

Corporate Scrutiny Committee

Agenda

Date:	Tuesday, 12th October, 2010
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Minutes of Previous Meeting** (Pages 1 - 6)
3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for members to declare the existence of a party whip in relation to any item on the agenda.

4. **Public Speaking Time/Open Session**

A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Note: In order for officers to undertake any background research, it would be helpful if members of the public contacted the Scrutiny officer listed at the foot of the agenda, at least one working day before the meeting to provide brief details of the matter to be covered.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Mark Nedderman
Tel: 01270 686459
E-Mail: mark.nedderman@cheshireeast.gov.uk

5. **Shared Services**

To receive a presentation from Jackie Gray, Shared Services Manager.

6. **Procurement**

To receive a presentation from David Wharton, Procurement Manager.

7. **Budget Consultation Group** (Pages 7 - 12)

To consider a report of the Borough Solicitor.

8. **New Executive Arrangements** (Pages 13 - 20)

To consider a report of the Borough Solicitor.

9. **Work Programme Progress Report** (Pages 21 - 28)

To consider a report of the Borough Solicitor.

10. **Forward Plan - Extracts** (Pages 29 - 34)

To note the current forward plan, identify any new items, and to determine whether any further examination of new issues is appropriate.

11. **Consultations from Cabinet**

To note any consultations referred to the Committee from Cabinet and to determine whether any further action is appropriate.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Corporate Scrutiny Committee**
held on Wednesday, 15th September, 2010 at The Bridestones Suite -
Congleton Town Hall

PRESENT

Councillor A Thwaite (Chairman)
Councillor J Narraway (Vice-Chairman)

Councillors D Brickhill, J Crockatt, M Davies, P Edwards, P Findlow,
D Topping and A Ranfield (substitute)

Apologies

Councillors G Baxendale, S Conquest and H Davenport

43 DECLARATIONS OF INTEREST**44 OFFICERS PRESENT**

Arthur Pritchard	Asset Manager
Lisa Quinn	Borough Treasurer
Vivienne Quayle	Head of Policy and Performance
Mark Nedderman	Senior Scrutiny Officer
Charlie Wileman	Property Information Manager
Janet Ellison Jones	Category Manager

45 MINUTES OF PREVIOUS MEETING

RESOLVED –

- (a) That subject to the date being amended to read 18 June 2010 in the second paragraph in minute 29, the minutes of the meeting of the Committee held on the 12 July 2010 be approved as a correct record;
- (b) That subject to the name of Councillor H Murray being added to list of Members present as substitute, the minutes of the meeting of the Committee held on 26 August 2010 be approved as a correct record.

46 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to make a statement.

47 WORK PROGRAMME PROGRESS REPORT

The Committee considered a report of the Borough Solicitor setting out the 2010/2011 work programme.

The Committee was reminded that at its meeting held on 12 July 2010, it had indicated that it wished to set up Task and Finish groups in relation to the following items:

- ICT harmonisation
- Outsourcing of discretionary leisure facilities
- Assets

In connection with the ICT harmonisation group the Chairman recommended to the Committee that this should now be undertaken by a more informal monitoring group.

The report to Cabinet concerning the outsourcing of discretionary leisure facilities was now expected to be considered in October. There was a separate item on the agenda regarding the future management of the Crewe Lyceum Theatre and Knutsford Cinema. Likewise, there was a presentation on today's agenda on the asset challenge.

The Committee considered whether the item relating to Local Transport Liaison and Local Highways Committees should be pursued and the Chairman undertook to write to the Environment Portfolio Holder to seek clarification about whether there were any plans to reconsider proposals to introduce formal committees to allow Members to be involved in local highway and transportation issues.

The Committee then reviewed items within the work programme that still required dates for completion.

RESOLVED –

- (a) That the report be received;
- (b) That the work programme items listed below be allocated the following completion dates:
 - Outsourcing of discretionary leisure facilities consideration of Cabinet report– 12 October 2010 (provisional)
 - Communications service – presentation 12 October 2010
 - Procurement – presentation including competitive dialogue 12 October 2010
 - Shared Services – presentation 12 October 2010

48 ICT HARMONISATION MONITORING GROUP

The committee considered putting in place arrangements to monitor the ICT harmonisation proposals outlined by the ICT Manager at the meeting of the committee held on 12 July 2010.

Members agreed to focus attention specifically on the proposed Macclesfield Technical Centre. The Committee also indicated that it favoured a 'light touch' approach involving a small number of Members who would be given responsibility to monitor progress and report back to this Committee as and when required throughout the harmonisation process.

RESOLVED – Councillors J Narraway and M Davies be appointed as members of the ICT Harmonisation group, and the Senior Scrutiny Officer be requested to

write to the Committee to ascertain whether any other Members would like to join the group.

49 PROCUREMENT OF UTILITIES

Janet Ellison-Jones attended the meeting and gave a presentation on Energy procurement in Cheshire East. The Council currently had joint contracts with Cheshire West and Chester for electricity and gas supplies and these were in place until 30 June 2011. The Council was considering moving away from a traditional fixed price contract to a more flexible, aggregated, risk managed energy procurement through a Central Purchasing Body (CPB)

The benefits of using this method would mean that the Council would have budget certainty with a published capped price, which would be the maximum amount the Council would pay for 12 months (April to March). An added benefit would be that if prices fell, trading gains would be secured.

The next steps in the process were to secure CMT and Cabinet approval. This would be followed with a consultation process with schools.

RESOLVED – That the presentation be noted.

50 ASSETS

Arthur Pritchard Assets Manager and Charlie Wileman – Property Information Manager attended the meeting and gave a presentation on the Asset Management and in particular provided a demonstration of the Council's Property Information System .

RESOLVED – That consideration of this matter be deferred to a special meeting of the Committee on a date to be confirmed.

51 CREWE LYCEUM THEATRE AND KNUTSFORD CINEMA

Guy Kilminster Head of Health and Wellbeing updated the committee on the report expected from Consultants on the future management of the Lyceum Theatre Crewe and Knutsford Cinema. The report, which was due to be received by the Council next week was expected to contain a number of options for the Council to consider, ranging from in house provision to various external options, including trusts. The report would also address the financial implications for the Council and implications for current and future customers, users, and staff. The Portfolio Holder was expected to refer the report to this Committee at its next meeting on 12 October 2010.

RESOLVED –That arrangements be made for a committee site visit to Crewe Lyceum and Knutsford cinema, and the Health and Wellbeing Portfolio Holder be requested to refer the consultants report to this committee as soon as possible.

52 CAPITAL STRATEGY

Lisa Quinn, Borough Treasurer updated the committee on the Capital Strategy. The Capital Strategy set out Cheshire East's approach to capital investment and disposals and how it made decisions in respect of all types of capital assets. The document linked closely with the Council's Corporate Asset

Management Plan (AMP) and showed how the Council was prioritising, targeting and measuring the performance of its limited capital resources so that it maximised the value of that investment to support the achievement of its key cross-cutting activities, initiatives and local and national priorities.

The Capital Strategy was intended to:

- Ensure that the investment of capital resources contributed to the achievement of the authority's key objectives and priorities that were detailed in their community plans and strategies
- Influence and encourage partnership working, both locally and nationally
- Reflect the visions and aspirations of local people for service delivery and recognise the potential for others to contribute ideas and resources
- Determine priorities between the various services and look for opportunities for cross-cutting and joined-up investment
- Encourage improvement and innovation in asset use, procurement and disposal
- Ensure revenue, capital and whole life costs were fully considered
- Describe how the deployment of capital resources contributed to the achievement of the described goals
- Encourage the consideration and use of a wide range of funding sources
- Promote, in conjunction with the AMP, corporate ownership and prudent consideration of property issues.

The Capital Strategy set out:

- The link to key corporate documents, in particular the Corporate Plan, Sustainable Community Strategy, Local Transport Plan, ICT Strategy, Procurement Strategy, Housing Strategy, Economic Development Strategy and the Asset Management Plan.
- How the authority's plans were influenced by partners, and details of key partners
- How capital schemes were identified to meet those priorities
- How the choice was made between schemes competing for limited resources
- The framework for managing and monitoring the capital programme
- The process for post implementation review
- A summary of the Council's approved Capital Programme
- Sources of external funding and the impact of the programme on the revenue budget

The Capital Strategy formed an integral part of the Council's Medium Term Financial Strategy which provided the financial interpretation of the Council's Corporate Plan.

RESOLVED – That the update be received and noted and that a standard item be included on all future agendas of this committee.

53 PROJECTED OVERSPEND

Lisa Quinn the Borough Treasurer reported on the details of the quarter 1 projected overspend which was reported to Cabinet in August 2010. The worst case scenario pointed to a potential overspend of £13.6million. The most significant pressure related to the Children's and Adult Services.

The overall level of projected service overspending was significant, and extensive remedial measures and actions would need to be taken to drive this down towards a balanced outturn position wherever possible.

The 2010-11 budget contained a central inflation contingency provision of £1.6m to cover in-year increases in prices during the year.

Further work would be undertaken to review corporate budgets, central provisions, earmarked reserves and the potential overall impact on general balances, and reported to Members in September, alongside the remedial action plans.

RESOLVED – That the report be received.

54 NEW EXECUTIVE ARRANGEMENTS

The Senior Scrutiny Officer informed the Committee that Members would be given an opportunity at the next meeting of this Committee to comment upon a report due to be considered by the Constitution Committee on the Local Government and Public Involvement in Health Act 2007. This act required local authorities to choose one of two new models of executive leadership: either a directly-elected Mayor and Cabinet, or a strong Leader and Cabinet style of governance. The report would, amongst other things, also explain arrangements for the election of mayors.

RESOLVED – That a report be submitted on the new Executive arrangements to the next meeting of the Committee on 12 October 2010.

55 HIGHWAYS TRANSFORMATION CALL-IN

The Senior Scrutiny Officer informed the committee that the Highways Transformation Sub-committee had referred to Cabinet, the advice given to it by this committee following the meeting of this committee on 26 August. However, the Sub- committee had immediately agreed to open dialogue with the Corporate and Environment and Prosperity Scrutiny committees by setting up a monitoring group consisting of 3 Members from each committee.

RESOLVED – That Councillors J Narraway, P Edwards and D Brickhill be appointed as this Committee's representatives on the Highways Contract Monitoring Group.

56 FORWARD PLAN - EXTRACTS

The Committee considered items currently listed in the forward plan.

RESOLVED – That the Forward plan be noted.

57 CONSULTATIONS FROM CABINET

There were no consultations from Cabinet.

The meeting commenced at 2.00 pm and concluded at 4.45 pm

Councillor A Thwaite (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: CORPORATE SCRUTINY COMMITTEE

Date of Meeting: 12 October 2010
Report of: Borough Solicitor
Subject/Title: Budget Consultation Group

1.0 Report Summary

- 1.1 To update the Committee on the work of the Budget Consultation Group.

2.0 Recommendations

That Cabinet be informed of this Committee preliminary views on the Budget Consultation Process 2011/2012

3.0 Reasons for Recommendations

- 3.1 To inform Cabinet at an early stage of this committee consultation requirements in respect of the budget.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications including - Climate change - Health

- 6.1 Not known at this stage.

7.0 Financial Implications

- 7.1 None identified at the moment.

8.0 Legal Implications

- 9.1 None.

10.0 Risk Management

10.1 There are no identifiable risks.

11.0 Background and Options

11.1 On 19 April 2010, the committee set up a Budget Monitoring group to oversee the budget consultation arrangements in respect of the 2011/12 budget and for subsequent financial years.

11.2 The group has now met 3 times, most recently on 16 September. A report to this Committee on 12 July outlined the 4 key milestones agreed by the group which are:

- **Stage 1** – Backward look at the 2010/2011 process
- **Stage 2** - July/August priorities to be developed based upon the Corporate Plan and Sustainable Communities Strategy
- **Stage 3** – October – Forming of the draft budget
- **Stage 4** – January 2011, stakeholder events with Scrutiny involvement, followed by detailed look at the budget proposals by the group.

11.3 In accordance with the milestones, the terms of reference of the group have now been agreed and the following objectives agreed:

- To influence the budget setting process and to ensure that the Council has regard to Corporate priorities and to agree and set milestones.
- To submit initial comments on the draft budget prior to formal consultation with the 5 Overview and Scrutiny Committees.
- To determine the future consultation process for Overview and Scrutiny Committees.
- To have in place an agreed mechanism for regular budget monitoring.

11.4 On the 16 September, the group received up to date progress reports in respect of the funding gap in the current financial year and on the Capital Strategy. The updates can be summarised as follows:

11.5 Capital Strategy

The Capital Strategy was approved by Cabinet on 20th September 2010. The Strategy sets out the Council's approach to Capital

investment and disposals and how it makes decisions in respect of all types of Capital assets.

The Strategy links closely with the Council's Corporate Asset Management Plan (AMP) and shows how the Council is prioritising, targeting and measuring the performance of its limited capital resources so that it maximises the value of that investment to support the achievement of its key cross-cutting activities, initiatives and local and national priorities.

The Strategy forms part of the Council's Business Planning Process which aims to link priorities and desired performance with resource allocation.

It includes details of how capital schemes are identified, how they are prioritised and how they are monitored.

11.6 **First Quarter Review**

The first quarter financial and non-financial performance report was agreed by Cabinet on 16th August 2010. The report identified a projected variance from budget of £13.6m of which £11.5m related to Children and Adults Services. The headline pressures included:

Children

- Placement Activity £2m.
- Home to School Transport £1m.
- Delay in achievement of savings for example commissioning budgets £0.9m.
- Reductions to Area Based Grant £1.8m.

Adults

Care Costs £8m offset by reductions resulting from the transformation programme and use of grant to £5.8m.

An update on the remedial actions to reduce the variance was subsequently reported to Cabinet on 20th September. The proposed actions, if achieved, would reduce the forecast overspend to £7.4m. The actions include:

Children

- Use of un-ring fenced grant of £1.3m.
- Further staff reductions £0.6m.
- Pass porting the reduction in the Connexions grant to the service £0.6m.

Adults

- Remedial actions of £1.4m including increased savings on 2010/11 Budget proposals relating to Cypress House, voluntary redundancies in individual commissioning and care reviews.
- Potentially further savings from rationalising Home Care staff.

In addition there may be scope to make temporary use of earmarked reserves and central provisions following a full review.

Further remedial measures will be sought from all Services and Cabinet will be updated on a monthly basis.

11.7 At its next meeting, the group will spend a full day interviewing Heads of Service as part of the challenge process in respect of the emerging 2011/12 Budget.

11.8 In view of the very tight timescales, it is suggested that this Committee advises Cabinet, in November 2010 of the preliminary views of Corporate Scrutiny Committee on the budget challenge process, in based upon the following principles as approved by the consultation group:

1. That, Budgets should be disaggregated to fit in with the Council's Overview and Scrutiny arrangements to allow each Committee an opportunity to have a meaningful input into the budget setting process.
2. That Cabinet be requested to allow each of the 5 Overview and Scrutiny Committees to have an opportunity to have an input in setting budget priorities for the 2011/2012 budget.
3. That a cycle of dedicated O&S meetings be held in early January to formally comment on the draft budget.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Senior Scrutiny Officer

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CHESHIRE EAST COUNCIL

Constitution Committee/Corporate Scrutiny committee

Date of Meeting: 30th September 2010/12 October 2010
Report of: Democratic Services Manager
Subject/Title: New Executive Arrangements

1.0 Report Summary

- 1.1 The Local Government and Public Involvement in Health Act 2007 requires all local authorities to agree and implement a new leadership model.

2.0 Recommendations

- 2.1 That

(1) a public consultation exercise be undertaken between 1st October and 12th November 2010, by the way of an article and press release via the Council's website, on the options for future executive arrangements for Cheshire East Council; and

(2) the result of the consultation exercise be reported to the Constitution Committee on 18th November 2010 with a view to making a recommendation to Council on 16th December 2010.

3.0 Reasons for Recommendations

- 3.1 To comply with Government requirements to consult on two options for future executive arrangements for Cheshire East Council.

4.0 Wards Affected

- 4.1 All wards will be affected by the proposed change.

5.0 Local Ward Members

- 5.1 All local ward members will be affected by the proposed change.

6.0 Policy Implications including - Climate change - Health

- 6.1 There are no direct policy implications.

7.0 Financial Implications

- 7.1 None at this stage

8.0 Legal Implications

- 8.1 The actions outlined in this report are required in order for the Council to comply with the provisions of the Local Government and Public Involvement in Health Act 2007.

9.0 Risk Management

- 9.1 No risks have been identified.

10.0 Background and Options

- 10.1 The Local Government Act 2000 put in place a new decision-making framework, which introduced a separation of the decision-making and scrutiny roles of local authorities. Cheshire East Council, in common with the majority of local authorities, adopted a Leader with Cabinet style of executive. Cheshire East Council chose the strong leader model in which Council elects the Leader, and the Leader appoints Cabinet Members.
- 10.2 The Local Government and Public Involvement in Health Act 2007 requires local authorities to choose one of two new models of executive leadership: either a directly-elected Mayor and Cabinet, or a strong Leader and Cabinet style of governance. The requirement to hold a referendum before proceeding with the option of a directly-elected Mayor has now been removed.
- 10.3 The 2007 Act does not change the existing requirement for the Council to have arrangements to review and scrutinise executive decisions and any actions taken as a result of them. Other 'non-executive' functions (e.g. planning and regulatory functions and standards) also remain unaffected.
- 10.4 However, this change in executive arrangements, to Leader or Elected Mayor with a 4 year term of office, must come into effect from May 2011. The Council must pass a resolution giving effect to the change by 31 December 2010.

New Leadership Model

- 10.5 Once in office, there is little difference between what a new strong Leader and an elected Mayor can do. In both cases the elected Mayor or Leader will continue in office for a full four year term and will have the Council's executive powers formally vested in him/her. (The term of office of the Leader is from the date of election as Leader to the first annual meeting after their normal day of retirement as a councillor i.e. up to 4 years.) The main differences between the two models are the method of selection and the ability to remove him/her.
- 10.6 The Leader can be removed by a vote of no confidence requiring a simple majority of the Council. In this event, the motion must be set out in the

agenda for the meeting. An elected Mayor is elected separately, in addition to the 81 Councillors. Therefore an elected Mayor might not be a Councillor.

- 10.7 Either an elected Mayor or a Council-appointed Leader will initially hold all the Council's executive functions under their personal control. It will then be for him/her to choose whether to exercise some or all of these functions personally or to make arrangements for their discharge by an executive, by an individual member of the executive, or by officers.
- 10.8 As now, executive members must be appointed from amongst elected councillors, and it will be for the Council Leader or elected Mayor to choose how many members to appoint to the Cabinet (between two and nine) as well as themselves (as per the existing arrangements). He/she will also decide what (if any) executive functions are delegated to executive portfolio holders. The Mayor or Leader must appoint at least one deputy who, unless they resign or cease to be a councillor, will hold office until the end of the Mayor/Leader's term. A deputy can also be removed and replaced mid-term by the Leader or Mayor as can other members of the executive. The Act specifies that the deputy will take up the role of the Leader/Mayor if the latter is unable to act or the office becomes vacant.
- 10.9 Those functions which are the remit of the full Council remain unchanged by the 2007 Act. Therefore, setting the budget and major policies remain a decision for all Council Members.
- 10.10 The Council will continue to elect a traditional Civic ceremonial Mayor and Deputy Mayor of the Borough on an annual basis and their roles will not be altered by either of the new forms of executive. The Civic Mayor will continue to preside over meetings of the Council and carry out the ceremonial and civic duties attached to the office.

Matters To Consider

- 10.11 The new legislation requires that the Council make a formal resolution on its new executive arrangements before the end of December 2010. A table summarising the main differences between Cheshire East Council's current executive model and the two options available under the Local Government and Public Involvement in Health Act 2007 is set out in Appendix 1.
- 10.12 If the Council wishes to retain the Leader and Cabinet model, the Constitution will not need major amendment as its arrangements are largely compliant with the new requirements.
- 10.13 Although the Council already has a strong Leader model, if it wishes to opt for the new strong leader model (as opposed to the elected Mayor model) it will still be required to confirm this formally by passing a resolution to do so before 31st December 2010 for implementation at the Annual meeting in

May 2011. Before doing this, the Council must undertake a consultation exercise with electors and other interested parties.

- 10.14 If, following consultation, the Council resolves to implement the Leader and Cabinet executive model, it will need to consider changes to its executive arrangements which provide that the Leader is elected for a four year term, determines the number of members of the Cabinet and appoints members of the Cabinet.

Consultation

- 10.15 The legislation requires that the Council consult with electors and other interested persons within the Borough. The Council must draw up proposals to make a change in its executive arrangements and in so doing must consider the extent to which the proposals would be likely to help in securing continuous improvement in the way the Council's functions are exercised, having regard to economy, efficiency and effectiveness. These proposals will be approved at a meeting of Council on 16th December 2010. After the Council has drawn up its proposals it must make copies available for public inspection and publish them in local newspapers.
- 10.16 Guidance has recently been issued in the form of a letter from the Minister for Housing and Local Government (Appendix 2). It can be seen that whilst the statutory requirement to follow the consultation process must be adhered to, Councils are encouraged not to incur any significant expenditure in doing so. Indeed, it can be seen that these requirements are likely to be repealed, but not before the Council is required to make an appropriate resolution.
- 10.17 The Council will need to decide on one of two options:
- a) Leader with a 4 year term or
 - b) Elected Mayor with a 4 year term

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Appendix 1

Summary of main differences between current executive model and the two options available under the LG & PlIH Act 2007

		Options available under the Local Government and Public Involvement in Health Act 2007	
	Current 'strong Leader' and Cabinet model	New 'strong Leader' and Cabinet model	Elected Mayor
Appointment and term of office	Leader appointed by full council with no fixed term	Leader appointed by full council for a 4 year term (or until the expiry of the leader's term of office as a councillor)	Elected directly by the electorate for a 4 year term
Removal	The Council may, by resolution, remove the Leader from the office	Councils may include procedures which would allow the removal of the leader from office during the 4 year period by resolution of the council: It is suggested that this is by voting at full council, which requires only a simple majority (Section 44C of the Act).	Cannot be removed during his/her term of office
Executive Functions	Leader agrees the delegation of executive functions	All executive functions would be vested in the Leader who can then delegate.	All executive functions would be vested in the Mayor who can then delegate
Appointment of Cabinet	Leader appoints the Cabinet Members and notifies Council. Leader allocates Portfolio Holder responsibilities	Council appoints Leader who then appoints his/her Cabinet Members and allocates responsibility.	Mayor appoints his/her Cabinet Members and allocates responsibility
Deputy	No legal requirement to have a Deputy Leader	Legal requirement to have a Deputy Leader.	N/A

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Leaders of Non-Metropolitan District Councils
in England

The Rt Hon Grant Shapps MP
Minister for Housing and Local Government

**Department for Communities and Local
Government**

Eland House
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Dear Leader

**Requirement to consult under the Local Government and Public Involvement in
Health Act 2007**

I am writing to you about the requirements on your council to adopt a new governance model from May 2011, and before doing so to consult your local electorate and interested parties in the area. Whilst it is for each council to decide how it will meet these requirements, I would wish to highlight the Government's view that councils need not incur any significant expenditure on these requirements, and our expectation in today's circumstances that all councils will pursue this at minimal cost.

These requirements are in the Local Government and Public Involvement in Health Act 2007 and necessarily remain in force unless or until that Act is repealed by fresh primary legislation. It is our intention to do this. For your council the requirements mean that you must resolve by 31 December 2010 to move to either the new leader and cabinet model or mayor and cabinet model, and before so resolving you must take reasonable steps to consult the local electorate and other interested parties in your council's area.

In considering how to approach these requirements you will wish to have regard to the circumstances of today, including both the priority of cutting out all wasteful spending and the Government's commitments to allow councils to return to the committee system, should they wish to, and on elected mayors. We also intend to remove the necessity to elect a leader for four years. We intend to provide for these commitments in our Localism Bill to be introduced later in this Parliamentary session. This may mean that any governance model you adopt in May 2011 may be further changed within a year or so. Your decisions about consultation will also be taken in the context of the greater transparency and openness agenda which I am confident you will be putting in place throughout your council.

Accordingly, the case is strong for any consultation now about future governance arrangements to be the minimal cost option. It will be for each council to decide, but in our view no more than a small newspaper advert/article or press release on your website may be proportionate and right in these circumstances.

Yours sincerely

A handwritten signature in black ink, reading "Grant Shapps". The signature is written in a cursive, flowing style with a period at the end.

GRANT SHAPPS M

CHESHIRE EAST COUNCIL

REPORT TO: CORPORATE SCRUTINY COMMITTEE

Date of Meeting: 12 October 2010
Report of: Borough Solicitor
Subject/Title: Work Programme update

1.0 Report Summary

- 1.1 To review items in the 2010/2011 Work Programme, to consider new items listed in the schedule attached, together with any other items suggested by Committee Members.

2.0 Recommendations

- 2.1 That the Committee note the work programme.

3.0 Reasons for Recommendations

- 3.1 It is good practice to agree and review the Work Programme to enable effective management of the Committee's business.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications including - Climate change - Health

- 6.1 Not known at this stage.

7.0 Financial Implications

- 7.1 Not known at this stage.

8.0 Legal Implications

- 8.1 None.

9.0 Risk Management

- 9.1 There are no identifiable risks.

10.0 Background and Options

- 10.1 The Committee at its previous meeting agreed to set up monitoring groups in connection with ICT Harmonisation and the Highways Transformation Contract. Both of these groups are now up and running.
- 10.2 A site visit has been arranged for the Committee to inspect the Crewe Lyceum Theatre and Knutsford Cinema on 11 October.
- 10.3 Arrangements to hold a special meeting in the near future to deal with the assets presentation will be announced shortly. The Committee has previously indicated that it wishes to set up a Task and Finish group to review some aspects of the Asset Challenge Process. For clarification, I have reiterated the advice of the Monitoring Officer in respect of Task and Finish Groups.
- 10.4 If the Committee does not wish to set up a task and finish group on a proportional basis the following applies:
- 10.5 The constitution currently requires that Task and Finish are organised on a proportional basis, but this has proved difficult with such small numbers (they usually consist of 5 or 6 members).
- 10.6 Notwithstanding the constitutional requirement, there is still a statutory requirement, by virtue of the Local Government and Housing Act 1989, Schedule 1, meaning advisory committees are subject to the proportionality rules contained in the act. Unlike the constitutional requirement, however, the Act permits proportionality to be dispensed with, provided that the scrutiny committee so decides on a 'nem con' vote. Therefore, if the committee decides to appoint on a non proportional basis, it must do so on the basis of a nem con vote, ie. a vote without objection.
- 10.7 In reviewing the work programme, Members must pay close attention to the Corporate Plan and Sustainable Communities Strategy. Both of these documents have now been approved and adopted by Council.
- 10.8 Members must also have regard to the general criteria which should be applied to all potential items when considering whether any Scrutiny activity is appropriate. Matters should be assessed against the following criteria:
- Does the issue fall within a corporate priority
 - Is the issue of key interest to the public
 - Does the matter relate to a poor or declining performing service for which there is no obvious explanation

- Is there a pattern of budgetary overspends
- Is it a matter raised by external audit management letters and or audit reports?
- Is there a high level of dissatisfaction with the service

If during the assessment process any of the following emerge, then the topic should be rejected:

- The topic is already being addressed elsewhere
- The matter is subjudice
- Scrutiny cannot add value or is unlikely to be able to conclude an investigation within the specified timescale

11 *Access to Information*

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mark Nedderman
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Corporate Overview and Scrutiny Committee Work Programme 12 October 2010

Issue	Description/Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position R,A,G	Date for completion
Budget	Consultation group set up to review consultation arrangements for 2011/2012.	Committee	F Keegan	Being an excellent Council and working with others-to truly deliver in Cheshire East – Value for money	The group has met 3 times and is due to meet again on 22 October. See covering report for details.	Start date June 2010 and ongoing
Cheshire East Culture	Part of the transformation agenda to inculcate a new 'Cheshire East Culture'	Committee	F Keegan	Being an excellent Council and working with others-to truly deliver in Cheshire East – Value for money	No action taken to date	Ongoing
ICT Harmonisation and Improvement	Harmonisation and improvement ICT facilities across the Council	Committee	F Keegan	Being an excellent Council and working with others-to truly deliver in Cheshire East – Value for money	ICT Monitoring group appointed by Committee on 15 September 2010	Ongoing
Risk Management	Assess the Council's Risk management arrangements	Committee	D Brown	Being an excellent Council and working with others-to truly deliver in Cheshire East – Value for money	Presentation given to Members on 12 July 2010.	Ongoing
Local Highways	Consider setting up local	Chairman	R Menlove	The growth and	Item not yet	TBA

and Transport/liaison Committees	political arrangements to advise/determine local highway and transportation issues			development of a sustainable Cheshire East	prioritised	
Libraries Progress Report	Matter referred from Sustainable Communities Committee as a result of the realignment of remits	Sustainable Communities	A Knowles	The growth and development of a sustainable Cheshire East	Item not yet prioritised	TBA
Outsourcing of discretionary Leisure and Cultural Services	Matter referred from Sustainable Communities Committee as a result of the realignment of remits	Sustainable Communities	A Knowles	The growth and development of a sustainable Cheshire East	Site visits arranged for Crewe Lyceum/Knutsford Cinema ahead of awaited Consultant's report	TBA
Communications Service	Presentation on the structure and range of responsibilities covered by the communications service	Scrutiny Chairs group	D Brown	Being an excellent Council and working with others-to truly deliver in Cheshire East	item not yet prioritised	Presentation 12 October
Assets register	Presentation on the assets register and the 'assets Challenge' process	Committee	P Mason	The growth and development of a sustainable Cheshire East	Presentation partly given on 15 September. Awaiting special meeting to conclude the presentation with a view to setting up a Task and Finish Group	TBA
Procurement	Presentation on	Portfolio	P Mason	Being an excellent	Presentation on	12 October

	procurement arrangements in Cheshire East	Holder		Council and working with others-to truly deliver in Cheshire East	todays agenda	2010
Shared Services	Presentation to raise Member awareness of Shared Service arrangements across Cheshire.			Being an excellent Council and working with others-to truly deliver in Cheshire East	Presentation on todays agenda	12 October 2010
Highways Transformation Contract	Monitoring of the Highways Transformation Procurement Process	Committee	P Mason	The growth and development of a sustainable Cheshire East	Joint Monitoring Group set up with Environment and Prosperity Scrutiny Committee	May 2011



FORWARD PLAN 1 OCTOBER 2010 - 31 JANUARY 2011

This Plan sets out the key decisions which the Executive expect to take over the next four months. The Plan is rolled forward every month. It will next be published in mid October and will then contain all key decisions expected to be taken between 1 November and 28 February 2010. Key decisions are defined in the Councils Constitution.

Reports relevant to key decisions, and any listed background documents may be viewed at any of the Councils Offices/Information Centres 6 days before the decision is to be made. Copies of, or extracts from these documents may be obtained on the payment of a reasonable fee from the following address:-

Democratic Services Team
Cheshire East Council ,
c/o Westfields, Middlewich Road, Sandbach Cheshire CW11 1HZ
Telephone: 01270 686463

However, it is not possible to make available for viewing or to supply copies of reports or documents, the publication of which is restricted due to confidentiality of the information contained.

A decision notice for each key decision is published within 6 days of it having been made. This is open for public inspection on the Council's Website, Council Information Centres and Council Offices.

The law and the Council's Constitution provides for urgent key decisions to be made. A decision notice will be published for these in exactly the same way.

Forward Plan 1 October 2010 to 31 January 2011

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE10/11-44 Review of Home Improvement Agency Services	To consider the future provision of home improvement agency services.	Cabinet	18 Oct 2010	Service commissioners, current home improvement agency services.	John Nicholson, Strategic Director Places
CE10/11-45 Procurement of Utilities	To assess the procurement options for utilities (gas and electricity) for the Council for contracts due to expire in June 2011.	Cabinet	20 Sep 2010	Stakeholders, OGC and West Mercia Supplies	Lisa Quinn, Borough Treasurer and Head of Assets (Section 151 Officer)
CE10/11-46 Cheshire East Rights of Way Improvement Plan	To approve the Rights of Way Improvement Plan Strategy for 2011-2026, setting out the prioritisation of work in relation to the Public Rights of Way Network and wider countryside access.	Cabinet Member for Health and Wellbeing	Not before 1st Oct 2010	Public meetings, focus groups, questionnaires and web based consultation.	Guy Kilminster, Head of Health and Wellbeing Services
CE10/11-49 Future Operation of Crewe Lyceum Theatre and Knutsford Cinema	To decide on the future running and preferred operating model for both venues	Cabinet	15 Nov 2010	Voice for Crewe, local community groups, Crewe Charter Trustees and Town Councils.	Guy Kilminster, Head of Health and Wellbeing Services

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE10/11-50 Capital Strategy 2011 - 2014	To agree the Capital Strategy for the Council.	Cabinet	20 Sep 2010	Consultation with key stakeholders throughout the process.	Lisa Quinn, Borough Treasurer and Head of Assets (Section 151 Officer)
CE10/11-51 Asset Management Plan	To agree the asset management plan for the coming years asset strategy.	Cabinet	18 Oct 2010	Ongoing consultation with all service areas.	Lisa Quinn, Borough Treasurer and Head of Assets (Section 151 Officer)
CE10/11-52 Homeless Strategy	To adopt the strategy.	Cabinet Member for Prosperity	14 Sep 2010	Until 13 August, with residents, and wide range of partners including Police, Probation, health, mental health, drug and alcohol services, Connexions, CAB, benefits and housing associations.	John Nicholson, Strategic Director Places
CE10/11-53 16-19 Learning Needs Commissioning Priorities	To agree the commissioning priorities for 16-19 year olds for 2011-12 to ensure their learning needs are being met through various providers including schools and colleges.	Cabinet	15 Nov 2010	Through Sub Regional Group, involving Warrington and Cheshire West and Chester Councils.	Lorraine Butcher, Director of Children and Families

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE10/11-54 Interim Affordable Housing Statement	Approval of draft interim policies on housing supply including a draft interim policy to ensure an adequate supply of housing land, and an interim policy and Supplementary Planning Guidance on affordable housing.	Cabinet	20 Sep 2010	Four week consultation period - through the Strategic Housing Market Partnership, by a Focus Group, and on line.	John Nicholson, Strategic Director Places
CE10/11-55 Cheshire East Leisure Facilities: A Potential Vision for the Future	To agree a vision for the future of Cheshire East's leisure facilities.	Cabinet	Before 20 Dec 2010	Through the Leisure Facilities Sub-Committee and consulting users.	Guy Kilminster, Head of Health and Wellbeing Services
CE10/11-56 Single Equality and Inclusion Scheme and Action Plan 2010-2013	To approve the scheme, the aim of which is inclusion for all, to include all the statutory duties contained within the Equality Act 2010.	Cabinet	18 Oct 2010	With partners, voluntary, faith and community stakeholders, staff and citizens.	Vivienne Quayle, Head of Policy and Performance
CE10/11-57 Local Transport Plan	To approve the local transport plan strategy following public consultation.	Cabinet	20 Dec 2010	With Parish Councils, transport and environmental groups, neighbouring authorities, bus and train operators, Local Area /Partnership meetings.	John Nicholson, Strategic Director Places

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE10/11-58 Waste Treatment PFI Contract - Identification of Provisional Preferred Bidder	To approve the appointment of a provisional preferred bidder for the Waste Treatment PFI Contract.	Cabinet	18 Oct 2010	Through working groups involving officers with external financial, technical and legal advisors.	John Nicholson, Strategic Director Places

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