

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 12th June, 2018 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor Rachel Bailey (Chairman)

Councillors A Arnold, P Bates, J Clowes, J Saunders and D Stockton

Members in Attendance

Councillors Rhoda Bailey, G Baxendale, B Burkhill, S Corcoran,
R Fletcher, S Hogben, L Jeuda, D Mahon, B Moran, J Nicholas, A Stott,
B Walmsley and G Williams

Officers in Attendance

Kath O'Dwyer, Frank Jordan, Mark Palethorpe, Dan Dickinson, Linda
Couchman, Alex Thompson and Paul Mountford

Apologies

Councillors J P Findlow and L Wardlaw

The Leader referred to a statement she had issued to all members last week regarding the police investigation into a contract previously awarded by the Council. The investigation had progressed and was now complete and hopefully this next stage of the process would move forward at a pace.

The Leader was pleased to announce a number of awards to Cheshire East residents in the Queen's Birthday Honours List:

- Ralph Warburton, who had made a major contribution to community life and local charities in Audlem, had received the British Empire Medal.
- Winter Paralympic Champion skier Menna Fitzpatrick (Recently appointed a Freeman of the Borough) had received an MBE.
- Councillor Janet Jackson had received an MBE for her services to Macclesfield. At the Leader's invitation, Councillor L Jeuda offered her congratulations to Councillor Jackson.

1 DECLARATIONS OF INTEREST

Councillors Rachel Bailey (as the Council's representative on the Manchester Science Partnerships Board), A Arnold and P Bates (as a member of the Enterprise Zone Board) declared personal, non-pecuniary

interests in Item 16 on the agenda: 'Disposal of Shares in Manchester Science Partnerships'.

2 PUBLIC SPEAKING TIME/OPEN SESSION

Gareth Williams, on behalf of the Crewe North Congregation of Jehovah's witnesses, referred to a joint project with Crewe Youth Club to redevelop a piece of land off Mirion Street, Crewe to provide a place of worship with parking facilities. He asked if the Council foresaw any difficulties in acquiring planning permission for the scheme and whether the road accessing the site could be upgraded to accommodate two-way traffic. Mr Williams had provided a plan of the scheme. The Leader indicated that Mr Williams would receive a written response.

Sue Helliwell referred to the condition of Linley Park, Alsager which she said was badly neglected. She asked if the Council would replace the goal posts and place a litter bin on the park. The Portfolio Holder for Environment undertook to provide a written response.

Carol Jones asked what assurances could be given that the regeneration of the Crewe Bus Station site would take place, and when this was likely to happen. The Portfolio Holder for Housing, Planning and Regeneration undertook to provide a written response.

Richard Hamilton referred to issues he had raised at the April meeting regarding the Sandbach Transport Modelling report. He commented that the report had since been withdrawn from use as not fit for purpose although it had been relied upon as a critical piece of evidence to support the Council's position during the public examination of the Local Plan and had cost over £25,000 to produce. The Leader replied that she had previously responded to Mr Hamilton on several occasions regarding the matter.

Michael Unett asked about progress with the drafting a corporate cemeteries strategy for the Borough and stressed the need for more burial provision in Alsager as soon as possible. The Portfolio Holder for Environment responded that a report on a cemeteries strategy would be submitted to Cabinet in July and would be subject to consultation.

3 QUESTIONS TO CABINET MEMBERS

Councillor S Corcoran referred to a question he had raised at the previous meeting regarding a payment to an officer who had been recommended for dismissal. He commented that the response he had received had explained how the payment had been made but not why. At the Leader's request, the Acting Director of Legal Services advised that the response provided previously represented the totality of what could be said on the matter and there was nothing further to add from his perspective to the answer already provided.

Councillor L Jeuda asked if the Council's Legal Team was aware that a senior officer of the Council who was currently a witness at an employment tribunal hearing was married to an employment tribunal judge in the North-West who, whilst not involved with the hearing in question, had sat with the judge involved with the hearing on at least one occasion, and that this may have led to the hearing being called off. At the Leader's invitation, the Acting Director of Legal Services replied that the Council's barrister in the case had been informed of the connection at the outset but had only made it known to the tribunal panel once the case had started. That was an oversight for which the barrister had apologised. The Acting Director of Legal Services was satisfied that no Council officer had acted inappropriately in the matter.

Councillor B Burkhill asked if the Council would give support to a campaign to keep the last remaining bank in Handforth open. The bank in question was RBS. The Portfolio Holder for Housing, Planning and Regeneration undertook to consider what the Council could do to assist.

Councillor R Fletcher asked if there had been a reduction in the service for cutting back hedges overhanging pavements as this was causing difficulties for pedestrians in Alsager. The Portfolio Holder for Environment responded that he was not aware of any policy to reduce hedge cutting. He asked Councillor Fletcher to provide further details so that he could look into the matter.

Councillor J Nicholas asked for an assurance that, in light of the current pressures on the retail sector, no more Council funding would be allocated for the purchase of retail premises in the Borough. The Leader noted the comments and gave an assurance that the Council would operate in an open and transparent way with an evidence-base behind any purchases.

4 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 8th May 2018 be approved as a correct record

5 IMPROVED BETTER CARE FUND (IBCF) 2018 TO 2020

Cabinet considered a report on the areas of activity and proposed expenditure for the grant money received by Cheshire East Council in 2018/19 through the Improved Better Care Fund monies for 2018 to 2020.

RESOLVED

That Cabinet endorses the iBCF schemes (1-9) and associated expenditure outlined in paragraphs 5.4-5.20 of the report.

6 NEW HOMES BONUS COMMUNITY FUND

Cabinet considered a report on the New Homes Bonus Community Fund scheme to be implemented during 2018/19.

The Portfolio Holder for Finance and Communication reported that the Corporate Overview and Scrutiny Committee had been given the opportunity to comment on the report and had fully supported it.

With the Chairman's agreement, Councillor A Stott asked a number of specific and detailed questions in relation to the report and the Portfolio Holder for Finance and Communication responded to each one in turn.

RESOLVED

That Cabinet

1. approves the Scheme Design (Appendix 1 to the report) and Allocations by Fund Area (Annex 2 – NHB Policy);
2. delegates to the Section 151 Officer authority to amend (from time to time) the Scheme Design (Appendix 1) and the Allocations by fund Area (Annex 2 – NHB Policy);
3. notes the membership of the Award Groups (Annex 1 – NHB Policy) which shall operate as advisory panels to the Portfolio Holder for Finance & Communication and whose membership may be amended by the same from time to time to achieve appropriate geographic representational alignment; and
4. delegates to the Section 151 Officer (in consultation with the Monitoring Officer) authority to establish (and amend from time to time) standard conditions to be applied to schemes awarded funding to ensure that the schemes operate effectively within a financially and legally compliant framework.

7 2017/18 FINANCIAL OUTTURN AND REVIEW OF PERFORMANCE

Cabinet considered a report on the 2017/18 Financial Outturn and Review of Performance.

The Portfolio Holder for Finance and Communication reported the comments of the Corporate Overview and Scrutiny Committee on behalf of the Committee's Chairman who had been unable to attend the Cabinet meeting. The Committee had acknowledged that General Reserves remained unchanged at £10.3m despite the challenges that Directorates faced. The Committee had recognised that unprecedented levels of support had been needed in both Children's and Adult services and that mitigating actions taken across Directorates to ensure a balanced budget were to be commended. The Committee had noted the many good news

stories and the areas for improvement that had been identified for the future. The Committee congratulated the staff and everyone who had been involved in the continuous monitoring of the Council's financial situation.

The Portfolio Holder for Adult Social Care and Integration took the opportunity to announce that the Council's Trading Standards Team had been highly commended in the national ACG Awards for Excellence in Anti-Counterfeiting 2018. She congratulated the Team.

RESOLVED

That Cabinet

1. notes the contents of the report and appendices;
2. approves:
 - (a) fully funded supplementary capital estimates above £500,000 in accordance with Financial Procedure Rules as detailed in (Appendix 4, Table 7 of the report); and
 - (b) fully funded supplementary capital virements above £1,000,000 in accordance with Financial Procedure Rules as detailed in (Appendix 4, Table 7);
3. recommends that Council approve:
 - (a) fully funded supplementary capital estimates above £1,000,000 in accordance with Financial Procedure Rules as detailed in (Appendix 4, Table 8); and
4. acknowledges the work of the officers in addressing financial pressures in order to achieve a balanced financial outturn for 2017/18.

8 A500 DUALLING SCHEME

Cabinet considered a report seeking authority to undertake all necessary preparatory works in advance of the final funding decision in relation to the A500 Dualling Scheme.

RESOLVED

That Cabinet

1. recommends that Council approve a Supplementary Capital Estimate of £0.4m to increase the current budget of £4.1m to £4.5m to enable the scheme to progress whilst awaiting the outcome of the DfT funding and Planning Application decisions; and

2. authorises the Executive Director of Place in consultation with the Portfolio Holder for the Environment to exercise powers delegated to the Executive Director of Place to undertake all necessary and prudent preparatory works in advance of the final funding decision, at risk, in order to ensure that the Council is positioned to deliver the Scheme if a favourable funding decision is received.

9 MIDDLEWICH EASTERN BYPASS - PLANNING AND DELIVERY UPDATE

Cabinet considered a report seeking approval to undertake all necessary preparatory works in advance of the final funding decision in relation to the Middlewich Eastern Bypass.

RESOLVED

That Cabinet authorises the Executive Director of Place in consultation with the Portfolio Holder for the Environment to exercise powers delegated to the Executive Director of Place to take all necessary and prudent preparatory works in advance of the final funding decision, at risk, in order to ensure the Council is positioned to deliver the Scheme if a favourable funding decision is received.

10 CONGLETON LINK ROAD - AWARD OF CONSTRUCTION CONTRACT AND SUBMISSION OF FINAL BUSINESS CASE

Cabinet considered a report seeking approval to submit the final funding application to the Department of Transport, and to award the preferred bidder a contract to deliver the scheme.

The Appendices to the report contained exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person, including the authority holding that information) and would be considered in Part 2 of the agenda.

Councillor G Baxendale, as Chairman of the Audit and Governance Committee, expressed the view that the report, and the other Highways-related reports on the agenda, represented good governance on the part of the Council.

RESOLVED

That, subject to consideration of the Appendices to the report in Part 2 of the agenda, Cabinet

1. approves the submission of the Scheme Final Business Case to the DfT seeking a contribution of £45M towards the total Scheme cost;

2. approves the selection and award of the contract to deliver the Scheme to Bidder X as the Preferred Bidder;
3. recommends that Council approve the additional contribution from Council resources to the scheme of £1.8M to increase the total contribution to £23.8M;
4. approves the underwriting of the developer contributions to the Scheme of up to £20.8M in the event that the anticipated developer contributions are not realised; and
5. authorises the Executive Director of Place in consultation with the Portfolio Holder for the Environment to exercise powers delegated to the Executive Director of Place to undertake all necessary and prudent preparatory works in advance of the final funding decision, at risk, in order to ensure the Council is positioned to deliver the Scheme if a favourable funding decision is received.

11 HIGHWAY SERVICES CONTRACT PROCUREMENT - AWARD OF CONTRACT

Cabinet considered a report seeking approval to appoint a preferred bidder as the next service provider for the Council's Highway Services Contract.

The Appendices to the report contained exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person, including the authority holding that information) and would be considered in Part 2 of the agenda.

In presenting the report, the Portfolio Holder for Environment took the opportunity to thank the officers involved for their efforts.

RESOLVED

That, subject to consideration of the Appendices to the report in Part 2 of the agenda, Cabinet

1. notes the findings of the Highway Services Contract Procurement: Final Tender Evaluation Report set out in Appendix A to the report;
2. approves the selection of Bidder X as the Preferred Bidder;
3. notes the Preferred Bidder's proposed Premises Strategy as set out in Appendix B; and
4. authorises the Executive Director of Place in consultation with the S151 Officer and the Director of Legal Services to enter into a legally binding Contract with the Preferred Bidder.

12 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

13 CONGLETON LINK ROAD - AWARD OF CONSTRUCTION CONTRACT AND SUBMISSION OF FINAL BUSINESS CASE

Cabinet considered the confidential Appendices to the report in Part 1 of the agenda.

RESOLVED

That having considered the Appendices to the report, Cabinet reaffirms its decision on this matter.

14 HIGHWAY SERVICES CONTRACT PROCUREMENT - AWARD OF CONTRACT

Cabinet considered the confidential Appendices to the report in Part 1 of the agenda.

RESOLVED

That having considered the Appendices to the report, Cabinet reaffirms its decision on this matter.

15 DISPOSAL OF SHARES IN MANCHESTER SCIENCE PARTNERSHIPS

Cabinet considered a report on the disposal of shares in Manchester Science Partnerships.

RESOLVED

That the S151 Officer be authorised, in consultation with the Portfolio Holder for Finance and Communication and the Acting Director of Legal Services, to dispose of the Council's shareholding in Manchester Science Partnerships Limited, subject to the terms of the final offer and appropriate due diligence being undertaken.

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor Rachel Bailey (Chairman)