

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Tuesday, 30th June, 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, J P Findlow, L Gilbert, P Groves and  
D Stockton

## **Members in Attendance**

Councillors D Bailey, S Brookfield, C Chapman, S Corcoran, T Dean,  
B Dooley, I Faseyi, D Flude, M Grant, S Hogben, J Rhodes, L Smetham,  
G Walton and G Williams

## **Officers in Attendance**

Mike Suarez, Peter Bates, Caroline Simpson, Anita Bradley, Heather  
Grimbaldeston, Sarah Smith and Paul Mountford

## **Apologies**

Councillors A Arnold and A Moran

## **1 DECLARATIONS OF INTEREST**

Councillor Michael Jones declared a non-pecuniary interest as a board member of Alderley Park Limited and announced that he would be abstaining from voting on the agenda item relating to the Alderley Park Development Framework.

Councillor Rachel Bailey also announced that she would take no part in the discussion on that item and would also abstain from voting.

## **2 PUBLIC SPEAKING TIME/OPEN SESSION**

A number of speakers spoke in relation to proposed changes to the provision of carer respite services. Sue Helliwell wondered if private care homes would pay the living wage, whether the quality of care would be as good and whether any members of the Council or its staff stood to gain financially from the closure of in-house facilities. Charlotte Peters Rock referred to a petition which would be submitted to the Council meeting in July; she felt that the proposed changes were unnecessary and that the report on the agenda lacked substance. Kevan Larkin felt that the proposed changes would make carers vulnerable and he warned of the consequences if carers became ill. David Wood questioned whether there were sufficient replacement beds available in the independent sector and he felt that the proposed changes would place more financial pressure on

carers and their clients. Sue Molesworth was conducting a study of Lincoln House in connection with her PhD. She commented that the most valuable assets in such facilities were the intangible ones such as the knowledge and experience of the people who worked there. Organisations which valued such assets had a competitive advantage. Jean Bennett referred to a number of care homes in the independent sector which she claimed were ill-prepared to provide respite care and would charge significantly higher fees.

The Leader of the Council responded that the Council was committed to providing high quality respite care through the independent sector which he was confident had the capacity to meet demand within the Borough. The Council would look to pre-book beds to ensure the availability of beds at reasonable charges. The Portfolio Holder for Adults, Leisure and Health, Councillor J Clowes, added that many of the people currently using Lincoln House and Hollins View were also using the independent sector.

Sylvia Dyke referred to the unplanned development taking place in Alsager and urged the Council to protect Fanny's Croft which was the only remaining significant piece of open space in the town. The Leader gave his assurance that the Council would do everything it could to prevent the development of the land.

### **3 QUESTIONS TO CABINET MEMBERS**

Councillor D Flude referred to the health implications of people spitting in the street and asked how many offenders had been prosecuted. She also asked if the Council had criteria which it used consistently when assessing children requiring special educational needs. The Leader undertook to provide written replies to the questions.

Councillor S Corcoran asked what contingencies the Council had in place in case the Local Plan was not ready in time. The Leader responded that there were a number of contingencies including neighbourhood plans.

Councillor D Bailey paid homage to the service provided at Lincoln House, and he thanked the staff there for the care a family member of his had received. In this respect, he regretted the proposal to provide respite services elsewhere in the independent sector. The Leader responded that the Council had to take tough decisions in tough times and that local authorities across the north-west were doing the same, many having taken these decisions some time ago.

Councillor B Dooley asked whether, if Hollins View remained open, Council tax would have to increase. Councillor Clowes responded that if the Council did not start providing social care and health care in different ways the situation would become unsustainable.

#### **4 MINUTES OF PREVIOUS MEETING**

##### **RESOLVED**

That the minutes of the meeting held on 21<sup>st</sup> April 2015 be approved as a correct record.

#### **5 MOVING TO LOCAL AND PERSONALISED CARER RESPITE - UPDATE**

Cabinet considered a report on proposed changes to carer respite services.

It was proposed that residential carer respite provision would cease to be provided at the Hollins View and Lincoln House sites as of 31<sup>st</sup> December 2015 and alternative carer respite support be secured from the independent sector.

It was noted that whilst the services provided at the two sites were of a good standard, they were high cost in comparison to similar services provided in the independent sector. The Council could secure quality residential respite from the independent sector at a substantially lower cost. Whilst there was a variation in care home charges across the Borough, the equivalent number of bed nights provided by the Independent sector would cost (on average) 48% less than the in-house service costs.

The changes proposed in the report would release funding for investment in the expansion of the range of carer respite support services that would enable the growing demand for support to be met in future. The proposal would release £1.3 million per annum for reinvestment. In addition, the options appraisal had concluded that the option to provide residential respite to older people and people with dementia and other long term conditions in the independent sector was the strongest option to meet the future predictions of need.

In considering the matter, Cabinet had regard to the options appraisal, an equality impact assessment, the outcome of consultation with service users and carers and four public petitions.

##### **RESOLVED**

That

1. residential carer respite provision cease to be provided at the Hollins View and Lincoln House sites as of 31<sup>st</sup> December 2015 and alternative carer respite support be secured via a formal tender process in various areas across the Borough; Lincoln House and Hollins View continue to offer carer respite beds until 31<sup>st</sup> December 2015;

2. residential carer respite provision for adults with learning disability continue to be provided at the Lincoln House site; and
3. the officers in consultation with the Portfolio Holder as appropriate be authorised to take all necessary steps to implement the decisions.

## **6 NOTICE OF MOTION - LOCAL DEMOCRACY**

Cabinet considered the following motion which had been moved by then Councillor K Edwards and seconded by Councillor D Newton at the Council meeting on 26<sup>th</sup> February 2015:

*“This Council recognises the value of local councils throughout Cheshire East. It wishes to work in partnership with them on a continuous basis to improve the well-being of local residents, the prosperity of local businesses, and to enhance the quality of the visitor welcome throughout the borough.*

*“In particular, this Council recognises the strong programme of support for local democracy through:*

- a. welcoming the establishment of new local councils for Crewe, Handforth, Styal, and Wilmslow;*
- b. welcoming the forthcoming establishment of a local council for Macclesfield;*
- c. supporting the work of the National association of Local Councils, through partnership with Cheshire Association of Local Councils;*
- d. looking every opportunity to work positively with local councils to attract external resources, including grants, to improve the quality of life for local residents.”*

It was noted that the Council had undertaken a number of community governance reviews resulting in all areas of the Borough now being parished. It had also provided financial support for the Cheshire Association of Local Councils and Cheshire Community Action, and had assisted town and parish councils in finding external funding. In short, the Council was demonstrably supportive of local communities and local democracy.

## **RESOLVED**

That the motion referred to in paragraph 1.1 of the report be noted.

## **7 NOTICE OF MOTION - OFSTED**

Cabinet considered the following motion which had been moved by Councillor D Flude and seconded by Councillor I Faseyi at the Council meeting on 26<sup>th</sup> February 2015 and referred to Cabinet for consideration:

*“This Council calls on the Secretary State for Education to mandate Ofsted that it will inform this and other Boroughs Nationally when private, not for profit or charitable residential homes for children and young people are opened in a Borough, thus informing that Borough that there are Children or Young people residing in that Borough who were not residents of that Borough before their placement”.*

The report outlined four stages of awareness in respect of the initial establishment of a Children’s Home and subsequent notification. Children’s Home providers based in Cheshire East were requested to notify the local authority when a child from outside the Borough was placed. This supported the required notification from the placing authority.

## **RESOLVED**

That, whilst recognising that the placement of children across local authority boundaries has been of concern regionally and nationally, for the reasons set out in the report, and it being noted that the Council has been highly successful in the last three years in reducing children placed in external residential care by 33%, the motion referred to in paragraph 1.1 of the report be rejected.

## **8 NOTICE OF MOTION - TRANSITION TO WORK**

Cabinet considered the following motion which had been moved by then Councillor K Edwards and seconded by Councillor L Jeuda at the Council meeting on the 26<sup>th</sup> of February and referred to Cabinet for consideration:

*“Cheshire East Council is committed to encouraging economic growth for the area in general, and to offer opportunities to residents for gainful employment.*

*The Council will therefore:*

- a. ensure that the local living wage is paid as a minimum throughout all the companies where it has overall control;*
- b. encourage, through contractual arrangements, the local living wage as a minimum by those companies from which it procures services and materials;*
- c. encourage the location of highly skilled and well paid jobs in Cheshire East;*
- d. provide and encourage a full range of apprenticeship schemes throughout the Borough, and throughout those companies with which it has contractual arrangements;*
- e. provide and encourage high level training courses to ensure that school and college leavers have the best opportunities available;*
- f. target young people who are not likely to be in education, training or employment when they leave school.”*

The Council fulfilled its legal obligation to pay the statutory minimum wage to all employees (excluding agency workers) and was developing a policy to adopt the 'living wage'. It also encouraged those companies from which it procured services and materials to pay a 'fair' wage to their employees.

The Council continued to invest in the delivery of services to encourage the growth of existing business, and attract new business to the area to create high quality jobs.

Finally, the Council actively encouraged the take up of apprentice schemes, encouraged employers to develop and invest in higher-level apprentice programmes, and supported schools to deliver sound educational training and advice to pre-16 year olds.

## **RESOLVED**

That whilst acknowledging that the ethos of the motion is just, Cabinet does not consider it appropriate for the Council to dictate to businesses how to reward their staff financially and therefore, for the reasons set out in the report, Cabinet rejects the motion, given the investment already being made in supporting policies and activity to encourage economic growth and prosperity in Cheshire East, and to support individuals into gainful employment.

## **9 NOTICE OF MOTION - CONFIDENTIALITY AGREEMENTS**

Cabinet considered the following motion which had been moved by Councillor A Moran and seconded by then Councillor B Murphy at the Council meeting on 26<sup>th</sup> February 2015 and referred to Cabinet for consideration:

*"Subject to statutory and common law requirements and what can be deemed "good and fair practice in relation to innocent third parties", this Council calls for an outright ban on Confidentiality Agreements (aka compromise/non-disclosure/gagging agreements), particularly in relation to financial payments by the Council. In the interests of transparency, honesty and public accountability, the Council requests the Cabinet to produce a protocol or policy document for this Council's approval."*

It was standard good practice for employers to use settlement agreements when an employee left the organisation on voluntary redundancy or following a dispute which had been settled with an agreed payment.

Whilst the Council's standard settlement agreement contained a confidentiality clause in relation to the settlement, it also provided that nothing shall prevent the employee from making a protected disclosure under Section 43(b) of the Employments Rights Act 1996. This achieved a balance of consistently protecting the Council's reputation and in some

cases preventing the legal costs of a protracted dispute, whilst still protecting the former employee's right to raise critical issues through a whistleblowing route.

## **RESOLVED**

That for the reasons set out in the report, Cabinet rejects the motion and resolves to retain the Council's current policy on settlement agreements.

Note: Councillor A Moran had been unable to attend the meeting to speak on this matter but had noted the recommendation in the report.

## **10 NOTICE OF MOTION - INCENTIVE PAYMENTS**

Cabinet considered the following motion which had been moved by then Councillor B Murphy and seconded by Councillor A Moran at the Council meeting on 26<sup>th</sup> February 2015 and referred to Cabinet for consideration:

*"This Council recognises that the successful delivery of its services depends on the team effort of every single employee and therefore calls for the immediate suspension of any performance related pay or bonus scheme that is not available to every single employee."*

The Council's performance related pay policy formed part of the senior management reward package designed to ensure that rewards were linked to the achievement of the 3-Year Council Plan. Its aim was to deliver the highest levels of performance and recognise and reward that performance. The scheme would be reviewed in 2015/16.

## **RESOLVED**

That for the reasons set out in the report, Cabinet rejects the motion.

Note: Councillor A Moran had been unable to attend the meeting to speak on this matter but had noted the recommendation in the report.

## **11 0 - 19 HEALTHY CHILD PROGRAMME**

Cabinet considered a report seeking authority to enter into a contract for 0 – 5 public health services.

Since the Cabinet had last considered the matter at its meeting on 11<sup>th</sup> February 2015, the procurement process for the 0-19 Healthy Child Programme had required a new timeline which meant that all three Healthy Child Programme contracts (Health Visiting, School Nursing and Breastfeeding) would now start on 1<sup>st</sup> October 2015.

The report updated Cabinet on the new procurement timeline and reported that authorisation had been given to the relevant Portfolio Holders, the Director of Public Health and Executive Director of Strategic

Commissioning to enter into a contract for 0 – 5 public health services (Health Visiting and Family Nurse Partnership) with a supplier, such authorisation having been given by way of an urgent decision taken in accordance with Cabinet Procedure Rule 53.

## **RESOLVED**

That following the procurement process, the Council enter into a contract for 0-5 years (Health Visiting and Family Nurse Partnership) with a supplier, it being noted that the authority to enter into a contract has been delegated to the relevant Portfolio Holders, the Director of Public Health and Executive Director of Strategic Commissioning by way of an urgent decision taken in accordance with Cabinet Procedure Rule 53.

## **12 MACCLESFIELD TOWN CENTRE REGENERATION**

Cabinet considered a report on the work undertaken by officers to date to progress alternative regeneration proposals for Macclesfield Town Centre.

After consideration of the various potential delivery mechanisms summarised in the Options Appraisal at Appendix A to the report, officers had identified that the best way forward to facilitate rapid delivery was to promote two alternative sites for sale, to enable consideration of all options the market could deliver. Further details were set out in the report.

## **RESOLVED**

That

1. the Macclesfield Town Centre Development Agreement of 2007 (as amended in 2011) between Cheshire East Council, Wilson Bowden Developments Limited and Barratt Developments Plc be terminated;
2. the Executive Director of Economic Growth and Prosperity be authorised to withdraw the Cheshire East Council (Churchill Way, Macclesfield) Compulsory Purchase Order (CPO) 2014;
3. the proposal to press ahead with securing a leisure-led development for Macclesfield town centre be endorsed and officers be authorised to take all necessary actions to facilitate and secure the sale of an appropriate parcel of Council owned land within the area of the stalled Silk Street development to enable the accelerated delivery of a leisure-focused development, including (but not restricted to):
  - a. Taking any measures necessary to reprovide for any market traders using Churchill Way car park
  - b. Taking necessary measures to amend the Macclesfield Off Street Parking Places Order 2008 (or any replacement order) to enable either Duke Street car park or Churchill Way car park to



be released for development dependent on the granting of planning permission for redevelopment of that car park for a leisure led regenerative development;

- c. Marketing both Churchill Way car park and and Duke Street car park for sale for a regenerative leisure led development to maximise potential opportunities;
  - d. Authorising acquisition of any appropriate associated remaining freehold and leasehold interests relating to the Churchill Way or Duke Street car park sites to enable delivery of a leisure scheme, within approved budgets including taking necessary measures to agree confirmation of a 'lift and shift' agreement for accommodation of the electricity sub-station on the Churchill Way car park site;
4. authority be delegated to the Executive Director of Economic Growth and Prosperity in consultation with the Portfolio Holders for Macclesfield, Regeneration and Assets and Finance and Assets, and the Chief Operating Officer and Head of Legal Services, to authorise the sale of either site for the most advantageous scheme which emerges from the marketing process.

### **13 ALDERLEY PARK DEVELOPMENT FRAMEWORK**

Cabinet considered a revised Alderley Park Development Framework following recent public consultation.

The consultation ran between the 30<sup>th</sup> January and 13<sup>th</sup> March 2015. A summary of the representations made in response to the consultation was set out in Appendix C to the report.

A number of amendments had been made to the draft Development Framework to reflect the views expressed during the public consultation period. A final version of the Framework document was attached at Appendix B.

#### **RESOLVED**

That

- 1. the revised version of the Alderley Park Development Framework appended to the report be approved and its use as a material consideration when determining future planning applications on the site as part of the Development Management process be endorsed; and
- 2. the existing now outdated Alderley Park Planning Brief of 1999 be withdrawn as a Supplementary Planning Document.

Note: the Chairman, Councillor Michael Jones, and Councillor Rachel Bailey did not vote in relation to this matter.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor M Jones (Chairman)