

CHESHIRE EAST COUNCIL

Minute of a meeting of the **Cabinet**
held on Tuesday, 21st July, 2015 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors A Arnold, Rachel Bailey, J P Findlow, L Gilbert, P Groves,
D Stockton and S Gardiner (deputising for Cllr J Clowes in a non-voting
capacity)

Members in Attendance

Councillors Rhoda Bailey, P Bates, C Browne, S Carter, T Dean, S Edgar, R
Fletcher, D Hough, J Macrae, R Menlove, B Moran, D Newton, J Rhodes and
G Williams

Officers in Attendance

Mike Suarez, Caroline Simpson, Heather Grimbaldeston, Anita Bradley,
Brenda Smith, Judith Tench and Rachel Graves.

All present stood for a minutes silence in respect of the tragic events at
Bosley Mill.

14 APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Clowes.

15 DECLARATIONS OF INTEREST

Councillor D Brown and Councillor J P Findlow declared a pecuniary
interest in relation to Item 6 – Outside Organisation Arrangements 2015-
2019. Both declared that they would take no part in the discussion on that
item and would also abstain from voting.

16 PUBLIC SPEAKING TIME/OPEN SESSION

A number of speakers spoke in relation to the Local Plan Strategy. Peter
Yates spoke about the arrangements whereby Cabinet, and not Council,
was taking the decision in question, and commented on the scale of
growth proposed in the Plan. The Leader responded to the effect that legal
advice had confirmed the decision was a responsibility of Cabinet.

Sue Helliwell spoke about development at Alsager, and the Leader
responded.

Sylvia Dyke welcomed the highways report and requested that a report be made on the Valley Brook area. The Leader noted her comments.

Mr Roden and Patricia Moody spoke in relation to the Gypsy and Traveller Transit Site at Cledford Lane and the use of s106 money to develop the site. The Leader invited both to meet with him to discuss these issues.

17 QUESTIONS TO CABINET MEMBERS

There were no questions to Cabinet Members.

18 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 30 June 2015 be approved as a correct record.

19 OUTSIDE ORGANISATION ARRANGEMENTS 2015-2019

Cabinet considered a report on nominations to Category 1 outside organisations.

Category 1 appointments had been allocated to Cabinet to make. These appointments were to top level strategic organisations at national, regional and local level. Details of the appointments being considered were detailed in the Schedule attached to the Report.

Appointments would be made for the duration of the Council, which was 2015-2019, although it may sometimes be necessary or desirable for them to be reviewed during that time in order to take into account changes for vacancies that may arise.

The three stock Transfer Housing Associations – Peaks & Plains, Plus Dane and Wulvern, were seeking approval to a range of proposed rule changes. The details of these changes were set out in the Appendix to the Report.

RESOLVED: That

- 1 the current approach to appointing to outside organisations be continued and the casual vacancy procedure be used in event of changes in the mid-term period.
- 2 the Schedule of Appointments attached to the Report be approved, and that the appointments run until such time as the Council's representation is reviewed following the election of the new Council in 2019.
- 3 the appointments take immediate effect;

- 4 notwithstanding (1) above, the Council retain the right to review the representation on any outside organisations at any time, for any reason.
- 5 an appropriate arrangement be prepared by officers, in consultation with the Leader of the Council, which will enable nominated Members to provide feedback in respect of their work on key outside organisations, and in respect of the organisations in question.
- 6 the changes to the governance arrangements at the three stock transfer housing associations be approved.

Note: Councillors D Brown and J P Findlow took no part in the debate and did not vote in relation to this item.

20 DEALING WITH PSYCHOACTIVE SUBSTANCES/LEGAL HIGHS

Cabinet noted the report on Dealing with Psychoactive Substances/Legal Highs, which had been considered by the Cabinet Member for Communities at a meeting on 20 July 2012.

The Council was working closely with partners to look at the powers available to assist in the control of these substances, including the new tools and powers within the Anti-Social Behaviour Crime and Policing Act 2014.

It had been recommended that the Council contact retailers who had been identified as selling legal highs or alleged to have sold them. As a follow up to a number of visits already made by Trading Standards to these retailers, it was proposed that a formal letter, signed by the Council and Cheshire Constabulary, be served in person on the relevant premises. The letter would remind them of their obligations around the sale of these products with various warnings attached.

At the meeting the Cabinet Member for Communities had resolved:

- “1 that approval be given to continued joint work with partners to develop a joint approach using current tools and powers, to tackle the supply of legal highs and address any community impacts.
- 2 that the Head of Communities, as Chair of Safer Cheshire East Partnership, sends out a joint letter with the Police to premises believed to be selling legal highs, as exemplified in Appendix 2
- 3 that Cabinet notes the commitment to dealing with this issue”.

RESOLVED:

That the decisions of the Cabinet Member for Communities be noted.

21 ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

Cabinet noted the report on the Anti-Social Behaviour Crime and Policing Act 2014, which had been considered by the Cabinet Member for Communities at a meeting on 20 July 2012.

The report sought approval for the procedures for Public Space Protection Order and Community Protection Order, which were detailed in Appendix 1 to the report, as there was a current demand for these two powers. Fines for breach of both of these powers could entail a Fixed Penalty Notice of up to £100, which once paid would discharge the individual of the offence. It was suggested that the maximum fine of £100 be set without a lower rate for earlier payment

At the meeting the Cabinet Member for Communities had resolved:

- “1 That approval be given to the procedures set out in Appendix 1 of the report to enable the Council to use these powers effectively and swiftly.
- 2 That approval be given to the setting of Fixed Penalty Notice for breaches of these two powers (Public Space Protection Order and Community Protection Order) at a set fee of £100 (maximum fine).
- 3 That Cabinet be asked to note the decision.”

RESOLVED:

That the decisions of the Cabinet Member for Communities be noted.

22 CHESHIRE EAST LOCAL PLAN STRATEGY

Cabinet considered a report on the Cheshire East Local Plan Strategy.

In November 2014, the Inspector appointed to examine the Local Plan Strategy provided the Council with interim views on the soundness and legal compliance of the submitted Local Plan Strategy. On 15 December 2014, the Inspector formally suspended the examination of the Local Plan Strategy to allow the Council to undertake the additional work to address the concerns he raised about the soundness of the Local Plan Strategy in his interim views.

Further work had been carried out within a tight timescale set by the Inspector. The Council established a taskforce of Councillors and officers

to oversee the necessary work, under the leadership of former Councillor Peter Raynes.

The report presented the output of the additional work undertaken during the suspension period which supplemented Local Plan evidence base and requested Cabinet to endorse the suggested revisions to be submitted to the Local Plan Strategy for the Inspector's consideration.

The proposed revisions reflected the changing economic context of Cheshire East and the impact on housing requirement. The suggested revisions did not involve any change to the overall Local Plan Strategy and therefore, fundamentally, it was the same Local Plan supported by an updated evidence base.

At the start of the Local Plan period the nation remained in the grip of the deepest recession for decades. This inevitably coloured the critical assumptions about future growth, development and migration. By 2015 the economic climate had changed and this enabled the Council to move forward with greater assurance of future prosperity.

The additional evidence reflected the changing context with the economic projection moving from 0.4% to 0.7% growth rate. As the economy continued to recover the Council was better able to gauge future potential. In turn the latest demographic data, combined with more optimistic projections for in-migration created a fuller picture of the likely pattern of the workforce and population. It could be said that the Council had not set the target high enough and should have aimed for 0.9% growth or higher. The Council believed that the projections should be based on growth in the private sector and in the context of more efficient public sector and therefore was set at a realistic deliverable position which was 0.7%.

This then drove the need for an uplift in housing numbers – 36,000 homes over a 20 year period, importantly incorporating accommodation for the Borough's ageing population. Additional work to update the Green Belt Assessment and additional highway studies then informed an amended spatial distribution of development.

The updated evidence basis justified the suggested revisions to the submitted Local Plan Strategy. These revisions, along with the full suite of evidence would be submitted to the Inspector by the end of July.

RESOLVED:

That Cabinet endorse the additional evidence and the suggested revisions to the submitted Local Plan Strategy for publication, additional stakeholder engagement and submission, as set out in Appendices 1-9 to the Report.

23 CHESHIRE EAST DOMESTIC ABUSE COMMISSION

The Cabinet considered a report on the Cheshire East Domestic Abuse Commission.

The Council was committed to tackling the cause of harm and had a zero tolerance approach to domestic abuse and did everything that it could possibly do to prevent, protect and provide for those people affected in Cheshire East. The Council worked with partners to move towards a vision of safer families, relationships and communities, as set out in the multi-agency three year Domestic Abuse Strategy developed through the award winning multi-agency Cheshire East Domestic Abuse Partnership.

Currently the Council separately commissioned services for adults and child victims and funds some support for perpetrators to change their behaviour. The end of two major contracts provided an opportunity to streamline funding to procure a service which would deliver an accessible, integrated and co-ordinated whole family response.

It was proposed to tender out this service as there were many organisations in the community, voluntary and faith sector in particular who had great knowledge and experience in these issues. As part of the procurement process the market would be asked to engage in a competitive dialogue procedure to explore what they were able to offer. A service specification had been developed for this more comprehensive and integrated service, including contributions from Adults and Children's Services already agreed, with a small steering group established to oversee the procurement process. Stakeholders had been consulted and had provided input into the procurement process and would work alongside the commissioned services and refer into it. However, the work being commissioned by and the contract would be in the name of the Council.

RESOLVED: That

1. approval be given for a competitive dialogue procurement process of a whole family domestic abuse service and delegated authority be given to the Director of Children's Services to enter into a contract with the preferred supplier.
2. authorisation be given for the permanent virement of £550,000 (full year effect) from Adults to Children's to align all of the financial resources for this procurement into one place.

24 ADULT SOCIAL CARE - CARE ACT POLICY REVIEW

Cabinet considered a report on the Adult Social Care - Care Act Policy Review.

The Director of Adult Social Care and Independent Living stated that the report had been written before the Government's announcement that the cap on care costs would now not be implemented until 2020. Whilst the report did mention the cap on care costs, the recommendations in the report were not affected by this announcement.

The Council had implemented the Care Act in April 2015. The Act brought together multiple guidance, advice and statutory duties into a single piece of legislation. One of the underlying themes was 'fairness' to local residents.

The principle of fairness was one which the Council had carried through into a review of fees and charges for care and support. Care and support included help for adults of all ages with things like washing, dressing, eating, getting out and about and keeping in touch with friends and family as well as technology solutions (referred to as Telecare) to keep people safe.

A consultation had been held between December 2014 and 25 January 2015 on 9 key areas of proposed changes to the charging policy. The proposed changes including the rationale and impact were detailed in Appendix 1 to the Report and a summary of the consultation responses were attached at Appendix 2.

Following analysis of the responses, Cabinet approval was sought to implement eight of the proposals in August 2015 and that the proposal to implement charging for carers be rejected.

RESOLVED:

That the proposed changes to charging policy, as set out in Appendix 1, be approved.

25 DEVELOPMENT OF A CHESHIRE EAST GYPSY AND TRAVELLER TRANSIT SITE

Cabinet considered a report on the development of a Cheshire East Gypsy and Traveller Transit Site.

The absence of transit provision in Cheshire East was preventing the Police from using their powers under section 62 of the Criminal Justice and Public Order Act 1994 to direct Travellers to a more suitable site. This was resulting in Cheshire East experiencing unprecedented levels of unauthorised encampments across the authority, with 81 recorded in 2014, a significant increase on previously levels recorded.

On 15 April 2015 planning permission was granted to develop Cledford Hall, Middlewich as a transit site, which would allow the Police to make use of their powers and deliver significant benefits to the community including reducing the number of unauthorised encampments; dealing with

unauthorised encampments more quickly and effectively; improving health outcomes by providing safe, clean facilities for the Gypsy and Traveller community, and reducing anti-social behaviour resulting in improving relationships with the environment for local communities and businesses.

Whilst Cledford Hall provided the Council with the opportunity to develop a much needed transit site, it also enabled the preservation of the listed barn, bringing it back into use, preserving its heritage and providing offices and meeting room facilities for wider community benefit.

To enable the transit site to be ready by August 2016 Cabinet approval was sought to progress to the construction stage of the project.

RESOLVED: That

- 1 approval be given for the progression of the project to enable the scheme to be developed in line with the capital budget identified within the 2014-18 capital programme.
- 2 delegated authority be given to the Executive Director of Economic Growth and Prosperity, in consultation with the Portfolio Holder for Housing and Planning, to enter into a construction contract with the preferred bidder and make related decisions to deliver the Cledford Hall project.

26 SKILLS & GROWTH COMPANY - ASDV

Cabinet considered a report on the creation of a Skills and Growth Company.

A full review of the Council's skills and growth services was proposed with a view to creating an arms-length Alternative Service Delivery Vehicle that would improve services to residents and businesses, grow income and reinvest profits. It was considered that, linked with Cheshire East's strong economic potential, a Council-owned company could improve the labour market function and business productivity, maximise growth in high value employment and enable more residents to access jobs, reducing long term unemployment and NEETS.

By bringing employers closer to training and skills providers at a local level, it would be possible to realise economies of scale, address skills shortages and develop employment opportunities, ensuring every resident had the opportunity to work, and every business had the opportunity to thrive.

The Borough was already home to a highly skilled workforce, strong labour demand, employment rates that were significantly above regional and national averages, and low levels of unemployment. However, there remained pockets of deprivation and high levels of unemployment in defined areas where there was a need to deliver targeted intervention

programmes. Establishing a collaborative and integrated skills and growth gateway would help tackle long-term unemployment and increase the productivity of businesses.

Cabinet approval was sought to proceed with a review of the skills and growth services in the Council with a view to establishing a council owned company.

RESOLVED: That

- 1 approval be given for a service review and options appraisal to deliver an integrated Skills and Growth vehicle.
- 2 delegated authority be given to the Portfolio Holder for Regeneration and Assets, in consultation with the other relevant Portfolio Holders, the Head of Legal Services and the Chief Operating Officer, to implement the outcomes of the options appraisal included but not limited to the creation of an skills and growth company, authority to enter into all necessary governance arrangements and arrangements with other Council owned and controlled companies, subject to a detailed business case being endorsed by both TEG and EMB in accordance with the Council's Constitution.
- 3 such authority also to include entering into all necessary contractual arrangements including but not limited to operating agreements, buy back agreements, leases, licences and guarantees, and all TUPE provisions, together with undertaking the necessary staff engagement.
- 4 delegated authority be given to the Chief Operating Officer as Section 151 Officer and the Head of Legal Services to undertake all necessary and consequential action arising from the above recommendations including but not limited to entering into any necessary documentation.

27 STRATEGIC ASSET MANAGEMENT PLAN

Cabinet considered a report on the Strategic Asset Management Plan.

The Council had a land and property portfolio worth over £485m; a net asset management budget of £17m and an annual capital building programme of approximately £15m-£20m. It was also one of the largest business rate payers in the Borough. It was a priority that an assets review reduced this liability, to enable funds to be diverted back into front line services. The Council had already reduced its business rate liability over the past 18 months thorough a strategic review of the estate and land building disposal, by over £500k, and the accelerated rationalisation programme would challenge this even further.

It was essential that the Council continued to drive value for money into its use of assets and provide innovative solutions for reducing the total spend on running costs of buildings and holding costs of properties.

Through the newly created Regeneration and Growth Team, assets would be used to increase business rates into the Borough, creating inward investment and growth opportunities. The asset rationalisation would also make a significant contribution to finding suitable housing sites for the Borough. The development company Engine of the North also had a significant role in rationalisation of the Council's estate and would bring strategic sites to the market to encourage economic growth.

The current Strategic Asset Management Plan was produced shortly after the creation of Cheshire East Council and was now in need of thorough revision in order to reflect the changed circumstances in which the authority was now operating.

Independent consultants Montagu Evans were commissioned in May 2014 to deliver a fully refreshed strategy and delivery plan. Cabinet approval was sought for the new Strategic Asset Management and Delivery Plan.

RESOLVED: That

- 1 the new Strategic Asset Management and Delivery Plan be approved; and
- 2 officers be authorised to implement the Plan subject to the need to get Members authority for key and other major decisions.

28 WINTER SERVICE FLEET

Cabinet considered a report on the Winter Service Fleet.

The Winter Service Fleet was one of the Council's most visible front line services that significantly enhanced the safety of the roads during adverse weather events. The Highway Winter Service treated approximately 40% of the total highway network throughout the winter period to ensure that residents and businesses could continue to utilise the transport network even during extreme weather events. To achieve this the service used the Council's dedicated gritting fleet of 20 bulk gritters to treat 17 pre-defined gritting routes, leaving 3 spare gritters to provide resilience for the service.

The fleet management function had been transferred as part of a range of services to ANSA. Following success in other areas which had transferred the responsibility for fleet management, the Council was giving further consideration to the Authority's previous stance on whether ownership of the winter service fleet should remain with the Council or whether it should become a matter for the service provider.

The Highways Service Contract specifically stated that the Council retained ownership of the fleet and therefore for this to change, within the service period of the contract, it would require a formal amendment to the contract.

The highways service provider Ringway Jacobs had proposed that if the management of the fleet was to be transferred in to the contract, they would provide a full replacement fleet for Cheshire East Council and using this procurement route would enable the Council to benefit from the relationships Ringway Jacob, and the wider Eurovia Group had with the suppliers of this specialist equipment.

Allowing Ringway Jacobs to procure a new fleet would eliminate the need for the existing fleet to receive a summer maintenance overhaul, saving the Council £470k and in also in-season maintenance costs during the 2015/16 season, which based on the previous season's costs was likely to be in the region of £330k.

RESOLVED:

That the option of transferring the winter service fleet into the Highway Services Contract, including allowing the Service Provider to lead on the procurement of a new fleet, subject to confirmation of obtaining best value for money compared to alternative options, be supported, with the final decision delegated to the Chief Operating Officer in consultation with the Finance Portfolio Holder.

29 2014/15 FINAL OUTTURN REVIEW OF PERFORMANCE

Cabinet considered a report on the 2014/15 Final Outturn Review of Performance.

The final outturn showed an underspend of £0.7m (0.3%) against a budget of £253.8m.

A number of Alternative Service Vehicles had been established in 2013 and 2014. This would result in the Council publishing its first set of Group Accounts for 2014/15 to consolidate the accounts of the Council with the accounts of the wholly or partly owned companies of the Council.

In addition to a strong financial performance the Council could reflect on a large number of operations successes throughout 2014/15 – these included

- Creating a wholly owned company to provide Transport Services
- Significant investment to develop the local economy including roads and broadband infrastructure
- Construction of Crewe Lifestyle Centre
- Moving forward the University Technical College scheme
- Exploring options to develop Macclesfield Town Centre

- Continuing to have over 93% of schools classified as Good or Outstanding
- Creating an Alternative Service Delivery Vehicle to provide a range of professional services such as Building Control and Structural Appraisal.
- Maintaining the highest recycling rates in the North West
- Implementation of the Care Act
- Achieving a record number of adopters and being recognised for a national award.

Annex 1 to the report set out further details of how the Council had performed in 2014/2015. It was structured into three sections:

- Section 1 Summary of Council Performance
- Section 2 Financial Stability
- Section 3 Workforce Development

The Corporate Scrutiny Committee at its meeting on 9 July 2015 had considered the 2014/15 Final Outturn Review of Performance and the Committee's observations were reported at the meeting.

RESOLVED: That Cabinet

- 1 notes the final outturn 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)
 - the 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 196 to 207 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 8)
 - treasury management investments and performance (Appendix 9)
 - the Council's invoiced debt position (Appendix 11)
 - use of earmarked reserves (Appendix 12)
 - the workforce development and staffing update (Section 3)
- 2 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 recommends that Council approve:

- fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules (Appendix 7)
- the creation of earmarked reserves of £4.9m as set out in Appendix 12.

The meeting commenced at 2.00 pm and concluded at 3.20 pm

Councillor M Jones (Chairman)