

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 12th July, 2016 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Brown (Vice-Chairman)

Councillors A Arnold, P Bates, J Clowes, L Durham, JP Findlow, P Groves
and D Stockton

Councillors in Attendance

Councillors C Andrew, Rhoda Bailey, E Brooks, S Corcoran, S Edgar,
I Faseyi, R Fletcher, S Gardiner, M Grant, G Hayes, R Menlove, B Moran,
M Simon, L Smetham, L Wardlaw and G Williams

Officers in Attendance

Mike Suarez, Chief Executive
Andrew Round, Interim Executive Director Place
Bill Norman, Director of Legal Services
Heather Grimbaldston, Director of Public Health
Jacky Forster, Director of Education and 14-19 Skills
Alex Thompson, Corporate Manager Strategy & Reporting
Rachel Graves, Democratic Services Officer

14 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Rachel Bailey.

15 DECLARATIONS OF INTEREST

In the interest of openness:

Item 8: Councillors D Brown declared he was the Council's nomination on Alsager Partnership. Councillor P Groves declared he was the Council's nomination on Nantwich Partnership. Councillor P Bates declared he was the Chair of Congleton Partnership. Councillor B Moran declared he was the Council's nomination on Sandbach Partnership.

Items 14 and 15: Councillor JP Findlow declared that he was an LGA appointed non remunerated director of LAMIT which invested in property.

16 PUBLIC SPEAKING TIME/OPEN SESSION

Sue Helliwell stated that at the Cabinet meeting in May she had asked a question about the lack of infrastructure improvement in Alsager and highlighted the lack of burial space. She had received a brief response to elements of the question and had been promised a more detailed written

answer which she still had not received. She was very disappointing for herself and the people of Alsager, who she represented as a Town Councillor. She asked why this response had not yet been received and asked once again what Cheshire East Council will do to rectify this problem. Councillor P Bates undertook to provide a response to her question.

Dot Flint, Chair of Sandbach Partnership, commented on the Ambition for All Partnership document. She was disappointed that the nine Town Partnerships had not been involved or consulted on any part of the document. She felt that whilst this did not bode well in the terms of partnership working, she wanted assurances this was not the intended style of approach. The Town Partnerships had on numerous occasions requested to be more involved and had been prepared to work more closely together.

Stuart Gammon, Chair of Holmes Chapel Partnership, commented on the value of the work done by the Town Partnerships and the benefits gained by the Towns, which outweighed the money given by the Council.

At the conclusion of public questions, the Chairman thanked the speakers for attending and taking part in the meeting.

17 QUESTIONS TO CABINET MEMBERS

Councillor M Grant asked the following questions:

What was the purpose of buying 2 farms in Leighton – was it to do with expansion of Bentley and the proposed closure of Sunnybank Road? The Cabinet Member for Regeneration undertook to provide a written response.

Given that HS2 to Birmingham has been put back by one year what conversations has anyone here at Cheshire East had with the Government on the future of HS2 coming here to Crewe? The Deputy Leader responded that HS2 was still firmly on the agenda and that the Council was still in conversations with Government, Network Rail, HS2 Committee and local and regional partners in delivering a hub station.

She had heard on Radio 4 about contracts being cancelled by private care company providers as they were not paid enough to costs especially pay increases due to the national wage and how this could be averted from happening in Cheshire East? Whilst recognising the volatility in the North West, the Cabinet Member for Adult and Integration responded that costs, including the national wage, had been included in the negotiations with care and domiciliary providers to ensure financial viability as far as possible for the foreseeable future.

Councillor S Corcoran asked that due to the changes in the British economy as a result of the EU referendum outcome should the growth assumptions in the Local Plan be revised and if so was the 36,000 figure

for housing now excessive and how long would it be before Cheshire East could demonstrate a five year housing supply? The Deputy Leader responded that the growth assumptions in the Local Plan had been measured and tested, the figures been having put together whilst in recession and were not over optimistic.

18 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 14 June 2016 be approved as a correct record.

The Chairman agreed to vary the order of business

19 AMBITION FOR ALL - PARTNERSHIPS STRUCTURE AND STRATEGY 2016-2020

Cabinet considered a report on the proposal to refresh the Ambition for All Partnership Strategy and its proposed consultation plan.

The current Ambition for All – Sustainable Community Strategy 2010-2025 required reviewing and refreshing to ensure it continued fit for purpose and drove change to address identified priorities.

A consultation plan would be produced and brought to Cabinet. Members of the Partnership Organisations were invited to brief Cabinet Members on the work they carried out.

RESOLVED: That Cabinet

- 1 agree to the refresh of Ambition for All – Partnership Strategy and its proposed consultation plan;
- 2 agree to the implementation of a revised partnership structure for Cheshire East, subject to consultation and agreement by Partnerships; and
- 3 review the partnership structure for Cheshire East after the consultation with the Partnerships.

20 BIG MILL, CONGLETON, DANGEROUS STRUCTURE - EMERGENCY MEASURES

Cabinet were informed of a decision taken by the Leader of the Council under urgency procedures on 9 June 2016 in relation to the demolition of Big Mill, Congleton.

RESOLVED: That Cabinet

- 1 note the report; and
- 2 note that the effect of the decision is to require funds of up to £1m to be utilised from the Council's existing approved capital programme, Investing in Heritage Buildings, to fund the expenditure. The Council will pursue recovery of its costs in this matter to the full extent possible in law.

21 CREWE GREEN ROUNDABOUT PRELIMINARY DESIGNS

Cabinet considered a report on the design options for the Crewe Green Roundabout.

Crewe Green was a key gateway into Crewe and the proposed scheme of work would improve a key congestion 'Pinch Point' on the main distributor network accessing Crewe.

RESOLVED: That Cabinet

- 1 receive the four design options that have been produced as suitable traffic solutions;
- 2 authorise the Interim Executive Director Place, in consultation with the Highways Portfolio Holder, to conduct a public consultation on the four design options; and
- 3 agree that the results of the consultation be reported back to Cabinet for a decision on the preferred option and further authorisations once complete.

22 BETTER CARE FUND (BCF) CARER BREAKS 2016/17 GRANT AWARDS

Cabinet considered a report on the award of grants to individual organisations in respect of the Better Care Fund Carer Breaks for 2016/17.

The funding from the Better Care Fund for Carer Breaks Services 2016/17 was £374,000. The maximum amount that could be applied for in any one grant was £37,500 to deliver services over a 9 month period. Organisations could apply for more than one grant. The opportunity to apply for a grant had been published on The Chest and also advertised by Community Voluntary Services. Although awarded as a grant, the outcomes delivered by the successful bidders were to be monitored to ensure the Council was receiving value for money and Carers were receiving good quality services to meet their needs.

RESOLVED: That Cabinet

- 1 endorse the competitive procedure to award grants for the provision of Carer Breaks for 2016/17; and
- 2 approve the award of grants to individual organisations for the provision of Better Care Fund Carer Breaks for 9 months to 31 March 2017.

23 CHESHIRE EAST COUNCIL ENFORCEMENT POLICY

Cabinet consider the revised Cheshire East Enforcement Policy.

The current Cheshire East Enforcement Policy had been approved in March 2009. The Regulators Code had come into statutory effect on 6 April 2014. The revised Cheshire East Enforcement Policy had been developed to incorporate the principles of the Regulators Code and would apply to all regulatory areas covered by the Council.

RESOLVED: That Cabinet

- 1 approve the overarching Cheshire East Enforcement Policy, as set out in Appendix 1 to the Report;
- 2 note the service specific appendices which provide additional detail on actions and sanctions available to individual services; and
- 3 delegate authority to the Portfolio Holder for Communities and Health, in consultation with the Head of Communities, to update any service specific policy as required.

24 STRATEGIC HOUSING: HOUSING RELATED SUPPORT PROCUREMENT

Cabinet considered a report on the procurement of a new housing-related support service.

The commissioning responsibility for housing-related support had been transferred to Strategic Housing in January 2016. As number of the current services contracts were due to end in March 2017, it was therefore necessary to commence procurement for new services for 2017/18 and beyond. To guide this process Strategic Housing had undertaken a review of housing related support services.

RESOLVED: That Cabinet

- 1 provide approval to the Strategic Housing Manager to procure a new Housing Related Support service for a period of 3 years, with an option for a further 2 years, as from 2017/18; and

- 2 agree to delegate authority to the Interim Executive Director Place, in consultation with the Portfolio Holder for Housing and Planning, Director of Legal Services and Executive Director People to procure and enter into any contract to secure effective delivery of support services for qualifying residents, as outlined in the report.

25 WATER PROCUREMENT

Cabinet considered a report on the procurement of water services via the Public Sector Water Strategy Group framework from April 2017.

The Public Sector Water Strategy Group had been set up with the intention of creating nationally accessible Framework for Water and Sewerage retail services from April 2017 for all Public and Third Sector organisations in England. The English water market, previously restricted to business's using more than 5000M³ a year, would be fully open to competition in April 2017. Many public sector customers would need to procure a compliant contract following the deregulation of the market in accordance with the Public Contract Regulations 2015 and avoid being allocated to out of contract rates.

RESOLVED: That Cabinet

- 1 approve the procurement of water services via the Public Sector Water Strategy Group framework from April 2017;
- 2 delegate authority to the Chief Operating Officer, in consultation with the Portfolio Holder for Finance and Assets, to enter into a contract with the successful provider, following a compliant procurement exercise conducted via the Public Sector Water Strategy Group framework, for an initial period of 2 years with the option to extend the contract for two further periods of 1 year (Total 4 years); and
- 3 delegate authority to the Chief Operating Officer, in consultation with the Portfolio Holder for Finance and Assets, to determine whether to enter into individual Memorandum of Agreements with such Schools and Academies as indicate they wish to participate in the contract (subject to the Council's contract with the successful provider allowing such participation).

26 ASSET TRANSFER FRAMEWORK

The Cabinet considered a report on the adoption of an Asset Transfer Framework and a Land and Property Lease/Disposal Framework.

Cabinet in September 2011 had approved a list of asset transfers and principles of asset transfer to Town and Parish Councils. Since this decision new proposal/request for asset transfer had been received.

Adopting an Asset Transfer Framework and Land and Property Lease/Disposal Framework would provide a clear and transparent process to fully assess, prioritise and progress transfer requests received to date.

RESOLVED: That Cabinet

- 1 approve the Asset Transfer Framework, and the Land and Property Lease/Disposal Framework, as presented in Appendices 1 and 2 to the Report;
- 2 approve that all the pending/new cases will be programmed and considered via the Asset Transfer Framework and be subject to the Land and Property Lease/Disposal Framework; and
- 3 approve that general approach set out for commercial property transactions.

27 TREASURY MANAGEMENT ANNUAL REPORT 2015/16

Cabinet considered the Treasury Management Annual report for 2015/16.

The Annual Report was detailed in Appendix A and covered:

- The Treasury position at 31st March 2016;
- Interest rates and prospects for 2015/16;
- Investment Strategy for 2015/16
- Credit Risk
- Use of External Fund Manager
- Borrowing Strategy
- Economic events of 2015/16; and
- Reporting of the required prudential and treasury indicators.

RESOLVED

That Cabinet note the Treasury Management Annual Report for 2015/16, as detailed in Appendix A to the report.

28 2015/16 FINAL OUTTURN REVIEW OF PERFORMANCE

Cabinet considered a report on the 2015/16 Final Outturn Review of Performance.

The final outturn showed an underspend of £0.5m (0.2%) against a budget of £246.6m. Annex 1 to the report set out further details of how the Council had performed in 2015/16. 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 7 July 2016 had considered the 2015/16 Final Outturn Review of Performance. Councillor

M Simon, Chairman of the Corporate Scrutiny Committee, reported the Committee's observations and resolutions to Cabinet (copy appended).

RESOLVED: That Cabinet

- 1 note the final outturn 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 final service revenue and capital outturn positions, overall financial stability of the Council, and the impact of the Council's reserves position (Section);
 - the delivery of the overall capital programme (Section 2, paragraphs 211 to 225 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 approve
 - 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);
 - that the Council enter into grant agreements with Academies, Foundations, Voluntary Aided and Free schools receiving funding allocations or who are allocated in-year allocations during 2016/17 and for named schemes within the existing 2015/16 School Capital Programme.
- 3 recommend that Council approve:
 - fully funded supplementary capital estimates and virements above £1,000,000 in accordance with Finance Procedure Rules (Appendix 7);
 - the establishment of earmarked reserves for Transforming Services and the Royal Arcade (Appendix 12).

29 AIR QUALITY MONITORING DATA 2014-15

In accordance with Section 100B (4) (b) of the Local Government Act 1972, the Chairman agreed that this item be considered as an item of urgent business that cannot wait until the next meeting.

Cabinet considered a report on inaccuracies in the air quality monitoring data for 2014-15.

As part of the preparatory work for the 2015 Annual Report and Return to Defra, a number of data inaccuracies had been identified that impacted on the 2015 report and the already submitted 2014 report. All of the air quality data for 2014 and 2015 was being reviewed and validated by Internal Audit.

A further report would be brought to Cabinet detailing the extent of the data inaccuracies, the consequences and the necessary remedial action.

RESOLVED: That Cabinet

- 1 note that Internal Audit are to:
 1. review and examine all air quality data that has been reported to Defra in 2014 (in the first instance) and any data which was due to be reported in 2015 to identify any potential inaccuracies which would be significant for its corresponding monitoring site.
 2. review the end to end process to determine how these inaccuracies have occurred and provide recommendation to ensure this does not happen again.
 3. report on any other area of concern or learning that comes to light during the audit.
- 2 note that as a result of any new reported data, that further detailed work will be required to determine any subsequent declarations of Air Quality Management Areas and the associated Action Plan development process.

CLOSING REMARKS

Councillor Brown reminded everyone that there would be commemorative events in Bosley over the coming weekend and for all to recognise the great spirit of the community there.

Councillor Brown said Cheshire East would continue to work with whatever government emerged from the new Prime Minister.

The meeting commenced at 2.00 pm and concluded at 3.25 pm

Councillor D Brown

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CORPORATE OVERVIEW AND SCRUTINY COMMITTEE

7 JULY 2016

COMMENTS REGARDING THE 2015/16 FINAL OUTTURN REPORT

The Committee discussed the report of the Chief Operating Officer on Thursday 7 July. Councillor Peter Groves was present, as was Alex Thompson representing the Chief Operating Officer.

The committee was informed that the Health and Adult Social Care Overview and Scrutiny Committee had recently received presentations from the Borough's two CCGs about the challenging financial circumstances projected over the next four years which would lead to both CCGs having to make significant efficiency savings. The Committee expressed its concern that there may be consequences for this Council in future years.

The Committee raised the following additional points in relation to the final outturn report:

- The Committee acknowledged the £1.9 million overspend in children services which related to increased and continuing demand as more children came into care. The Committee noted that whilst additional funds had been included in the 16/17 budget to stem those pressures, it requested additional information about the actual spend on SEND costs for placements outside of the Borough;
- The number of fixed penalty notices issued for littering and dog fouling offences during the year appeared to be low. However, the Committee was pleased to hear that the number of enforcement officers employed by the Council was under review and that plans for an education programme were in place;
- The reduced reliance on agency staff was welcomed but the Committee felt that efforts should be made to reduce the number further particularly in relation to children's services in Crewe, however the committee also acknowledged that the Council's 'grow your own' initiative was on the right trajectory and should alleviate reliance on agency staff in future years;
- That plans should be developed to identify potential risks resulting from the outcome of the referendum for the UK to exit the EU;
- The progress in reducing slippage in the Capital programme and future plans to better reflect the phased spend on capital schemes was welcomed;

- The Committee supported the continuing review of the situation regarding the increased number of schools becoming academies, specifically in relation to the level of support required from the Council;
- That additional information should be provided to explain in full what the objectives of the Council's ASDVs would be in future years.

RESOLVED

- (a) That the report be received;
- (b) That the forecast underspend be noted and the Committee's congratulations be conveyed to all those involved;
- (c) That Cabinet be requested to consider preparing contingency plans to mitigate any risks identified arising from the referendum result to exit the European Union;
- (d) That Cabinet be requested to submit a draft efficiency plan in connection with the Government's four year spending settlement proposals to this committee prior to it being considered by Cabinet by October 2016, or earlier if available;
- (e) That the work currently being carried out by South and Eastern CCGs to address their individual reduced spending allocations for the next four years be acknowledged and Cabinet be requested to consider contingency plans to prepare for any consequential additional pressures that this may place on the Council's own budget;
- (f) That whilst the Committee acknowledges that spending within Children Social Care is demand led, the Committee nevertheless wishes its concern to be placed on record that there is a projected overspend in Children Services;
- (g) That Cheshire East Residents First (CERF) be requested to provide detailed information to this Committee on the ASDV objectives referred to in appendix 12 of the report.