe that the Council should be providing direct access to AT to those who are not eligible because of limited capacity and budgets. However the Council can support these low to medium risk residents with information and advice regarding the benefits of AT increase the accessibility of AT by having effective signposting. The Council should be encouraging people to support themselves and think about their needs at an earlier stage in order to maintain their health and independence for longer.

Charging

- 5.14 The Group is keen to see the use of assistive technology expanded and promoted but wants to ensure it was done in a sustainable and effective way.
- 5.15 The Group believes that the current pricing of Council Telecare is not sustainable and that changes to the charging policy are needed. It is understood that this may lead to service users being charged more however it will be necessary to ensure the Council can continue to provide effective services.
- 5.16 Whilst there may be a need to increase charges for some services to ensure they are sustainable, the Group emphasises the need to ensure charges are set at a level that avoids service users opting out of Telecare services. If a person with critical or substantial needs chose not to use Telecare, the chances of incidents that cause harm are raised which could lead to the need for residential care, therefore resulting in additional cost to the Council.
- 5.17 Whatever charges are chosen the Group advises that the Council will have to be clear with residents about the needs to increase charges to avoid a negative reaction.

6.0 Recommendations

- 6.1 That the development of Extra Care Housing be prioritised to ensure that there is sufficient supply in the Borough to meet the rising demand from the growing older population.
- 6.2 That the use/provision of assistive technology is included in all of the Council's contracts with care providers that it commissions.
- 6.3 That the Council with its CCG Partners, the North West Ambulance Service and Housing Associations give consideration to funding to implement the initiative piloted by Peaks & Plains and NWAS to reduce the number of hospital admissions across the Borough.
- 6.4 That the three levels model of Telecare service proposed in the Charing Policy public consultation be adopted.
- 6.5 That charges for the three levels of Telecare service be set at a level that ensures the service is financially sustainable without deterring potential service users.

- 6.6 That the need to implement new charges for assistive technology and rationale for the charges chosen be effectively communicated to service users.
- 6.7 That when residents request an assessment and are assessed as being low to medium risk they are provided with information and advice about assistive technology, and the benefits of early intervention and prevention, to enable them to access products and services privately.
- 6.8 That service users in receipt of Telecare service also be provided with information and advice about additional assistive technology to enable them to access products and services to further support their needs privately.
- 6.9 That the Health and Wellbeing Board be requested to encourage health service providers and commissioners to promote the benefits of assistive technology to patients and service users in order to increase its use as part of early intervention and prevention initiatives.
- 6.10 That the Health and Wellbeing Board be requested to consider how funding for assistive technology projects can be increased through contributions from health and care commissioners.
- 6.11 That officers be requested to explore the possibility of providing telecare services free of charge to over 85s who live alone and whether this would be financially sustainable and effective in maintaining independence.

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 3rd March 2015

Report of: Lorraine Butcher, Executive Director of Strategic Commissioning

Subject/Title: Development of Environmental Services Hub

Portfolio Holder: Councillor David Topping, Service Commissioning

1.0 Report Summary

- 1.1 Cheshire East Council, in its desire to provide the best waste collection service for its residents, has reviewed its strategy and concluded that the centralisation of its waste operation is the right solution.
- 1.2 Cheshire East Council has an ambition to ensure that its urban and rural character is protected and enhanced through sensitive development, environmental management, and transport and waste disposal policies. As part of this ambition the Council is seeking to consolidate and rationalise its land and property portfolio as part of its strategic asset management plan. In doing this it has identified a number of sites within the environmental services portfolio for amalgamation creating a central hub to improve business efficiency and rationalise sites across the Borough.
- 1.3 Following Cabinet's earlier decision to sell the Council's Pym's Lane Depot and purchase the former Ideal Standard site in Cledford Lane, Middlewich, this report requests Cabinet's approval to appoint a main contractor. That contractor will undertake all appropriate works including, planning, demolition and construction of suitable facilities for the future.
- 1.4 Work is now underway to assess the suitability of the site for an Environmental Services Hub, to engage and consult with the local community regarding those plans, and prepare the necessary documents to inform a planning application to be submitted later in the year.
- 1.5 This report outlines the current position in relation to the Environmental Services Hub Programme and seeks delegated approval to appoint the main contractor for the entire scheme. The work is outlined in 2.3; the scheme will only progress to phase 2 if planning permission is secured.
- 1.6 The programme is primarily focused on the creation of the new centralised hub and the migration of staff from the existing depots. It will act as a catalyst to embed culture change, create economies of scale, improve services and reduce long term costs for Cheshire East residents via its chosen delivery partner, ANSA Environmental Services Ltd.

2.0 Recommendations

It is recommended to Cabinet that

- 2.1 The two projects that were agreed in February 2014 to address the waste transfer and depot requirements in the North and the South of the Borough be merged into one project to create a single Environmental Hub. This will enable the delivery of modern facilities.
- 2.2 In consultation with the Leader and Portfolio Holder (Service Commissioning), delegated authority be given to the Executive Director for Strategic Commissioning, the Head of Legal Services and the Chief Operating Officer to appoint the preferred supplier of the tender exercise as the main contractor and finalise the agreements required for the two phased contract to deliver the Environmental Hub and such other documentation that is required for ANSA to operate at the site.
- 2.3 The contract entered into must consist of two phases:

Phase 1: to consolidate activities including site surveys and investigations, together with demolition, site clearance activities and reconnection of utilities as well as further work required to enable submission of applications for planning permission.

Phase 2: Construction, Redevelopment and Refurbishment of facilities at Cledford Lane and relocation of staff from the current depots to the new site subject to achieving an agreed target cost and all statutory approvals.

Cabinet should note that:

- 2.4 Phase 2 of the contract shall not be implemented until planning permission has been obtained.
- 2.5 A budget of £14 million has been included in Council's Capital Programme for 2015/18 for Phase 2 of the project.
- 2.6 The Council does not yet have a confirmed date for exiting the Pym's Lane site; the implications of this are referenced in paragraph 10.1.

3.0 Reasons for Recommendations

- 3.1 There is a need to ensure that in all we do the best value for the residents of Cheshire East are considered. New, modern, fit-for-purpose facilities are needed to support the delivery of Cheshire East Council's environmental services via its delivery company ANSA. These facilities will ensure that service to residents are improved.
- 3.2 The programme will support the delivery of the Council's waste strategy and is consistent with the objectives of the Corporate Landlord project. It will

provide an opportunity to create a modern, state of the art depot infrastructure, improve the service ANSA provides. It will act as a catalyst for service continuity and resilience, increased efficiency, improved supplier pricing and enable carbon reduction by reducing the reliance on landfill.

- 3.3 The project is critical in enabling the Council's waste strategy the elimination of waste to land fill therefore reducing costs to the Council.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All Members

6.0 Policy Implications

- 6.1 The programme directly enables the achievement of the Council's waste strategy.

- 6.2 The overall programme will also contribute to the Council's outcomes, in particular, Outcome 2: *Cheshire East has a strong and resilient economy* and Outcome 4: *Cheshire East is a green and sustainable place* and Outcome 5 *People live well and for longer*.

7.0 Implications for Rural Communities

- 7.1 None directly as a result of this programme.

8.0 Financial Implications (Approved by the Chief Operating Officer)

- 8.1 A budget of £9.5 million was included within the 2014/16 and Future Years Capital Programme approved by Council on 28th February 2014. The first phase of the contract will be funded from this approval including the site purchase. The revised budget for this phase of the scheme is £4.9m

- 8.2 The budget for Phase 2 of £14 million is included in the Council's Capital Programme for 2015/18. The scheme will be part funded by a linked capital receipt. This will include the construction of the facility at Cledford Lane, Middlewich but will exclude any revenue expenditure that might be required as interim costs

- 8.3 At this stage there are some elements of uncertainty that could have a positive or negative impact on the costs of the scheme. Once a contractor is appointed more work will be undertaken to assess those elements and to ensure value for money.

- 8.4 The Council has not yet agreed a confirmed date for exiting the Pym's Lane site. It is anticipated that a phased exit may be required and any significant

changes to either the planned programme or the budget will be considered as part of the Council's routine monitoring of the project.

9.0 Legal Implications (Approved by Head of Legal Services)

- 9.1 The council has to be mindful of consultation requirements in relation to a project of this nature. Consultation will also form part of the planning process for the development of a site of this size. The Council has completed a pre-application consultation on the proposal and the results will inform the application to be submitted. Once submitted, the Local Planning Authority will be under a duty to advertise the scheme, through on site notices, press advertisements and individual notifications and to undertake consultation with Statutory Consultees. The pre-application consultation process will assist in identifying likely comments that will be received through the formal application process and will allow time to answer and/or resolve identified issues to enable the application to progress as smoothly and as quickly as possible.
- 9.2 The main contractor will be selected using a compliant procurement process. A mini competition is being conducted on the North West Construction Hub (NWCH) High Value Framework. The contract will be based on the NEC3 Form of Building Contracts, Option C target costs. The contract will state that the Council will only implement Phase 2 of the project subject to certain conditions being fulfilled, including but not limited to, the granting of planning permission and the compliance with any pre-commencement requirements of that permission.
- 9.3 There a number of Legal of steps required to vacate Pyms lane currently occupied by ANSA, The Council and ANSA will need to enter into a Deed of Surrender of Interest to discharge any occupational interest in the site.
- 9.4 The Council will need to enter into a lease with ANSA for at least part of the Environmental Hub. ANSA may not have sole residence as the Council may require part of the site for other purposes yet to be determined. Moving ANSA to the new site may require the company to undertake additional works and this will require a Council Change Request under the Operating Agreement between ANSA and the Council.
- 9.5 As part of the planning application process a public consultation will be carried out by the Local Planning Authority. This will involve notification of the application to both the planning statutory consultees and to the public in general. These comments will then feed into the planning process and will be reported to Committee when the application is being determined. This will apply to all planning applications that are made in relation to the development of the site.
- 9.6 Care will be taken during any phase 1 works to ensure that if planning permission is required for works proposed as part of that phase it is obtained prior to the works being undertaken. The Council is aware that while it is unusual for site investigations or demolition works to require

planning consent it is not impossible that consent may be required dependent upon the extent of the investigations undertaken. The Council's main contractor will seek advice from Planning once the full details and extent of both the demolition and site investigations are known.

- 9.7 Once submitted, the planning application will follow due process and if granted will allow the project to proceed, subject to all requirements being met.
- 9.8 Should any s106 obligations be required to be secured, which would be likely on a scheme of this size, then a mechanism will need to be identified to allow the Local Planning Authority to be assured that those requirements will be met prior to the planning permission being issued.

10.0 Risk Management

- 10.1 Third Party Negotiations: There is a financial risk relating to a potential phased exit from Pym's Lane. As discussions with Bentley regarding the purchase of Pym's Lane have not yet concluded there is a risk that if the facility at Cledford Lane is not finished ahead of Bentley taking full ownership of Pym's Lane an interim solution will be needed, this will require additional revenue funding and if the need arises this will be subject to a separate cabinet report. Ideally the dates will suit all parties and this is what is being discussed.
- 10.2 Planning Permission: Independent planning advice and a specialist planning advisor will be appointed as part of the governance and mitigation action within the programme framework and they will ensure that all necessary steps and actions are completed thoroughly prior to submission of the planning application. Detailed work is being undertaken on the potential highways impact and Pre-application advice has already been received and this will be factored into the planning application.
- 10.3 Communications: There is potential risk that the aims, objectives and scope of the programme are not communicated to the residents of Cheshire East or that the views and opinions of the local community and in particular those residents living and working in Middlewich, result in opposition to the proposal. To mitigate against this a full communications and engagement plan has been established and meetings with the local MP, Town Councillors and Ward members have already taken place. Future meetings are planned as required by the planning process.
- 10.4 Reputational Risk: There is a risk that Cheshire East Council is not seen to have the required capability or capacity within the wider waste industry to successfully deliver complex high value environmental projects. In order to mitigate against this a Programme Board has been established which is attended by the Leader of the Council, Portfolio Holder for Environment, Section 151 Officer, the Monitoring Officer and the Executive Director of Strategic Commissioning. A Programme Manager has been appointed and

both the programme and the individual projects have been through the Council's approved project and programme management processes.

- 10.5 Financial risk: Due to the complexity of the scheme and uncertainty over some elements, this includes for example the appointment of main contractor, the phasing of the construction works, and the outcomes of the required surveys, these risks are being actively managed by the programme team and any issues will be escalated to the Programme Board.
- 10.6 Operational Risk: any risk associated with continuity of the service are being actively managed and where felt appropriate alternative backup arrangements are being drawn up that mitigate against any potential loss of service provision.

11.0 Background

- 11.1 Waste collections are made from approximately 165,000 households every week and during a typical year we will collect 70,000 tonnes of residual waste, 40,000 tonnes of garden waste and a further 40,000 tonnes of recyclables from the kerbside. In addition, just under 8,500 tonnes of residual, over 30,000 tonnes of recyclables and about 6,700 tonnes of garden waste is collected each year from the Council's network of household waste recycling centres (HWRCs). The Council's recycling rate is approximately 54% which puts it 7th highest out of all 91 unitary authorities and 39th out of all 351 authorities across the UK.
- 11.2 The current depot at Pyms Lane is an ageing site, is not fit for purpose and there is no depot in the north of the borough.
The proposed site at Cledford Lane will enable a more sustainable solution and result in:
- A Fit for purpose depot and transfer station to deliver the Council's Waste Strategy to 2030 and beyond
 - Supports the elimination of landfill long term, reduced waste bulking costs and facilitates use of current external waste to energy plants outside of Cheshire East
 - Will reduce the need for duplicate facilities and costs in North and South
 - Will allow improvement to Health and Safety and Welfare
 - Potential revenue savings from a single location
 - Facilitates the rationalisation of up to 5 sites including Pyms Lane
- 11.3 The Programme Board currently meets weekly and works to 5 key guiding principles. To:
1. Maintain and protect the continuity of the waste collection service
 2. Work in partnership with Bentley
 3. Achieve a centralised hub for the Environmental Operations
 4. A fully compliant process
 5. Work as agile and as flexible as possible

- 11.4 In 2012/13 the Council conducted a review of its Waste and Recycling, Streetscape and Fleet services resulting in the formation of ANSA Environmental Services Ltd (ANSA) and the setup of an Environmental Operations Change Programme linked to Outcome 4, Priority 6.
- 11.5 The Council's Waste Collection, Recycling and Disposal systems operated through Ansa are completely reliant on having an effective Waste Transfer (capability providing a tipping point for household waste collection vehicles. This allows recycling and household waste to be bulked up, transferred to hauler vehicles and then transported to either waste or recycling processors. In the south of the borough such a facility exists at Pym's Lane, for the transfer of residual waste and recyclates. The facility is too small for the current needs of the authority.
- 11.6 In the north there is no existing Council owned facility and small scale privately owned facilities are being used while a suitable site is secured and developed. These interim arrangements are due to end within the lifetime of the project and may not be renewable with existing partners due to their own changing business priorities. This may add additional costs to the authority's waste management budget if the new depot is not constructed.

General Information:

- 11.7 The Street Cleansing operation covers 2,722 kilometres of roads through manual and mechanical means, manages 186,000m³ of litter, and empties 2,400 litter bins plus 900 dog bins.
- 11.8 Parks and Grounds Maintenance covers 3,000 sites including 16 formal parks, 85 sports pitches, and over 230 sports and play facilities. They also maintain over 7 million trees across Cheshire East and deal with graffiti, fly-tipping and the removal of hazardous waste. They also offer operational support to Bereavement Services during busy periods and maintain 11 closed churchyards.
- 11.9 The Fleet Management Service serves all Council fleet and plant needs and has over 700 different vehicles, plant and equipment to maintain. It provides and maintains 64 refuse collection vehicles for the waste service which is its biggest single customer by far, accounting for over 60% of its annual spend.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Christopher Allman
Designation: Principal Manager- Programme Management
Tel No: 01270 686689
Email: Christopher.allman@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 3rd March 2015
Report of: Head of Communities
Subject/Title: Grant Funding Citizens Advice Services
Portfolio Holder: Councillor David Brown – Strategic Outcomes

1.0 Report Summary

- 1.1 As a Residents First Council, we consider access to universal, free, confidential and impartial information and advice services to be critical in enabling our residents to live independent and self-sufficient lives.
- 1.2 To support this we provide grant funding to Cheshire East Citizens Advice Bureau North and Cheshire East Citizens Advice Bureau to provide advice and support on debt, welfare benefit and housing related matters to the residents of Cheshire East.
- 1.3 Since April 2014, they have dealt with 6,608 face to face enquiries, 1,879 telephone calls and 870 email enquiries. The most common problems that the CABs help Cheshire East residents with are Benefits and Tax Credits, Debt, Employment, Housing and Relationships and Families.
- 1.4 Some of the outcomes that the service has helped to achieve for residents include:
 - Total benefit and tax credit gains of £522,000
 - Support for debts totalling £1.7m
- 1.5 We know that these are independent voluntary organisations that should not rely solely on the Council for their sustainability and we want to actively encourage them to further diversify their funding base. Therefore, we are working with the two Citizen Advice Bureaus (CABs) to design a financially sustainable service for the future that is aligned with the Council's priorities and is responsive to the needs of residents.
- 1.6 Our goal is to move away from an annual funding arrangement, which is restrictive to medium term planning and investment, to a longer term commissioned arrangement from April 2016. This will also allow the lottery funded Cheshire East Co-ordinated Advice Partnership (CECAP) project to conclude. The project was established to transform advice services in Cheshire East by enabling organisations to work together to deliver a smarter, more effective, efficient and sustainable delivery model.
- 1.7 The proposed grant to the two CABs for 2015/16 is £317,990. The current funding for the two CABs for 2014/15 is £287,990, split between the two bureaux £90,778 to the north and £197,212 to the south. To provide further time

for the two bureaux to reach agreement it is proposed that an additional £30,000 of grant funding is brought forward from future years and allocated to CECAB North for 2015/16. The funding allocation for CECAB North and as a consequence the overall funding for 2016/17, 2017/18 and 2018/19 will be reduced by £10,000 each year. The total cost of the grant funding over the four year period will therefore remain the same.

- 1.8 The Council has the powers to award a grant to the CAB to support the organisation using its general power of competence in Section 1 of the Localism Act 2011. It is therefore proposed that Grant funding for universal Information and Advice Services is awarded for a period of 12 months from 1 April 2015 to 31 March 2016.

2.0 Recommendation

- 2.1 That Cabinet agree to award grant funding for the provision of universal information and advice services across Cheshire East to:

- (i) Cheshire East Citizens Advice Bureau of £197,212 in 2015/16
- (ii) Cheshire East Citizens Advice Bureau North of £120,778 in 2015/16 on the understanding that the funding allocation for CECAB North and as a consequence the overall funding for 2016/17, 2017/18 and 2018/19 will be reduced by £10,000 each year. The total cost of the grant funding over the four year period will therefore remain the same.

3.0 Reasons for Recommendations

- 3.1 Cheshire East Council grant funding to Citizens Advice Bureau North and Cheshire East Citizens Advice Bureau will enable them to provide independent, confidential and impartial advice and support on debt, welfare benefit and housing related matters to the residents of Cheshire East.
- 3.2 Failure to provide the Grant to fund Universal Information and Advice Services would result in no services of this nature being available to residents of Cheshire East from 1 April 2015. Whilst this could be considered a loss to all residents of Cheshire East this is likely to have a particularly negative impact on service users that have a protected characteristic detailed in the Equalities Act 2010.
- 3.3 An absence of Universal Information and Advice Services at a time of fundamental and wide reaching changes to the whole welfare and benefits system will inevitably result in increased pressure upon the Council to compensate for this reduction in capacity and volume, with implications relating to the need for the provision of additional services to residents and the corresponding cost implications.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

5.1 Not applicable

6.0 Policy Implications

6.1 The Council's has defined its priority outcomes, which include:

- Outcome 1 – Local communities are strong and supportive. Individuals and families are self-reliant and take personal responsibility for their quality of life.
- Outcome 3 – People have the life skills and education they need to thrive. Everyone is equipped to live independent, self-sufficient lives, and to realise their particular talents and abilities.

6.2 The Council considers access to universal, free, independent, confidential and impartial information and advice services to be critical in supporting and enabling residents to become self-reliant and take personal responsibility for their quality of life in order to live independent, self-sufficient lives.

7.0 Rural Implications

7.1 CAB deliver services in our outreach locations and provide a telephone and email service for those that cant physically reach them. The ambition through community hubs in rural areas is to provide links to these types of services through increasing broadband access

8.0 Financial Implications

8.1 The funding for the provision of these services for 2015/16 is £317,990. This spend is already accounted for through the Communities budget.

8.2 The Chief Officers of Cheshire East Citizens Advice Bureau North and Cheshire East Citizens Advice Bureau have been asked to work together to agree a proposal for the allocation of the funding between their bureaus that they consider to be fair, equitable and sustainable. It is recognized that a longer term sustainable service may require the two bureaus to challenge the way their services are delivered today and consider opportunities for them to work more closely together or share services or costs.

9.0 Legal Implications

9.1 In deciding whether to directly award a grant Cabinet must consider the facts and circumstances in which a direct grant award is being proposed (as opposed to awarding a grant following a competitive bidding process or going out to tender) together with the identified risks (paragraph 9) and be satisfied that in making a direct award the Council's is meeting its public law duties.

9.2 The Council has the powers to award a grant to the CAB to support the organisation using its general power of competence in Section 1 of the Localism Act 2011. In exercising the power the Council must satisfy its public law duties.

In essence this means that in making the decision the Council must have taken into account only relevant considerations, followed procedural requirements, acted for proper motives and not acted unreasonably.

- 9.3 The Council must also be mindful of public sector equality duties and the impact of its decision on service users that have a protected characteristic detailed in the Equalities Act 2010.
- 9.4 There is currently no overarching Council policy/framework by which grant funding should be allocated and in principle a direct grant award can be made. However, it is also noted that the Council is moving to a commissioning model and that direct grant awards without competition are considered to be an exception.
- 9.5 In awarding a grant the Council cannot exhibit the same amount of control over the organisation as is commensurate with a contract. Essentially the terms of the grant should set out with what the purpose of the grant is for and only claim claw back provisions in the case of the grant funding being used for other purposes or otherwise improperly. The Council will not be able to assess the quality of the services that are being provided to those requiring welfare advice and determine to withdraw grant funding on that basis (except at the end of the period of the grant funding).

10.0 Risk Management

- 10.1 Whilst the Council has the powers to award a grant to the CAB to support the organisation using its general power of competence in Section 1 of the Localism Act 2011, there is currently no overarching Council policy/framework to assist in determining the mechanism by which grant funding should be allocated and there remains therefore a risk that this decision may be challenged by other providers.
- 10.2 In deciding whether to directly award a grant the Council must therefore consider the facts and circumstances in which a direct grant award is being proposed together with the identified risks and be satisfied that in making a direct award the Council's is meeting its public law duties.

11.0 Background and Options

- 11.1 Cheshire East Council grant funds Citizens Advice Bureau North and Cheshire East Citizens Advice Bureau to provide independent, confidential and impartial advice and support on debt, welfare benefit and housing related matters to the residents of Cheshire East. The services provided are universal - access to services is not restricted by client group or eligibility criteria and they are free at the point of access.
- 11.2 Citizens Advice is a national service made up of more than 300 member Citizens Advice Bureaux, all individual charities, along with the national Citizens Advice charity. The Citizens Advice service aims to deliver value to society by helping people to solve the problems they face. They help people develop the skills and confidence they need to help themselves. They also use their clients'

experiences to campaign for policy changes that benefit everyone. The Citizens Advice service say that they deliver savings for Government agencies because the advice they offer and the way they help clients solve their problems means Government agencies, including local authorities, are less likely to deal with clients.

11.3 The service provides:

- Welfare benefits advice, which leads to increased benefit take up, resolve administration problems or challenges to discrimination;
- Debt advice, which leads to the prioritising and rescheduling of debts and improved financial capability for individuals;
- Housing advice, which leads to recovered deposits, property repairs, and the avoidance of homelessness;
- Employment advice, which can lead to a financial outcome, such as compensation and/or a non-financial outcome, such as reinstatement, enforcement of terms and conditions, or an end to harassment at work.

11.4 The Citizens Advice service further benefits society through the positive impact their advice has on the health and wellbeing of residents, reducing stress and anxiety, preventing relationship breakdown, promoting employment and empowering people to make wider positive changes to their lives. The service is proud of the fact that their volunteering opportunities lead to volunteers gaining new skills and personal development, and these positive effects on individuals' lives have additional value for society, through the advantages and savings associated with having happier, healthier and more productive members of the community.

11.5 The Cheshire East Co-ordinated Advice Partnership (CECAP) project was established in September 2013. This two year project, funded by the Big Lottery, was created to transform advice services in Cheshire East by enabling organisations to work better together to deliver a smarter, more effective, efficient and sustainable delivery model with particular emphasis on education, outreach and prevention, whilst retaining and improving specialist, technical, emergency advice and support for the most vulnerable in our communities. The three main project outcomes are:

- Streamlined advice services meeting clients' needs more efficiently
- More empowered communities
- Information and advice needs of the community met through a more sustainable and enterprising business model

11.6 The Council has been working with the CABs to agree a set of priorities and commissioning goals that will lead to the design of a sustainable Citizens Advice service that is affordable within the funding available. This process is aspiring to commission a 3 year contract from 1st April 2016 to 31st March 2019. The current process is restrictive to medium term planning and investment as the CABs cannot rely on funding continuing. It is recognized that a long term sustainable service may require the two bureaux to challenge the way their services are delivered and consider opportunities for them to work more closely

together or share services or costs. CAB locations are also being reviewed to ensure service delivery is responsive to local demand and equitable across the borough, with the Principal Towns and Key Service Centres from the evolving Local Plan proposed as likely service locations.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Paul Bayley

Designation: Principal Manager Local Community Services

Tel No: 01625 378029

Email: paul.bayley@cheshireeast.gov.uk

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	March 3 rd 2015
Report of:	Ralph Kemp Corporate Manager Commissioning – Waste and Environmental Services
Subject/Title:	Assessment of Waste Collection Compliance with New Legislation (TEEP)
Portfolio Holder:	Councillor David Topping, Service Commissioning

1.0 Report Summary

- 1.1 The report strongly endorses Cheshire East Council's current, easy to use, recycling scheme and the high quality of the recycled materials that are extracted from the Materials Recycling Facility (MRF) at UPM in Shotton. In 2013-14 nine out of the top ten authorities for recycling collected their waste using a co-mingled system like ours.
- 1.2 This report shows that were the Council to change its collection scheme it would not only cost nearly £650,000 more but also see a reduction in the amount of recycled materials collected.
- 1.3 Under the revised Waste Framework Directive in respect to the Waste (England and Wales) regulations 2011, Regulation 13 requires that if an authority collects recyclable glass, metal, paper and plastic from householders then from Jan 2015 it should collect these separately.
- 1.4 As a Council that collects dry recyclables in one 'silver bin' (co-mingled, not separate) we will need to demonstrate that it would be unnecessary and uneconomic to switch to a separate collection and that the quality of the processed recycling streams being produced through our contract with UPM is of the same standard as if it had been kerbside sorted.
- 1.5 The report in appendix 1 demonstrates that there is no 'necessity' to collect the four materials separately and that it is not 'technically, environmentally and economically practicable' (TEEP) to do so.

2.0 Recommendation

- 2.1 To receive and accept the 'Note for Cheshire East Council: TEEP assessment'.

3.0 Reasons for Recommendation

- 3.1 This report provides essential evidence that Cheshire East Council followed industry best practice to demonstrate that its kerbside collection of recycled materials is compliant with recent changes to waste collection legislation.
- 3.2 The Council would be open to legal challenge if this report is not accepted since this is the evidence of the required compliance.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

- 5.1 All members

6.0 Policy Implications

- 6.1 This report is in line with the recently agreed Waste Strategy to 2030 which has as one of its aims to: "Provide all households with a simple, easy to use, kerbside recycling collection service". This point was agreed by over 90% of residents who responded to the consultation.
- 6.2 If the report is not accepted the Council is open to legal challenge and having to change its kerbside collection methodology.

7.0 Implications for Rural Communities

- 7.1 The implications of the report apply equally to all communities.

8.0 Financial Implications

- 8.1 This report gives evidence that the Council is compliant and therefore will not have to change its current collection methodology. If it were not compliant then the financial implications would be extensive since the collection of kerbside waste in a single silver bin would have to be changed to accommodate four different waste types.

9.0 Legal Implications

- 9.1 The Waste (England and Wales) Regulations 2011 (SI 2011/988) (Waste Regulations 2011) (herein referred to as the Regulations) were challenged on the basis that they did not properly transpose into domestic law the European Waste Framework Directive, in that they did not require for the separate collection of recyclables. Regulation 13(2)

originally specified that co-mingled collection of recyclables (that is, collecting recyclable waste paper, metal, plastic and glass together, with a view to their subsequent separation for recycling at a materials recovery facility (MRF)) was a valid form of separate collection. Following Judicial Review Regulation 13 was amended to remove the provision that co-mingling was a valid form of separate collection. The Regulations were amended in 2012 and with effect from the 1st of January 2015 organisations are required to collect recyclables separately.

9.2 The requirement to separately collect applies when:

(a) it is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive, and to facilitate or improve recovery; [the necessity test] and

(b) it is technically, environmentally and economically practicable ('TEEP') [the TEEP test]

9.3 On the 22nd December 2014 the Environment Agency issued a Briefing Note entitled Separate Collection of recyclables. The note provided the following guidance;

“Collectors who do not have separate collection arrangements should review their collection practices and consider carefully if and how they comply. They should rigorously apply the Necessity and TEEP tests. Collectors who have concluded it not necessary or not TEEP to operate separate collection arrangements should keep, and be able to provide for inspection, an audit trail which will help the Environment Agency to understand the basis of their decision-making. Records should be such that, if necessary, they could demonstrate compliance with the regulations in a court of law”.

9.4 The Council commissioned Consultants to undertake a TEEP Assessment to demonstrate that the Council satisfies the Regulations. The Assessment has concluded that;

‘It should be clear that the current system has been chosen because it is seen as more technically practicable, environmental and economic than collecting the four materials separately.’

9.5 The Environment Agency has the ability under regulation 38 and 39 of the Regulations to issue a compliance notice requiring an operator or authority collecting any of the four waste streams to take specified steps within a period to ensure that a contravention does not continue or recur or a stop notice prohibiting any further activity until steps specified in the notice are complied with.

10.0 Risk Management

- 10.1 Whilst the report demonstrates the Council's compliance, there is awareness within the waste industry that certain organisations, who are insistent on waste being sorted at the kerbside (not co-mingled in a silver bin), may take legal action against authorities who do not do this. The report in appendix 1 is a robust demonstration of our compliance and should minimise the risk of legal challenge.

11.0 Background and Options

- 11.1 Under the revised Waste Framework Directive in respect to the Waste (England and Wales) regulations 2011, Regulation 13 requires the **separate collection** of recyclable glass, metal, paper and plastic from householders from January 2015 where 'necessary' and 'practicable'. Cheshire East Council does not do this.
- 11.2 The effect of the regulations is that where an authority collects paper, metal, plastic or glass, they must ensure that such collection is, or those arrangements are, by way of separate collection. These requirements apply where separate collection is both:
- Necessary, in effect, to provide high quality recyclates, and
 - Technically, environmentally and economically practicable (TEEP).
- 11.3 To ensure that the Council meets its statutory requirements, since it does not collect the 4 materials separately, it needs to
- Assess the extent to which separate collection is necessary and practicable within the terms of the regulations
 - Document the decisions and retain a record of the evidence underpinning them.
- 11.4 Guidance concerning the necessity and TEEP testing was not provided by the Environment Agency or Defra and so a waste industry led group developed a 'Waste Regulations Route Map' which was considered by the EA to be an excellent document. This 'route map' was used by WYG, the consultants who were commissioned to prepare the report.
- 11.5 The report in appendix 1 demonstrates that there is no 'necessity' to collect the four materials separately and that it is not 'technically, environmentally and economically practicable' to do so.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Ralph Kemp

Designation: Corporate Manager Commissioning, Waste and Environmental Services

Tel No: 01270 686683

Email: ralph.kemp@cheshireeast.gov.uk

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NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT



INTRODUCTION

Cheshire East Council (CEC) collects its waste, including co-mingled dry recyclables, through an arrangement whereby collections are delivered through a Teckal arrangement, with the company wholly owned by CEC. The collected materials become the property of UPM; and are subsequently transported and treated through a contract between CEC and UPM, under the terms of which UPM delivers the collected material to UPM's MRF, where UPM is responsible for the treatment of the materials for recycling.

CEC is fully cognisant of the requirements of the EU Waste Framework Directive (WFD) 2008 and the Waste England and Wales Regulations 2011 which flow from it. The Regulations (which were the subject of a judicial review) include Regulation 13 regarding the collection of glass, metal, paper and plastic for recycling.

CEC is fully aware that the requirement of Regulation 13 is that these materials (i.e. glass, metal, paper and plastic for recycling) should be collected separately: but may be collected on a different basis in certain circumstances which are where it can be shown that it is not technically, economically or environmentally practicable (TEEP).

In late April 2014 WRAP published the Waste Regulations Route Map. WYG was asked by CEC to assess its chosen methodology on the basis of this Route Map.

THE SYSTEM DESIGN AND OUTCOMES

The system that CEC uses is designed to maximise the recycling / composting rate at an affordable cost.

The design is as follows:

- Residual waste collected fortnightly from a 240-litre wheeled-bin;
- Dry mixed recyclables (DMR) collected fortnightly, co-mingled including glass, from a 240-litre wheeled-bin; and
- Garden waste collected fortnightly from a 240-litre wheeled-bin, the first bin free and any others on a chargeable basis.

In terms of comparative performance outcomes, in 2012/13 (at the time of writing the most recent data available for all local authorities) CEC had the 39th highest rate for recycling / composting in England out of 352 authorities, just outside the top 10%, with a combined recycling/composting rate of 53.78%.

NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT



The resources used for the collection of dry recyclate from the 167,420 properties are 15 rounds, each comprising a driver plus two loaders, plus two rounds each comprising a driver plus one loader, which as stated collect on a fortnightly basis. The productivity, in terms of properties passed, averages over 1,000 per day for the main rounds, which is good productivity; and each typically collects almost two full loads each day (average of over 8.25 tonnes per vehicle per day).

In terms of volumes collected, in 2013/14 these were (from 167,420 households):

- Overall tonnages of municipal waste: 192,872.30 tonnes (including waste from the HWRCs)
- Residual household waste at the kerbside: 64,682.37 tonnes
- Other residual household waste: 17,646 tonnes (of which 7,810.55 are from HWRCs)
- Dry recyclables at the kerbside: 36,576.25 tonnes (excluding contaminants)
- Dry recycling from bring sites: 890.09 tonnes
- Recycling and re-use from Household Waste Recycling Centres (HWRC): 15,388.39 tonnes
- Compostable waste at the kerbside: 33,118.94 tonnes
- Compostable waste from HWRCs: 8,032.14 tonnes

If measured in terms of kg per household for that year, CEC's figures are as follows:

Residual household waste at the kerbside: 386 kg

Dry recycling at the kerbside: 218 kg

Composting at the kerbside: 198 kg

This gives the following outcomes:

- Recycling rate: 29.91%
- Composting rate: 23.37%
- Combined recycling / composting rate: 53.28%

USING THE WRAP ROUTE MAP

The following commentary leads through the various stages of the WRAP Route Map.

NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT



Step 1

Here CEC should consider the waste collections covered; and the current waste collection system.

The waste collections being covered are household waste. The current waste collection system does collect the four materials (glass, metal, paper and plastic) for recycling: but these are not collected as separate waste streams.

The published guidance also refers to the collection of food and garden waste: the system collects garden waste on a separate basis.

The published guidance also refers to the collection of bulky waste and the system collects this at the kerbside and applies a waste hierarchy promoting reuse and recycling. Additionally, there is recycling and re-use of various items presented at the HWRC.

Step 2

Here CEC should consider how each waste stream is managed and what waste is recycled.

Residual household waste is not currently recycled: but CEC is seeking solutions whereby there will be recovery from this part of the waste stream.

Dry recyclate collected is all recycled, except for fines and contaminants. The contract between CEC and UPM is based on a contamination rate of 5% or below: and the contract documentation sets out detailed processes that are followed to determine the make-up of the recyclate and managing contamination. In actual fact, the contamination rate in 2013/14 was marginally higher than target at 6.30%.

Garden waste is treated through composting. Bulky waste is also recycled or re-used where it can be.

Step 3

Step 3 relates to the waste hierarchy: which has been applied throughout the decision-making process regarding the selection of recycling methodology.

NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT



Step 4

At this stage a number of questions are asked in relation to the four dry streams of glass, metal, paper and plastic. Working through these questions:

- Does CEC collect glass, metal, paper and plastic for recycling? Yes
- Are separate collections in place? No (so necessity and practicability questions to be answered)
- Are separate collections necessary to ensure that waste is recycled? No – waste collected for recycling is (apart from contaminants etc.) recycled
- Is there an approach to collection of the four target materials that is technically, environmentally and economically more practicable than separate collection i.e. separate collection is not TEEP? Yes – as the following tests show.

Necessity test:

Here the quality and quantity of recycling is considered.

Quality, the contract documentation requires that at least 95% of collected material shall be recycled. Further, the MRF contractor (UPM) is required to report details of contamination on a regular basis to CEC: and from October 2015 will comply with Schedule 9A of the permitting regulations (incorporating the drafted MRF Code of Practice) with regard to sampling. UPM's processes include measuring and managing contamination by use of gravimetric testing of delivered loads. This gravimetric testing is carried out independently by CEMS. UPM's process also involves a second sort by a third party of rejects from the Shotton MRF; and some of these materials are then recycled.

The range of materials accepted through the treatment contract is set out very clearly on CEC's website, details shown on the next pages:





What You Can Recycle in The Silver Bin

Image	You Can Recycle	Please Remember...
	<p>Tins and Cans including:</p> <ul style="list-style-type: none"> • Food tins • Drinks cans • Sweet/biscuit tins • Metal lids 	 <p>Rinse tins and cans</p> <p>Tip - labels can be left on and please squash if possible, but don't flatten</p>
	<p>Glass including:</p> <ul style="list-style-type: none"> • Glass bottles • Glass jars 	 <p>Rinse bottles and jars</p> <p>Tip - labels can be left on, all colours accepted, jar lids can be kept on or put in bin separately</p> <p>Ceramics such as mugs, vases and crockery can only be recycled at your local Household Waste Recycling Centre</p>
	<p>All plastic bottles including:</p> <ul style="list-style-type: none"> • Drinks bottles • Milk/juice bottles • Detergent and fabric conditioner bottles • Cleaning/ bleach bottles and toiletry bottles <p>Plastic containers and trays including:</p> <ul style="list-style-type: none"> • Yoghurt pots • Margarine/ice cream tubs 	 <p>Rinse bottles, trays and containers</p> <p>Tip - To maximise space in your bin, plastic bottles should be squashed and tops replaced, but labels can be left on.</p> <p>Plastics such as polystyrene, plant pots and hard/rigid plastics cannot be recycled</p>







NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT



Image	You Can Recycle	Please Remember...
	<ul style="list-style-type: none"> • Fruit/vegetable punnets • Cream/custard pots • Plastic trays e.g. meat/fish/cake trays • Soup/sauce pots, egg boxes • Plastic cups • All empty plastic bags, carrier bags and film 	Children's plastic toys and CD's can be reused through charity shops
	<p>All paper including:</p> <ul style="list-style-type: none"> • Newspapers/magazines • Telephone directories Yellow pages • Catalogues/brochures • Junk mail/leaflets • White and coloured office paper • Greetings cards • Envelopes including window type • Wrapping paper and clean paper bags • Shredded paper <p>All cardboard including:</p> <ul style="list-style-type: none"> • Cereal boxes • Ready meal boxes • Corrugated/Thick Cardboard • Egg boxes, Kitchen/toilet roll tubes • Waxed paper coffee/tea cups 	 <p>Remove plastic wrappers off magazines and put in the silver bin separately</p> <p>Shredded paper must be placed in a plastic bag and tied</p> <p>Tip – you can compost your shredded paper at home</p> <p>Greetings cards or wrapping paper that have glitter on cannot be recycled</p> <p>Please flatten all cardboard</p>

NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT



Image	You Can Recycle	Please Remember...
	<p>Cartons including:</p> <ul style="list-style-type: none"> • Milk/juice/smoothie cartons • Fabric conditioner cartons • Soup/chopped tomatoes cartons • Custard cartons 	 <p>Rinse cartons</p> <p>Tip - please squash, but no need to flatten, plastic spouts can be left on</p>
	<ul style="list-style-type: none"> • Clean aluminium foil • Clean foil trays 	 <p>Rinse foil - please keep flat</p>
	<p>All empty household steel and aluminium aerosols including:</p> <ul style="list-style-type: none"> • Hairspray • Deodorant • Shaving foam • Carpet cleaner 	 <p>Remove plastic lids if detachable and put in bin separately</p> <p>Aerosols containing hazardous liquids or gases are not accepted e.g. paint sprays</p>

This is a wide range of recyclables: additionally, other materials are collected and recycled using bring sites and the HWRCs.

In terms of quality, it is clear from UPM's methodology that good quality recyclables result from the process. As noted (on p3), around 94% of all collected materials in 2013/14 were recycled; and around 50% of the recycled materials (the paper component) were recycled in the adjacent UPM mill on the Shotton site without the need for any further handling (in 2013/2014 this was 45.65% of the total).

NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT

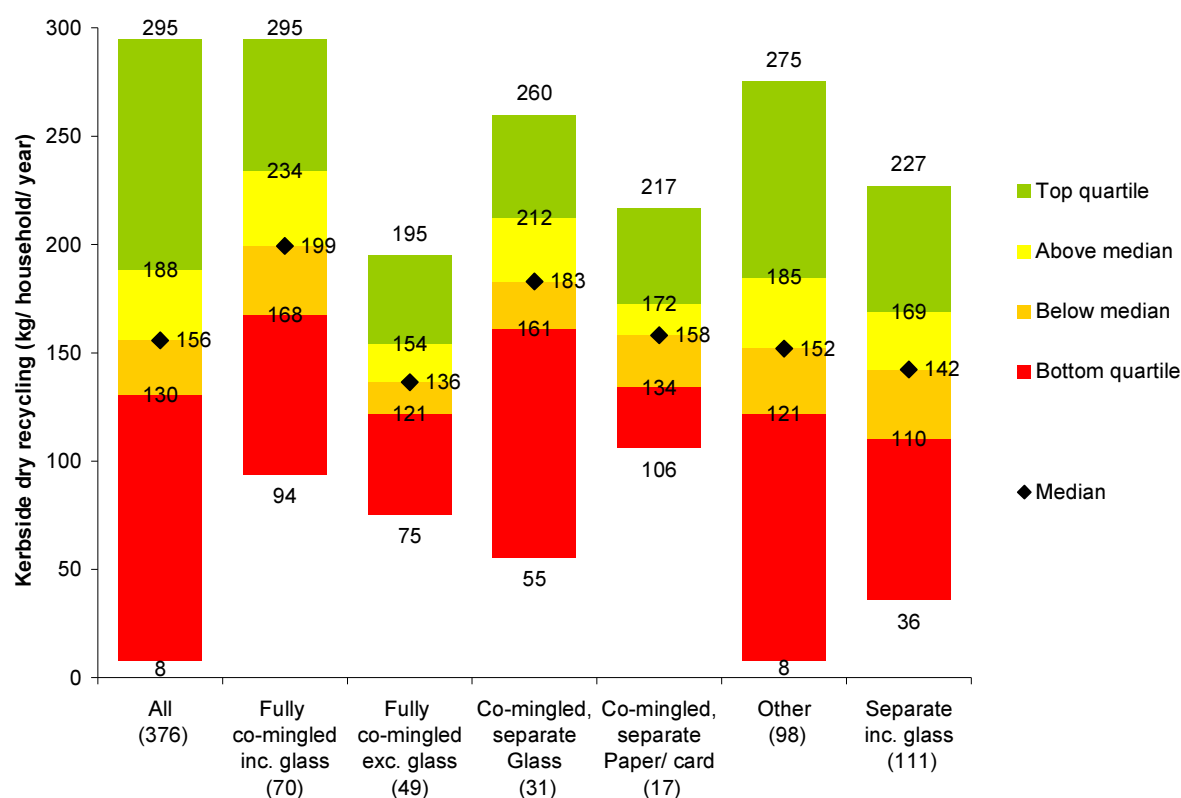


It is worth noting that over 90% of the recycled materials are recycled by UPM Approved End Users within a 30-mile radius of the Shotton MRF. These Approved End Users are required to comply with prescribed UPM standards: which include (as a minimum) ISO 9000 quality standard and ISO 14000 environment standard; plus compliance in terms of standards for Health & Safety, Sustainability, Corporate Social Responsibility, Continuous Improvement and Equal Opportunities.

There is ample waste industry evidence to show that the chosen methodology recycles a greater amount of materials than could be achieved with separate collections.

Comparing the highest performing authorities nationally, the top performer is for a fully co-mingled service (295 kg per household per annum) followed by a two-stream service collecting glass separately (260 kg per household per annum). This position does not just hold for the highest performers: it is also true at all quartiles, as shown in Figure 1 below (showing 2010/11 figures):

Figure 1



The 2011/12 figures tell a similar story which supports CEC's choice of system. Table 1 overleaf shows that 20 of the top 30 performers collect fully co-mingled dry recyclables, and five collect on a two-stream basis collecting glass separately: whereas only one of this top 30 (North Somerset) collects on a kerbside-sort basis.

NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT


Table 1: Collection Details for the Top 30 Kerbside Dry Recycling Authorities in 2011/12

Rank	Authority	WYG client	Kerbside Recycling kg/hh/yr	Type	% Co-mingled	Recycling				Refuse			
						Freq.	Wheeled Bins	Sacks/ Other	Kerbside Boxes	Freq.	Wheeled Bins	Sacks/ Other	Communal
1	South Oxfordshire	•	310	C	100%	F	96%	4%		F	90%	4%	5%
2	Surrey Heath	•	291	C	100%	F	98%	1%		F	89%	2%	8%
3	Vale of White Horse	•	282	C	100%	F	97%	3%		F	91%	3%	7%
4	Windsor and Maidenhead		276	C	76%	W	100%			W	85%	5%	10%
5	Lichfield		267	C	100%	F	100%		0%	F	96%	1%	3%
6	Elmbridge	•	263	C	100%	F	96%		4%	F	88%	4%	8%
7	Mole Valley	•	263	C	100%	F	85%	16%		F	85%	10%	6%
8	Rochford		261	C	99%	F	99%			F	100%		0%
9	South Kesteven		258	C	100%	F	100%			F	100%		
10	North Somerset	•	255	S	0%	W			92%	F	83%	8%	8%
11	Castle Point	•	253	C/g	77%	F		100%	100%	F		100%	
12	Epping Forest	•	253	C/g	78%	F	5%	95%	95%	F	91%	3%	5%
13	Tamworth		252	C	100%	F	100%			F	100%		
14	Cannock Chase		250	C	100%	F	100%			F	100%		0%
15	Rutland		249	C	100%	F	99%	1%		F	96%	1%	3%
16	Stratford-on-Avon		249	C	100%	F	96%		4%	F	94%	4%	2%
17	South Cambridgeshire		249	C/p	66%	F	100%		0%	F	95%	0%	4%
18	West Oxfordshire	•	245	O	26%	W	5%		95%	F	94%	1%	5%
19	Basildon	•	244	C/g	78%	F		93%	98%	W		90%	9%
20	Wychavon		241	C	100%	F	90%	10%	7%	F	90%	7%	3%
21	Huntingdonshire	•	240	C	100%	F	88%	12%		F	92%	4%	5%
22	Woking	•	239	C	100%	F	93%	7%		F	86%	4%	10%
23	North Kesteven	•	238	C	100%	F	99%			F	99%		
24	Mid Sussex		237	C	100%	F	99%			F	99%		
25	South Holland		234	C	100%	W		100%		W		100%	
26	Caerphilly		232	C	100%	W	71%	1%	27%	W	98%	2%	
27	Charnwood		231	C/g	88%	F	98%	2%	98%	F	98%	2%	
28	Guildford	•	231	O	17%	W	8%	9%	83%	F	86%	9%	6%
29	Central Bedfordshire		230	C/g	82%	F	72%	16%	12%	F	91%	5%	4%
30	Spelthorne	•	229	C	100%	F	94%			F	89%	0%	11%

NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT



Conversely (as noted in WYG's report available via the WYG website) among the bottom 30 performers the reverse is true – 25 out of 30 practice a form of kerbside-sort. It is worth noting also that a number of these bottom performers have since moved to either a two-stream or fully co-mingled system (e.g. Ashford, LB Brent, Eastbourne, Isle of Wight, Rother and Wealden) have since abandoned kerbside-sort and report significantly higher capture rates.

In terms of volume, then, the argument against kerbside-sort is stronger than that of co-mingling, either as a two-stream service or a fully co-mingled service.

Industry evidence shows that the key factors in determining volumes of dry recyclables collected are:

- (a) choice of system for collecting dry recyclables,
- (b) type of residual waste service and
- (c) the degree of affluence.

Second one can look at wider benchmarks: these are detailed in the modelling which follows.

Kerbside recycling yields for Nearest Neighbours

Table 2 and Figure 2 show the kerbside dry recycling yields in kg/household for Cheshire East and its CIPFA Nearest Neighbours (NN), listed in order of collection system then decreasing yields. Yields are based on tonnages derived from WasteDataFlow data for 2012/13 (the latest year for which audited figures were available on a national basis at the time of analysis). The Nearest Neighbour number is shown in the first column; the lower the number, the more similar it is to Cheshire East. The table also shows the recycling container and frequency of collections.

Estimated yields based on benchmarks

Table 3 and Figure 3 show the kerbside dry recycling yield in kg/household for Cheshire East in 2012/13 and the estimated yields if it changed to the following recycling collection systems:

- Fully co-mingled including glass;
- Two stream: co-mingled with separate glass;
- Two stream: co-mingled with separate paper/card;
- Three+ streams (co-mingled, glass, paper/card);
- Separate streams including glass.

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The estimated yields are the average of yields in 2012/13 for benchmark authorities with:

- indices of multiple deprivation (IMD) within +/-5 of that for Cheshire East (13.29);
- fortnightly recycling (including card and plastic bottles as well as paper, cans and glass); and
- fortnightly collections of residual waste from wheeled bins (for at least half of households).

An additional benchmark is also provided for weekly collections of separate materials and fortnightly residual waste.

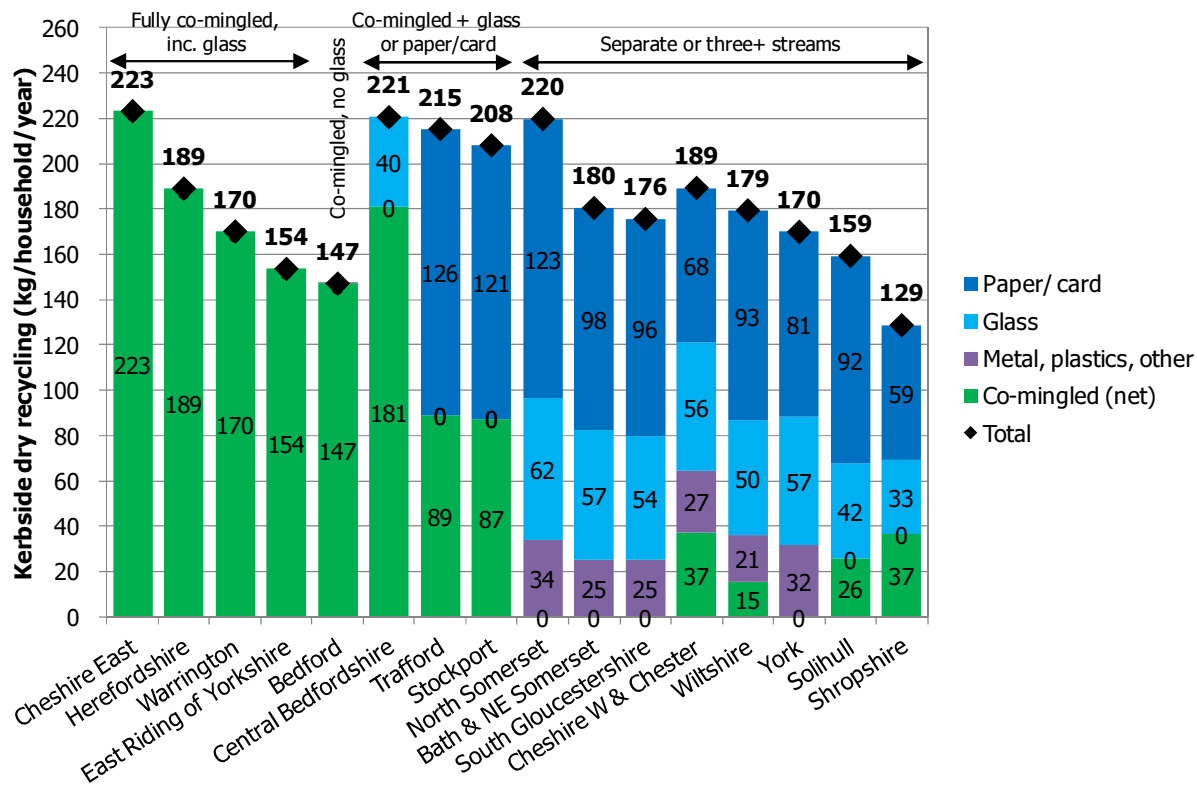
For each system, textiles and/or batteries may also be collected as additional streams. Authorities collecting mainly separate materials may collect some materials co-mingled, e.g. plastics and cans.

The tonnes per year are shown for Cheshire East for 2012/13 and the benchmark tonnes were obtained by multiplying the number of households in Cheshire East, 166,650 in 2012/13, by the benchmark yields in kg/household, and dividing by 1000.

NOTE FOR CHESHIRE EAST COUNCIL: TEEP ASSESSMENT


Table 2: Kerbside Recycling Yields of Nearest Neighbours in 2012/13

NN	Authority	Yield kg/hh	Collection system for dry recyclables	Recycling frequency and container
0	Cheshire East	223	Fully co-mingled inc. glass	Fortnightly w/bin
13	Herefordshire	189	Fully co-mingled inc. glass	Fortnightly w/bin
11	Warrington	170		Fortnightly w/bin
12	East Riding of Yorkshire	154		Monthly w/bin
15	Bedford	147	Fully co-mingled exc. glass	Fortnightly w/bin
6	Central Bedfordshire	221	Co-mingled + sep. glass	Fortnightly w/bin
10	Trafford	215	Co-mingled + sep. paper/card	Fortnightly w/bin
5	Stockport	208		Fortnightly w/bin
8	North Somerset	220	Separate streams inc. glass	Weekly box
4	Bath & NE Somerset	180		Weekly box, sack
14	South Gloucestershire	176		Fortnightly box
1	Cheshire West & Chester	189	Three+ streams	Fortnightly box
2	Wiltshire	179		Fortnightly w/bin, box
9	York	170		Fortnightly box
3	Solihull	159		Fortnightly box, sack
7	Shropshire	129		Fortnightly box

Figure 2: Kerbside Recycling Yields in Nearest Neighbours in 2012/13


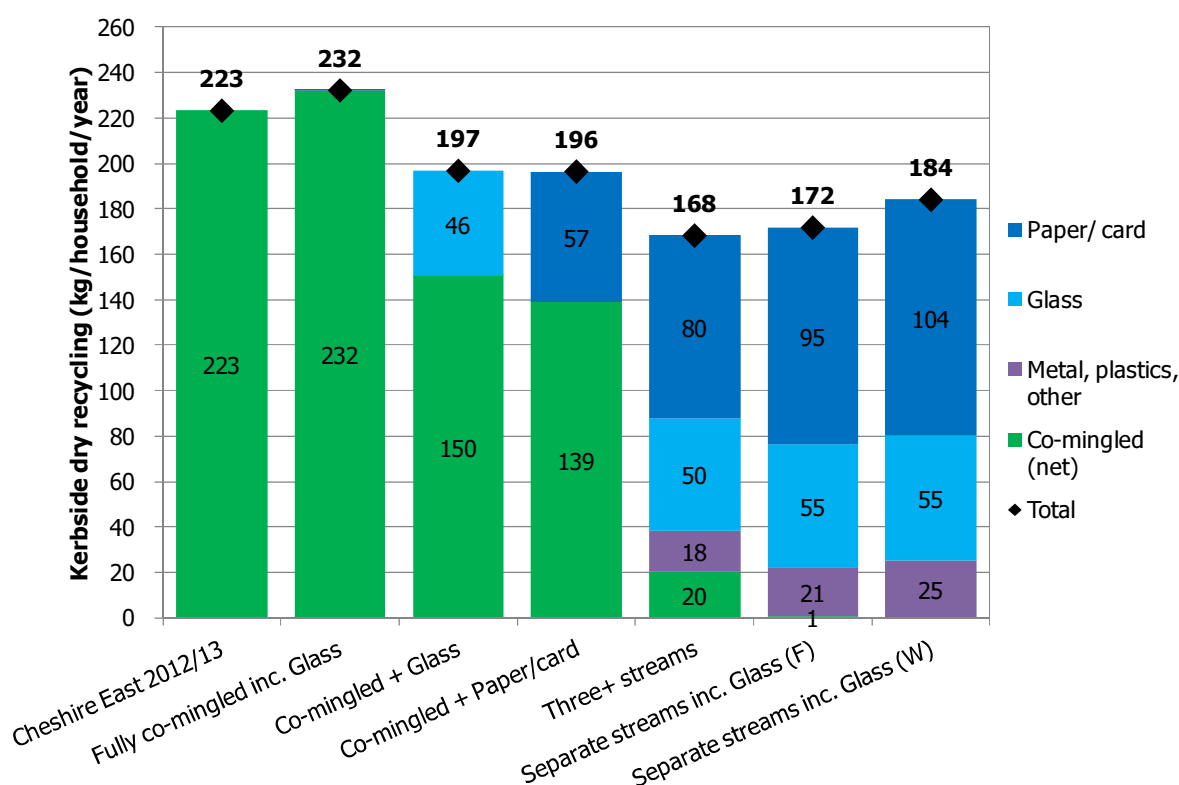
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Table 3: Kerbside Recycling Benchmarks

Benchmark	Recycling frequency	Recycling containers	Benchmark yield kg/hh	Change in yield kg/hh	Benchmark tonnes	Change in tonnes
Cheshire East 2012/13	Fortnightly	W/bin	223	0	37,195	0
Fully co-mingled inc. glass	Fortnightly	W/bin	232	9	38,689	1,494
Co-mingled + sep. glass	Fortnightly	W/bin, box	197	-26	32,787	-4,409
Co-mingled + sep. paper/card	Fortnightly	W/bin, box or sack	196	-27	32,734	-4,461
Three+ streams	Fortnightly	Box	168	-55	28,033	-9,162
Separate streams inc. glass (F)	Fortnightly	Box	172	-51	28,618	-8,578
Separate streams inc. glass (W)	Weekly	Box	184	-39	30,663	-6,533

Figure 3: Kerbside Recycling Benchmarks



What this analysis shows is that, on the basis of benchmark data, if CEC changed to collecting dry recyclables on the basis of separate stream collections and retained fortnightly collections, then the capture rate would fall by ca. 51 kg per household per annum – and with 167,420 households that would mean

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that recycling would fall by some 8,538 tonnes per annum. Even if weekly collections were introduced for separate stream collections, the reduction in recycling would be some 6,529 tonnes.

It should be clear that CEC has considered the quality and quantity of recycled material arising most carefully.

Practicability test:

Here the three areas to be addressed are: is the separate collection of each material stream economically, environmentally or technically impracticable?

It should be clear from the analysis above that the chosen system is more environmentally practicable: it recycles significantly more than a system which material streams separately by an estimated 8,538 tonnes per annum if fortnightly collections remain.

There is also an economic benefit to recycling at this level: CEC is a unitary authority, i.e. is responsible for both waste collection and waste disposal. The additional costs associated with treating this additional volume of residual waste would be ca. £770,000 per annum.

Further: at present CEC collects dry recyclate from its 167,420 properties on a fortnightly basis using 15 rounds, each comprising a driver plus two loaders, plus two rounds each comprising a driver plus one loader. If this were expressed at current (December 2014) rates, then based upon the cost data that we have been supplied with the cost for collection and MRF treatment could be expressed as:

- 15 rounds of driver plus two loaders plus two rounds of driver plus one loader: £3,178,281
- c67,000 tonnes of dry recyclate (including contamination) at income of c£: £880,232
- Net cost of collection and MRF treatment: £2,298,049

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If the recycle was collected as separate streams, and there were still fortnightly collections, we know that generally speaking such arrangements have a much lower productivity rate because of vehicle capacity, although a lower cost per round; and we would expect the costs to be:

- 20 rounds of driver plus two loaders plus two rounds of driver plus one loader @ £10,000 per round including all overheads: £3,240,000
- Income from sale of recyclables:
 - Paper and card: 14,142 tonnes @ £50 per tonne = £707,100
 - Cans / plastic: 4,440 tonnes @ £35 per tonne = £155,400
 - Glass: 10,036 tonnes at £20 per tonne = £200,720
- Additional costs of disposal: £770,000
- Net cost of collection and treatment: £2,946,780

This increase in cost is stark: an increase in costs of almost £650,000 per annum (ca. 28% increase or almost £4 per household).

It should be clear that the current system has been chosen because it is seen as more technically practicable, environmental and economic than collecting the four materials separately.

Step 5

At this stage sign-off is required.

We recommend that this assessment should be formally approved by the appropriate Council Committee or other authority; and retained as a formal record.

In terms of a review (Step 6 in the Route Map), we believe that this TEEP test is appropriate for the term of the current contractual arrangements (including with UPM): but a review should be undertaken just prior to the end of the contract and before it is re-procured or whenever waste services are generally reviewed, whichever is the earlier. In particular, the review should consider whether glass is removed from the mix (which would fit with Lord de Mauley's letter; but might impact on capture rates and on costs).

LA/WYG/12.14

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 3rd March 2015
Report of: Chief Operating Officer
Subject/Title: Energy Procurement
Portfolio Holder: Cllr Peter Raynes, Finance

1.0 Report Summary

- 1.1 Cheshire East Council's contract with West Mercia Energy has a value of approx £8m per annum on energy (gas and electricity) within its Corporate, Street lighting and Schools portfolio (including Academies). The existing energy supply contract is due for renewal on 31st March /2016. However, giving 12 months' prior notice to the preferred supplier will maximise their ability to trade our commodities on the futures market.
- 1.2 The Pan Government Energy Project recommends that it is best practice for public sector organisations to buy energy through Central Purchasing Body (CPB) frameworks that have aggregated volumes, can offer flexible purchasing and enable best practice risk management.

2.0 Recommendations

- 2.1 It is important to note that this recommendation complies with the best practice guidance and recommendations from Pan Government Energy Project who advise that improved prices can be achieved through adopting flexible, aggregated, risk managed energy procurement.

West Mercia Energy continue to offer a full holistic service along with a unique commercial business model that has delivered lower than market unit rates, and shared trading gains which give confidence to Cheshire East Council and its stakeholders that it is securing value for money.

The recommended contract period is for 2 years with a one year extension option.

That Cabinet:

- i) Agree to continue to use the Procurement Method recommended i.e. a 'fully flexible' procurement.
- ii) Agree to enter into a contract directly with West Mercia Energy (WME) as the preferred provider for a maximum period of three years (two years with an option to extend for a further one year period).

3.0 Reasons for Recommendation

- 3.1 The existing contract will expire 31st March 2016 and 12 months' notice will maximise the ability to trade our commodities on the futures market.
- 3.2 A benchmarking exercise to evaluate the levels of service between two different Central Purchasing Options was undertaken, collectively by The Corporate Energy Manager and Procurement Category Manager, and a commercial operator (See appendix 1) which determined that West Mercia Energy, the Council's existing supplier, offers best value.
- 3.3 Consideration has been given to OVO, the Councils Fairerpower supplier that offers a collaborative alternative to CEC residents but OVO are currently focussing on the domestic sector rather than the commercial "Half Hourly" market. Therefore they regrettably declined to answer the necessary benchmarking questions. Consideration to their capability should be considered at the next opportunity in March 2017 when the council will review its energy purchasing strategy and if required prepare a OJEU compliant tender exercise.
- 3.4 From the review and benchmarking exercise undertaken, it is recommended that WME offer the most appropriate energy solution for Cheshire East Council. (See appendix 1)

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 No significant policy implications

7.0 Implications for Rural Communities

- 7.1 None

8.0 Financial Implications

- 8.1 Annual expenditure on gas and electricity including Corporate Buildings, schools and Street Lighting is currently £8.4 million.
- 8.2 The benefits of utilising this flexible purchasing model have been vindicated since its adoption by the Council in July 2011; a three year performance review has indicated that WME prices have been £568k below the market average for gas and electricity. The council has also received £148k from WME as a result of "trading gains" over the last three years.

9.0 Legal Implications

- 9.1 The existing contract between the Council and WME describes WME as contracting in its capacity as a Central Purchasing Body and a Contracting Authority under the Public Contract Regulations 2006 and as a Local Authority under s1 Local Authorities Goods and Services Act 1970.
- 9.2 The Council may buy works, goods and services from or through a Central Purchasing Body and in doing so will be deemed to have complied with the Public Contracts Regulations 2006 (the Regulations) to the extent that WME has itself complied with Regulations. WME supply gas and electricity via separate framework agreements which have been entered into as a result of a competitive process.
- 9.3 WME also directly provides additional services namely associated billing and management services (which includes flexible purchasing).
- 9.4 WME is offering the additional services directly and so:
 - 8.3.1 the Council would be purchasing the additional service directly and would not be deemed to have complied with the regulations as WME has not itself complied with the Regulations;
 - 8.3.2 purchasing a service from WME (a group of other local authorities) does not override the Council's obligation to comply with procurement rules.
- 9.5 Purchasing gas and electricity from WME complies with EU regulations and the Council's own internal rules.
- 9.6 It is noted that the intention is to award the contract for a maximum of 3 years and that the contract value for the element of additional services is approximately £150,000.00 (the annual fee of £50,000.00 is set out in Appendix 1).
- 9.7 The purchase of additional services from WME is a direct award of contract as there has been no competition to decide to award this element of the services.
- 9.8 Whilst the contract value is below EU threshold in undertaking any procurement where there is deemed to be cross border interest, a contracting authority must comply with the key principles of proportionality, mutual recognition, transparency, non-discrimination and equal treatment (derived from the Treaty of Rome and the fundamental freedoms of the EU). There are no formal rules governing whether a contract will attract cross-border interest. The fact that a contract is beneath the relevant threshold will not be enough of a reason for there to be no cross border interest. If the contract is deemed to be of cross-border interest then the opportunity should be advertised. The Commission states that the subject matter of the procurement, the place of performance or delivery and the size and structure of the relevant service market are significant factors.

- 9.9 In this case the service has determined that a benchmarking exercise is the appropriate method to determine best value and is acting in accordance with the Pan Government Energy Project's recommendations.

10.0 Risk Management Overview of the benefit of flexible purchasing

- 10.1 In utilising a Central Purchasing Organisation prices can be controlled and monitored as volumes will be aggregated, purchased flexibly and risk managed to reduce exposure to higher energy prices.
- 10.2 Energy prices/budgets can be determined as the Council will agree on capped 12 month prices so if costs increase, the Council/users will not automatically receive the increases and will be able to budget sufficiently.
- 10.3 If energy costs fall, prices will be monitored and WME will be able to unlock/unset (e.g. sell back to the market) tranches of energy in order to sell and buy back the volumes of energy at a lower rate e.g. they will seek to capture trading gains from the weakening of energy prices as they occur.
- 10.4 Because of the nature of flexible purchasing it is necessary for a Capital At Risk fund has to be established equivalent to 5% of the contract value. This has already been created within the previous contract term. It should be noted that this fund is held in reserve and will be returned at the end of the agreed contract period.
- 10.5 The flexible purchasing nature of the contract allows for market trading when conditions are favourable that can lead to financial gains throughout the year, 50% of any gains will be shared between WME and Cheshire East council.
- 10.6 This trading provides added value over and above the ability to secure competitive market prices and the 50% gain share that WME receive forms part of their overall management/fee structure which pays for their energy expertise including bureau services and site works.

11.0 Background and Options

- 11.1 Cheshire East Council has opted for a flexible purchasing model as recommended by the Pan Government Energy Project since July 2011. This has been proven to be successful as the contract has delivered gas and electricity prices 3.6% lower than the market average during the period of the contract. Flexible purchasing solutions have been sought for the next contract period.
- 11.2 The current Cheshire East Electricity and Gas supply agreements which have a combined annual value of £8m per annum are due to expire 31st March 2016.
- 11.3 The Pan Government Energy Project recommend that LAs benchmark and evaluate all Central Purchasing Bodies solutions as they have all been evaluated already and all offer value for money. It is the additional customer

service elements and risk strategies which the Council is directed to should consider in order to best meet with their individual requirements.

- 11.4 Another option would be a formal EU tendering process. Due to the level of spend on Energy a re-tender of the contract will inevitably require a formal EU compliant tendering process to be undertaken. The Council could go out to tender detailing specific requirements for Cheshire East, however, this is not recommended due to the cost of tendering, which would also be time consuming and extremely demanding on resources. It is considered that there would be no benefit in this approach over and above the collaborative options already available – the Council would be dealing with the same supply market and would not be able to leverage demand without the other Local Authorities.
- 11.5 A benchmarking exercise to evaluate the levels of service between two different Central Purchasing Options was undertaken and a commercial operator (See appendix 1) which determined that West Mercia Energy, the Councils existing supplier, compares favourably on service and cost delivery.
- 11.6 The key points for recommending WME as the preferred energy supplier are that they provide continuity of service, the best options for communicating with all Cheshire East end users, the lowest management fees and they offer a unique business model of energy purchasing that allows possible cashable gains at the end of each financial year.
- 11.7 All costs are transparent including energy price, pass through costs and management fee. Trading gains made from capturing falls in the energy market are also transparent. The management fee is a fixed for the duration of the contract and is built into the unit cost of each energy bill.
- 11.8 Other local authorities currently utilising WME services for energy are:
- Shropshire Council
 - Worcestershire County Council (some districts also)
 - Herefordshire Council
 - Telford & Wrekin Council
 - Gloucestershire County Council
 - Swindon Borough Council
 - South Gloucestershire
 - Gloucester City Council
 - Wiltshire Council
 - Forest of Dean District Council
 - Torbay Council

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Colin Farrelly
Designation: Energy Manager
Tel No: (01270) 686161
Email: colin.farrelly@cheshireeast.gov.uk

Cabinet Report – Energy Procurement

Appendix 1 – Service Level Evaluation

Yorkshire Purchasing Organisation (YPO)	Inenco	West Mercia Energy (WME)
Can a dual fuel energy contract be provided?		
No	Yes	Yes
Do you carry out invoice validation checks and if so please provide details as to what these checks include?		
Invoice Validation is carried out by the applicable supplier, based on a built in tolerance. YPO does not currently carry out an invoice validation service.	Inenco propose to deliver a copy invoice validation service which provides a robust and repeatable solution aimed at maintaining an accurate database, ensuring you have been invoiced accurately, identifying savings and generating relevant management information. A duplicate database is created on Inenco's IT system using information from previous billing records. This is used to receive copy invoices and perform the following validation checks: Bill is mathematically correct Correct supplier is listed Correct unit rates are charged Correct fiscal meters billed Correct VAT/CCL applied Meter readings follow from previous bill.	Checks are carried out on each batch to check supply details, account Number, contract dates, <i>consumption against expected profile demand within the tolerance set, readings checks that the meter readings and read dates follow on from the previous reading.</i> Fuel preference & rates are checked to <i>ensure that the fuel preference is as per customer's request, and that the rates are correct.</i> Unit rates are <i>checked to ensure that the unit rates received from the Supplier match the rates accepted at contract review point. Likewise</i> standing Charges are checked, billing periods and VAT rates are reviewed.

Please identify how and when 'pass through charges' are checked?		
YPO Gas and Electricity Framework suppliers (British Gas and Npower respectively) check the Pass through charges as the point when annual Billing rates are released and YPO carries out a sense check on these before distribution of Billing rates.	Inenco have not provided any details how pass through charges are checked.	<p>WME carry out the following pass through validation:</p> <p>DUOS (Distribution Use of System) - <i>Levied by the distribution company to cover the cost of distributing the electricity.</i></p> <p>TUOS (Transmission Use of System) - <i>Payment to the National Grid to transmit the electricity from the generator to the local Suppliers'.</i></p> <p>BSUoS (Balancing Services Use of System) – <i>Payment to National Grid to recovers the costs of balancing the System.</i></p> <p>Dloss (Distribution Losses) - <i>the electricity lost in the distribution network due to heat in the wires.</i></p> <p>Tloss (Transmission Losses) – <i>the electricity lost in the transmission network due to heat in the wires.</i></p> <p>CCL (Climate Change Levy) – <i>the government's tax on energy usage.</i></p> <p>RO (Renewable Obligation) - <i>Government Levy the government's subsidy for renewable generators.</i></p> <p>Imbalance Risk – <i>Payment to the Supplier to balance the customer's expected future demand with the supply.</i></p> <p>FIT (Feed in Tariff) – <i>Payment for Government Scheme to incentivise on-site renewable energy.</i></p> <p>Supplier Management Fee – <i>To cover supplier administration costs and profit.</i></p> <p>DC/DA (Data Collection/Data Aggregation) – <i>To cover the cost of collecting reads and preparing the data for billing.</i></p>

Do you carry out portfolio reviews with clients - if so please provide details?		
British Gas (Gas) and Npower (Electricity) will carry out annual portfolio reviews with you as standard. In between the annual reviews you will have a named dedicated account manager at the applicable supplier, and at YPO, should you need to make amends or discuss changes to your portfolio. Account Managers and YPO are available to discuss your portfolio over the phone or email, but all parties are also happy to facilitate and travel for face to face meetings where requested.	The “options” portfolio enables organisations to split total volume requirements over a number of different strategies to achieve maximum flexibility. Experienced Energy Procurement Advisors provide guidance regarding the appropriate blend of risk and reward aligned to our organisational business drives. The council would have to select how to balance its overall portfolio between four options, capped, fixed, trend & prompt.	Quarterly reviews are carried out with the account manager to assess: Portfolio supplies and volumes, Additions to/removals from the contract, Void properties, Accounts in query and summary of progress, Any site works jobs, Supplies with no actual reads > 6 months, General service, Weekly market review reports, Personal oversight of contract by Director with regular reviews of contract performance (quarterly), Assistance with budget setting, Link to specialists at suppliers.
Do you provide electronic billing – if so please provide details?		
Electronic billing is available from British Gas for Gas invoicing and Npower for Electricity. The format can be discussed and arranged with your Account Manager at the applicable supplier.	The energy suppliers will provide the council electronic billing and Inenco will receive electronic copies of all invoices which are uploaded onto their database for validation.	Electronic billing is provided by WME for both Gas and Electricity. The format is compatible with the council’s energy management database. Non Invoice information is also provided to the council for Academies that pay via Direct Debit.
Please provide details of any customer meter reading processes and general communication.		
Customers can record meter reads to our suppliers in a number of different ways. British Gas and Npower accept meter reads by email or phone. There is also access to online Supplier portals, where meter reads can be entered. The Customer Account Managers can accept individual reads or large spreadsheets	Given the size of the Cheshire East portfolio it is a minimum requirement that the suppliers can readily accept site meter readings. No information has been provided on how readings can be communicated to the energy providers.	WME are leading the sector with the highest number of actual reads used in billing. To support the robust validation process and to ensure accurate billing WME encourage customers to take regular meter readings. WME issue monthly email read reminders intervals to: Maintain an independent record if there is a billing

<p>covering a number of meters in order to meet your needs.</p> <p>YPO and our suppliers each provide a dedicated named account manager for our customers, in order to provide a proactive and consistent service. Contacts are available by phone and email, and are also available to visit Cheshire East for meetings when needed.</p> <p>The Information communicated is dependent upon the situation, and could be related to your specific portfolio or process improvements. The communication may also relate to Industry changes. YPO is dedicated to providing customers with the information they need to help manage their Energy Portfolio. YPO host regular customer meetings to suit customer needs and disseminate industry information, but examples include Electricity Market Reform and Competition in the Water Market.</p>		<p>dispute with a supplier</p> <p>To validate gas and electricity bills using actual read data</p> <p>Avoid paying estimated bills</p> <p>Encourages good 'housekeeping', resource management, and energy management</p> <p>The data can be used to encourage and monitor energy reduction schemes</p> <p>To maximise the number of actual reads used in billing.</p> <p>Link to Cheshire East Council's energy management energy database, Systemslink, to extract reads from system directly before internal validation and subsequent submission to suppliers.</p> <p>Feedback to customers when irregular meter readings have been submitted.</p>
<p>Do you provide site works – if so please provide details?</p>		
<p>YPO do not provide site works and these are not covered through the Gas or Electricity frameworks. However, these services are available from British Gas and Npower, and could be discussed with your dedicated Customer Account Manager.</p>	<p>No information has been provided regarding the provision of site works by Inenco.</p>	<p>WME will manage site works for the provision of gas and electricity installations.</p>

Do you offer any rebates or share of any trading gains?		
YPO customers can apply to become an associate member of YPO. In this membership scheme, customers can earn money back on their turnover spent through YPO frameworks. Cheshire East could also build a rebate into the Energy costs provided to that Authority's sites if this is of interest.	***	WME provide rebates and a share of trading gains proportionate to the size of its portfolio.
What, if any, unique services do you provide to your clients?		
At YPO we believe that the level of interaction we have with our customers is unique. We hold regular group meetings to understand the requirements of customers so that we can formulate future strategies and procurement exercises, and these meetings allow customers to network with other customers. The YPO Energy team also release a monthly newsletter alerting our public sector customers to changes to legislation within the Energy Industry and how this could affect their portfolio. We also use the newsletter to inform customers of new Energy Frameworks, and innovation in the energy sector which our customers could benefit from.	None indicated	WME issue a monthly meter reading request email to all users with a link to Cheshire East energy management database. WME issue "Notification of Charges" email to all users with a link to a customer user's page providing access to a complete history of customer billing. Weekly market review reports are provided.
Annual fees		
£56k	£98k	£50k

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 3rd March 2015
Report of: Director Adult Social Care and Independent Living –
Brenda Smith
Subject/Title: Community Equipment Service - Provision of Larger
Equipment
Portfolio Holder: Councillor Janet Clowes, Care and Health in the Community

1.0 Report Summary

Community Equipment – provision of larger re-usable equipment

- 1.1 The Cheshire Community Equipment Service has a long track record of providing equipment in an innovative and cost efficient way. Cheshire has been the National lead for this model of provision since 2008. It provides a service which allows the purchase of equipment to enable people of all ages and their carers to remain in their homes safely. The provision of equipment makes a significant contribution to promoting independence, facilitating hospital discharge and avoiding admission to hospital or care homes. This report is to ensure that larger items of equipment can be purchased effectively and to ensure compliance with EU procurement regulations.
- 1.2 The Community Equipment Service is a partnership of six organisations and is hosted by Cheshire East Council. The partners are Cheshire West and Chester Council, Eastern Cheshire Clinical Commissioning Group, West Cheshire Clinical Commissioning Group, South Cheshire Clinical Commissioning Group and Vale Royal Clinical Commissioning Group. The benefit of the service being hosted by the Council rather than the NHS is that Councils can claim back VAT, thus making the service more cost effective.
- 1.3 It is proposed to procure two frameworks, one for adult equipment and a second for children's equipment suppliers. These frameworks will enable the purchase of the larger items of equipment such as profiling beds, hoists, and complex children's chairs. Frameworks offer better value and efficient use of limited resources as they are more flexible than fixed contracts, and allow for urgent provision and greater choice.
- 1.4 The aggregate value of the Community Equipment Services requirement is such that the purchase of equipment must be done following a tendering process in order to comply with EU and National Regulations. It is proposed that the Council enter into framework agreements with several suppliers from April 2015 for 4 years. The total value of the frameworks would be adults - £15m and children - £5m.

The Council's contribution to the overall budget required by the partnership for equipment is agreed annually through the Adult Social Care budget setting process. The Cheshire East Council budget requirement (both adult and children's equipment) in 14/15 is £312K. There is no anticipation of a significant rise to this contribution over the length of the frameworks.

The total budget for the six way partnership for equipment is £1.4m. Over the Four-year framework this would be a potential spend of £5.6m.

The frameworks will allow other authorities to join agreements over time, hence the higher levels of potential spend stated above.

- 1.5 One framework will be to enable the purchase of adult equipment. This framework will have the potential of additional authorities joining it, in order to widen the procurement footprint and increase spending power.
The second framework will be to enable the purchase of children's equipment, and will be procured jointly with Blackpool Borough Council, as Blackpool are at a similar stage in their procurement of children's equipment, and are keen to work with Cheshire to achieve a better value framework with a larger procurement footprint. This framework will also have the potential of additional authorities joining to increase purchasing power and seek increased value for money.
Alternatively, all the requirements to be included as separate Lots within one framework agreement.
- 1.6 The EU Regulations define a framework agreement as "an agreement or other arrangement between one or more contracting authorities and one or more economic operators, which establishes the terms under which the economic operator will enter into one or more contracts with a contracting authority in the period during which the framework applies".
- 1.7 Equipment such as profiling beds will be called off the framework as and when required. The use of more than one supplier for specific items of equipment ensures ensure availability at all times and the ability for the service to respond to urgent demand.

2.0 Recommendations

- 2.1 That Cabinet approve the procurement of equipment for adult and children via either one overarching framework agreement or two framework agreements (the final decision as to how many agreements to be delegated as per 2.2 below).
- 2.2 That Cabinet delegate authority to Director of Adult Social Care and Independent Living to approve the number of framework agreements to be procured, and determine the suppliers admitted to the framework agreement/s, following a legally compliant procurement exercise, and to subsequently enter into framework agreements with each supplier.

3.0 Reasons for Recommendations

- 3.1 A framework agreement will remove the need to undertake a competitive process in relation to each individual item required. A fast and efficient response can be provided as equipment can be called off from suppliers almost immediately.
- 3.2 The framework agreement will support the Council to maintain the quality of equipment provision through a sustainable equipment supplier market. All suppliers will be signed up to the terms and conditions of the framework agreement and any provider who does not meet the required standards will be removed from the framework agreement.
- 3.3 The establishment of the framework agreements will ensure that the Council complies with the Public Contracts Regulations 2006 and the Council's Finance and Contract Procedure Rules.

4.0 Wards and Local Ward Members Affected

- 4.1 All Wards and All members

5.0 Policy Implications

- 5.1 The provision of equipment enables Adult Social Care and Independent Living to deliver the council outcomes 1 and 5 identified in the 3 year Plan.

Outcome 1: Our Local Communities are Strong and Supportive
Outcome 5: Local People Live Well and for Longer

6.0 Financial Implications

- 6.1 The framework will be used to purchase services for people identified as having a need following an assessment. No additional budget will be required for the transfer of services to a framework agreement.
- 6.2 There is no obligation for the Authority to purchase equipment and other services through the framework agreements.

7.0 Legal Implications

- 7.1 The Council collaborates in provision of the Community Equipment Services of which it is lead authority and manager of the service on behalf of itself, Cheshire West and Chester Council, Eastern Cheshire Clinical Commissioning Group West Cheshire Clinical Commissioning Group, South Cheshire Clinical Commissioning Group and Vale Royal Clinical Commissioning Group. It will be procuring the equipment for the Community Equipment Services in order to fulfil this role. A Memorandum of Understanding to govern the parties' relationship and responsibilities has been entered into until the end of March 2017. This memorandum gives Cheshire East Council host authority status and sets out the model of service provision and each partner's financial contribution to the pooled budget.

- 7.2 The aggregate value of the requirement for community equipment is such that these services must be procured in accordance with EU and National Legislation (so as to comply with the Council's Finance and Contract Procedure Rules) and engage in a competitive tender exercise.
- 7.3 A framework agreement enables the need for a particular service to be met for a set period of time, in order to obviate the need to undertake a wide competitive process, in relation to each individual procurement. It complies with EU requirements and the Council's rules. Suppliers can be appointed directly based on the pricing and/or other information established in the original tender process or if the price cannot be directly determined or in order to ensure best value a mini-competition can be held between the suppliers appointed to the framework in order to make an award.
- 7.4 The Public Contracts Regulations allow local authorities to enter into framework agreements with a number of service providers, following a competitive tendering process, and to thereafter select from those service providers to provide particular services, as and when required for a maximum period of four years. As the current Memorandum of Understanding between the Council, Cheshire West and Chester Council, Eastern Cheshire Clinical Commissioning Group West Cheshire Clinical Commissioning Group, South Cheshire Clinical Commissioning Group and Vale Royal Clinical Commissioning Group is due to end in 2 years consideration could be given to entering into agreements for less than the four year maximum (or for a shorter term with the option to extend) or which are capable of early termination.
- 7.5 The proposal is for two framework agreements accessible by other local authorities. Consideration could also be given to a single framework agreement for community equipment with the requirement for children's equipment included as a separate Lot within that framework. This would not disadvantage Blackpool Borough Council who will be able to access both adult and children's community equipment in the same way. Consideration should be given to any ongoing administration and management costs associated with the framework/s being open to other Councils and the need to pass back costs to those Councils.
- 7.5 The Legal Service is not in a position to comment on best value to the Council approaching the procurement in this manner and looks to colleagues in the Finance and Procurement Services to provide guidance on the approach to procurement that would provide best value to the Council.
- 7.6 The Public Services Social Value Act 2012 applies to framework agreements. It requires the Council to:
- consider how what is proposed to be procured might improve the social economic and environmental well-being of the relevant area
 - how, in conducting a procurement process it may act with a view to securing that improvement whether to undertake a consultation on this matter.

8.0 Risk Management

- 8.1 The services provided enable the Council to fulfil its statutory duty under the Health & Social Care Act.
- 8.2 There is no obligation for the Authority to purchase equipment via the framework agreement.
- 8.3 As suppliers are signed up to the framework agreement it will be more efficient for the Authority to monitor the suppliers holding a contract.
- 8.4 An EIA has been completed in respect of this proposal.

9.0 Access to Information

The following background papers relating to this report can be inspected by contacting the report writer:

- a) The Community equipment Service Memorandum of Understanding
2014-17
- b) Equality Impact Assessment Report

Name: Susan Heap
Designation: Commissioning Manager
Tel No: 01625 374773
Email: susan.heqp@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	3 rd March 2015
Report of:	Executive Director of Economic Growth & Prosperity Caroline Simpson
Subject/Title:	Disposal of land off Earl Road, Handforth
Portfolio Holder:	Councillor Peter Raynes, Finance Councillor Don Stockton, Housing and Jobs

1.0 Report Summary

- 1.1 The Council is undertaking a comprehensive delivery programme of economic growth activities to ensure Cheshire East has a strong and resilient economy; putting the needs of our residents and business first, and ensuring long-term prosperity of the Borough.
- 1.2 As a part of this ambition the Council has formed its own company, Engine of the North (EOTN), to develop and market sites for housing and employment purposes, and to maximise capital receipts.
- 1.3 Earl Road, Handforth edged red on the attached plan is a 14-acre Council owned site which has been held as a strategic employment site for many years. Engine of the North has led a comprehensive marketing exercise, undertaken between June and September 2014, to bring the site to market. This exercise generated expressions of interest from 37 parties and 53 offers.
- 1.4 Following several further bidding rounds, an invitation to submit 'best and final' offers was issued in January 2015. A detailed evaluation exercise and exhaustive due diligence exercise have been undertaken; concluding in a recommendation to the Council that CPG Development Projects Ltd be selected as the Council's preferred purchaser.
- 1.5 This proposal from CPG unlocks a key development site for an exemplar mixed use development scheme which, generates a substantial number of jobs, both during the construction phase and through the end uses. This development contributes to the Council's economic growth agenda, promotes new jobs and will make a major impact on the Borough's strong and resilient economy.

2.0 Recommendation

The Chief Executive or his identified nominee be authorised, in consultation with the Cabinet Member for Finance take all necessary

action to dispose of the Council's landholding at Earl Road, Handforth to CPG Development Projects Ltd or one of their group companies, in order to maximise capital receipts and deliver jobs on an accelerated timescale.

3.0 Reasons for Recommendations

- 3.1 The CPG Development Projects Ltd proposal is considered by the Executive Director of Economic Growth & Prosperity, following advice from Engine of the North & CBRE, to be the preferred option as this bid offers the most certainty of generating the highest capital receipt.
- 3.2 CPG Group are a substantial property investment and development company based in Alderley Edge, specialised in retail and mixed use schemes. They are well financed with an excellent credit rating (D&B 5A1).
- 3.3 CPG's offer, consistent with many other proposals, gives the Council the opportunity to receive part of the total consideration, as an advanced receipt (within 3 months) in respect of the part of the site that currently has planning permission for a Next PLC Retail Store. In addition, a further sum would be advanced in the event that planning consent was received in early course (and ahead of the main retail planning consent) for the development of a public house and drive thru restaurants.

4.0 Wards Affected

- 4.1 The site is located in the Handforth Ward but generating a substantial capital receipt has potential implications for a wider area.

5.0 Local Ward Members

- 5.1 Cllr B Burkhill, Cllr D Mahon

6.0 Policy Implications

- 6.1 Sustainable development will be a key feature of the marketing and vision for the site disposal/development strategy.

7.0 Financial Implications

- 7.1 The costs of marketing and disposal of the site by Engine of the North and its agents will be met from the capital receipts generated from the sale.

8.0 Legal Implications

- 8.1 Section 123 of the Local Government Act 1972 allows a Local Authority to dispose of an interest in land on such terms, as it considers appropriate subject to its obtaining the best consideration reasonably obtainable for the land interest.

- 8.2 The Localism Act 2011 introduced the General Power of Competence, which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers have replaced the previous wellbeing powers. However, the use of these powers must be in support of a reasonable and accountable decision made in line with public law principles.
- 8.3 Notwithstanding the above powers the Council has a fiduciary duty to the taxpayers and must fulfil this duty in a way that is accountable to local people.
- 8.4 All disposals must comply with the European Commission's State Aid rules. When disposing of land at less than best consideration the Council is providing a subsidy to the occupier of the land. In such cases the Council must ensure that the nature and the amount of the subsidy complies with State aid rules, failure to comply means that the aid is unlawful and may result in the benefit being recovered with interest from the recipient. If the occupier receives less than approximately £155,000 (200,000 Euros) in state aid over a 3 year period then the De Minimis principle will apply (small amounts of aid are unlikely to distort competition).

9.0 Risk Management

- 9.1 The contract with the purchaser will be conditional on their requiring an element of the scheme to be pre-let. The Council is therefore exposed to deterioration in market conditions which may prohibit this threshold from being reached. The level of demand from purchasers and occupiers at this moment in time is very significant. This risk will be mitigated by concluding the disposal in a timely fashion.
- 9.2 The scheme, in common with all the highest value offers, is a retail led mixed use scheme and the planning application has challenges in the context of its current saved allocation on the balance of the site not proposed to be occupied by Next.

10.0 Background and Options

- 10.1 This asset, which is part of the former 61MU site, is located close to the A34 which a key route between north east Cheshire and Manchester.
- 10.2 It was leased until 2010 to Airparks UK Ltd and was subject to a temporary planning permission. The land has since been unoccupied and there have been ongoing issues with unauthorised access to part of the site.
- 10.3 The site is approximately 14 acres and is considered commercially attractive, for a wide range of uses including retail, given its proximity to Greater Manchester.

- 10.4 The Council has a clear commitment to promoting growth and employment through the proactive use of its asset base. This site represents an opportunity for the Council to deliver on this commitment and is allocated in the saved Macclesfield Local Plan for employment uses.
- 10.5 EOTN has on behalf of the Council managed the marketing and disposal process working with CBRE, a leading specialist agent, to advise on a delivery strategy, formally market the site, analyse expressions of interest, and to ultimately advise on the identification of a preferred purchaser.
- 10.6 The vast majority of the offers received were subject to a number of conditions including the need to secure suitable planning permission.
- 10.7 In terms of options, the best offer received is from CPG Development Projects Ltd. CPG Group is financially secure, privately owned, locally based and with an excellent credit rating.

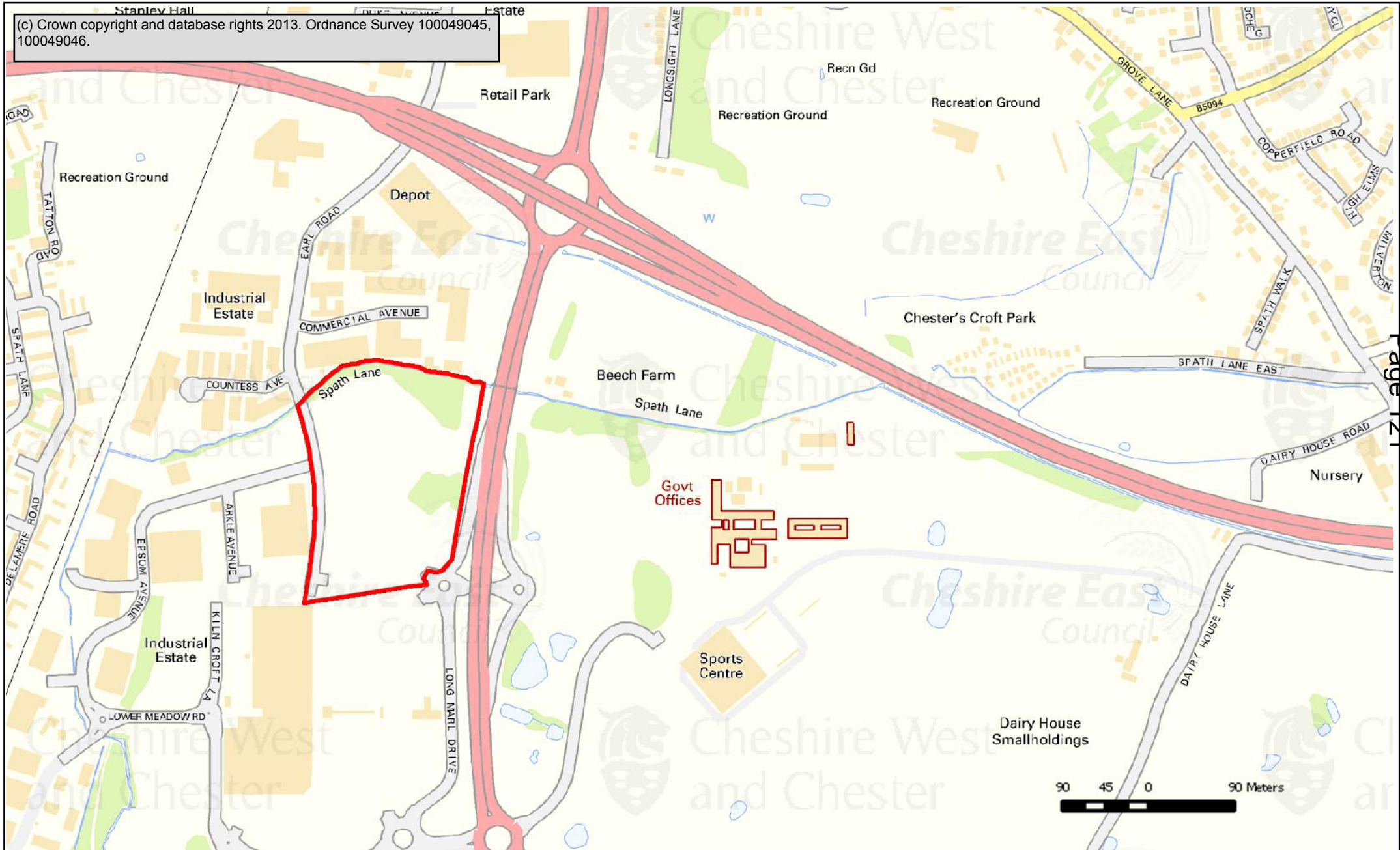
11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Caroline Simpson
Designation: Executive Director of Economic Growth & Prosperity
Tel No: 01270 686640
Email: caroline.simpson@cheshireeast.gov.uk



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