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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 9th February, 2016 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Brown (Vice-Chairman)

Councillors A Arnold, Rachel Bailey, J Clowes, J P Findlow, S Gardner,
P Groves and D Stockton

Members in Attendance

Councillors Rhoda Bailey, S Corcoran, L Durham, S Edgar, I Faseyi, R
Fletcher, D Flude, S Gardiner, M Grant, J Hammond, G Hayes, N Mannion, S
McGrory, A Moran, B Moran, D Newton, M Parsons, S Pochin, B Roberts, J
Saunders, M Warren and G Williams

Officers in Attendance

Mike Suarez, Peter Bates, Caroline Simpson, Bill Norman, Barbara Dale and
Paul Mountford

Apologies

Councillors L Gilbert, M Jones and T Dean

Councillor J Clowes gave apologies that she would have to leave before the
end of the meeting.

86 DECLARATIONS OF INTEREST

There were no declarations of interest.

87 PUBLIC SPEAKING TIME/OPEN SESSION

Sue Helliwell asked if the Council followed Government policy guidelines
when considering planning applications for fast food outlets. She
mentioned that an application had just been passed for a pizza outlet that
was a hundred metres away from a school whereas Government
guidelines required such outlets to be at least 400 metres from a school.
The Chairman asked officers to look into the specific application.

Councillor Simon Yates of Crewe Town Council referred to the proposed
relocation of Crewe Bus Station and asked what this would mean for the
proposed regeneration company for Crewe. He asked what progress had
been made in setting up the company, and including local representatives
from Crewe, and what briefing the Leader would provide to his successor

on the importance of the momentum required in developing both Crewe Town Centre and the HS2 Hub Station. The Portfolio Holder for Regeneration and Assets responded that the Council was working with relevant Government Departments, partners and stakeholders on a growth strategy for the Northern Gateway area and the proposed regeneration company would provide oversight of this work. The momentum in Crewe would be maintained under any future leadership.

David Reeves of D&G Bus welcomed the development of the new bus station in Crewe and asked if the Council would be working with bus operators to make sure that the new development worked. The Portfolio Holder for Regeneration and Assets responded that the Council had engaged with bus operators through workshops and dialogue and would continue to seek and consider their views.

Bob Birchall of the Deafness Support Network commented that the Network had received a telephone call from the Council in December 2015 informing it that services it was currently delivering in Cheshire East were to be stopped well ahead of the contract termination dates. He was concerned about the lack of clarity, transparency and fairness on the part of the Council in reaching this decision, and the lack of any meaningful consultation. The Chairman gave an assurance that the matter would be investigated and that a report on the outcome would be sent to Mr Birchall and to all Members of the Council.

Jonathan Parry commented that the construction of the Middlewich Eastern Bypass was long overdue and that any proposals to consider an alternative route would cause further delay. The Chairman asked Mr Parry for a copy of his notes after the meeting and gave an assurance that the scheme would be progressed.

Steph Risk spoke in support of the Broken Cross Children's Centre in Macclesfield and praised the family support workers at the Centre for their care and support. She expressed concern that the closure of the Centre would have a detrimental effect on the health and wellbeing of many of the people who used it. The Portfolio Holder for Children and Families urged Miss Risk to put her views forward as part of the formal consultation process if she had not already done so. She stressed that de-designation of children's centres was not about cutting services but about delivering services in a different manner to safeguard services for children in the future.

Cliff Ardern asked why the Council was considering the de-designation of Broken Cross Children's Centre when it was one of the busiest. The Portfolio Holder for Children and Families responded that there was a national consultation underway and that the aim was not to take away front line services but to ensure that the Children's Budget was sustainable to deliver for those families that needed to be reached, including those in remote parts of the Borough.

Caroline O'Brien of Community and Voluntary Services Cheshire East referred to numerous voluntary organisations in the Borough which had been informed by the Council that their contracts were to be terminated. She expressed concern on behalf of those organisations at the lack of consultation or a clear explanation as to why their contracts were to be terminated. She added that the Council appeared not to have carried out an impact assessment on any of the contracts affected and on that basis asked the Council to reconsider its decision. The Chairman and the Portfolio Holder for Adults, Health and Leisure undertook to look into the issues raised and to provide a written reply.

At the conclusion of public speaking, the Chairman thanked those who had attended the meeting to speak.

88 QUESTIONS TO CABINET MEMBERS

Councillor S Corcoran referred to a letter from Fiona Bruce MP to Churches Together in Sandbach in November 2015 indicating that to her knowledge Cheshire East Council had not registered with the Government to accept Syrian Refugees. Councillor Corcoran asked what progress had been made since November. The Chairman replied that the Council had accepted a number of lone children but that it was important to have the right infrastructure in place in order to receive refugees. The Deputy Cabinet Member for Communities added that this could only be achieved by obtaining clarity on funding and through agreements with other councils at a sub-regional level. The Council had registered with the Home Office its intention to participate once the details had been worked out.

Councillor D Flude asked, in connection with safe cycling routes, if the emissions monitors in certain roads in Crewe and Nantwich could be checked to make sure they were accurate. The Chairman asked Councillor Flude to provide details of the locations so that the monitors could be checked.

Councillor N Mannion expressed concern that some of the data being used in connection with the current children's centre consultation was out of date, inaccurate or missing. He asked for assurances that the data being used was the 2015 indices of deprivation data, was accurate and that the projected population of 0-4 year-olds had been included. The Portfolio Holder for Children and Families undertook to look into the matter and provide a written reply.

89 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 19th January 2016 be approved as a correct record.

90 CLEAN FOR THE QUEEN 2016

Cabinet considered a report seeking approval to support the Clean for The Queen campaign, due to take place in March 2016 in the run up to the Queen's 90th birthday in April. Support would be made both financially and through an active media and communications campaign.

RESOLVED

That

1. the Council actively promote and publicise, through the communications and media team, the Clean for The Queen campaign and associated resources made available through the Clean for The Queen Local Authority Resource Pack;
2. the campaign encourage all communities across Cheshire East to get involved with the national campaign to Clean for The Queen and join forces with litter charities across the whole of the Country, groups specifically targeted to include: existing clean teams, schools, colleges and the university, uniformed groups, faith groups, voluntary and community groups and individuals who want to come together to be a part of the largest litter blitz throughout the UK;
3. a small grants fund totalling £7,000 be made available to allow people to apply, through a simple application process, for a litter picking pack consisting of 6 litter pickers, 6 bag hoops, 6 high visibility vests, a quantity of bin liners and a box of disposable gloves;
4. the litter picking packs be retained by the groups to continue to clean their local areas; information be provided on how to formalise groups into a clean team or to join an existing clean team and provide a legacy beyond the Clean for The Queen campaign; and
5. applications for, and distribution of, the litter packs be managed by the Partnerships and Communities Team in-conjunction with ANSA Environmental Services, the application to be judged against a set of principles for groups coming together to use the equipment for the campaign and to continue to use it once the initial Clean for The Queen campaign has been completed; principles to include committing to using the equipment during the period of 4th, 5th and 6th March, agreeing to provide before and after photographs of the area cleaned and committing to the consideration of either completing on-going clean-ups of their local area or joining an existing clean team.

91 CREWE TOWN CENTRE BUS INTERCHANGE FACILITY

Cabinet considered a report proposing that the Royal Arcade site in Crewe Town Centre be the location for a replacement town centre bus interchange facility for Crewe.

The option appraisal study had identified three sites which scored the highest from amongst the 11 sites considered, with the Royal Arcade site scoring the highest. This location had also been supported through the findings of the public consultation, with 61% wanting an improved or new town centre bus interchange included within the Royal Arcade site.

RESOLVED

That Cabinet agrees to

1. the selection of the Royal Arcade site as the location for a replacement town centre bus interchange facility for Crewe;
2. the proposed specification for the replacement town centre bus interchange, detailed in Appendix 2 to the report, which meets the requirement to provide a safe, accessible, managed environment as a central hub for waiting and interchange for bus passengers in the town centre;
3. vire the current budget allocated towards the cost of the “Crewe Replacement Bus Interchange Facility” in the Council’s Capital Programme 2015/16-2017/2018 to the “Crewe Town Centre Regeneration Programme” capital budget, from which this project will be funded and managed; the final contribution the Council makes towards the cost of the bus interchange, to be delivered by the appointed developer, to be based upon quality and viability rather than cost alone;
4. this approach being taken forward as part of the process of procuring a development partner for the overall Royal Arcade site, to ensure effective integration within a comprehensive new development, and demonstrate best value in terms of securing competitive proposals from potential developers for the bus interchange element of the development; and
5. note that a final decision on the appointment of a development partner and scheme, including a town centre bus interchange facility, will be brought back to Cabinet prior to any contractual commitments being made.

92 ADULT SOCIAL CARE FEE RATES

Cabinet considered a review of the fees paid to care providers within adult social care.

The Council had commissioned Red Quadrant to carry out a review in 2015/16. The Council received the final report from Red Quadrant in October 2015 and took into consideration the views of providers following a series of engagement events and questionnaires. The report detailed

final recommendations from officers having taken account of the consultants' report and feedback from providers.

RESOLVED

That Cabinet

1. notes the two Care Home Fees and Home Care Fees reports produced for the Council by RedQuadrant attached to the report as Appendix 1 and 2;
2. endorses the increased fee rates detailed in Section 6.2 of the report, with an estimated cost of £5.44m in 2016/17;
3. endorses the implementation of the new rates beginning in April 2016;
4. commissions and authorises the Director of Adult Social Care, in consultation with the Portfolio Holder, to explore with providers the impact of the fee structure remaining at its current levels until April 2016; and
5. authorises the Director of Adult Social Care to recommission the home care provision to the Council, seeking to co-produce a new arrangement between the customers and residents, providers, advocates and the Council in order to deliver outcomes-based provision.

93 SOCIAL CARE CASE MANAGEMENT SYSTEM PROCUREMENT

Cabinet considered a report on the procurement of a case management system to support the implementation of the Care Act 2014 for Adult Social Care and to deliver for Children's social care services. The report sought approval to award a contract to LiquidLogic at a cost of £2.4m for 5 years until March 2021.

RESOLVED

That

1. the procurement and award of contracts for the LiquidLogic Children's and Adults Social Care Case Management System be approved at an estimated cost of £2.4m over a five year contract period, via the Crown Commercial Service RM1059 Local Authority Software Applications Framework (LASA Framework) in accordance with the Public Contracts Regulations 2015 and Cheshire East Borough Council's Contract Regulations;
2. a supplementary capital estimate of £2.4m be approved, funded by £0.75m Adult Social Care grant funding, held within the Commissioning

Capital Systems budget and virement of £1.65m from the existing approved Strategic Initiatives allocation; and

3. authority be delegated to the Chief Operating Officer in consultation with the Portfolio Holder:
 - to enter into all necessary contractual arrangements to deliver the solution; and
 - to use the LASA Framework to procure the LiquidLogic Children's and Adults Social Care Case Management System.

94 2015/16 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 2015/16.

The third quarter review showed how the Council was continuing to build on the positions achieved in the last two years, which demonstrated that the overall financial health, performance, resilience and value for money at Cheshire East Council was strong despite taking £70m out of its cost base since 2011, and freezing Council Tax for the fifth consecutive year. Savings had been consistently achieved through permanent savings of £5m in management costs, efficiency, removing any duplication of effort, and a planned programme of asset disposals. This approach had protected funding provided to front line services. The Council's reserves strategy remained effective, with a forecast underspend of £0.3m. Further details were set out in Annex 1 to the report.

RESOLVED

That

1. Cabinet notes the third quarter review of 2015/16 performance in relation to the following issues:
 - the summary of performance against the Council's 5 Residents First Outcomes (Section 1);
 - 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 182 to 193 and Appendix 4);
 - fully funded supplementary capital estimates and virements up to £250,000 approved in accordance with Finance Procedure Rules (Appendix 5);
 - changes to Capital Budgets made in accordance with the Finance Procedure Rules (Appendix 8);
 - treasury management investments and performance (Appendix 9);

- management of invoiced debt (Appendix 11);
- use of earmarked reserves (Appendix 12);
- update on workforce development and staffing (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 10).

3. Cabinet recommends that Council approve

- fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules (Appendix 7).

95 THE COUNCIL'S CORPORATE PLAN 2016/20 AND MEDIUM TERM FINANCIAL STRATEGY 2016/19

Cabinet considered a report on the Council's Corporate Plan for the years 2016/17 to 2019/20 and the Medium Term Financial Strategy for the years 2016/17 to 2018/19.

The report summarised the resolutions that Cabinet were requested to recommend to Council at Appendix A. It provided the Corporate Plan for the period 2016/17 to 2019/20 at Appendix B, and the Medium Term Financial Strategy (MTFS) Report (containing the Budget) for the period 2016/17 to 2018/19 at Appendix C.

The Portfolio Holder for Finance and Assets reported that the Government had announced the day before the Cabinet's meeting that the Council would receive transitional grant of £2.97M in 2016/17 and again in 2017/18. He also informed Cabinet that the Corporate Overview and Scrutiny Committee at its meeting on 4th February 2016 had made no specific comments in relation to the report.

RESOLVED

That

1. Cabinet recommends to Council the items at Appendix A to the report; and
2. Cabinet notes:
 - (a) The Budget Engagement exercise undertaken by the Council, as set out in the attached (Appendix C, Annex 2).

- (b) The comments of the Council's Chief Operating Officer (Section 151 Officer), contained within the MTFFS Report, regarding the robustness of estimates and level of reserves held by the Council based on these budget proposals (Appendix C, Comment from the Chief Operating Officer).
- (c) The risk assessment detailed in the MTFFS Report (Appendix C, Annex 5).
- (d) That the estimates and profiling contained within the proposed Capital Programme 2016/17 to 2018/19 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 C, Annex 12).
- (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 C, Annex 12).

96 TREASURY MANAGEMENT STRATEGY AND MRP STATEMENT 2016/17

Cabinet considered the Treasury Management Strategy and MRP Statement 2016/17.

The key elements of the strategy for 2016/17 were for the Council to:

- Retain capital financing costs within an affordable limit of c.£14m.
- Not enter into any overall additional external borrowing in 2016/17.
- Take an appropriate approach to risk if short term loans were required, by only borrowing from lenders identified in the strategy.
- Maintain security of investments by only using counterparties detailed in the strategy.
- Support a flexible approach to treasury management that could react to opportunities and market conditions to maximise effectiveness, whilst protecting the public funds managed within the strategy.

The Treasury Management Strategy was set out in Appendix A to the report and had been reported to the Audit and Governance Committee on 10th December 2015 for scrutiny purposes.

RESOLVED

That Council be recommended to approve the Treasury Management Strategy and the MRP Statement for 2016/17 as set out in Appendix A to the report.

97 DRAFT RISK MANAGEMENT POLICY STATEMENT / STRATEGY AND OUTLINE FRAMEWORK

Cabinet considered a new draft risk management policy statement and strategy and an outline of the risk management framework underpinning the policy statement.

The new risk management policy statement and strategy had followed a comprehensive review of the Council's risk management arrangements. The Audit and Governance Committee at its meeting on 10 December 2015 had recommended their adoption.

The Chairman placed on record his thanks to the late Jon Robinson for his work on the risk management policy and strategy.

RESOLVED

That

1. the new Risk Management Policy Statement and Strategy as set out in Appendix A to the report be approved; and
2. the Outline Framework in Appendix B be noted.

98 NOTICE OF MOTION - LIVING WAGE

Cabinet considered the following motion which had been moved by Councillor Brian Roberts and seconded by Councillor Nick Mannion at the Council meeting on 17th December 2015 and referred to Cabinet for consideration:

"Cheshire East Council notes that Preston City Council in partnership with "Unlock Democracy" is considering submitting the following proposal to government under the Sustainable Communities Act:

"To delegate power to local authorities to compel all private and public sector employers within their area to pay the Living Wage. The rate of the Living Wage to be determined in accordance with the rates set by the Living Wage Foundation for London and outside London."

The Council notes that this power could massively reduce in work poverty and benefit the local economy through a multiplier effect in

each local authority area it is introduced. As part of the negotiating process with the relevant Secretary of State we would expect all or some of the benefits to government through higher taxation and reduced spending on benefits to be used to enforce the new power and help local businesses who may struggle to move to the new rate.

The Council resolves to express its interests in joining Preston City Council in any collective submission to government under the Sustainable Communities Act and to work together with Unlock Democracy to gain support for the proposal from other Councils in the region and across the country.”

Councillors Roberts and Mannion attended the meeting and spoke in support of the motion.

RESOLVED

That for the reasons set out in the report, the motion be rejected.

99 NOTICE OF MOTION - PAY RATIOS

Cabinet considered the following motion which had been moved by Councillor Sam Corcoran and seconded by Councillor S Hogben at the Council meeting on 17th December 2015 and referred to Cabinet for consideration:

“That this Council should publish pay ratios as recommended by the High Pay Centre and should move towards a situation where the highest paid workers in Cheshire East Council earn no more than 10 times the lowest paid workers.”

Councillor Corcoran attended the meeting and spoke in support of the motion.

RESOLVED

That for the reasons set out in the report, the motion be rejected.

100 MIDDLEWICH EASTERN BY-PASS FEASIBILITY STAGE

Cabinet considered a report seeking authority to undertake the necessary work to inform a decision on whether or not to use the planning approval for the original route of the Middlewich Eastern By-pass.

Because time had elapsed since the scheme’s inception, circumstances affecting the scheme had evolved. The strategic intent and objectives of the scheme therefore needed to be confirmed and developed.

RESOLVED

That Cabinet

1. authorises the Highways Portfolio Holder, in conjunction with the Executive Director of Economic Growth and Prosperity, to commission the collection of evidence; production of the evidence base; concept definition and Statement of Case for the Scheme and all the objectives that it is required to deliver;
- 2 authorises the Highways Portfolio Holder, in conjunction with the Executive Director of Economic Growth and Prosperity, to commission the necessary investigation, analysis and design work including: mapping of constraints and opportunities; transport modelling; preliminary alignment designs; Transport Assessment; cost estimates; cost-benefit and viability assessments; and a funding contributions / CIL strategy; these tasks enabling the Council to develop a robust Options-Assessment Report and Outline Business Case, both being necessary elements of any future planning application and delivery programme;
- 3 in order to comply with the CDM Regulations, authorises the Highways Portfolio Holder, in conjunction with the Executive Director of Economic Growth and Prosperity, to appoint a Principal Designer at this stage;
- 4 authorises the Highways Portfolio Holder, in conjunction with the Executive Director of Economic Growth and Prosperity, to commission the necessary environmental and ecology surveys that are seasonally dependent and whose omission would otherwise impose delays to delivering the Scheme;
- 5 delegates authority to produce and implement a Community-and-Stakeholder Engagement Plan to the Executive Director of Economic Growth and Prosperity;
- 6 approves the proposed governance structure; and
- 7 agrees that results be reported back to Cabinet for a decision on the preferred option and for further authorisation.

101 **PROGRESSING THE COMMUNITY INFRASTRUCTURE LEVY (CIL)**

Cabinet considered a report seeking approval to prepare a Community Infrastructure Levy Charging Schedule for the local planning authority area administered by Cheshire East Council.

The Council was now sufficiently advanced in the preparation of its Local Plan Strategy for it to introduce a CIL Charging Schedule to help deliver

the infrastructure needed to support the development proposals identified in the LPS and its accompanying Infrastructure Delivery Plan.

RESOLVED

That

1. the undertaking of all work necessary for the preparation and approval of a Community Infrastructure Levy Charging Schedule for the local planning authority area administered by Cheshire East Council be endorsed; and
2. a detailed implementation plan and programme be devised to set out the principal stages for the preparation of CIL, to include the opportunity to re-appraise the Council's approach in the light of the outcomes of the Government Review of CIL.

102 **PETER MASON LEISURE CENTRE**

Cabinet considered the findings of surveys of the condition of the pool and surrounding area at the leisure centre to consider an option that would enhance and maximise the leisure offer for the residents of Congleton.

Significant investment was required to enhance the leisure centre. Whilst a refurbished pool appeared to be within the current budget, there was a risk that this approach could incur greater expenditure and in turn delay the project. When comparing the potential levels of investment against the whole life span of the facility, a new pool construction represented a more economical solution in the longer term.

RESOLVED

That

1. following the completion of the intrusive surveys to the pool (summarised in Appendix 1 to the report), the recommended option for the Peter Mason Leisure Centre be the construction of a new pool and pool hall in conjunction with a refurbishment of the dry side offer;
2. Officers be authorised to commence the procurement of a strategic leisure development partner (Development Partner) to explore finance options and deliver the new and refurbished facility;
3. in consultation with the Leader and Portfolio Holder (Open Spaces), delegated authority be given to the Chief Operating Officer in consultation with the Director of Legal Services to decide on the appropriate procurement route to appoint a Development Partner and enter into and finalise the agreements required to deliver the new pool and refurbished leisure centre and such documentation that is required

for the Everybody Sport and Recreation Trust (ESAR) to operate the leisure centre; and

4. it be noted that once a preferred Development Partner is identified officers will return to Cabinet for the authority to appoint that Development Partner and proceed in delivering the facility.

103 **ENVIRONMENTAL SERVICES OPERATING CONTRACT**

Cabinet considered a request from the Council company Ansa Environmental Services Ltd for an extension to its existing contract for the delivery of Waste and Environmental Services.

In its first year of trading, Ansa had delivered the contract efficiencies required by the Council whilst at the same time exceeding its performance indicators and delivering a profit from its operations. In order to deliver future benefits, however, there was a need for Ansa to let new waste and recycling processing contracts that would require a 10-15 year service commitment. Ansa Environmental Services Ltd had therefore proposed a 10 year extension to its existing contract due to expire on 1st April 2021 to give an unelapsed period of 15 years from 1st April 2016 (ending 1st April 2031) with a rolling one year extension each year thereafter, assuming the company had achieved the appropriate performance standards.

Councillor J Hammond, Chairman of ANSA, attended the meeting and outlined the achievements of the company to date. The Portfolio Holder for Open Spaces thanked Councillor Hammond for his effective chairmanship of the Board.

RESOLVED

That Cabinet grants delegated authority to the Portfolio Holder for Open Spaces in consultation with the Chief Operating Officer and Director of Legal Services to vary the Service Operating Contract of Ansa Environmental Services and associated agreements, subject to due diligence being undertaken by Legal, Procurement and Finance.

Note: Having given her apologies at the start of the meeting, Councillor J Clowes left the meeting before the item 'Determination of Local Authority Co-ordinated Scheme and Admission Arrangements' was considered.

104 **DETERMINATION OF LOCAL AUTHORITY COORDINATED SCHEME AND ADMISSION ARRANGEMENTS**

Cabinet considered a report seeking approval of the coordinated scheme and admission arrangements for 2017 and subsequent years subject to any review.

The coordinated scheme (Annex 1 to the report), would apply to applications for places in all publicly funded mainstream primary and

secondary schools (i.e. including academies) for the school year 2017-18. The proposed admission arrangements (Annex 2) included the overall procedure, practices, criteria, published admission number (PAN) and supplementary information to be used in deciding on the allocation of school places. Current admission numbers and proposed changes for community and voluntary controlled schools for 2017 were set out in Appendix 1.

RESOLVED

That Cabinet approves

- the proposed coordinated admission scheme, which all local authorities are required by section 88M of the School Standards and Framework Act 1998 (SSFA) to have in place (Annex 1 to the report); and
- the proposed admission arrangements for Cheshire East community and controlled schools, which are the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places (Annex 2).

105

INDEMNITIES FOR MEMBERS AND OFFICERS

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman was of the opinion that by reason of special circumstances as specified below, this item should be considered at the meeting as a matter of urgency.

Prior to consideration of the item, the Chairman asked if any member wished to declare an interest. No interests were declared.

The report set out the current powers available to local authorities in relation to the provision of indemnities to Members and Officers.

This matter had previously been considered by the Shadow Authority twice in 2008. In July of that year an indemnity had been put in place for 'those individuals acting in a representative capacity on behalf of the Authority.' In December 2008 an indemnity was put in place for Officers. As a result of the 2008 decisions, no indemnities were currently in place for current or former Members, or for former Officers. The absence of any indemnity for Members and former Officers was a serious matter which it was recommended should be remedied as a matter of urgency.

RESOLVED

That

1. Members and Officers be indemnified to the maximum extent permitted under the Local Authorities (Indemnities for Members and Officers) Order 2004 ('the 2004 Order').
2. The indemnity under paragraph 1 above shall have retrospective effect from the establishment of the Council on 1 April 2009.
3. The indemnity under paragraph 1 above shall extend to former Members and former Officers; but only in respect of matters arising in relation to the period/s during which they were Members or Officers.
4. The Director of Legal Services (or, if he is unavailable or conflicted, the Deputy Monitoring Officer) be given authority (in consultation with the Chief Executive (or, if he is unavailable or conflicted, the Deputy Chief Executive)) to put in place such arrangements as he considers appropriate for the provision of independent external legal support for persons he considers reasonably entitled to rely upon the indemnity under paragraph 1 above.
5. The costs incurred pursuant to paragraph 4 shall be met from the Legal Services Budget in the first instance with any additional funding being met from the General Reserve.

The meeting commenced at 2.00 pm and concluded at 4.45 pm

Councillor D Brown (Chairman)