

CHESHIRE EAST COUNCIL

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

PRESENT

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

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

Members in Attendance

Councillors Rhoda Bailey, G Baxendale, L Brown, S Corcoran, K Edwards,
D Flude, M Grant, P Groves, A Harewood, S Hogben, O Hunter, L Jeuda,
B Livesley, D Mahon, R Menlove, A Moran, B Murphy, D Newton, and
A Thwaite

Officers in Attendance

Mike Suarez, Lorraine Butcher, Peter Bates, Anita Bradley, Caroline
Simpson, Heather Grimbaldeston, Brenda Smith, Tony Crane, Brian Reed
and Paul Mountford

Apologies

Councillor D Stockton

36 DECLARATIONS OF INTEREST

There were no declarations of interest.

37 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak.

38 QUESTIONS TO CABINET MEMBERS

Councillor K Edwards asked what processes the Council had in place to ensure that as many people as possible who were eligible to vote at elections in Cheshire East were registered in view of recent changes to the way in which the electoral registration process was to be conducted.

The Portfolio Holder for Governance, Councillor J P Findlow, responded that the recent changes to electoral registration arrangements required individuals to register themselves rather than the householder having to register all those eligible to vote at an address. He had scrutinised the Council's processes for conducting the annual canvass and was satisfied that these were thorough and were achieving significant results. He added

that the Government had stipulated that anyone already on the existing register would in any event be permitted to vote in the May 2015 elections even if they had for whatever reason failed to renew their registration. Cheshire East Council wanted to be more inclusive and get more people onto the register.

Councillor D Flude referred to the forthcoming consultation on Dementia services in relation to Hollins View and Lincoln House and asked about the Council's policy on consultation, adding that she would like to see a copy. She also asked if the Health and Voluntary Sectors would be taking part in the Dementia consultation.

The Portfolio Holder for Care and Health in the Community, Councillor J Clowes, responded that each consultation was looked at in terms of what would best serve the users and their carers. Individual users of the services and their families will have received letters from the Council inviting them to attend a one-to-one meeting to talk through what was being looked at and what the various options were. For those users who did not have a family or carer, the Council would arrange for them to have a mentor or advocate to help them through that process. People with learning difficulties would be given the necessary support to respond to the consultation.

Councillor L Jeuda referred to the failure of two private care homes in Macclesfield where the CQC was concerned. She also quoted the chief executive of Age UK in Macclesfield as saying publicly that the care provision in Macclesfield was reaching crisis point and that it was difficult for anyone to find affordable good quality care in the town. Councillor Jeuda added that if Hollins View were to close with the loss of 32 short term respite beds, this would only add to the crisis, with many people being left unsupported. She asked the Portfolio Holder to agree with her that now was not the time to close a well run and greatly valued local facility at Hollins View.

The Portfolio Holder for Care and Health in the Community, Councillor J Clowes, responded that Sutton Oaks Care Centre was due to close; it had failed to carry out the agreed procedure by going to its users without consulting the Health Service or Cheshire East Council which had put their clients in a distressing position. The Council was insisting that Sutton Oaks keep to its twelve week notice period and Council and Health Service staff would be approaching service users on a one-to-one basis to discuss their care needs and alternative service provision across the Borough. She welcomed the fact that the Care Quality Commission was doing its job by holding care providers to account and ensuring a high quality of service provision. She also expressed disappointment with the reported comments of the chief executive of Age UK Macclesfield as the Council had not been consulted and was, as part of its own strategy, moving forward in accordance with Age UK national protocols. The Council would be inviting the chief executive to a meeting to discuss the Council's strategy and to remind her of the alignment with the Age UK national strategy. Finally, with

regard to Hollins View, Councillor Clowes said that the Council was not reducing respite care and was in fact aiming to increase the provision of respite care throughout the Borough and that those assessed as being in need of respite care would always receive that care. The Leader added that the Council was working to get the best quality care provision through the Council and the independent and private sectors and would continue to challenge care homes where standards were considered unacceptable.

39 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 22nd July 2014 be approved as a correct record.

40 RAIL NORTH LTD - GOVERNANCE ARRANGEMENTS

Cabinet considered a report on the proposed governance arrangements for Rail North Ltd.

Rail North was a group of 30 Local Transport Authority (LTA) partners, including Cheshire East, who were working together with the Department for Transport (DfT) on devolving more responsibility for specifying and managing passenger rail services in the north of England. The aim was to develop a more collaborative approach to managing local rail services.

Rail North and DfT were working together on the design of the next Northern and TransPennine Express (TPE) franchises, which between them accounted for most regional services in the local authority areas covered. The franchises were due to commence from February 2016.

The devolution programme had now reached a critical stage with the need to formalise the governance arrangements and decision making process. Each LTA in the Rail North area was being invited to sign-up to membership by the end of September 2014. The report set out the proposed governance arrangements for Rail North Ltd and the Association of Rail North Partner Authorities and sought Cabinet approval for the Council to become members of both bodies.

RESOLVED

That

1. the proposed governance arrangements for Rail North Ltd (RNL) and the Association of Rail North Partner Authorities ("The Association") be noted and Cheshire East Council become a member of both bodies;
2. the Head of Paid Service (in consultation with the Portfolio Holder for Rail North) be authorised to enter into the RNL Members Agreement on

behalf of Cheshire East Council to enable the Council to be admitted to membership of both the Association and RNL;

3. Councillor Michael Jones be nominated to the Leaders' Committee of the Association and a substitute member be appointed; and
4. it be noted that a further report will be produced when the Heads of Terms for the DfT / RNL Partnership have been finalised.

41 NOTICE OF MOTION - DEMENTIA

Cabinet considered the following motion which had been moved by Councillor Janet Clowes and seconded by Councillor Stewart Gardiner at the Council meeting on 17th July 2014 and referred to Cabinet for consideration:

“This Council will pro-actively maintain the momentum to ensure that the Borough becomes increasingly Dementia Friendly. The Council is proud to be leading the way nationally to ensure those living with Dementia and their carers have the support they need. The new plans for Dementia support are innovative and wide-ranging and will make a real difference by ensuring earlier diagnosis, support and reablement. The Council recently held a hugely successful event at Tatton Park which brought over 100 businesses and community leaders together to pledge to make Cheshire East Dementia Friendly; this is a landmark that sets the course for the call to action from the Council to help those with this debilitating illness and their carers.”

The motion referred to the need to continue the work started in June 2014 to make the Borough Dementia friendly.

At the Cheshire East Council event held at Tatton Park on 13th June 2014 Councillor Michael Jones had issued a challenge to all businesses and organisations in Cheshire East to do all they could to become Dementia-friendly. He had also announced the creation of a new Dementia Action Alliance Co-ordinator at the Council to support local businesses and organisations in becoming more Dementia friendly. The event had resulted in 61 pledges from different organisations and companies, detailing what they would do to become more dementia friendly.

Jill Greenwood and her team in Adult Social Care Commissioning would be keeping the momentum from the event going and were sending a report to all 150 attendees with the next steps. A group had been set up to ensure that progress continued; further follow-up actions would take place later in the year.

RESOLVED

That Cabinet supports the actions taken so far to raise Dementia awareness in Cheshire East and agrees on the need for further action to maintain the momentum to ensure that the Borough becomes increasingly Dementia Friendly.

42 NOTICE OF MOTION - COMMONWEALTH GAMES BATON RELAY

Cabinet considered the following motion which had been moved by Councillor

David Brown and seconded by Councillor Janet Clowes at the Council meeting on 17th July 2014 and referred to Cabinet for consideration:

“Cheshire East Council recognises all the hard work undertaken to make the recent visit to Congleton of the Queen’s Commonwealth Baton Relay such a resounding success and congratulates all those involved in making the bid for the Relay to come to Congleton. Over ten thousand local residents enjoyed a day in Congleton Park that resulted from the fantastic working together of officers from this Council, Congleton Town Council, Team Congleton, local sports groups, Everybody Sports & Recreation Trust, local businesses, schools and volunteers who together further raised the profile of both the Town and the Borough in such a positive way”.

In January 2014, it had been confirmed that Cheshire East would be hosting the Commonwealth Baton Relay. The Baton event took place on Saturday, 31st May 2014 in Congleton Park. During a two month lead-in time, over a hundred volunteers had been trained in event stewarding. There was also considerable partnership collaboration with the Cheshire Fire and Rescue Service and the Police and Ambulance services. Congleton Town Council and a local sporting group “Team Congleton” had both involved in early discussions and had been integral to the success of the event with promotion and messages being delivered by their networks. There had also been significant involvement by all thirteen local primary schools and the town’s two secondary schools.

Although the event had been a considerable success in itself, it had also helped to cement a number of longer terms positives, including support from the blue light services and highway partners; the large number of voluntary sports clubs which had been involved and which had recorded an increased interest in their activity followed up with increased memberships; and the volunteers who would continue to support events in Congleton and the wider Cheshire East area throughout the year. A strong community sector within Congleton and the provision of new links into schools and sports groups would further strengthen community engagement in Congleton.

RESOLVED

That the success of the visit by the Queen's Baton Relay in raising the profile of both the Council and the area of Cheshire East be noted.

43 NOTICE OF MOTION - REVIEW OF CABINET SYSTEM

Cabinet considered the following motion which had been moved by Councillor Brendan Murphy and seconded by Councillor David Brickhill at the Council meeting on 17th July 2014 and referred to Cabinet for consideration:

“That the Cabinet system be reviewed so that the next administration will have the option of a more democratic and inclusive alternative.”

The Portfolio Holder for Governance indicated that he was not opposed to a further review of the Cabinet system in due course but that it was too close to the May 2015 elections to begin what would be a significant and complex piece of work, and such a review was properly a matter for the next Council. In the meantime, the current arrangements appeared to be working quite well.

Councillor B Murphy attended and spoke on the motion.

RESOLVED

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

44 NOTICE OF MOTION - EMERGENCY POWERS

Cabinet considered the following motion which had been moved by Councillor Arthur Moran and seconded by Councillor David Brickhill at the Council meeting on 17th July 2014 and referred to Cabinet for consideration:

“That the Constitution Committee carefully define ‘emergency’ so that emergency powers are used only in a real emergency.”

Councillor A Moran had been asked to clarify the reasoning behind the motion and had commented that his Group was concerned that officers were using emergency powers when there was no emergency. The objective of the motion was to ensure that decisions which had been made by members were not reversed without their consent, and also to prevent officers from making decisions which should have been made by Council or the appropriate Committee.

The term ‘emergency powers’ in the motion was assumed to refer to urgent decisions taken by officers.

In some circumstances, officers were empowered to take urgent action without the need to seek authority from a committee or other decision-making body in order to ensure that there were no delays in action being taken.

Council had only recently agreed the current officer scheme of delegation at its meeting on 14th May, having received an appropriate recommendation from the Constitution Committee. The scheme set the limits of powers delegated to Council officers, and other Council arrangements were sufficient to ensure that these powers were properly exercised.

Councillor A Moran attended the meeting and spoke on the motion.

RESOLVED

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

45 NOTICE OF MOTION - CHANGES TO MEETING VENUES

Cabinet considered the following motion which had been moved by Councillor S McGrory and seconded by Councillor Penny Butterill at the Council meeting on 17th July 2014 and referred to Cabinet for consideration:

“The Council expresses dissatisfaction that the Southern Planning Committee, not for the first time, was displaced from its established meeting room which had been booked a year in advance. Instead it had to use the Library with no sound system and delayed IT. This was to make way for an appeal hearing which could and should have been accommodated elsewhere.

If a Council committee is booked for a specific venue, under no circumstances should it be relocated elsewhere unless the room is made unavailable by an emergency such as a fire”.

Details of the venues for all of the Council’s public meetings were posted on the Council’s website and are included on a notice displayed on various Council notice boards.

Rule 26.1 of the Committee and Sub-Committee Procedural Rules provided that there would be a presumption against alterations to the date, time and venue for meetings. However, there would be occasions when it would be necessary to relocate venues, for example where rooms were required for elections preparation or to accommodate the current Local Plan examination hearing. In such circumstances, the Democratic Services Officers would inform Members as soon as possible, giving the reasons for the change.

In the example referred to in the motion, the reason for the change in the venue of the Southern Planning Committee meeting was that a Planning Inquiry had been scheduled to take place over a number of days and the room would not have been available in time for the Committee meeting to take place there.

It was felt that the wording of the motion, if accepted, would create inflexibility from an operational perspective and that the existing arrangements were sufficient to address the matters referred to in the motion. However, it was important for officers to provide members with an explanation for any changes to meeting arrangements and the Chief Executive was asked to reinforce this message to officers.

Councillor B Murphy spoke on the motion in the absence of Councillor McGrory.

RESOLVED

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

46 NOTICE OF MOTION - MEMBERS' HANDBOOK

Cabinet considered the following motion which had been moved by Councillor Penny Butterill and seconded by Councillor Andy Barratt at the Council meeting on 17th July 2014 and referred to Cabinet for consideration:

“That the Members’ Handbook be published in hard copy to all Members.”

The Handbook was maintained by Governance and Democratic Services and was made available to Members via the intranet. It was updated, on average, about 30 times a year, with the updated information being immediately available via the Intranet.

Upon election to the Council, all Members were provided with a hard copy of the Handbook. It was recommended that this be discontinued and that the Council move to a position where the handbook is issued in electronic (PDF) form and via the Intranet. The practice of issuing paper updates ceased some time ago, reflecting both the cost of their production and the fact that all Members had a Council provided / funded computer, printer and a Broadband connection.

During consideration of this matter, the Deputy Leader announced that he intended to produce an A-Z for Members which would be available online.

Councillor A Moran spoke on the motion in the absence of Councillor Butterill.

RESOLVED

That when elected to the Council, Members be provided with an electronic (PDF) copy of the Handbook which they can store on their Council provided computer and that updates be issued in the same way. In addition, a paper reference copy be maintained in the Members' Room at Westfields and a copy be made available via the Intranet.

47 NOTICE OF MOTION - USE OF IPADS AND TABLET COMPUTERS

Cabinet considered the following motion which had been moved by Councillor Simon McGrory and seconded by Councillor Michelle Sherratt at the Council meeting on 17th July 2014 and referred to Cabinet for consideration:

“That iPads or suitable alternative tablets should be made available to Members at the earliest opportunity.”

Any rollout of tablet computers would need to be phased to meet budget constraints and ensure that the necessary infrastructure and support was in place at the appropriate time. A rollout timetable would also need to recognise that there would be newly-elected Members following the Council elections in May 2015.

The Members' IT Panel, chaired by the Deputy Leader, Councillor D Brown, was well placed to oversee the rollout of tablet computers to Members.

Councillor B Murphy spoke on the motion in the absence of Councillor McGrory.

RESOLVED

That Cabinet agrees in principle to the rollout of tablet computers to all Members as soon as is feasible.

48 STRATEGIC LAND ACQUISITIONS IN SUPPORT OF THE COUNCIL WASTE STRATEGY

Cabinet considered a report seeking approval to acquire strategic land assets to support the Council's Waste Strategy.

The matter was a key decision which had not been published for at least 28 clear days. The Chairman of the relevant scrutiny committee had therefore been consulted and had agreed that the matter may be considered at this meeting.

The acquisition of strategic land assets would have the benefit of minimising landfill and supporting energy from waste initiatives and carbon reduction plans. A strategic approach to asset management for the

Council's environmental operations would also enable the Council to bring forward new employment opportunities to stimulate the local economy.

The acquisitions would be fully funded from the approved Capital Programme and overall Medium Term Financial Strategy, with funding being drawn down from the combined £9.5m North and South Depot Infrastructure project budgets approved by Council in February 2014.

Members received assurances that any proposals in relation to sites acquired would be subject to the relevant planning processes.

RESOLVED

That

1. delegated approval be given to the Director of Economic Growth and Prosperity and the Chief Operating Officer, in consultation with the Executive Director of Strategic Commissioning and Finance Portfolio Holder, to acquire strategic land assets at a price that does not exceed the open market value;
2. the value of a site be determined by the externally appointed Valuer and approved by the Asset Management Service via formal report, making allowances for any benefits or disbenefits and associated ancillary costs of acquisition;
3. delegated approval be given to Director of Economic Growth and Prosperity to authorise any necessary initial feasibility works and related activities, including site clearance, subject to an offer on a site being accepted by the Vendor; and
4. delegated approval be given to the Director of Economic Growth and Prosperity to draw down funding from the combined £9.5m budget of the North and South depot projects to acquire strategic sites to support the existing and future operational needs of the Council's waste delivery programme.

The meeting commenced at 2.00 pm and concluded at 3.35 pm

M Jones (Chairman)