

Environment and Prosperity Scrutiny Committee

Agenda

Date: Tuesday, 20th March, 2012
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. **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. **Minutes of Previous Meeting** (Pages 1 - 8)
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. **Carbon Management Programme briefing**

To receive a presentation that will give the Committee a background on the Carbon Management Programme.

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
Tel: 01270 686465
E-Mail: james.morley@cheshireeast.gov.uk

6. **Corporate Landlord Model**

To consider a presentation on the Corporate Landlord Model

7. **Scrutiny Annual Report**

To consider the work of the Committee so far over the 2011/12 Municipal year and discuss lessons learned and future developments.

8. **Work Programme** (Pages 9 - 12)

To consider the Work Programme

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

held on Tuesday, 21st February, 2012 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor G M Walton (Vice-Chair, in the Chair)

Councillors P Butterill, H Davenport, K Edwards, R Fletcher, P Hayes,
S Hogben, P Hoyland, A Thwaite and G Baxendale

Apologies

Councillors L Gilbert and A Barratt

ALSO PRESENT

Councillors L Brown, R Domleo, B Livesley, R Menlove, H Murray,
P Raynes, J Saunders and L Smethem

OFFICERS PRESENT

Steve Irvine – Development Management and Building Control Manager
Deborah Ackerley – Principal Planning Officer (Enforcement)
Debbie Kirk – Principal Planning Officer (Enforcement)
Paul Burns – Parking Services Manager
Peter Hartwell – Head of Community Services
Karen Whitehead – Private Sector Housing Manager
James Morley – Scrutiny Officer

162 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS

There were no members of the Committee who wished to declare a personal interest

163 MINUTES OF PREVIOUS MEETING

RESOLVED: That subject to the following amendment the minutes of the meeting held on 20th December 2011 be approved as a correct record.

- (a) That in minute 157, second paragraph, first bullet point, the words “Public Consultation was due to take place in summer 2012” be replaced by the words “Currently there were four possible routes being considered and the preferred route would be chosen for consultation in September 2012”.

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PUBLIC SPEAKING TIME/ OPEN SESSION

There were three members of the public present who wished to speak.

Mr Paul Bates, a member of Congleton Business Association and Congleton Partnership, was present to speak about car parking in Congleton. He stated that there are two types of business in Congleton; there are the national brands such as B&Q, McDonalds and Tesco all with their own car parks that are free of charge and the Independent businesses that rely on town centre car parks for their customers. He continued to suggest that an increase in car parking charges would hit trade and drive away customers from the independent shops and the construction of the Bridestone Centre will remove 162 parking spaces from the town centre. He also suggested increases would affect the lowest paid workers in the area and that office based business had already been lost to out lying areas due to the cost of parking in the town centre for employees. Finally he suggested that using higher prices to control the demand for parking in Congleton was unnecessary because there were always empty spaces on Congleton car parks and there was no need to discourage some people from parking in them.

Mr John Saville-Crowther, a Councillor on Congleton Town Council, attended the meeting on behalf of the Town Council to speak about parking charges. He supplied members of the Committee with a written statement and spoke on its contents. The statement referred to an independent review on the future of high streets conducted by Mary Portas on behalf of the Government. He stated that one of the recommendations in the review was that local areas could implement free controlled parking schemes that work for their town centres. He also stated that there is no shortage of car parking spaces in Congleton which suggests that there is a lack of shoppers in the town. He suggested a change in charges would result in a further reduction in shoppers and cause more businesses to cease to trade.

Mr Deen of the Timbersbrook Project attended the meeting to make a statement about the works in default of an enforcement notice, land north of Pedley Lane, Timbersbrook. He stated that having received a receipt for the costs of the enforcement action he had been unable to obtain from any one in the Council a break down of the costs to show how the final total had been reached. He suggested that some of the figures he was charged were higher than quotes he had received. He also suggested that the enforcement action may not have been carried out correctly due to the condition that the land was left in afterwards and a lack of notification at the closer of a right of way in order to carry out the enforcement.

The Chairman thanked each for attending and that their comments be noted.

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PLANNING ENFORCEMENT

The Committee received a report on Planning Enforcement from the Development Management and Building Control Manager. The report set out the role of the Planning Enforcement Team and its resources, protocols and workload.

The Council has an adopted Enforcement Protocol which sets out how reported breaches were investigated and allocated priorities, based on the level of harm resulting, to categories of alleged breaches. Each priority had enforcement

inspection timescales, very short for high priority and longer for low priority investigations.

In April 2011, planning enforcement migrated two IT systems used by former Crewe and Nantwich and former Congleton Councils to the Swift System used by the former Macclesfield Borough Council. Owing to this, it was not currently possible to provide a full statistical analysis of the numbers and types of enforcement cases under investigation. It was also not possible to provide figures for the number of cases closed. However the report claimed that, from historical data, it was possible to suggest with some certainty that 50-60% of reported breaches turn out not to be breaches at all.

Members of the Committee asked questions and the following points arose:

- The budget for planning was cut from £1.4m to £700k. the savings were achieved by redundancies. The service had enough resources to deal with the work load at the time.
- The Committee wanted to see more Member involvement in planning enforcement and wanted to see Members kept up to date with alleged breaches in their wards.
- The report indicated to Members that the staffing of planning enforcement needs looking at. Members wanted to receive more information once IT issues were resolved.
- Members were concerned that without an Admin Team the Council were paying highly qualified professionals to do clerical work and this was keeping them from their main duties.

The Chairman suggested that the Committee commission a task and finish review to look at the issues raised in more detail. The Committee agreed although suggested that the review be delayed until IT issues had been resolved and important data was made available.

RESOLVED: That the Committee investigate Planning Enforcement further in three months when better data is available with the possibility of forming a task group being considered.

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PRE-PLANNING APPLICATION SERVICE

The Committee received a report on the Pre-application Planning System from the Development Management and Building Control Manager. He outlined the system which was introduced in October 2011 to provide a much more structured and improved service for pre-application advice. The report showed the sliding scale of charges which included 30 minute sessions which were free to all and provided verbal advice only. Pre-application advice was discretionary for applications and no one was forced to use it. Currently other authorities using similar schemes included Staffordshire Moorlands and Shropshire and Trafford and Stockport were looking to adopt pre-planning charging in the next financial year.

The service had been expected to provide approximately £75,000 income to the Council in 2012/13. Over the first four months of the new service the income had been £38,040 which if it was repeated over the next 12 months would provide revenue of £114,120, well above the initial £75,000 estimate. The report showed that current estimated number of cases exceeded the original estimate.

The service had received good feedback and was considered good value for money, provided better advice and more engagement with Members. It provided more time for officer to influence developments and reduced the number of complaints due to increased understand of the planning process by applicants.

The Committee asked whether there was an assumption from developments that paying for the pre-application service meant that their applications would guaranteed to be approved. The Committee was assured that officers make it very clear to developers that the approval of planning application was still down to planning committees and that paying for advice would have no effect on the decision process but could improve the application to make it more likely to be approved.

Currently charges did not cover costs however Government were considering to allow local authorities to set their own charges which would allow them to cover the costs in necessary.

RESOLVED: That the report be endorsed by the Committee and the Development Management and Building Control Manager be requested to return in 6 months with an update on the pre-application planning service.

167 **PARKING CHARGE SCALE PROPOSALS**

The Committee considered a report on Cheshire East Parking Management: tariff structure options and a general update on car parking initiatives. The report was presented by the Parking Services Manager and Head of Community Services.

Several non-committee Members had attended the meeting wishing to address the Committee regarding this item and the Chairman allowed each to speak before the Officers presented the report and the Committee had their discussion.

Councillor Domleo attended the meeting as Ward Member for Congleton West to address the concerns of several Congleton residents who had attended the meeting regarding car parking in Congleton. He stated that parking charges are a sensitive issue in Congleton but wanted to reassure the public that this was not about an increase in charges it was about Cheshire East's tariff structure. However he did state that there was no shortage of spaces in Congleton and raising charges would only result in a decrease in town centre use.

Councillor Saunders wanted to echo what Councillor Domleo had stated and added that car parks should be charged on an individual basis as most towns and villages have their own individual identities and attractions and one size doesn't fit all. Uniform tariffs would not be appropriate to use in both urban and rural areas and the differences between each area are not covered by the limited tariff options. The vitality of Towns and Villages should be the number one priority when setting charges and the vitality should not be effected by poorly thought out charges.

Councillor Louise Brown disputed the rating of Macclesfield in Appendix 2 of the report suggesting that Macclesfield's current situation did not warrant charging its car parks on an A ranking. She stated that other towns currently had a better offer to customers but lower charges than Macclesfield town centre and that was a detriment to Macclesfield. She was concerned about the way in which towns and villages had been classified and suggested that this needed re-examining to ensure that car parking charges were appropriate to the offer of the area.

Councillor Murray suggested that charges should be specific to each car park and what they offer to customers. He also stated that charges in one area will affect the surrounding areas and this should be taken into consideration when developing charges. Economic Vitality should be the only determinant of car park charges and each individual area needed looking at more closely.

Councillor Livesley stated that local members should be involved in setting local charges because they have useful knowledge of the towns and village they represent.

The Parking Service Manager gave an overview of the report. Section 5 of the report contained descriptions of various initiatives that were being considered and piloted by the Council in order to improve the parking service for customers. These included paying tariffs by phone or card, automatic number plate recognition and retailer linked parking promotions. The objective of the tariff restructure was to harmonize the structures that Cheshire East had inherited from the legacy authorities however there was no plans for a review of charges in individual areas.

The Committee asked questions and the following points were made:

- The Review of Towns and Villages that the Environment and Prosperity Scrutiny Committee conducted in autumn 2010 was compiled by data taken from a snap shot of each town and more longitudinal analysis of each town would be more useful in classifying towns and villages.
- Traffic management is one of the criteria used to set car parking charges. Increasing the charges in certain car parks could result in too much on street parking which could cause traffic issues.
- Town and Parish Councils are elected to serve their local areas and they should have an input into what charges are placed on car parks in their area because of the effect charges have on the economy and use of an area.
- Charges should be consistent and fair for all areas of the borough and that required a Cheshire East policy that was equitable.
- Each town and village had its own issues with car parks and they all had to be looked at on a local basis. Some areas had issues with commuters taking up car parks all day and some had issues with lack of retail offer or competing with retail parks.

- The tariff structure could be used as a basis for fairness but a local approach could be taken to decide how structure was applied.
- It would be hard to justify charging for car parking in car parks that were not well maintain and not fit for purpose. Charges would have to reflect the quality on the car park including where is was in proximity to a town's facilities and attractions. Zoning principle was being used in some areas and being considered in others.
- Free parking wasn't supported because it cost money to manage and shouldn't be subsidies by others having to pay. The possibility of a limited number 20-30 minute parking in essential areas was considered.

The Committee was unable to support the report as it felt the proposed tariff structures were unsuitable for use across the Borough due to the diverse variety of the Borough's towns and villages.

RESOLVED: That the Committee are in favour of commissioning a Task and Finish Review to deal with the subject of car parking charges.

168 **PRIVATE SECTOR HOUSING FINANCIAL ASSISTANCE POLICY**

The Committee received a report asking it to give consideration to the draft Private Sector Housing Financial Assistance Policy. The Private Sector Housing Manager attended the meeting to go through the report and the policy with the Committee. The policy set out the forms of assistance that the Council would make available to owner-occupiers, private landlords and people with disabilities to repair and adapt their homes. Currently the Council made a significant financial investment through its capital programme to improving housing conditions for vulnerable people in private sector housing. Paragraph 10.15 of the report set out the 10 types of assistance residents could get. The policy highlighted the role which housing played in tackling health issues. Work on the financial impact of private sector housing conditions estimated that poor housing was costing the health service in Cheshire East £4.3m per annum. Preventative work to improve housing conditions would assist the avoidance of costs associated with health and social care. For example speedy adaptations and repairs to prevent falls, such as improved lighting, additional handrails and grab rails, were around 400 times cheaper than the cost to statutory services of a hip fracture as a result of a fall.

The policy sought to address four key objectives: 1. removing the most severe health and safety risks for vulnerable homeowners; 2. tackling fuel poverty; 3. Enabling people with disabilities to live independently; 4. Bringing empty homes back into economic use, to increase the supply of affordable housing.

The Committee believed that the policy was important in improving health and wellbeing for vulnerable people. Members suggested that if the health services may be interested in contributing to the funding of financial assistance if they were made aware of the preventative rewards which reduced the costs of treatment of injuries. Members also suggested that the policy should also take into account those pensioners that do not claim benefits and live on small

budgets as they would also benefit from loans for substantial investment that they could not afford on their own.

The Committee were also informed that Adult Services had two separate schemes which helped with adaptations to improve safety in vulnerable people's homes. Adult services had a Minor Adaptations Budget for small amounts to cover things such as extra handrails; and the Handy Persons service to provide help for those who wish to fund investments in their own homes but can not carry out the work themselves.

RESOLVED: That the Committee have considered and endorse the Private Sector Housing Financial Assistance Policy with the comments of the Committee.

169 **WORK PROGRAMME**

The Committee discussed the Work Programme and possible items for the future.

Having resolved to commission a Task and Finish Review to review car parking the Committee agreed the membership of the Task Group.

Members raised the following issues and agreed to add them to the Work Programme:

- Transport
- High Speed Two

RESOLVED: That the Work Programme be updated.

170 **FORWARD PLAN**

RESOLVED: That the Forward Plan be noted.

The meeting commenced at 2.05 pm and concluded at 5.05 pm

Councillor G M Walton (Vice-Chair, in the Chair)

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CHESHIRE EAST COUNCIL

REPORT TO: ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE

Date of Meeting:	20 March 2012
Report of:	Borough Solicitor
Subject/Title:	Work Programme update

1.0 Report Summary

- 1.1 To review items in the 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 21 February 2012. 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 – 8 March 2012

Issue	Description /Comments	Officer	Suggested by	Portfolio	Corporate Priority	Current Position	Date
Corporate Landlord Model	Consider a presentation on the Corporate Landlord Model	Denise Griffiths	Portfolio Holder	Prosperity	Ensure a sustainable future	On Target	20 March 2012
Carbon Management Programme	To receive a briefing to give the Committee background to the CMP	Michele Burrow	Chairman	Environmental Services	Ensure a sustainable future	On Target	20 March 2012
Draft Tenancy Strategy	To consider the draft Tenancy Strategy as part of the consultation	Karen Carsberg	Portfolio Holder + Chairman	Prosperity	Nurture strong communities	On Target	24 April 2012
Common Housing Allocation Policy Review	To consider the proposed changes to the Common Housing Allocation Policy	Karen Carsberg	Portfolio Holder + Chairman	Prosperity	Nurture strong communities	On Target	24 April 2012
Transport Update	To consider an update on the current position and future changes to Transport	Chris Williams	Committee	Environmental Services	Nurture strong communities	On Target	24 April 2012
High Speed Two (HS2)	To receive a briefing on the current status of HS2 in Cheshire East	Andrew Ross	Committee	Prosperity and Environmental Service	Ensure a sustainable future	Waiting for Officer confirmation	24 April
Christmas Bin Collections	To consider a report of the arrangements for bin collections at Christmas	Ray Skip	Chairman	Environmental Services	Nurture strong communities	Deferred from 20 March	26 June 2012
Highways Maintenance Update	To receive a report on the first six months of the new contract	Mark Averill	Chairman	Environmental Services	Ensure a sustainable future	On Target	26 June 2012
Alfresco Licensing Update	To consider a report on the 12 month review inc. income and costs	Mark Averill	Committee	Environmental Services	Nurture strong communities	On Target	18 September 2012
Car Parking Task Group	To decide scope and remit of task group	James Morley	Committee	Environmental Services	Ensure a sustainable future	On Target	15 March 2012

Environment and Prosperity Scrutiny Committee Work Programme – 8 March 2012

Possible Items to Monitor or consider at future Meetings

- Community Transport Review – Suspended
- Planning Enforcement – Possible Task and Finish Group (May/June)
- Pre-Planning Application Service – Update September 2012
- Local Sustainable Transport Fund
- Localism Act and Policy Implications
- Waste Needs Assessment/Recycling (informing Local Plan process)
- Anaerobic Digesters
- Street lighting strategy for Cheshire East – Cllr Menlove
- Development Management Transformation Project – Possible update on outstanding work
- Building Control/Operational Management – Cllr Bailey
- Household Waste Recovery Centres & Glass Bring Banks – Menlove

Dates of Future Committee Meetings

20 March 2012, 24 April 2012, 26 June 2012, 24 July 2012 and 18 September 2012.

Dates of Future Cabinet Meetings

2 April 2012, 30 April 2012, 28 May 2012, 25 June 2012 and 23 July 2012.

Dates of Future Council Meetings

19 April 2012 and 16 May 2012.