

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 2nd April, 2013 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

Members in Attendance

Councillors Rhoda Bailey, L Brown, I Faseyi, D Flude, S Gardiner, P Groves,
S Hogben, L Jeuda, S Jones, A Kolker, B Livesley, P Mason, A Moran,
B Murphy, D Newton, P Nurse, L Smetham and A Thwaite

Officers in Attendance

Kim Ryley, Paul Bradshaw, Lorraine Butcher, Rachel Musson, Vivienne
Quayle, Mike Rowan, Caroline Simpson, Barbara Dale, Paul Mountford

168 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

169 **PUBLIC SPEAKING TIME/OPEN SESSION**

Fiona Bratherton spoke against recent cuts to the bus services in Cheshire East. She believed that the Council may have contravened the provisions of the Transport Acts of 1965 and 1985 in the way cuts to bus services had been implemented. She also felt that the public consultation had not been the deciding factor in determining which services would be cut, and believed that the way the consultation had been carried out may itself have been unlawful. Furthermore, she claimed that the public had not been made fully aware of which bus services were to be cut and she cited examples of public notices which she claimed gave inaccurate and misleading information on changes to bus services in the Crewe and Nantwich area. Ms Bratherton went on to say that the response she had received from the Council so far had been disappointing. Finally, she made the point that inadequate public transport was a significant barrier to jobless people seeking work. She offered to forward full details of her concerns in writing to the Environment Portfolio Holder.

Councillor D Topping, the Environment Portfolio Holder, undertook to consider the matter and submit a written reply.

170 **QUESTIONS TO CABINET MEMBERS**

There were no questions to Cabinet Members.

171 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 4th March 2013 be approved as a correct record.

172 **KEY DECISION 39 - SHARED SERVICES SEPARATE LEGAL ENTITY**

Members considered a report on the options for future delivery of ICT, HR and Finance services currently delivered through a shared service with Cheshire West and Chester Council.

The report proposed that a Teckal compliant separate legal entity (SLE) be established as a continuation of the drive to bring cultural change, service improvement and future commercialisation to the three service areas ICT, HR, finance. It set out the drivers for change, the opportunities for future commercialisation, the risks of each potential future option and made a recommendation, on the balance of the possible options. The recommended option had been scrutinised in detail by the Shared Services Joint Committee over an extended period, and had been subject to external advice from PWC, a number of key commercial experts and analysis of a full range of alternative solutions.

RESOLVED

That

- (1) Cabinet approves the setting up of a Teckal compliant Separate Legal Entity for the services currently delivered through the ICT and HR/finance shared services, the company to be owned and controlled by Cheshire East, Cheshire West and, depending on timing, a further local authority partner;
- (2) Cabinet approves on-going work by officers and Joint Committee members which is actively seeking an additional partner to deliver the current services ICT/Finance/HR;
- (3) the Separate Legal Entity be developed on a phased basis:
Phase 1: Change programme
Phase 2: Commercialisation
- (4) finance be approved for the establishment of the Separate Legal Entity as detailed in Section 7 of the report, that is, one-off set-up costs of £198k for Cheshire East and up to an additional on-going running cost

for the half year of 2013/14 of £125k, the costs being contained within the budget for 2013/14. This is to be a phased approach with the appointment to each position (except the lead officer) clearly agreed by the Joint Committee subject to progress against the programme plan. Once the lead officer is appointed the additional costs will be reviewed and further staffing appointments will be subject to further discussion and analysis of progress; and

- (5) the decisions relating to the detailed setting up of the Separate Legal Entity be delegated to the Section 151 officers of each authority in consultation with the Chairman and Vice-Chairman of the Joint Committee and the Resources Portfolio Holder, and Cabinet receive a further report on the agreed governance arrangements.

173 **KEY DECISION 38 - DETERMINATION OF ADMISSION
ARRANGEMENTS FOR LOCAL AUTHORITY SCHOOLS**

Members considered a report on the proposed admission arrangements and proposed co-ordination admission scheme for 2014.

No changes were proposed to the admission arrangements and coordinated admissions scheme for 2014, other than changes to the published admission numbers for some primary schools, as listed in the appendices.

Members were advised that the proposed expansion of Mobberley School had been delayed for the time being, and this had been discussed with the Head Teacher.

RESOLVED

That Cabinet approves

- the proposed admission arrangements (for community and voluntary controlled schools (Appendix 1 to the report);
- the proposed coordinated admission scheme (Appendix 2);
- the proposed changes to some school's published admission numbers (Appendix 3);
- the proposed Relevant Area; and
- Notification of the determined arrangements to all consultees within 14 days of determination.

KEY DECISION 50 - ADULT SOCIAL CARE FEES

Members considered a report on terms and conditions of contract for residential and nursing care and on the independent assessment of Social Care Fees paid by Cheshire East Council.

Cheshire East Council (CEC) currently spent over £37 million a year with the residential and nursing care market for older people. Like many other authorities, the Council was facing a significant financial and demographic challenge which would impact on the future demand for residential and nursing care and consequently the ability to fund it.

Whilst demand management was helping to avoid future high cost interventions, there would inevitably be a residual need for accommodation-based care. It was therefore essential that the council obtained maximum value for money whilst ensuring that the quality of care was maintained and care markets were sustainable. To achieve this, the Council's terms and conditions of contract for residential and nursing care had been re-written and an independent assessment of the social care fees paid by the Council had been commissioned to assess if these were 'fair'. Further details were set out in the report.

RESOLVED

That

- (1) the new terms and conditions of contract for Residential and Nursing Care be approved for implementation from 1st April 2013;
- (2) the conclusions of the independent assessment of social care fees conducted by Red Quadrant Consultants be accepted;
- (3) the Council retain fee levels for care services at current levels in 2013/14; and
- (4) the Council be prepared to listen to individual requests from providers for increases where these have been assessed as justified following an open book exercise.

PUBLIC HEALTH TRANSITION - TRANSFER OF ASSETS AND LIABILITIES

Members considered a report on the transfer of assets and liabilities to be transferred from the Primary Care Trust as a result of the Health and Social Care Act 2012.

Under the Health and Social Care Act 2012, the transfer of public health assets and liabilities to local authorities was mandatory. The most significant elements were the staff and the service contracts. A Staff Transfer Scheme had been put into effect by the Secretary of State.

Existing contracts had been rolled forward for twelve months to ensure Service continuity. Re-commissioning would commence during 2013-2014.

RESOLVED

That

- (1) Cabinet notes and acknowledges receipt of the assets and liabilities transferred to the Local Authority from the Primary Care Trust as a result of the Health and Social Care Act 2012; and
- (2) Cabinet notes and acknowledges the rolling over and/or extension of inherited contracts for a one year period pending their re-commissioning in the new financial year.

176 INTEGRATED CARE - PROGRESSING THE 'CONNECTING OF CARE' BETWEEN HEALTH PARTNERS AND THE LOCAL AUTHORITY

Members considered a report on the steps being taken locally to 'connect care' within Cheshire East across the health and social care landscape, and to progress efforts to commission, assess and deliver care together where it made sense for individuals.

Over the next 20 years the percentage of the population over 85 years old in England was forecast to double. Consequently, there would be many more people with complex health and care needs. Alongside the severe financial constraints facing the economy, including pending reforms for the future funding of adult social care, there was a growing consensus that health and social care systems needed to deliver improved value, through simultaneously improving outcomes and cost-effectiveness.

In the Eastern Cheshire Partnership Board, progress had been made in formally establishing an Integrated Care Programme Board. The Memorandum of Understanding for the Integrated Care Programme was attached at Appendix 1 to the report.

Within the South and Vale Royal Partnership Board there was a similar dialogue underway examining what steps needed to be taken to drive forward integration and what form it should take. Further details were set out in the report.

RESOLVED

That

- (1) the progress in securing ongoing commitment to integrated care by partner organisations be noted and endorsed; and
- (2) the signing of the Memorandum of Understanding for the Integrated Care Programme with Eastern Cheshire Partnership Board be supported.

GOVERNMENT'S REGIONAL GROWTH FUND

Members considered a report on two bids to the Government's Regional Growth Fund.

The current 4th round of RGF closed on 20th March, and bids would be appraised by an expert panel, chaired by Lord Heseltine, which would advise Ministers on which bids it believed gave the best value for money to the taxpayer.

Cheshire East Council had submitted two bids:

- 'Cheshire East – Driving the Engine of the North' - an employment sites/premises development programme seeking funding of £7.38m from RGF to support enabling works for commercial development that could be brought forward in the next two years, reflecting already strong demand from existing, growing local businesses. The bid identified eight key sites, five of which were in Council ownership, with three being privately owned. Two reserve sites were also identified. If secured, the funding would facilitate the delivery of 4,777 jobs and the safeguarding of a further 555.
- 'Crewe Deep Geothermal energy centre' - a proposed Joint Venture project seeking £6.4m towards a new centre that would provide renewable heat, and potentially power, for local use to include new housing developments.

RESOLVED

That Cabinet

(1) approves the submission of two Council-led bids to the Government's Regional Growth Fund, in support of:

- Cheshire East – Driving the Engine of the North; (£7.38m RGF bid)
- Crewe Deep Geothermal energy centre (£6.4m RGF bid)

(2) agrees to actively support these bids after submission, through Cabinet Members and local MPs, to increase awareness of the bids and their potential to deliver new jobs quickly, representing an excellent return on Government investment.

NOTICE OF MOTION: THE LIVING WAGE

Cabinet considered the following Motion, proposed by Councillors L Jeuda and G Boston, which had been submitted to Council on 13th December 2012 and referred to Cabinet for consideration:

“Cheshire East Council welcomes and supports the adoption of the Living Wage by the Mayor of London and thirty five councils across the country and will adopt the policy for its own employees. Cheshire East Council will also ensure that companies and organisations commissioned to carry out work on its behalf pay the Living Wage of £7.45 an hour to their employees”.

Councillor Jeuda, as mover of the Motion at Council, attended the meeting and spoke in support of the Motion.

Given the major cost and other implications of such a change, it was recommended that a detailed paper on issues and options be prepared for Cabinet’s consideration.

RESOLVED

That the matter be referred to the Head of Paid Service to examine how the living wage might be introduced, as part of wider planned workforce changes over the next 2 to 3 years, in consultation with the Performance Portfolio-holder, and to report back to Cabinet in due course.

179 OLDER PEOPLE AND DEMENTIA TASK AND FINISH GROUP REPORT

Members received a report of the Older People and Dementia Task and Finish Group.

The Task and Finish Review had been commissioned by the former Health and Adult Social Care Scrutiny Committee on 1st July 2010. The aim of the review had been to consider whether the Council, the NHS and the Voluntary Sector responses to dementia were adequate to meet the challenge of the aging population in Cheshire East. The findings and recommendations of the Task and Finish Group were contained within the final report.

The Health and Wellbeing Scrutiny Committee on 7th March 2013 had endorsed the Task and Finish Group’s report and recommendations.

Councillor S Jones, as Chairman of the Task and Finish Group, attended the meeting and spoke on the matter.

It was proposed that the Health and Adult Care Services Portfolio Holder refer the report to the Health and Adult Social Care Policy Development Group for consideration. Members noted that some of the figures in the Task and Finish Group’s report needed to be updated and asked that this be done when the matter came back to Cabinet.

RESOLVED

That

- (1) the report be received and the Health and Adult Care Services Portfolio Holder undertake to report back to a future meeting of Cabinet with a formal response to each recommendation; and
- (2) the Health and Adult Care Services Portfolio Holder refer the report and applicable recommendations to the Health and Adult Social Care Policy Development Group for consideration.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

M Jones (Chairman)