

Environment and Prosperity Scrutiny Committee

Agenda

Date: Tuesday, 22nd November, 2011
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/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

5. **Cheshire Farms Estate** (Pages 7 - 18)

To receive a presentation from the Cheshire Shared Service County Land Agent and offer opinions to Cabinet on the conclusions of the Cabinet Review Group, commissioned by the Portfolio Holder for Prosperity, on the Farm Estate Policy Review

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: James Morley
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6. **Alfresco Policy** (Pages 19 - 28)

To receive a briefing on and give consideration to the Council's Alfresco Policy

7. **Community Transport Task and Finish Review**

To discuss the Community Transport Task and Finish Review

8. **Development Management Transformation Project update** (Pages 29 - 36)

To receive an update from Development Management's Southern Area Manager on, and give consideration to, the progress of the Development Management Transformation Project

9. **Work Programme** (Pages 37 - 40)

To give consideration to the Committee's Work Programme

CHESHIRE EAST COUNCIL**Minutes of a meeting of the Environment and Prosperity Scrutiny Committee**

held on Tuesday, 25th October, 2011 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor L Gilbert (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors G Barton, P Butterill, H Davenport, K Edwards, R Fletcher,
S Hogben and P Hoyland

Apologies

Councillors A Barratt and G Morris

ALSO PRESENT

Councillor D Bebbington

OFFICERS PRESENT

Adrian Fisher – Head of Planning and Housing
Victoria Kell – Housing Options Manager
Dawn Taylor – Cheshire Partnership Gypsy and Traveller Co-ordinator
Daniel Corden – Planning Officer
Rob Shaw – LDA Design
Elizabeth Cooper – LDA Design
James Morley – Scrutiny Officer

139 MINUTES OF PREVIOUS MEETING

RESOLVED: that the minutes of the meeting held on 13 September be approved as a correct record and signed by the Chairman.

140 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS

There were no members of the Committee present who wished to declare any interests.

141 PUBLIC SPEAKING TIME/ OPEN SESSION

Mr John Jones, a member of the public, was present at the meeting and addressed the Committee. Mr Jones made references to the content of an article in the Crewe Chronicle on 19 October 2011 titled "Gypsies have changed, says leader". Mr Jones went on to make his own comments related to the article.

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CLIMATE CHANGE AND SUSTAINABLE ENERGY

The Committee received a presentation on the Council's Climate Change and Sustainable Energy Study from Rob Shaw who represented LDA Design, the consultants on the study. Elizabeth Cooper of LDA Design was also present to assist Rob.

The presentation by the LDA Design representatives summarised the content of the Climate Change and Sustainable Energy Study. The study was designed to inform the development of energy efficiency and renewable energy policies with the Local Development Framework (LDF). The study assessed the feasibility of delivering various types of renewable energy and the total implementable resource, taking account of constraints within the Borough.

The presentation briefly outlined several of the renewable energy technologies that were investigated as part of the study. Maps were used to show potential sites in Cheshire East for various technologies and diagrams illustrating the potential energy yield across the entire borough of each technology were shown.

The purpose of the Study was to identify the borough's potential to inform the Council's decision making. Potential for energy production was high and exceeded the future requirements of the borough. It would be the responsibility of the Council to decide where, when and which technology would be used to fulfil the needs of the borough in the future.

Following the presentation questions were asked and several points were made including:

- There would have to be a balance between preserving the green belt land and fulfilling the boroughs energy needs in the future. There were also aesthetic considerations to take into account, particularly in relation to the installation of wind turbines and photovoltaics.
- The study could be used to inform the decisions of private organisations and community groups as well as the local authority. The potential for sustainable energy production should be considered when making planning decisions and designing new buildings and residential areas.

RESOLVED:

- (a) That the Committee note the content of the Climate Change and Renewable Energy Study as presented to the Committee.

The Planning Officer and LDA Design representatives left the meeting

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HOUSING STRATEGY

The Committee received a briefing on the proposed Housing Strategy to allow it to offer comments before it was presented to the Cabinet for approval. The Head of Planning and Housing gave a presentation to the Committee to outline the

content of the Strategy document. The presentation covered the importance of housing, the key challenges and the five housing strategy priorities.

Members of the Committee asked questions and made comments about the Housing Strategy document. The points made included:

- There were a lot of aspirations in the strategy document but no mention of the resources that would be required to deliver on the priorities of the Strategy or targets for delivery that could be used to measure and scrutinise performance. The Committee accept the priorities but should be able to measure progress towards achievement of priorities as a Scrutiny Committee.
- There should have been a scheme in place to offer incentives to elderly and vulnerable people to downsize homes in order to free up larger homes for families.
- There was a lot of support for elderly and vulnerable people in social housing but there should also be support for elderly and vulnerable people in private sector housing and those who own their homes.
- It may be difficult to deliver affordable housing during the poor economic climate due to people being unable to afford deposits for houses and obtain mortgages. The Council should help residents with finances and provide resources to increase the supply of affordable housing.
- The five priorities were not weighted and were seen as equally important however the scope of some was larger than others. Limited resources meant it would be hard to deliver everything but the Council would endeavour to deliver on all of the priorities.

RESOLVED:

- (a) That the Committee endorse the adoption of a Housing Strategy.
- (b) That the Committee recommend the following amendments be made to the Housing Strategy document:
 - i. That greater recognition be given to renewable energy in the strategy document.
 - ii. That the wording of the “Meet the housing needs for a changing population” section needs to be strengthened to explain plans for downsizing older residents to smaller properties which should also include offering incentive schemes.
 - iii. That there be greater recognition of all tenures and not just social housing, especially for those just above the benefits threshold.

- iv. That the strategy document include boosting support for elderly people with empty properties who wish to sell the property or, equally, rent it out.
- v. That figures referring to the Crewe population be clarified.
- vi. That the strategy makes specific reference to and takes account of the Council's duty to support and care for 16+ care leavers, for whom the Council are Corporate parents.
- vii. That the strategy include measures and targets for progress so that performance can be measured and scrutinised.

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GYPSY AND TRAVELLER PROVISION

The Committee received a presentation on provision for Gypsies and Travellers from the Cheshire Partnership Gypsy and Traveller Co-ordinator. The purpose of the presentation was to inform the Committee about the requirements for provision of Gypsy and Traveller sites in the borough, the issues with unauthorised encampments and developments and the measures that were being taken to improve the relationships between Gypsy & Traveller communities and the local settled communities.

Questions were asked and points were made including:

- Officers were currently working on recording officer time and finding out the costs to Cheshire East of dealing with unauthorised encampments and transit sites. Costs tended to be a lot higher for those local authorities that did not have a dedicated co-ordination officer.
- A "pitch" was considered to be the space required for one family. This was not definitive as needs varied between families however there were expectations about what it was necessary to provide space for. A target of between 27-42 additional pitches was set for Cheshire East between 2006 and 2011 which the Council has failed to reach. There is also a target for between 19 and 22 additional pitches to be made available between 2011 and 2016.
- It would have been much more effective to be proactive and in control of encampments and transit sites than to be reactive to Unauthorised sites. Accepted site provision needed to be improved and would improve control, relations between travellers and the settled community and generate income for the local authority.
- The planning process for proposed sites needed to be more transparent and communication between traveller and settled communities needed to be developed in order to improve relationships and acceptance of encampments. The Council should take the lead on educating and improving communication and understanding between both sides.

RESOLVED:

- (a) That the Cheshire Partnerships Gypsy and Travellers Co-ordinator be thanked for attending and the presentation be noted.

The Cheshire Partnership Gypsy and Traveller Co-ordinator left the meeting.

145 **WORK PROGRAMME**

The Committee gave consideration to the Work Programme.

RESOLVED:

- (a) That the current Work Programme is agreed.

The meeting commenced at 2.00 pm and concluded at 5.10 pm

Councillor L Gilbert (Chairman)

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CHESHIRE EAST COUNCIL**REPORT TO: ENVIRONMENT & PROSPERITY SCRUTINY
COMMITTEE**

Date of Meeting: 22nd November 2011
Report of: Arthur Pritchard - Assets Manager
Subject/Title: Farms Estate - Policy Review
Portfolio Holder: Cllr. Jamie Macrae - Prosperity Portfolio Holder

1.0 Report Summary

- 1.1 The Farms Estate has a century long history of fulfilling a variety of roles within a rural context for the people of Cheshire. It was created to meet a social environmental need addressing concerns about rural depopulation; it subsequently contributed in times when food security was of more overt and critical importance to the nation and throughout has provided the only entry level opportunities into an industry that is key to the character and values of a rural authority.
- 1.2 The current management strategy was inherited from the former County Council, designed to mature in 2013 and at its core retained the primary role of providing opportunities to farm whilst providing radical targets for the reorganisation of the estate.
- 1.3 Whilst Local Government Reorganisation and speculation about policy change by stakeholders has had an impact upon the implementation of that strategy, delaying completion, it is clearly appropriate for Cheshire East Council to undertake a review to set its own policy.
- 1.4 At a fundamental level, this review sets out to challenge the rationale for the provision of the service, consider the scale of provision if any and review / set objectives for service to achieve, underlining the validity of continuing to improve service delivery.
- 1.5 A Cabinet Review Group (CRG) was commissioned by the Portfolio Holder For Prosperity to consider the issues; inform Cabinet about the nature and function/s of the service; how it can and does relate to the Councils vision and contribute to corporate objectives; provide a cost benefit analysis and assist the Council in reaching a conclusion upon the formulation of policy for the service.
- 1.6 Attachment 1 provides a summary of the information provided to the Cabinet Review Group including an analysis of the current management strategy, reference to the generation of capital receipts and projected levels of associated costs and reorganizational expenditure and two reports that were commissioned to assist the review process, addressing values and providing an independent view of the challenges and opportunities.
- 1.7 Paragraph 2.1 – 2.9 set out the conclusion and advice of the Cabinet Review Group to Cabinet to be supplemented if necessary by a verbal report from the CRG meeting of the 17th November 2011.

2.0 Recommendations

- 2.1 That the Environment & Prosperity Scrutiny Committee considers the conclusions of the Cabinet Review Group set out below in paragraph 2.2 (1 to 10) and advise Cabinet of its views regarding those recommendations:
- 2.2 That Cabinet be asked to note the report (Attachment 1) consider the findings of the attached report and appendices and;
 - 2.2.1 Endorse the continuing provision of opportunities to farm as a core objective for the service and;
 - 2.2.2 The target structure be amended to accommodate targets to deliver two levels of opportunity identified as Entry Level 1 (EL1) and Entry Level 2 (EL2) farms.
 - 2.2.3 The target structure be modelled to continue the drive to deliver a larger number of the entry level 2 units in the proportional split of 3 Entry Level 1 farms to 8 Entry Level 2 farms.
 - 2.2.4 The size of the estate be maintained at a similar area as existing, subject to reductions occurring by the disposal of property identified as surplus in the reorganisation, for corporate projects or for development purposes and strategic acquisitions, where appropriate.
 - 2.2.5 Implementation of the reorganisation be amended to acknowledge deferred activity and a more proactive approach to deliver the mature plan within 5 years.
 - 2.2.6 The capital programmes acknowledge and recognise the receipts achievable from the disposal of those properties identified as surplus in the reorganisation.
 - 2.2.7 The capital programmes acknowledge and recognise the predicted costs of the reorganisation programme.
 - 2.2.8 Opportunities for the Farms Estate asset base to contribute to and achieve the wider vision of the Council be explored.
 - 2.2.9 A series of service targets be developed to recognise objectives regarding the target structure and the wider vision of the Council's Sustainable Communities Strategy.
 - 2.2.10 A further report be brought forward to the Cabinet Review Group to explore options for a revised structure of tenancies.

3.0 Reasons for Recommendations

- 3.1 The proposals establish a challenging range of management policy objectives for Cheshire East Council consistent with a corporate approach to the management of assets encouraging inward investment and innovation.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including

6.1 Carbon Reduction

It is widely acknowledged that the pattern and nature of land use by agriculture has an impact upon the factors associated with climate change. The adoption

of policy relating to the future use of agricultural property will therefore impact both directly and indirectly.

6.2 Health

Not directly applicable.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 The current strategy envisages the generation of a net revenue budget (net income to CEBC) of £195,000 and capital receipts from the sale of properties deemed surplus as a result of reorganisation. The current level of planned receipts within the deferred capital programme is £1.21 million per year for 2010 – 2013 albeit a target of £2 million has been set for the current year.

Revenue budget (net income to CEBC) savings of £100,000 and further revenue savings of £22,000 achievable in 2011 and subsequent years from the implementation the current strategy were identified in setting the budget detailed above.

The adoption of the recommendations impact positively upon both revenue and capital receipts over a period of five years.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Farms Estate is held for the purposes of the Agriculture Act 1970. Section 39 of the Act states that the general aim is, having regard to the general interests of agriculture and of good estate management, to provide opportunities for persons to be farmers on their own account by letting small holdings to them.
- 8.2 Adjustments by acquisitions and disposals can take place as part of the management of the estate. Disposals which result in a net reduction are also lawful but while the estate is held for the purposes of the 1970 Act, the primary objective must be to provide opportunities for farming. If the estate as a whole were to be viewed primarily as an investment to generate income and capital, there would need to be a formal appropriation away from Agriculture Act 1970 purposes with the consequent impact upon issues relating to security of tenure and value.

9.0 Risk Management

- 9.1 Delay to the settlement of a CEBC policy, a lack of clear and compatible objectives in the policy or changed corporate priorities could lead to inappropriate, conflicting or ineffective management actions.
- 9.2 Market conditions impact upon the Service's ability to achieve occupation rates and resulting revenue or disposal income targets.
- 9.3 External policies (e.g. Localism agenda, National Planning Framework) will impact / contribute to the ability of the Service to implement identified actions to meet policy objectives.
- 9.4 The management structure provides limited resilience and contingency arrangements for the loss of staff knowledge/capacity, administrative data systems or support.

10.0 Background and Options

- 10.1 This is the first service review for the farms estate since the creation of Cheshire East Council and the conclusions of the review will define management policy.

11.0 Access to Information

- 11.1 The full report of CIPFA referred to within the report and Appendix 3 is a confidential document due to the nature of the information about tenants and the commercial sensitivities. A full copy is however available on a confidential basis upon request.

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CHESHIRE EAST BC – FARMS ESTATE POLICY REVIEW

1 INTRODUCTION

1.1 The current management strategy, described in further detail below, was inherited from the former County Council and it is clearly appropriate for Cheshire East Council to undertake a review and set its own management policy.

2 REVIEW OBJECTIVES

2.1 This review seeks to address two core issues:

- 2.1.1 To challenge the fundamental questions of whether the continuation of service delivery offer the potential to contribute positively to the corporate vision of the authority and
- 2.1.2 Consider the current strategy and set objectives for the future management of the service.

3 DESCRIPTION

3.1 The property asset comprises approx 5,119 acres of agricultural land on 19 estates including 72 let farms with farmhouse and buildings, 1 let cottages and vacant property and 53 acres of woodland. The estate generated a total income of approx £632k in 2010/11 and a net surplus of £299k¹. £1.61 million was realised from disposals in 2010/11 and a target of £2m has been set for 2011/12.

3.2 A more detailed analysis of the structure of the estate by use is attached as [Appendix 1](#).

4 NATIONAL CONTEXT & POLICY OBJECTIVES

4.1 Cheshire East Councils Farms Estate is one of a 60 Council Farms estates provided across the country by Local Authorities encompassing over 2300 equipped and 1000 bare land farms covering 281,000 acres of land². Service delivery is set within a framework of legislation developed specifically to address the core purpose of the service in providing opportunities to farm. [Appendix 2](#) provides a summary of the objectives and rationale adopted in the delivery of services across the country.

5 LOCAL CHESHIRE EAST COUNCIL CONTEXT

5.1 The ownership of agricultural land and property provides a range of opportunities to contribute to the corporate vision of the authority to sit alongside the core purpose of providing opportunities to farm.

¹ Net of management costs for non farms estate property (Est £20,000 pa)

² CIPFA (Chartered Institute Of Public Finance & Accountancy) Annual Report – Council Farms 2009-10

5.2 Two reports have been commissioned to assist in this review, addressing values and fundamentally challenging and analysing the existence of the service within the framework of CEBC's vision and policies, the latter by CIPFA². The approach and methodology adopted in completing the review is attached as [Appendix 3](#) but notably incorporated both internal and external stakeholder consultations and a financial appraisal. Central to their findings was the evident support and demand for the service and the opportunities that access to the asset base presents for the authority and its tenants to contribute to the wider social, environmental and economic benefit of the people of Cheshire East. A copy of the full report is available upon request.

6 CURRENT MANAGEMENT STRATEGY - SUMMARY

6.1 The inherited strategy is predicated upon a policy of continuing and developing / improving service provision within the framework and definitions of the Agriculture Act given the intention to provide opportunities to farm for eligible applicants.

6.2 The strategy recognises the need to modernise, to continuously improve the service and to evolve in tandem with developments in the specific sector that it serves i.e. the farming industry. A strategy implementing a radical reorganisation, retaining a range of farm types and sizes, but increasing the number of larger but still entry size farms that provide a springboard from which tenants can realistically seek promotion onto the typical scale of farms available in the private sector, was introduced with the backing of stakeholders from both private and public sector in 2001. In essence, whilst the physical area of the estate remains relatively similar, the total number of holdings reduces. Financially revenue remains relatively level and whilst incurring investment costs for amalgamation schemes, the scheme releases surplus properties for disposal and produces a net capital receipt of approx 75% of the amount realised.

6.3 At its core, the strategy sets a target for the mature structure incorporating approx 40 units with a average size of approx 125 acres. As a consequence, releasing a significant volume of property for disposal. The current and inherited target structure is shown below:

Size Category	40 – 60 acres	60 – 95 acres	95 plus acres	Total Number Properties	Total Area (Acres)
Current Structure	32	25	16	73	5119
Target Structure	3	10	27	40	4996

6.4 The mature plan would result in a marginally reduced sized estate but with 3 of the smallest size farms, 10 intermediate size and 27 promotion size units, releasing a further 33 properties for disposal with an approximate value of £13.53 million. It is estimated that the cost of amalgamations, disposals and meeting regulatory requirements (NVZ) is £3.38 million. This would suggest that, subject to the available access to that capital budget, a net receipt of £10.15 million would be

delivered by the current strategy albeit within a longer time scale (see para 6.6 below for commentary on time scale).

6.5 The realisation of receipts at full value assumes sales with vacant possession which it should be noted are only available on death, retirement or termination, supplemented by those tenants that are successful in moving off onto private estates.

6.6 Property interests are relatively inflexible and strategic policies therefore underpin the efficient use of property. The target for completion was 2013 but the impact of LGR and the current policy review has delayed implementation by approx 3 years thus far. An independent review completed in 2007 concluded that a more proactive approach would need to be implemented to deliver the strategy within the design life i.e. disposals or tenancy acquisitions from tenants where the wider strategic objectives can be delivered should be considered.

6.7 The scale of service offer has its roots in history and Cheshire East's Estate is marginally smaller than the average size at a national level. Demand for opportunities still outweighs supply substantially, but the number of opportunities to move on to private sector larger farms is also insufficient to meet demand from tenants wishing to move on.

7 FINANCIAL

7.1 The estate is considered to have a current market value of approximately £32 million³

7.2 The vacant possession value i.e. the value achievable as properties fall vacant following deaths etc is estimated to be approx £60 million.

7.3 The service generated a gross income of approx £632,000 and net income of £299,000 in 2010/11 from a rent roll of £554,000. The revenue budget for 2011 requires the delivery of a surplus of £195,000.

7.4 The latent liability for known statutory capital improvements⁴ is estimated to be £0.7 million and is likely to be incurred in the next 3 years.

7.5 The estimated capital cost of delivering the current reorganisation strategy including statutory work detailed above would require reinvestment of up to 25% of the gross receipts.

7.6 It is considered that the income profile from the current strategy would be likely to remain relatively stable allowing for rental growth and losses associated with disposals.

8 POLICY DEVELOPMENT

8.1 STRUCTURE

8.1.1 Since the last major policy review, the conclusions of which were endorsed by the agricultural industry, tenants and local stakeholders, Nitrate Vulnerable Zones have been extended and the regulations enhanced to impose greater

³ Based upon an assumption of no restrictions on title and disposal in the short term as at Sept 2009 (Ref Strutt & Parker Valuation Report Sept 2009).

⁴ Landlord liabilities for capital improvements in relation to the Nitrates Directives.

storage requirements for slurries, longer closed periods for field applications and limits on stocking densities. The impact has a direct bearing on the amount of land required to support a herd of cattle and hence the impact of increasing the average size of farms. It is therefore concluded that the offer of size category 40 – 60 acres is unsustainable and recommended that it be deleted. Such a proposal would release a further 150 acres to strengthen the retained offer and release two properties for potential sale or reuse for other purposes adding an additional £820,000 to the potential level of capital receipts and increasing the average size of farm within the mature structure to 131 acres.

- 8.1.2 A review of progress towards the mature structure in 2007/8 indicated that more proactive measures including the active acquisition of reorganisation opportunities (e.g. buying out tenancies or moving tenants to alternative accommodation by agreement) would be necessary to affect the volume of change required within the plan period. With the impact of LGR, those conclusions have been reinforced in the intervening period and the mature plan will take a further 3 – 5 years to deliver.

8.2 DEFINITION

- 8.2.1 There has been considerable discussion about the meaning of the terms 'entry, intermediate and promotion size farm,' understandably leading to misunderstandings. Accordingly it is recommended that the definition of the two sizes of farm be redefined as Entry level 1 and Entry level 2 farms.

8.3 WIDER BENEFITS

- 8.3.1 The Council has a wide range of goals relating to sustainability and as an example potential is evident between the Farms Estate and e.g. waste management strategies, composting and the generation of renewable energy. Clearly therefore the farms estate has the potential to contribute to the delivery of the Councils wider vision in those areas directly and/or in partnership with the tenant farmers in occupation e.g. through the sustainable use of water and the generation of energy from renewables.

8.4 TENANCIES

- 8.4.1 Within legislative constraints and practicality, freedom of contract provides scope to offer a range of differing tenancy types and lengths of tenancy. The standard length of tenancy for new entrants in Cheshire has been 15 years, and a maximum of 20 years or age 65 for moves by existing tenants. Each opportunity is considered on its merits and two tenancies of 10 years have been used for new lettings. The use of fixed term tenancies introduced by the 1995 Act marked a sea change in the potential for estate planning from the previous lifetime and retirement length tenancies and the potential for greater turnover and therefore the presentation of an increased number of opportunities.
- 8.4.2 Integral to any debate around the length of term to be offered as standard is the fundamental principle that either the service is considered to be successful by the use of a farm or number of farms, over the lifetime career of the tenant or it is not. In which latter case, it has to be acknowledged that the use of holdings by good quality capable farmers will be brought to an end at a juncture that may

not suit the then current tenant, to make way for a new letting to another existing tenant moving up the ladder or potentially a new entrant.

- 8.4.3 Length of term increases between the smaller Entry Level 1 farms and the larger Entry Level 2 farms in letting terms to reflect the scale of investment required and encourage movement within the estate. However, the current Cheshire terms are quite generous by comparison with other authorities and it is considered to be important to draw a balance between the desire to create an environment that encourages investment and one that does not undermine the overriding aim of providing entry level farms from which users will move on within limited time scales.

8.5 TENANCIES & INVESTMENT

- 8.5.1 The length and terms of a tenancy impact upon the market and potential to borrow and the cost and consequently the amount and rate of investment by tenants in infrastructure and improvements either planned at inception or during a tenancy.
- 8.5.2 The terms of Landlords consent can also have a significant impact upon the decision by a tenant to invest or not. Banks are currently looking for 50/50 ratios for new entrants but most significantly, good business plans that justify the proposed borrowings.
- 8.5.3 It is clear that there has been and is a reduction in investment during the last several years across the range of tenancy types reflecting the age profile of tenants, the length of remaining terms and the 'pending conclusion' status of the policy review since LGR.
- 8.5.4 As the availability of capital to the Council and tenants reduces and investment is still required to deliver the coterminous objectives of delivering receipts, reorganisation and improvement of facilities, some authorities have adopted an approach of reviewing the terms of letting. By revising existing practices and offering fixed term tenancies to accommodate a right to renew for a further identified fixed term with an inbuilt performance review mechanism i.e. thereby in the short term extending the more secure length of term, access to capital borrowing is improved whilst retaining the ability to terminate tenancies where the objectives are not being met or to facilitate further reorganisation.

9 CONCLUSIONS

- 9.1 A broad cross section of stakeholders, including those from within the agricultural industry, rural communities and service users and providers' value and support the availability of the service and the opportunities to farm.
- 9.2 The ownership of the Farms Estate portfolio provides a range of opportunities to work with tenants and partners to contribute to a wide range of the Councils objectives.
- 9.3 The target structure for the estate needs to be refined to eliminate a class of opportunity that is not considered to be sustainable.
- 9.4 The financial return is positive and consistent with this class of asset and structure of estate.

- 9.5 The delivery of a revenue surplus and capital receipts from restructuring the estate provides a financially sustainable model for the improvement of the estate/service but service delivery and financial performance could be enhanced by further refinement of the structural objectives and the adoption of management objectives that address the wider vision of the authority.
- 9.6 Options relating to tenancy type and structure should be explored further to encourage inward investment, clarify measures of success for the performance of the service and contribute to the improvement of the estate and service.

APPENDIX 1

Analysis of estate by use as @ 31ST March 2011:

Use	Area (Acres)	% of Total Area	Rent £ pa	% of Total rent
Dairy (d)	2735.39	53.43%	£327,877.00	59.20%
Livestock (s)	1829.81	35.74%	£176,407.00	31.85%
Secondary land lettings (sl)	304.44	5.95%	£18,752.32	3.39%
Horticulture (h)	8.98	0.18%	£6,493.00	1.17%
Arable (m)	92.74	1.81%	£8,665.00	1.56%
Commercial ©	0.26	0.01%	£5,000.00	0.90%
Let Cottage (lc)	0.37	0.01%	£2,340.00	0.42%
Telecomms(t)	0.00	0.00%	£6,081.87	1.10%
Estate Road etc (g)	14.86	0.29%	£0.00	0.00%
Woodland (w)	53.12	1.04%	£0.00	0.00%
Vacant farm premises ®	79.98	1.56%	£0.00	0.00%
Sporting Rights (sp)	0.00	0.00%	£2,220.00	0.40%
	5119.944	100.00%	£553,836.19	100%

ACES RURAL PRACTICE BRANCH

The Council Farms Service – Rationale 2009

Local Authorities have over a century of involvement in the agricultural industry through their management of Statutory Smallholdings, now known as Council Farms. The Service has a unique role and is a vital niche player in the tenanted sector. The agricultural industry and the countryside are constantly changing, and the Service continues to adapt to ensure it sustains the many benefits it provides to the wider community.

Against this background, the Rural Practice Branch of ACES has again updated its Rationale. This sets out examples of the many benefits Council Farms Estates can provide through the implementation of Good Estate Management Practice.

It provides: -

- A means of entry into farming and / or diversified rural businesses for those who may not otherwise have the opportunity to farm on their own account;
- The potential for tenants to establish and develop viable business enterprises, enabling internal progression to larger Council Farms and / or advancement from the Estate to bigger holdings on privately or institutionally owned let estates;
- A means of supporting the tenanted sector, boosted by the flexibility of opportunities offered by agricultural tenure legislation;
- A valuable source of rural employment opportunities on small family farms, often in remote locations;
- A tangible means of meeting the aspirations of the young farming community and the agricultural industry;
- An opportunity to contribute to the wider economic well being and development of the countryside, including products for local markets;
- A “bank” of potentially surplus development land arising from positive property reviews and estate rationalisations, providing a valuable source of capital for essential estate reinvestment, which assists rural economic regeneration and also contributes funding for the provision of other Council services;
- A potential land bank source of exception sites for affordable housing projects in rural areas;
- A valued Council Service managed on a dynamic, sound, commercial, business-like basis having regard to the principles of asset management planning and effective performance management;
- A direct stake in the countryside for Councils enhancing the links between the local farming industry, the rural economy and the wider community through school visits in relation to lifelong learning, open days and guided walks;
- An opportunity to implement best practice in rural estate and sustainable countryside management and stewardship: e.g. Environmental Stewardship Schemes, Health & Safety, and community participation;
- A wealth of traditional landscape features such as stonewalls, ditches, hedgerows and farm buildings which are more likely to be retained on small family farms;
- The opportunity, in partnership with tenants, for the implementation of positive strategies that address the challenges of climate change (e.g. wind farms and other renewable energy sources), together with sustainable farm management and good husbandry practices.



2 Our Approach and Methodology

2.1 We followed a three stage approach to this project.

Stage One

2.2 In stage one we undertook a desktop review of the Council's main plans, policies and strategies including; Corporate Plan; Sustainable Community Strategy; Local Area Agreement; Local Strategic Partnerships; Medium Term Financial Plan; Capital Strategy; Asset Management Plan; Environmental Strategy; Rural Strategies and Policies; Farms Policies and Strategies etc. We also reviewed the current levels of income, expenditure, tenant turnover and market demand for the estate.

2.3 We also reviewed some external and independent reports relating to the national picture of local authority farm estates across England & Wales.

2.4 From this document review we were able to:

- Identify potential for the Farms Estate to make a positive contribution to the Council's corporate or service objectives and to performance improvement, and
- Undertake a high level financial appraisal of the estate to identify any significant financial risks and opportunities within the current delivery model.

Stage Two

2.5 In stage two we undertook a remote, primarily telephone based, research of a small number of other UK local authorities that own and manage a farms estate similar to that of Cheshire East Council.

2.6 From this research we were able to identify some objectives and performance management arrangements that other local authorities have adopted, and assess the relevance and benefit of these to any future farms estate strategy adopted by Cheshire East Council.

2.7 We also enquired into the financial health and profitability of the farms estate of the selected sample of local authorities as a means of providing a benchmark comparison on the current delivery model.

Stage Three

2.8 In the final stage we interviewed a wide selection of stakeholders, either face to face or by telephone. The people interviewed included from Cheshire East Council; the Chief Finance Officer and other finance staff, Head of Property, Chief Land Agent, the portfolio holder for Procurement, Assets and Shared Services and a range of senior managers and officers from other services.

2.9 External stakeholders interviewed included two existing tenants, as well as local and national representatives from DEFRA, National Farmers' Union, Tenant Farmers' Association, Country Landowners Association, Cheshire Federation of Young Farmers and Reaseheath College.

2.10 From these interviews with stakeholders we were able to:

- (a) Assess the current perceived financial and non-financial worth of the farms estate,
- (b) Collate their opinions as to what they see as the future benefits the portfolio could deliver if retained by the Council, and
- (c) Test the potential non-financial benefits identified in Stage One.

CHESHIRE EAST COUNCIL

REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE

Date of Meeting: 22 November 2011
Report of: Head of Highways and Transport
Subject/Title: Review of Pavement Café Policy
Portfolio Holder: Councillor Menlove

1.0 Report Summary

- 1.1 The Pavement Café Policy was approved on 18th March 2011 under delegated powers by the Strategic Director Places after scrutiny by this Committee on the 8th February 2011.
- 1.2 This report provides additional information and background to answer a number of questions posed by members of the Committee and to review the previous 6 months implementation of the Policy.

2.0 Recommendations

- 2.1 **Members of the Committee are asked to provide comment on proposed Pavement Café Policy.**

3.0 Reasons for Recommendations

- 3.1 The Pavement Café Policy is aimed to set out the Council's consistent approach, for owners and managers of restaurants, cafés, bars, tea rooms, coffee shops and snack bars, who may be considering placing tables and chairs outside their premises.

4.0 Wards Affected

- 4.1 This report affects all wards equally.

5.0 Local Ward Members

- 5.1 This report affects all wards equally.

6.0 Policy Implications including – Carbon Reduction - Health

- 6.1 There are no human resources implications of the recommended option.
- 6.2 The policy is intended to ensure that highways enforcement is carried out in a fair and consistent way.

- 6.3.1 Enforcement of highways legislation is intended to bring about a reduction in environmental problems including the appearance of the street scene and obstructions caused by alfresco refreshment areas. Local people, businesses and communities can expect to see an improvement in the street scene and safety as a result of this enforcement.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 The Strategic Director confirms that the costs of implementing this policy have been met from existing budgets.
- 7.2 A recent Cabinet meeting requested that the current fees associated with licensing alfresco seating on the highway will be reviewed taking on board the constructive comments received from the businesses affected and from local town councils. The Council has been working hard to support the future prosperity of all its town centres with schemes such as the "Love Local Life" and is committed to continually review its policies and fees.

The Strategic Director Places has therefore made the informed decision in consultation with the Portfolio Holder for Environment to revise the fee structure to provide a greater concession to smaller businesses and to encourage the already popular alfresco culture.

Original Fee

Seating up to four persons £150 initial licence and £100 annual renewal
Seating greater than four persons £550 initial licence and £330 annual renewal

Revised Fee

Seating up to six persons £100 initial licence and on each annual renewal
Seating greater than six persons £550 initial licence and £330 annual renewal.

- 7.3 This twelve month cycle enables the Council to monitor the pavement cafés and either introduce additional conditions or not to renew a licence should there be any negative impact from the facility. The applicant would also be liable for any charges the Council levies with respect to planning approval, listed building consent and premises licence.
- 7.4 The pricing structure means the authority only recovers the cost it incurs through the application process and enforcement. The Authority has given a concession for smaller businesses where a licence is £100 with an annual renewal of £100. This fee does not cover the costs of administering the Policy.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 It is an offence to deposit items on the highway without authorisation and the Council is empowered to prosecute offenders under the Highways Act 1980 and the Town Police Clauses Act 1847. Other powers are available under the common law. Strictly, anything located on the highway, which is not authorised by law, is capable of amounting to an obstruction. This applies to both permanent and temporary features. As a result, the scope of these sections

has been extended to encompass related matters such as 'alfresco' refreshment areas.

- 8.2 Under Part VII A of the Highways Act 1980 the Council has the power to licence the placing of items and amenities on certain types of highway, which includes footpaths, footways, pedestrian areas and other highway where vehicular traffic is prohibited. In some cases, the consent of the frontagers is required and special considerations apply in respect of a walkway.
- 8.3 The Council has the power to impose such terms and conditions in the licence as it thinks fit, including a requirement to indemnify the Council in respect of the placing/retention of the item on the highway. In respect of fees, if the Council is the owner of the soil beneath the highway it can impose such reasonable charges as it may determine. Where the Council is not the owner of the soil beneath the highway, it can only require the payment of such charges as will reimburse the council for its reasonable expenses in connection with granting the licence. Prior to granting a licence the Council is required to post notices on the street, serve notice on the owner and occupier of any premises appearing to the council to be likely to be materially affected and undertake consultation. The licence must not be granted until the Council has taken into consideration all representations made to it in connection with the proposal within the period specified in the notice.
- 8.4 If it appears to the Council that the licensee has committed any breach of the terms of the licence, it may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified. If the person fails to comply with the notice, the Council may take the steps itself and any expenses incurred, together with interest may be recovered from the person on whom the notice was served.
- 8.5 The advantage of entering into a licence with each individual person or business is that the Council can ensure compliance with the terms and conditions of the licence. Without a licence, the Council can only set down guidelines and then take enforcement action where appropriate.
- 8.6 Requiring a licence will also allow the Council to ensure that the businesses have the necessary public liability insurance in place, particularly on an annual basis. Public liability insurance should be in place for any business, but it ensures there are sufficient funds available in the event that a claim is made against the Council, as highway authority, for any accidents or loss caused by the presence of the tables and chairs on the highway. In such circumstances, the Council will look to rely upon the indemnity, backed by the insurance policy. This will not prevent any injured person from naming the Council as a defendant in proceedings (in addition to the business owner), as an injured person may make claims against several defendants if they believe they are responsible, but it will avoid the Council from having to pay, from its own pocket, any costs and damages awarded in the event of a claim. Without a licence, the Council would face increased costs in insisting on public liability insurance being in place. It could insist on the policy being in place by seeking to remove the table and chairs as obstructions unless proof of a policy is provided, but this is more onerous on the Council and would add considerably to the Council's costs of enforcement.

- 8.7 Section 115F of the Highways Act 1980 specifically mentions the highway authority's power to seek an indemnity, thus, it was considered appropriate and reasonable by the drafters of the Act's provisions that authorities should be able to obtain an indemnity when granting a licence under this Part of the Act. In the absence of an indemnity or any court placing the entire responsibility for a claim with the business, the Council would have to pursue the individual owner, establishing that they are responsible and recover any costs incurred from them. Legal costs would be incurred in doing so, which may not be recoverable. Pursuing the business for such costs assumes that the business/sole trader has sufficient funds to make it worth pursuing. Without the indemnity and public liability policy being in place the Council is risking, in legal proceedings, having to pay the whole or part of the claimant's and its own legal costs in defending a claim plus any damages awarded in the event of a successful claim.

9.0 Risk Management

- 9.1 The risk of not implementing this policy is that when we take a case to court we have no formal policy to back up the action being taken.
- 9.2 All responsible premises should carry public liability insurance and therefore seeking an amendment to the policy to cover the presence of tables and chairs on the highway as a part of their business enterprise is not an onerous request. It is standard practice and reasonable for the Council to seek such insurance and to check the policy is in place across all of its dealings with businesses in such circumstances. The Council's insurers would expect the Council to act prudently in its activities, part of which is ensuring businesses have public liability insurance in place when their proposed actions affect either the highway or Council premises. Having contacted the Council's insurers, they have stated they would expect every business to have their own public liability insurance in place in any event which should cover this and it would be very concerned if the business did not have such insurance for its operations generally as that business is dealing with the public.
- 9.3 On a general note, if the business concerned did not have public liability insurance and there was a successful claim against the Council, the Council has to meet the first £50,000 of each individual claim. It is not considered reasonable for the Council to have to bear such risk or costs when it is the responsibility of the business owner to obtain public liability insurance for activities relating to its own enterprise.

10.0 Background

- 10.1 Pavement cafés are areas of the public highway on which tables and chairs may be placed and where food and/or drink are consumed. Typically restaurants, café s and public houses, where there is sufficient space on the highway, like to expand their trading opportunities and offer continental style service by having an “Alfresco” seating area outdoors.
- 10.2 The “Alfresco” café culture has become a popular attraction in towns and cities across the country. A pavement café which is well designed, located

and fits with the local area can add value by increasing the use and vibrancy of the street and creates feeling of well-being. Through pavement cafés businesses can increase trade not only for the particular premises concerned but for other businesses in the area due to the attraction of visitors and shoppers.

- 10.3 The Council recognises the economic benefits and enhancement of the street scene that these schemes can provide. However it is important that they are well designed and set out and do not impinge on safety or inconvenience users of the highway.
- 10.4 The Council wishes to encourage the alfresco culture but at the same time ensure that the public's right to use the highway is not adversely affected. Implemented schemes must not create a hazard or obstruct the highway for pedestrians, blind or visually impaired people or people with limited mobility. The facilities must be provided to the highest possible standards without any detrimental effect upon the community as a whole.
- 10.5 The Council has licensed and approved pavement cafés in the first half of the year under a set of licence conditions. These conditions are set out in Appendix A to this report and underpin the Council's policy for pavement cafés on the highway. Additional conditions are applied where it is proposed to serve alcohol and these are set out in Appendix B.
- 10.6 The charges for pavement café licences will be reviewed on an annual basis along with all other charges.

11.0 Access to Information

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

Name: Kevin Melling
Designation: Head of Highways & Transport
Tel No: 01270 686336
Email: Kevin.melling@cheshireeast.gov.uk

Pavement Café Policy and Conditions

1. A licence must be granted for the use of the highway for tables & chairs for an outdoor café to be lawful. It does not grant permission for the use of the highway for any other purpose including the sale or display of goods or services.
2. Unless express written permission is granted by Cheshire East Borough Council ('the Council'), this Licence may not be assigned or sublet to any other business.
3. The Licence shall remain in force for a period of 12 months from the date thereof provided that if there is a breach of any of these conditions the Council reserves the right to withdraw the Licence by giving the Licensee seven days notice in writing of the Council's intention to withdraw the same.
4. All reasonable directions of the Council or its representative are to be complied with.
5. Tables, chairs, furniture, fittings and barriers associated with the refreshment area or café (Furniture and Fittings) shall not encroach on to the highway beyond the area licensed for the purpose by the Council, and shown on the plan annexed to this Licence ('the Licensed Area'). Care shall be taken with the siting of umbrellas and awnings neither of which may extend outside the Licensed Area. The whole of the adjacent highway shall remain open for pedestrian use at all times and shall not be obstructed by public use of the Licensed Area. Free and unobstructed passage of pedestrians on the highway must be maintained at all times so as not to cause any nuisance annoyance or obstruction thereof and the Licensee shall:-
 - (a) ensure that all persons taking refreshments do not encroach beyond the Licensed Area
 - (b) be responsible for the conduct of all persons using the Licensed Area.
6. Tables and chairs on the public highway shall be positioned to allow the safe passage of pedestrians, blind or visually impaired people and people with limited mobility. The tables and chairs must be placed so as not to obstruct drivers' sight lines or highway signs. They must be within an area defined by an approved temporary barrier sited within an area permanently marked on the highway only by means of an approved brass stud situated at each corner of the Licensed Area, installed by the Council. The costs of providing, installing, maintaining, removing and making good marker studs are to be borne by the Licensee.
7. A minimum free width of 1.8 m or in fully pedestrianised areas, one third the width of the public highway (measured from the centre of the highway),

whichever is the greater, must remain free and unobstructed for pedestrians. This minimum may be increased where there are intense levels of pedestrian traffic or where there is street furniture on the highway. At bus stops 2.3 m of unobstructed footway will be required. Designated outdoor café areas on opposite sides of the street must be separated by 3.5 m measured along the street to permit fire brigade access or passage.

8. In the event of the surface of the highway being disturbed by the Licensee by any means, the Licensee shall restore and made good the highway at the Licensee's cost, to the satisfaction of the Council. The Licensee shall be responsible for all damage caused to the Licensed Area as a consequence of its use, whether caused by the Licensee or not.
9. Access for emergency services must be available at all times. If the Licensee is requested to move any Furniture and Fittings or other items within the Licensed Area by the Council, Police or Fire Officer or Statutory Undertaker
 - (a) in the interest of public safety (for example on occasions when there are demonstrations, public unrest and disorder, bomb warning or fire alert) or
 - (b) for the purpose of carrying out works in on or under the highwaythe Licensee shall immediately comply with that request.
10. Access for those working for adjacent properties to put scaffolding over or adjacent to a Licensed Area, and to carry out works on that scaffolding, is to be afforded at all reasonable times.
11. In the event that, as a result of the Council requiring the highway for any reason or cause arising in connection with its powers and duties as highway authority, the Licensed Area is not available for use by the Licensee, there shall be no claim against the Council for loss of trade.
12. Any Furniture and Fittings associated with the use of the Licensed Area shall be installed and maintained to the satisfaction of the Council.
13. Access to the Furniture and Fittings and the Licensed Area shall be afforded at all reasonable times to officers of the Council for the purposes of inspection.
14. The Licensed Area shall be kept in a clean, litter free and in a tidy condition during its operation and used glasses, plates, cutlery, containers, papers and all other articles thereon shall be removed on a regular basis and at the close of business each day and all refuse shall be removed. Care should be taken to ensure that litter does not stray onto adjacent areas, any windblown litter outside the perimeter of the Licensed Area must be collected. Cleansing of any spillages is to be dealt with by the Licensee as soon as they occur.
15. The sale of food and/or drinks from temporary stalls or takeaway food from outdoor sale points is prohibited. No outdoor ice-cream or drinks vending machines or stalls will be allowed. Covers/ tables must be serviced directly

from immediately adjacent building premises of a permitted A3/food use, where the food is prepared and sold ('the Premises').

16. Any signage, flags, banners, "A" boards or temporary advertisements displayed or placed in on or around the Licensed Area must be in accordance with the Council's Clear Way Forward Policy and Guidelines.
17. The Licensed Area will only be open for the use as a refreshment area between the hours of 07.00 hrs and 23.00 hrs or such hours as may be designated on the Licence (the Refreshment Period).
18. Furniture and Fittings may only be placed on any part of the Licensed Area which is shared with vehicles (partially pedestrianised areas) 30 minutes after vehicular access is closed and must be removed and the Licensed Area completely cleared no later than 30 minutes before vehicular access re-commences.
19. The Licensee shall remove all Furniture and Fittings and any other items within the Licensed Area by the end of a Refreshment Period and shall not place any Furniture and Fittings or any other items within the Licensed Area before the commencement of a Refreshment Period.
20. The Licensee will be responsible for the cleanliness of the Licensed Area at all times. The Licensed Area must be kept clean and litter free. Care should be taken to ensure that litter does not stray onto adjacent areas, any windblown litter outside the perimeter of the Licensed Area must be collected.
21. A suitable litter/refuse bin(s) must be provided within the Licensed Area at all times during the Refreshment Period. The Licensee will be responsible for the removal and collection of all waste material.
22. Failure to comply with the cleaning requirements under this Licence will result in the serving of a Notice requiring compliance with the terms of the Licence. In the event of failure to comply with the Notice, the Council will carry out the work deemed necessary and recover costs from the operator. Repeated failure to comply with the cleaning requirements may result in revocation of the Licence.
23. The Licence will not be renewed, or may be cancelled, if the terms and conditions are not complied with after two written warnings have been issued by the Council.
24. The Licensee shall pay to the Council on the date of the Licence the appropriate licence fee.
25. Renewals must be applied for in writing to the Area Highway Manager of the Council no later than two months before the expiry of the current Licence.
26. The Licensee shall indemnify and keep indemnified the Council from and against all actions demands costs charges or expenses arising out of or in connection with the use of the refreshment area and for this purpose shall take out an insurance policy in at least the sum of £5,000,000 (Five million

pounds) for any one accident without limiting the number of claims arising out of any one accident with an insurance company to be approved by the Council and shall produce such policy and the receipt for the premium thereof to the Council.

27. A legible copy of the current Licence and accompanying plan must be displayed for inspection at any time by the Council.

Additional Conditions Relating to Public Houses

1. The Licensed Area must, at all times, be monitored by a CCTV system which is capable of being viewed on a monitor by staff working in the bar area. This system must record images and store them unedited for a period of at least 7 days. Copies of the images will be made freely available to a constable or an employee of the police authority or licensing authority upon request.
2. The Licensed Area must be cleared of all furniture, fittings, barriers, umbrellas etc. associated with it and they must be stored inside your premises outside the times covered by this licence.
3. The Licensed Area must be frequently visited by a member of staff and any glasses, bottles, crockery, cutlery etc. that are finished with must be cleared away as soon as is practicable. These visits must also monitor those persons using the Licensed Area to ensure that it is not frequented or resorted to by people who are intoxicated.

CHESHIRE EAST COUNCIL

Environment and Prosperity Scrutiny Committee

Date of meeting: 24th November 2011
Report of: Caroline Simpson, Head of Development
Title: Development Management Transformation Project
Portfolio Holder Cllr Rachel Bailey

1.0 Report Summary

- 1.1 This report informs and updates Members about progress on the Development Management Transformation Project. As identified within the Work Programme.

2.0 Decision Required

- 2.1 That the Environment and Prosperity Scrutiny Committee notes the content of the Development Management Transformation Project report.

3.0 Reasons for Recommendation

- 3.1 To ensure fairness and consistency of practice in accordance with existing practice.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 None

7.0 Financial Implications

- 7.1 The funding for much of the Project has already been secured via a capital sum agreed in 2010, and also via grants from the Cheshire & Warrington Improvement and Efficiency Commission (CWIEC)

- 7.2 Additional funding for the project has come from former legacy authorities Housing & Planning Delivery Grants (HPDG)

8.0 Legal Implications

- 8.1 Many aspects of planning and related services such as Land Charges are statutory functions of the Council. There is a need to provide such functions in accordance with statutory requirements and timescales, and therefore any failings due to inadequate systems can expose the Council to appeals and legal challenges.

9.0 Risk Management Implications

- 9.1 The Council risks failing in its statutory duties if appropriate systems are not in place to adequately deal with its functions.

10.0 Background

- 10.1 The Development Management Transformation Project (DMTP) has been a programme of work which has been on-going for a period of about 18 months to review all of the existing systems and procedures, to introduce new robust IT hardware and to standardise all of the historic records onto one IT system. It was also concerned with transforming our working practices to make them more efficient, and to deliver a new staffing structure that would be fit for purpose as well as meeting budget targets.

- 10.2 To enable delivery of the whole Programme the work was organised into 4 work streams which included the following:

- **Process:** to standardise working practices and procedures; provide system requirements and to implement new ways of working.
- **IT:** Implement a new updated planning system and associated modules for enforcement, pre-application and Land Charges; Migration of old legacy application data onto one system; Website improvements; integration with Corporate GIS (digital mapping) solution.
- **Human Resources:** Managing business “Change” process & communications; new job descriptions; staff engagement
- **Organisational Development:** Defining and delivering training & development needs; Customer contact processes

A Project Manager from Shared Services was appointed to manage the IT aspects of the project, while a Programme Manager was appointed to oversee the project as a whole. Completion of the project was scheduled for April 2011 to tie in with a staffing restructure which was also due to be completed by that time.

- 10.3 The project suffered a number of delays, particularly around the Process and IT workstream as the scale of what was being asked for

became apparent. Unfortunately as a result a number of project milestones were missed which had a knock on effect for the project as a whole. Results finally began to be delivered during March/April 2011, albeit not maybe the 'business transformation' as originally envisaged. It also came at a cost to service delivery which suffered badly due to the necessitated down time period while new systems were implemented.

10.4 The work that has been undertaken however, and now largely completed, should not be underestimated in terms of its scale and complexity. The migration of existing legacy planning data onto one system is a significant achievement in its own right. Completed work therefore includes:

- New IT hardware infrastructure built and configured (servers that IT systems are located on) Completed January 2011
- Planning System upgrade & New Module Software Implementation, including single systems for enforcement and the new pre-applications module Completed March 2011
- Single consolidated Document Management System. Completed April 2011
- New staffing structure Completed April 2011 and on budget.
- Existing legacy data from Crewe & Nantwich/Congleton/County IT systems converted onto the one system (Swift APAS) Completed June 2011
- The 'Desk Top Refresh' of existing IT equipment, although run as a separate project' has now been completed (September 2011).
- Customer Contact Model rolled out April 2011, and subsequently reviewed October 2011

10.5 Notwithstanding the amount of work done there are still a number of outstanding issues and work which has yet to be delivered. These have been logged and are being dealt with accordingly. Integration with the Corporate GIS (digital mapping) solution has been particularly problematic; while there have also been a number of problems which have impacted on maximising the benefits of the improvements that have taken place.

10.6 Re-planned work is now underway via separate mini-projects to deal with improvements to the website and to put Land Charges onto one single system. Work is on-going in respect of the GIS issues, and other smaller problems have been identified and logged to ensure that they are resolved within an agreed timescale.

- 10.7 Delivery of the benefits from the project has already taking place in respect of the staffing restructure which has delivered budget savings. Further cost savings from the decommissioning of existing legacy systems should take place in early 2012
- 10.8 There have clearly been successes and failures with the project, and a Post Implementation Review (PIR) has already been done in draft. This will identify lessons learnt from this project which will help other projects throughout the Council. However, until some of the outstanding issues have been resolved it is difficult to conclude this piece of work.

11.0 Access to Information

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

Name: David Malcolm

Designation: Southern Area Manager - Development Management

Tel No: 01270 537411

Email: david.malcolm@cheshireeast.gov.uk

Background Documentation:

Appendix 1: DMTP Update November 2011

DEVELOPMENT MANAGEMENT TRANSFORMATION PROJECT (DMTP)

UPDATE November 2011

1. OVERVIEW

The Development Management Transformation Project (DMTP) has been programme of work which has been on-going for a period of about 18 months to review all of the existing systems and procedures, to create a robust system with new hardware and to standardise all of the historic records onto one IT system. It was also concerned with transforming our working practices to make them more efficient, and to deliver a new staffing structure that would be fit for purpose as well as meeting budget targets.

2. PROJECT SCOPE (FROM THE ORIGINAL PID)

To enable delivery of the whole Programme the work was organised into 4 work streams as follows:

Process Work

- Implementing standardised processes
- Implementing new ways of working
- Provide system requirements
- Delivery of training to support new processes
- Delivering performance management and business benefits

IT Work

- Implementing changes to the Web site to enable self-help
- Implementing the updated Planning Application System and modules to support, Land Charges, Enforcement & Pre-application advice
- Delivering integration with Planning Portal
- Implementation and integration into Corporate GIS Solution
- Consolidation of document management systems onto a single version incorporating business requirements
- Delivering the DM Desk Top strategy and roll out of any new equipment
- Migrating old Planning Application legacy systems data onto one system
- User acceptance testing
- Decommissioning of all old systems and infrastructure to deliver cost reduction

Human Resources

- Managing the business “Change” process & communications
- Facilitating staff and union engagement
- New job descriptions
- Facilitating resource engagement and redeployment

Organisational Development

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- Developing the new DM Organisational Design
- Defining and delivering Training & development needs
- Defining the Customer access strategy

3. WORK COMPLETED

Infrastructure Build & Configuration

The IT hardware and how it worked

- Completed (14 January 2011)

Build 74 Software Upgrade & New Module Software Implementation

Upgrade to next version of the Swift APAS operating system, including implementation of single Enforcement system, and Pre-App Module

- Completed (10 March 2011)

Single version of Document Management System

- Completed April 2011

Data Conversion & Migration

Existing legacy data from Crewe/Congleton/County IT systems to be converted onto the one system (Swift APAS)

- Transfer of legacy planning application and enforcement textual data from the former Crewe & Congleton systems completed.
- Transfer of the legacy planning application spatial data (digital mapping data) from Crewe & Congleton systems completed
- Enforcement spatial data from Crewe & Congleton system (Completed 23 June 2011)

Deliver Operational Improvements

The Desk Top Refresh was run as a separate project outside of this programme, but has now been largely completed (September 2011)

Define & Implement New Operating Model & Structure

Completed (1 April 2011) and on budget.

Customer Contact Strategy

New customer contact model completed (April 2011).

In response to feedback, a subsequent review has rationalised contact processes to enable customers to contact the right person for the right level of enquiry.

4. OUTSTANDING WORK

Website Improvements

Work has now begun on a separate mini project to implement the original requirements to improve the planning application pages on the Website. This will enable menus and layouts to adopt the corporate style, but also create a more

APPENDIX 1

user friendly interface as well as increasing speed and reliability. Early signs are very encouraging.

Completion by end of 2011/Jan 2012

New Land Charges System

A single integrated system for Cheshire East based upon Swift module was put back from the original project due to staff resource difficulties.

Separate mini project created 6 week programme of works to now become a separate mini-project

Completion due by mid December for new single system,

Transfer of Legacy information due by February 2012.

GIS Integration and constraint layers

The lack of detailed constraint layers within the Planning System causes problems for staff when considering planning applications, and also in providing advice to the public. It also maintains a reliance on the use of old legacy systems.

Work is ongoing to provide a satisfactory solution – but with no milestone for completion.

5. OUTSTANDING ISSUES

A number of issues have been identified by the business which still affects day-to-day usability of the new systems. These have been logged and are being work on. Some of the initial requirements from the business evidently cannot be provided.

The Ways of Working (WOW) improvements as part of the Process work stream have not been made due to the identified issues/delays with the IT work stream. The implementation of work process improvements will now take place within the business and as part of day-to-day continual improvements.

6. BENEFITS DELIVERY

The staffing restructure has already been delivered with associated cost savings. Further cost savings from decommissioning of existing legacy systems is due in early 2012.

7. PROJECT IMPLEMENTATION REVIEW (PIR)

A full review of the DMTP, and lessons learnt has been completed in draft pending resolution of the outstanding issues and timescale for delivery.

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CHESHIRE EAST COUNCIL

REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE

Date of Meeting:	22 November 2011
Report of:	Borough Solicitor
Subject/Title:	Work Programme update

1.0 Report Summary

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

2.0 Recommendations

- 2.1 That the work programme be received and noted.

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 for Transition Costs

- 7.1 None identified at the moment.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 None.

9.0 Risk Management

9.1 There are no identifiable risks.

10.0 Background and Options

10.1 In reviewing the work programme, Members must pay close attention to the Corporate Plan and Sustainable Communities Strategy.

10.2 The schedule attached, has been updated in line with the Committees recommendations on 25 October 2011. Following this meeting the document will be updated so that all the appropriate targets will be included within the schedule.

10.3 In reviewing the work programme, Members must have regard to the general criteria which should be applied to all potential items, including Task and Finish reviews, 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

10.4 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

11.0 Access to Information

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

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Environment and Prosperity Scrutiny Committee Work Programme – 11 November 2011

Issue	Description /Comments	Officer	Suggested by	Portfolio	Corporate Priority	Current Position	Date
Cheshire Farms	To consider the Cheshire Farms report before Cabinet decision	David Job	Portfolio Holder	Prosperity	Ensure a sustainable future	On Target	22 November
Alfresco Policy	To give consideration to the Alfresco Policy	Kevin Melling	Chairman	Environment	Nurture strong communities	Deferred from 25 October	22 November
Development Management Transformation Project	David Malcolm's Report on the rationalisation of North and South to be received once available	David Malcolm	Chairmen's Group/ Committee	Safer Stronger Communities	Ensure a sustainable future	On Target	22 November
Community Transport	Meeting to scope review.	Chris Williams	Committee	Environment	Ensure a sustainable future	On Target	23 November
Strategic Highways Update	To receive an update on the progress of Strategic Highways projects	Kevin Melling	Committee	Environment	Ensure a sustainable future	On Target	20 December
Car Parking Income	To review the budget shortfall in income from Car Parking	Peter Hartwell	Scrutiny Chairmen's Group	Environment	Ensure a sustainable future	On Target	20 December
Parking Charge Scale Proposals	To receive a briefing on the proposed parking charge scales.	Peter Hartwell	Portfolio Holder	Environment	Ensure a sustainable future	On Target	20 December
Planning Enforcement	To give consideration to planning enforcement operations	Deborah Ackerley	Committee	Safer Stronger	Ensure a sustainable future	Deferred from 22 November	20 December
Pre-Planning Application Service	To receive a briefing on the pre-planning application service.	Steve Irvine	Chairman	Safer Stronger Communities	Ensure a sustainable future	Deferred from 22 November	TBC
Local Sustainable Transport Fund – Key Decision Jan	To give consideration to the implications if the Local Sustainable Transport Fund bid is accepted.	Chris Williams	Portfolio Holder	Environment	Ensure a sustainable future	Deferred from 5 July 2011	TBC

Environment and Prosperity Scrutiny Committee Work Programme – 11 November 2011

Possible Items to Monitor or consider at future Meetings

- Localism Bill and Policy Implications – Wait until Localism Bill received Royal Assent
- Transfer of Crewe Shop Mobility – Key Decision Jan 9th 2012
- Waste Needs Assessment/Recycling (informing LDF process)
Anaerobic Digesters/Silver Bin Recycling/Glass Bring Banks – Cllr Menlove (revisit July 2012 when yearly figures available)
- Street lighting trial – Cllr Menlove (February 2012)
- Building Control/Operational Management – Cllr Bailey
- Lifestyle Centres – Prosperity/Health and Well Being/ Adult Service
- Household Waste Recovery Centres – Menlove – Shared Service
- Corporate Landlord Model Overview – Macrae (March 2012)
- Planning Tour of completed planning developments – Spring/ August 2012
- The Good, the Bad and the Ugly Tour – Spring 2012

Dates of Future Environment and Prosperity Scrutiny Committee Meetings

22 November 2011, 20 December 2011, 24 January 2012, 21 February 2012, 20 March 2012 and 24 April.

Dates of Future Cabinet Meetings

28 November 2011, 5 December 2011, 9 January 2012, 6 February 2012, 5 March 2012, 2 and 30 April 2012.

Dates of Future Council Meetings

15 December 2011, 23 February 2012, 19 April 2012 and 16 May 2012.