

# **Sustainable Communities Scrutiny Committee**

## **Agenda**

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**Date:** Thursday, 3rd March, 2011  
**Time:** 10.30 am  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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. **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.

3. **Public Speaking Time/Open**

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

4. **Minutes of Previous Meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 3 February 2011

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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

**Tel:** 01270 686465

**E-Mail:** [katie.smith@cheshireeast.gov.uk](mailto:katie.smith@cheshireeast.gov.uk)

5. **Road Safety**

The Portfolio Holder to attend the meeting to discuss the concerns of the Committee regarding road safety in Cheshire East.

6. **Community Safety Wardens** (Pages 5 - 12)

To give consideration to an update report on the Community Safety Warden Service.

7. **Neighbourhood Policing Grant**

To receive a verbal update by the Head of Safer and Stronger Communities on the current proposals for a new Service Level Agreement.

8. **Extracts of the Forward Plan** (Pages 13 - 14)

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

9. **Work Programme** (Pages 15 - 22)

To give consideration to the work programme

10. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide 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 public interest would not be served in publishing the information.

**PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT**

11. **New Sub Regional Road Safety Arrangements**

To review and comment on the proposed revised sub-regional road safety arrangements, in particular around the delivery of police enforcement activity and speed cameras. Report to follow

12. **Funding for the Community and Voluntary Sector in Cheshire East**

To receive an update on the detail and principals for awarding funding.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Sustainable Communities Scrutiny Committee** held on Thursday, 3rd February, 2011 at Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

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

Councillors J Crockatt, D Flude, D Hough and J Jones

**Substitutes:**

Councillors A Thwaite and B Silvester

**In attendance:**

E Lam – Expert Advisor  
P Hartwell – Head of Safer and Stronger Communities  
T Potts – Community Safety Manager

**Apologies**

Councillors A Barratt, M Davies, M Hardy and J Wray

**75 MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 18 January 2011 be approved as a correct record and signed by the Chairman.

**76 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS**

None

**77 PUBLIC SPEAKING TIME/OPEN**

There were no members of the public present who wished to address the Committee.

**78 SAFER CHESHIRE EAST PARTNERSHIP RESPONSE TO NI47 - ROAD SAFETY**

The Chairman recapped on the current situation regarding the Committee's concerns on road safety. He explained that at the last meeting of the Committee, Members had requested the Strategic Director - Places and relevant Portfolio Holder attend a future meeting to discuss Cheshire East's proposal for road safety and the highways procurement contract.

It was highlighted to members that since the publication of the agenda, the Director – Places had submitted his apologies for the meeting and therefore the Head of Safer and Stronger Communities was deputising for him.

The Head of Safer and Stronger Communities informed Members that an Officer Working Group had been established to devise proposals for how road safety could be dealt with in the future. The work of this group and work on the highways procurement contract would be completed in time for the Committee's meeting scheduled to be held on 3 March.

The Committee raised strong concerns that the neither the Portfolio Holder or Strategic Director were present at the meeting and agreed that the Chairman write to the Chief Executive and Leader of the Council expressing the Committees dissatisfaction. It was therefore agreed that this item should be deferred until the meeting scheduled to be held on 3 March 2011.

Members highlighted the importance of road safety being in the highways contract and questioned whether or not the authority was currently fulfilling its statutory obligations.

The Committee also agreed that it was unable to fulfil its scrutiny role, as it had not received the relevant detailed budget or fees and charges information. The Head of Safer and Stronger Communities agreed that this would be circulated to the Committee.

### RESOLVED

- That the Head of safer and Stronger Communities be thanked for attending the Committee meeting.
- That the Chairman writes to the Chief Executive and Leader of Council expressing the Committees dissatisfaction with regard to the lack of attendance by the Director – Places and Portfolio Holder at the Committee meeting.
- That the Director – Places, Portfolio Holder, Strategic Highways and Transportation Manager and Alex Waller from the Cheshire Fire and Rescue Authority attend the meeting of the Committee scheduled to be held on 3 March 2011.
- That the relevant budget information be circulated to the Committee as soon as possible.

## 79 REVIEW OF COMMUNITY SAFETY WARDENS

At the Committee meeting held on 6 January 2010, it was agreed that as the economic landscape had changed since the review of the Community Warden Service commenced, the Community Safety Manager would bring a report to the Committee containing:

- A revised job specification – after speaking to StreetScene, Enforcement Officers etc to highlight any gaps in need.
- A deployment proposal outlining how many Community Safety Wardens would be required and where they would be placed/used.
- How performance would be measured.

- How Community Safety Wardens would be managed.

The Community Safety Manager attended the meeting to update Members on progress made. He reported that following the announcement in budget cuts, it had been agreed to reduce to number of Wardens to 8 at a saving of £130,000. It was proposed to split the Wardens into two teams, north and south and that any team leader issues were still being considered.

With regard to the role of the Wardens, he was currently investigating the duties and expectations of partners as well as the statutory and non statutory responsibilities. The possibility of joining the service with the Civil Enforcement Officers was also being investigated.

It was reported that performance was measured through call logging, over the past 8 months the following incidents had been logged:

- 137 reports of abandoned vehicles, 48 of which were not taxed and 20 were subsequently taken away.
- 134 anti social behaviour reports.
- 500 stray dogs reports, 287 of which were collected and 230 rehomed.

The Wardens had also issued 40 fixed penalty notices and 8 cases had been taken to court

Future work included the adoption of powers from the DVLA to deal with untaxed vehicles and the possible merge with the Civic Enforcement Officers.

Following consideration of the update Members were supportive of the visible presence that the Wardens offered and made the following comments and observations:

- That a more radical approach was required, including the possibility of joining up all departmental Cheshire East Wardens. However, in the past, there appeared to be a resistance to this proposal.
- That the Wardens should be task orientated.
- That in order to prove the value of the service, performance needed to be measured, and the service reviewed again in 6 months time.
- That there appeared to be very few fixed penalty notices issued, which should be addressed as a matter of priority, as prosecution would prove the value of the service.
- That a breakdown of hotspots be brought to the next meeting of the Committee.
- That there should be one unified service with a core set of skills and one management system.
- That there appeared to be inconsistencies in the financial figures given to Members and that this should be addressed by the next meeting.

### RESOLVED

1. That the Community Safety Manager be thanked for the update.
2. That the comments highlighted above be taken into consideration when drafting the full report.
3. That the full report be brought back to the next meeting of the Committee.

## 80 WORK PROGRAMME

Consideration was given to the work programme. It was agreed that:

- The Strategic Director for Places and the relevant Portfolio Holder attend the meeting scheduled to be held on 3 March 2011 to discuss the Committees concerns regarding road safety.
- A discussion take place at the meeting scheduled to be held on 7 April 2011, on the possibility of setting up a Task and Finish Group to investigate bringing all Wardens under one management structure.
- The submission timetable for Preliminary Flood Risk Assessments be considered at the meeting scheduled to be held on 7 July 2011.

### RESOLVED

That the work programme be amended to reflect the issues highlighted above.

The meeting commenced at 10.30 am and concluded at 12.15 pm

Councillor H Murray (Chairman)

## **CHESHIRE EAST COUNCIL**

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

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**Date of Meeting:** 3<sup>rd</sup> March 2011  
**Report of:** Tony Potts  
**Subject/Title:** Community Wardens

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#### **1.0 Report Summary**

- 1.1 This report sets out fundamental changes to the operational capacity, of the community warden service, identifying cost savings and seeking new opportunities, for improvement of the service.

#### **2.0 Recommendations**

- 2.1 To comment on the report and make recommendations

#### **3.0 Reasons for Recommendations**

- 3.1 Inform members of the changes to the service to allow sufficient opportunity to make comments, and recommendations to take the service forward

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications including**

- 6.1 N/A

#### **7.0 Financial Implications for Transition**

- 7.1 None

#### **8.0 Financial Implications**

- 8.1 As Appendix A

#### **9.0 Legal Implications**

- 9.1 None, subject to the comments of the scrutiny committee.

## **10.0 Risk Management**

- 10.1 The reduction in service, re prioritisation and focus of the role will mean some functions will not be able to be delivered.

## **11.0 Background and Options**

- 11.1 At the Sustainable Scrutiny Committee of the 6<sup>th</sup> of January a report was considered by members in relation to work carried out by a task and finish group regarding the Community Warden service.
- 11.2 Following the presentation of this report, some key areas were identified that required further clarification and I was tasked to look at these and provide a verbal update to this committee at its meeting, on the 3<sup>rd</sup> of February 2011
- 11.3 The key areas identified being:
- Undertake a review of and provide further details to members of the costs for the service
  - Review the role and deployment, following recommendations contained within the report of possible duplication of roles
  - Show how performance is measured, and provide value for money.
  - A deployment proposal outlining the vision for the service, including a revised management structure
  - A written report would be completed for its next meeting on the 3<sup>rd</sup> of March 2011.
- 11.4 Cost of Service
- Following the announcement of the cuts in funding to local authorities, it was agreed as part of cost saving efficiencies to reduce the number of wardens from the original structure of twelve to eight. By doing this, it has realised a saving of 157K from the original budgetary provision.
- Appendix A Shows a breakdown of costs and the agreed budgetary savings for this financial year.
- 11.5 The service has been operating with a team of 8 for some time now, due to other corporate financial constraints the authority was facing and by revising the role, and prioritising functions, it is felt that rather than reducing the service, the proposals contained within the report will demonstrate improved efficiency and enhance the role that is currently being delivered.



In relation to transport costs, these will be further reduced as vehicle leases expire, as the new structure requires fewer vehicles.

### 11.6 Structure

In order to deliver an effective service throughout Cheshire East, the wardens will be split into teams of 4, a north and south team. One team will be based at Macclesfield, and will cover down to Congleton; the other will be based at Crewe and will cover up to Macclesfield. However there will be flexibility to use all 8 in an area if required if it is felt necessary to deliver a specific outcome, or tackle a particularly challenging issue. Contained within each team, will be a team leader; however they will undertake an operational role, as well as providing supervision.

11.7 It is intended to locate the Macclesfield wardens at the police station. This will allow for further integration of the service, make provision for more “Joined up Working” and reduce duplication of effort. It will also realise further savings on accommodation, and on costs.

11.8 One concern raised by members was that they felt that due to the diverse nature of Cheshire East, two dog wardens were not sufficient to cover the area. To ensure capacity to address this, as well as the two current dog wardens, other members of the team can also undertake this function, ensuring that stray dogs can be dealt with.

### 11.9 Functions and Role

A review is currently being undertaken in relation to the duties of the warden service and the expectations of our partners to ensure that we can focus upon our key objectives and priorities. The service can be split into 2 main areas of work, these being Statutory and Non Statutory duties.

Statutory duties are;

- Environmental Protection Act
- Clean Safer Neighbourhoods
- Abandoned Vehicles
- Fly Tipping and Litter Enforcement
- Gypsy/ Traveller Enforcement and Welfare
- Parking Enforcement
- A Board Enforcement
- Dog Control
- ASB, particularly around public open space and council owned premises.

The warden service also provides the enforcement arm to our colleagues in Streetscape, and Environmental Health, dealing with incidents of fly tipping and litter issues.

- 11.10 Non statutory duties include the promotion of community safety issues in schools, to which members felt that this should be carried out by our colleagues from the Police and Fire service to prevent a duplication of effects.
- 11.11 The wardens have also have the same powers as a PCSO having recently received these from Cheshire police, and have played an integral part in managing road closures at special events, such as parades, and also providing security at elections.
- 11.12 By revising the role of the service, it is felt that priorities around the cleaner safer neighbourhood's agenda including those I have mentioned above can be tackled more effectively. However in doing this it must be understood that some functions that have been undertaken, and are an expectation from the public, and members will not be able to continue. As most of the environmental crimes take place during the day time and early evenings, then clearly this will need to be reflected in working patterns, and priorities. It is envisaged that a warden would attend the Local LAP meetings, and be able to take away actions, working in partnership to deliver outcomes

### 11.13 Performance Management

In order to effectively monitor performance and measure outcomes, the service logs all calls on a computer data base. An officer is then assigned to deal with this and takes ownership through to completion. To ensure an effective audit trail each incident is assigned its own incident number.

- 11.14 At the last Scrutiny meeting I gave a verbal update on performance in relation to abandoned vehicles stray dogs etc.

Below are some statistics over the last eight months

○ Abandoned Vehicles	137
○ Vehicles Removed	20
○ Untaxed Vehicles	48
○ ASB Incidents	134
○ Stray Dogs	500
○ Collected	287
○ Re homed	230
○ Fixed Penalty Notices	60
○ Prosecutions	8

- 11.15 Since presenting a verbal update on performance at the last scrutiny, I have established that a further 20 penalty notices have been issued and a further 4 cases are being referred for prosecution.
- 11.16 In relation to providing both a reactive and pro active approach to incidents of anti social behaviour, these will be directed to the Police to deal with. This will allow the service to then concentrate on a more task driven focus, towards tackling the environmental issues, members have requested.
- 11.17 One area that could be an issue is that of public owned space and amenities, such as parks and play areas, traditionally issues in these areas have been addressed by the wardens, and I have some concerns by adopting this approach, considering the reduction in police, resources, that areas such as these to which the public regularly complain about will be overlooked or not responded to.
- 11.18 Future Working
- Once the new structures and working practises are in place and have had time to bed in. It is the intention for the council to explore the possibility to adopt powers from the DVLA to deal with untaxed vehicles; this will allow the council to recoup all the costs themselves. From a community safety perspective, if a vehicle is untaxed, then the likelihood is that it will also have no insurance, or MOT and is likely to be/or has been involved in crime.
- 11.19 Currently the wardens issue a form called a CLE26 to an untaxed vehicle, which is then sent to the DVLA, and they then take the appropriate action to obtain the amounts owed. The PCSO is not authorised to do this, they can only issue a Warning notice to a vehicle. We will work with the Police to address this, to ensure time is not wasted.
- 11.20 It is also the intention to work more closely with the Civil Enforcement Officers, and once the legal issues are resolve look towards "Shared Powers" of enforcement

## **12.0 Overview of Year One and Term One Issues**

12.1 N/A

## **13.0 Access to Information**

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

Name: Tony Potts

Designation: Community Safety Manager

Tel No: 01270 686680

Email: [Tony.Potts@cheshireeast.gov.uk](mailto:Tony.Potts@cheshireeast.gov.uk)

## Appendix A

	<b>2010-11 Budget</b>	<b>2011-12 Proposed Structure</b>
	<b>£</b>	<b>£</b>
	Community Safety Wardens	Community Safety Wardens
FTE	12	8
Direct Employee Expenses	449,618	292,749
Indirect expenses	0	0
Premises	23,200	23,200
Transport	30,850	30,850
Supplies and Services	71,785	71,785
Third Party Payments	5,044	5,044
Customer and Client Receipts	-29,918	-29,918
Grants, Reimb & Contributions	-4,570	-4,570
<b>Grand Total</b>	<b>546,009</b>	<b>389,140</b>

The potential saving achieved from the proposed structure is £157K

## Note:

- (1) The 2010-11 Budget reflects 12 full time Community Safety Warden posts:  
however there are currently 4 vacant posts.
- (2) The 2011-12 proposed structure reflects 8 full time Community Safety Wardens.  
This also includes 1.5 FTE Manager.

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<b>Key Decision</b>	<b>Decisions to be Taken</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Relevant Scrutiny Committee</b>	<b>How to make representation to the decision made</b>
CE10/11-62 Transfer and Devolution of Services and Functions to Town and Parish Councils	To receive an update on the project and to approve any points of negotiation reached.	Cabinet	6 Jun 2011	With Town and Parish Councils, local ward members, staff and unions.	Sustainable Communities	Ceri Harrison, Head of Corporate Improvement

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE**

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<b>Date of Meeting:</b>	3 March 2011
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Work Programme update

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#### **1.0 Report Summary**

- 1.1 To review items in the 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**

- 6.1 Not known at this stage.

#### **7.0 Financial Implications 2010/11**

- 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**

- 10.2 The monitoring Officer has 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 Finish 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
  - 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:

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Designation: Scrutiny Officer  
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Email:          katie.smith@cheshireeast.gov.uk

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## Sustainable Communities Scrutiny Committee Work Programme – 3 February 2011

Issue	Description/Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date
Report on Community Safety Wardens	At the meeting held on 6 January 2011, it was decided that further work was needed before the recommendations could be accepted. Suggested that a report be carried out by Tony Potts and be brought back to Committee for Consideration.	Committee	Bailey	Safer Communities	Ongoing	3 March 2011
Response to NI47	This issue is a major concern for the Committee and an on going issue. The Committee have requested John Nicholson and C Menlove attend to allay fears.	Committee	Bailey/ Menlove	To enhance the Cheshire East Environment	Ongoing	3 March 2011
Deployment of the Borough funded PCSO's/ update on the SLA	At the meeting held on 6 January, the Committee heard an update on the funding situation of PCSOs. It was explained that no decision had yet been made on how the recently de ring-fenced budget would be allocated. The Committee	Committee	Bailey	Safer Communities	Ongoing	3 March 2011

## Sustainable Communities Scrutiny Committee Work Programme – 3 February 2011

	wished to be kept abreast as to the outcome of this decision and be consulted on further decisions.					
Funding for the Community and Voluntary Sector in Cheshire East	Further to the meeting held on 18 January 2011, Members agreed to receive an update on the detail and principals for awarding funding.	Committee	Brown	Being an excellent Council and working with our partners	Deferred	3 March 2011
Community Payback/Probation Service	To receive an update on the status of community payback in Cheshire East	Committee	Bailey	Safer Communities	deferred	7 April 2011
Possible Task and Finish Group - Wardens	To consider the establishment of a Task and Finish Group to investigate the possibility of merging all Cheshire East Wardens	Committee	Bailey	Safer Communities	On track	7 April 2011
Review of the LAP's	To receive an update on how the LAPs are working	Committee	Bailey	Being an excellent Council and working with our partners	On track	July 2011

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

- Performance Management – update January
- Process and Policy for Anti Social Neighbours in private and let accommodation.
- Budget

## **Sustainable Communities Scrutiny Committee Work Programme – 3 February 2011**

### **Dates of Future Meetings**

3 March 2011, 7 April 2011

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

14 March 2011, 11 April 2011.

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

21 April 2011, 18 May 2011

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