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# Sustainable Communities Scrutiny Committee

### **Agenda**

Date: Thursday, 7th 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 8)

To approve the minutes of the meeting held on 2 September 2010 as a correct record

3. **Declarations of Interest/Whipping Declarations** 

To provide an opportunity for Members and Officers to declare any personal and /or prejudicial interests in 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

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: Katie Smith 01270 686465

**E-Mail:** katie.smith@cheshireeast.gov.uk

#### 5. Local Area Partnerships

To receive a presentation of the Partnerships Business Manager on the work of the Local Area Partnerships

# 6. Funding For the Community and Voluntary Sector In Cheshire East (Pages 9 - 14)

To receive an overview of funding support from Cheshire East to the community and voluntary sector

#### 7. Community Safety Warden Task and Finish Group

To receive an update on the progress made by the Community Safety Warden Task and Finish Group

#### 8. Work Programme (Pages 15 - 20)

To give consideration to the work programme

#### 9. **Forward Plan** (Pages 21 - 22)

To give consideration to the extracts of the forward plan which fall within the remit of the Committee

#### CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Sustainable Communities Scrutiny Committee** held on Thursday, 2nd September, 2010 at Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

#### **PRESENT**

Councillor H Murray (Chairman) Councillor W Livesley (Vice-Chairman)

Councillors E Alcock, A Barratt, D Flude, M Hardy, D Hough, J Jones, S Wilkinson, J Wray and G Barton

#### **Apologies**

Councillor P Edwards

#### 35 OFFICERS PRESENT

Rebecca Pointon Enforcement officer
Phil Mason Enforcement officer

Martin Grime
Tony Potts
Rosemary Kidd
Mark Nedderman

Lead Emergency Planning Officer
Community Safety Manager
Spacial Planning Manager
Senior Scrutiny Officer

#### 36 ALSO PRESENT

Councillor R Bailey -Safer and Stronger Communities Portfolio Holder. Emily Lam – Expert Advisor

#### **37 MINUTES OF PREVIOUS MEETING**

RESOLVED – That subject to the following amendments, the minutes of the meeting held on 5 August 2010 be approved as a correct record:

#### Minute 34 PCSO Service level Agreement

All references to 'Wardens' be deleted and replaced with 'PCSO's'

The words 'and therefore not create value for money' in line 6 of bullet point 1 be deleted and replaced by:

'The Portfolio Holder pointed out that in cases of urgent police need, this would not be the case'

The words 'Police Authority's responsibility' in line 1 of bullet point 5 be deleted and replaced by:

'responsibility of the Police' and this bullet point be moved to sit directly after bullet point 1.

That the following words be added to bullet point 7:

'although, neither of the two issues had any bearing on this subject.'

#### 38 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS

None

#### 39 PUBLIC SPEAKING TIME/OPEN SESSION

None

## 40 A REVIEW OF LOCAL AIR QUALITY MANAGEMENT WITHIN CHESHIRE EAST

Rebecca Pointon and Phil Mason, Enforcement officers in the Safer and Stronger Communities Directorate attended the meeting and introduced a report outlining air quality management work in the Borough.

The Committee was informed that poor air quality reduced life expectancy in the UK by an average of 7-8 months, with health costs estimated at £20billion a year. The national UK air quality strategy aimed to reduce this to 5 months by 2020. Local Authorities would be instrumental in delivering this national target at the local level.

Specifically, Nitrogen Oxide could irritate lungs, and lower resistance to respiratory infections.

Air quality objectives were based on health evidence. However, it was reported that for some pollutants such as fine particles and benzene, there were currently no known safe levels.

When an Air Quality Management Area (AQMA) was identified, the Council had to produce an Air Quality Action Plan (AQAP) which was a basket of measures aimed at improving air quality. Action plans were then linked to the Local transport Plan, which ensured that the plan was acknowledged at a strategic level.

Appendix 2 of the report, listed current activities within the Air quality Action plan.

The Council had been informed yesterday (Wednesday) that it had been successful in securing a bid for £10,000 towards air quality schemes.

The Chairman commented about the business process outlined at appendix 1 and the need to ensure that any matters that are crossed reference in the Sustainable Community Strategy and Corporate Plan should be worded in the same fashion.

The enforcement team worked closely with other Council departments for example Highways, in relation to the location of pedestrian crossings, where these were located near to management areas, as the levels of traffic stopping at

such crossings could have an impact on readings. In response to a members question regarding what influence the enforcement team had on the Council's own fleet, the Committee was informed that measures were in place to strengthen the link, through the Local transport Plan.

RESOLVED – That the report be received and noted.

# 41 FLOOD AND WATER MANAGEMENT ACT 2010; THE EUROPEAN UNION FLOOD DIRECTIVE 2009 AND ASSOCIATED REGULATIONS/ISSUES

The Committee considered a report of the Lead Emergency Planning Officer, providing an update on the response of Cheshire East Council to the requirements of the Flood and Water Management Act 2010, the European Flood Directive 2009 and associated regulations and recommendations contained in the Pitt review.

Sir Michael' Pitt's review of the flooding in 2007, stated that "the role of local authorities should be enhanced so that they take on the responsibility for leading the co-ordination of flood risk management in their areas"

The Flood and Water management Act 2010 which would come into operation in April 2011, provided for this through the new role of lead local flood authority which was defined as the unitary council for the area. The European regulations were already in force.

The Pitt review recommended that the lead local flood authority should bring together all relevant bodies to help manage local flood risk. The important roles played by district councils, internal drainage boards, highway authorities and water companies were also recognised in the Act and these bodies, together with the Environment Agency, were identified as risk management authorities. The Act enabled effective partnerships to be formed between the lead local flood authority and the other relevant authorities who retained their existing powers (with some enhancement). The act also required relevant authorities to co-operate with each other in exercising functions under the Act and they could delegate to each other. It also empowered a lead local flood authority or the Environment Agency to require information from others needed for their flood and coastal erosion risk management functions.

The lead local flood authority was required to investigate flooding incidents in its area results of any investigation, and notify relevant authorities. It was also required to maintain a register of structures or features which it considered to have a significant effect on flood risk in their area, at a minimum, recording ownership and state of repair. The register must be available for inspection and the Secretary of State would be able to make regulations about the content of the register and records.

The Act also established a SuDS Approving Body (the "SAB") at county or unitary local authority levels. The SAB would have responsibility for the approval of proposed drainage systems in new developments and redevelopments, subject to exemptions and thresholds. Approval must be given before the developer could commence construction. In order to be approved, the proposed drainage system would have to meet new national standards for sustainable drainage.

Members of the Committee raised specific matters relating to the need to have in place sustainable drainage systems when constructing new developments and to the need to acknowledge the key mitigating aspects of regular gulley emptying on highway flooding.

#### RESOLVED -

- (a) That the report be received and the current position of Cheshire East in relation to the requirements/expectations outlined in the report be noted:
- (b) That the Lead Emergency Planning Officer be requested to report back to Members of this Committee with the results of the review of the situation relating to grants in connection with action numbers WEGOE.003 (Crewe and Nantwich) and WEGOF.004 (Congleton) in appendix A of the report;
- (c) That it be recommended to Cabinet that in any future contract with a term contractor, that due regard must be paid to all aspects that might contribute to flooding, of whatever nature, and in the event that the contract remains in-house, the gulley gleaning programme be reviewed by the appropriate Overview and Scrutiny committee in light of this report;
- (d) That Lead Emergency Planning Officer be requested to report back to this committee annually on flood risk management.

#### 42 ENVIRONMENTAL ENFORCEMENT

The Committee considered a report of the Community Safety Manager enclosing the Cheshire east enforcement policy. The policy aimed to secure an efficient and effective approach to all Council regulatory inspection and enforcement functions.

The Policy set out 3 levels of enforcement:

#### Promotion -

To raise awareness about legal standards and promote good practice.

#### **Informal Warnings** –

To reinforce promotional activities. In such cases when the law may have been broken, but it was not thought appropriate to take more formal action. An informal warning can be oral or written.

#### Formal Enforcement -

This includes the use of statutory (legal) notices; written undertakings and enforcement orders; cautions; fixed penalty notices; penalty charge notices and prosecution this course of action would be taken following procedures laid down in legislation, codes of practice and professional guidance notes.

RESOLVED – That the report be received and cabinet be informed that this Committee considers that the Enforcement Policy is adequate in its present form.

#### 43 LOCAL DEVELOPMENT FRAMEWORK

The committee considered a report of the head of Planning and Policy relating to a number of reports that formed part of the Cheshire East Local Development Framework (LDF), these included:

- Statement of Community Involvement (SCI) which set out the Council's consultation process and procedures that the Council intended to follow.
- Alsager Town Centre Supplementary Planning Document (SPD) which complimented policies adopted within the Congleton Local Plan to provide additional guidance in connection with the planning of new development within Alsager Town Centre
- Smallwood Village Design Statement SPD the purpose of which was to manage change in buildings and landscape in the parish of Smallwood.
- Cheshire East Local List of Historic Buildings and its supporting SPD, which had been prepared in response to guidance in (Planning Policy Statement 5 (PPS5) and identified buildings considered to be of local historic or architectural interest. A number of changes had been made to the list following consultation, although it was not anticipated that any further nominations for inclusion would be taken forward. The document would be subject to review every 5 years.

The report had been considered by the Strategic Planning Board and the comments of that committee were set out in section 10 of the report.

#### RESOLVED -

That it be recommended to Cabinet that the Council adopt the Statement of Community Involvement, Alsager Town Centre SPD, the Smallwood Village Design Statement SPD, the Local List of Historic Buildings and its accompanying SPD subject to the property at 70 Birtles Road Macclesfield, included as a property owned by Cheshire East being deleted from the local list.

44 PROCESS FOR CONSIDERATION AND ADOPTION OF LOCAL DEVELOPMENT FRAMEWORK (LDF) AND AMENDMENTS TO THE CONSTITUTION

The committee considered a report of the Borough Solicitor and Strategic Director of Places setting out the current arrangements for developing and finally approving the LDF documents, and described proposed amendments to streamline the process.

#### **RESOLVED-**

- (a) That the current arrangements for approving the LDF be noted;
- (b) That the consultation process within the Council to take this matter forward, as described at Section 9.2 of the Cabinet report, be noted and commenced:
- (c) That it be noted that subject to the outcome of the consultation process, Cabinet be invited to make recommendations to full Council regarding the alternative arrangements described in the table at Appendix 2;
- (d) That it be noted that recommendations to full Council will need to address any authority required for the Borough Solicitor to make any necessary and consequential amendments to the Constitution including additions to the terms of reference of Strategic Planning Board.

# 45 UPDATE OF THE COMMUNITY SAFETY WARDEN SERVICE TASK AND FINISH GROUP

Councillor Livesley informed the Committee that the Community Warden Task and Finish group had met two weeks ago and was due to meet again on Wednesday 8 September. A full report would be submitted to the next meeting of this Committee.

#### **46 WORK PROGRAMME**

The Committee reviewed the work programme and in particular considered the items listed at the foot of the report as 'possible items to monitor or consider at future meetings.

#### RESOLVED -

- (a) That the work programme be approved;
- (b) That the item relating to motorbikes be deleted;
- (c) That the interim report of the Corporate Officer Working Group looking into voluntary funding be submitted to the next meeting of this committee.

The meeting commenced at 10.30 am and concluded at 1.00 pm

Councillor H Murray (Chairman)

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#### CHESHIRE EAST COUNCIL

### **REPORT TO: Sustainable Communities Scrutiny Committee**

Date of Meeting: 7 October 2010

Report of: Juliet Blackburn, Partnerships Manager

Subject/Title: Funding For the Community and Voluntary Sector In Cheshire East

#### 1.0 Report Summary

1.1 This report provides an overview of funding support from Cheshire East to the community and voluntary sector. It identifies how funding for the sector is being considered as part of the business planning process for 2011/12, what communication is taking place with the sector in terms of funding, and the next steps in co-ordinating this work across the Council.

#### 2.0 Recommendations

2.1 Scrutiny committee is asked to note the report.

#### 3.0 Wards Affected

3.1 All

#### 4.0 Local Ward Members

4.1 All

#### 5.0 Financial Implications

5.1 All funding for the community and voluntary sector is being considered by the relevant service area as part of business planning for 2011/12

#### 6.0 Legal Implications (Authorised by the Borough Solicitor)

6.1 None

#### 7.0 Risk Management

7.1 The purpose of the review of funding for the sector set out in this report is, in part, to mitigate the risk of losing essential services provided by the sector.

#### 8.0 Background and Options

8.1 This paper has been produced based on work undertaken by a cross-directorate working group of the following officers:

- Juliet Blackburn, Partnerships
- Lucia Scally, Adults Services
- Rick Howell, Children's Services
- Guy Kilminster, Health and Wellbeing
- Jez Goodman, Places
- Zandra Neeld, Partnerships
- Maureen Groppe, Partnerships
- 8.2 Following the discussion on community and voluntary sector funding at an informal Cabinet meeting on 19<sup>th</sup> July this group was set up to undertake the following tasks:
  - 1. Gather a list of all current funding support for community and voluntary sector organisations, both grants and commissioning.
  - 2. Agree how we will consult with the sector during September to January as part of business planning. This is with a focus on using existing mechanisms as much as possible.
  - 3. Agree our approach to funding for the sector for 2011/14 eg will we have consistent reductions across all services or a differentiated approach, how can we be consistent in our contracting arrangements including monitoring requirements.
- 8.3 Before providing the overview it is important that the following points are noted:
  - 1. There is no clear definition of what constitutes a community or voluntary organisation, or a not-for-profit organisation. The working group has therefore chosen to initially pool information on a broad range of funding, and will then decide any areas which are outside the scope of the review.
  - 2. For the purpose of this review Cheshire East funding to community and voluntary sectors can include grants or commissioned services, and can be administered via a contract or service level agreement or a simple grant payment. Different services use different terminology and this is one area where consistency will be improved.
  - 3. The working group has only considered funding provided to the sector, however in-kind support is also provided such as free hall hire or officer support. In-kind support may need to be considered further in order to ensure consistency requests for in-kind support are likely to increase.
  - 4. Funding for events and sponsorship was initially outside the scope of this review, but has now been incorporated.
  - 5. Work with providers in Adults and Children and Families also has an expectation of the provider bringing additional value to the contracted service.

#### 8.4 Overview of current funding arrangements

The information collated to date has identified that the bulk of community and voluntary sector funding is within Adult Services, Children's Services and Partnerships:

#### 8.4.1 Adults Services

- Approximately £1.6 million
- All funding is commissioned and contracting arrangements are in place
- Funding levels were reduced at the start of this year and are likely to be reduced next year
- All organisations have been informed of likely reductions to their funding next year with the potential of a longer contractual arrangement following further commissioning focusing on prevention and early intervention
- A number of groups and forums are used to consult with the sector eg LINKS, the Older People's Network, Mental Health Alliance

#### 8.4.2 Children's Services

- Approximately £980,000
- Funding is focused on targeted services and has contracts including a service specification
- Funding levels were reduced at the start of the year and are likely to be reduced next year
- All organisations have been informed of likely reductions to their funding next year
- Consultation and communication with the sector takes place through the children and young people Community, Voluntary and Faith Sector Hub
- The need for in-year cuts has been avoided, however, Connexions funding has reduced and this includes some funding they gave to the community and voluntary sector

#### 8.4.3 Partnerships

- Approximately £900,000
- There are 3 types of funding
  - Community Grants £160,000
  - Infrastructure (or core) funding for CABs, CVS, ChALC and Cheshire Community Action £540,000
  - Strategic grants £140,000
- Contracts are in place for the infrastructure grants
- All organisations have received a letter informing them that grants are being reviewed and therefore they must not assume a similar level of funding for next year
- Approximately £60,000 has been paid this year (for the final year) to parish councils in Crewe and Nantwich, continuing an arrangement which existed prior to LGR
- Communication takes place with organisations on an individual basis, and also via CVS Cheshire East

#### 8.4.4 **Places**

The Places directorate has very little funding which is comparable to the type of community and voluntary funding in Adults, Children's and Partnerships.

- Economic Development has a grants budget of approximately £180,000 but most of this is not for community or voluntary groups eg it includes grants such as £40,000 to the 4 town partnerships in former Congleton, £20,000 to the Macclesfield and South Cheshire Chambers of Commerce, and contributions to CWEC and 4NW operating costs.
- This grant pot was cut by 30% at the start of this year and all organisations have been informed that further cuts are likely next year
- In addition Regeneration has approximately £500,000 or transport related funding for organisations such as Dial A Ride and Community Rail Partnerships

#### 8.4.5 Health and Wellbeing

Health and Wellbeing also has little funding which is comparable to the type of community and voluntary funding in Adults, Children's and Partnerships.

- There is a pot of approximately £55,000 which includes organisations such as Nantwich and Congleton Museums, and Clonter Opera. There is also a grant of £126,000 for Macclesfield Silk Heritage Trust
- Communication takes place with individual organisations, and all have been informed that grants may be cut next year.

#### 8.5 **Next steps**

The working group will:

- 1. Refine the current list of funding/grants and check that all relevant funding has been included across service areas.
- 2. Consider combining the Partnerships strategic grants with Children's and Adults commissioned funding.
- 3. Ensure a joined-up approach to all organisations which currently receive funding from more than one service area (these have already been identified).
- 4. Identify areas where levels of funding cuts need to be consistent.
- 5. Develop consistent approaches to contracting and performance management.
- 6. Continue to use the communication channels identified above to ensure a clear message to the sector and to individual organisations.
- 7. Work with CVS Cheshire East to organise a budget engagement/consultation event for the sector in November (this has already been agreed with the CVS).
- 8. Gather information from partner organisations on their community and voluntary sector funding and approach for next year PCT, Police and Fire have already been approached.

#### 8.6 Future Areas of Work

The working group has identified that a community/voluntary sector commissioning strategy for the Council might be useful, but this is not a priority for this year. The group has also identified the need to develop a clearer focus on prevention in the way we commission the community and voluntary sector. This could be developed further in 2011/12.

#### 9.0 Access to Information

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

Name: Juliet Blackburn

Designation: Partnerships manager

Tel No: 01270 686 020

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#### CHESHIRE EAST COUNCIL

# REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE

Date of Meeting:

7 October 2010

Report of: Subject/Title:

Borough Solicitor

Work Programme update

#### 1.0 Report Summary

1.1 To review items in the 2010/2011 Work Programme and to determine whether or not any additional items need to be included.

#### 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
- 6.1 Not known at this stage.

#### 7.0 Financial Implications 2010/11 and beyond

- 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.

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#### 10.0 Background and Options

- 10.2 The monitoring Officer has now issued advice to Overview and Scrutiny Committees on the Membership of Task and Finish Groups for those occasions when Members do not wish to set up a task and finish Group on a proportional basis as follows:
- 10.3 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).
- 10.4 If the constitutional requirement for proportionality were removed, there is still a statutory requirement. By virtue of the Local Government and Housing Act 1989, Schedule 1, 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. Removing the requirement in the constitution would therefore provide greater flexibility.
- 10.5 In effect this means that if members are mindful to set up a Task and Finsih group on a non proportionate basis, this can only be done by a 'nem con' vote ie a vote without objection, otherwise the Task and Finish Group must be set up on a proportional basis
- 10.6 In reviewing the work programme, Members must pay close attention to the Corporate Plan and Sustainable Communities Strategy.
- 10.7 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

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- 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: Katie Smith
Designation: Scrutiny Officer
Tel No: 01270 686465

Email: katie.smith@cheshireeast.gov.uk

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### <u>Sustainable Communities Scrutiny Committee Work Programme – September 2010</u>

Issue	Description/Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date
Review of the LAP's	To receive an update on how the LAPs are working	Committee	Bailey	Working with our partners	On track	7 October 2010
Corporate Officer Working Group – Voluntary Funding	The Corporate Scrutiny Committee was previously looking at this issue which now falls within the remit of this committee. At the last meeting members agreed to receive an update on this issue.	Committee/ corporate Scrutiny committee	Brown	To be an excellent council and work with others	On track	7 October 2010
Restorative Justice	At its meeting held on 15 July 2010, Members received a presentation on the Youth Offending Service, arising from this it was agreed that the Committee would receive further information on Restorative Justice.	Committee	Bailey	Safer communities	On track	7 October 2010
Response to NI47	This issue is a major concern for the Committee and an on going issue. The Committee have requested A Waller to meet with the portfolio holders and report back to the Committee	Committee	Bailey/ Menlove	To enhance the Cheshire East Environment	On track	4 November 2010

#### Sustainable Communities Scrutiny Committee Work Programme - September 2010

#### Possible Items to Monitor or consider at future Meetings

- Deployment of the Borough funded PCSO's
- Probation Service Response to NI018
- Performance Management how could the authority improve in this area
- Process and Policy for Anti Social Neighbours in private and let accommodation.
- Budget

#### **Dates of Future Meetings**

7 October 2010, 4 November 2010, 2 December 2010, 18 January 2011, 3 February 2011, 3 March 2011, 7 April 2011

#### **Dates of Future Cabinet Meetings**

18 Oct 2010, 15 Nov 2010, 6 Dec 2010, 20 Dec 2010, 17 Jan 2011, 14 Feb 2011, 14 March 2011, 11 April 2011.

#### **Dates of Future Council Meetings**

14 October 2010, 16 December 2010, 24 February 2011, 21 April 2011, 18 May 2011

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE10/11-56 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

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