

Sustainable Communities Scrutiny Committee

Agenda

Date: Thursday, 1st March, 2012
Time: 10.30 am
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. **Public Speaking Time/Open**

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

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

4. **Equality and Diversity Policy** (Pages 1 - 10)

To receive a report on the Council's Equality and Diversity policy

For any apologies or requests for further information, or for a member of the public to make a statement:

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

5. **Local Area Partnerships (LAPs)**

To receive a presentation giving an overview of Local Area Partnerships (LAPs) and how they operate

6. **Corporate Policy Update**

To receive an oral update on Corporate Policy

7. **Work Programme** (Pages 11 - 14)

To consider the Work Programme

8. **Forward Plan** (Pages 15 - 16)

To consider the Forward Plan

CHESHIRE EAST COUNCIL

REPORT TO: Sustainable Communities Scrutiny Committee

Date of Meeting 1 March 2012
Report of: Performance and Partnerships Manager
Subject/Title: Equalities and Diversity
Portfolio Holder: Councillor Brown

1.0 Report Summary

- 1.1 This report sets out the current position on ensuring the Council complies with its general and specific duties under the Equalities Act 2010. The report highlights the requirement to develop and publish equality objectives for the Council and to publish other key information.

2.0 Recommendation

- 2.1 Committee is requested to:
- 2.2 Note the requirements on the Council in the Equality Act 2010
- 2.3 Note the progress made by the Corporate Equalities Group in fulfilling these duties

3.0 Wards Affected

- 3.1 Not applicable

4.0 Local Ward Members

- 4.1 Not applicable

5.0 Policy Implications including - Climate Change - Health

- 5.1 None

6.0 Financial Implications

- 6.1 None

7.0 Legal implications (authorised by the Borough Solicitor)

7.1 Failure to comply with equalities duties has formed the basis for successful judicial reviews of budget and service provision decisions.

8.0 Risk Management

8.1 None

9.0 Background

9.1 The statutory Public Sector Equality Duty came into force on 5 April 2011 as part of the 2010 Equality Act. The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

9.2 The 2010 Act lists the characteristics that are protected by the Act. These are

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

9.3 Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by the Council – such as in:

- how it acts as an employer
- how it develops, evaluates and reviews policy
- how it designs, delivers and evaluates services

- how it commissions and procures from others.
- 9.4 The Specific Duties came into force on 10 September 2011; these cover the publication of information, the setting of equality objectives and engagement. More detailed information on the Specific Duties is set out below.
- 9.5 **Publication of Information** - Although there is no explicit legal requirement to collect and use equality information across the protected characteristics, the Equality and Human Rights Commission's (EHRC) advice is that, in order to have due regard to the aims of the general equality duty, public authorities must understand the impact of their policies and practices on people with protected characteristics.
- 9.6 The Council must publish the information that it deems necessary to demonstrate its compliance with the general equality duty by 31 January 2012 and at least annually thereafter (schools and pupil referral units must do this by 6 April 2012 and at least annually thereafter). This information must include information relating to people who share a relevant protected characteristic who are:
- the Council's employees
 - people affected by the council's policies and practices (for example, service users).
- 9.7 The information must be published in a manner that is accessible to the public. This may be fulfilled by publishing information within another document.
- 9.8 **Equality Objectives** - The purpose of setting specific, measurable equality objectives is to help the Council to perform the general equality duty better, focusing on the outcomes to be achieved. EHRC advice suggests that equality objectives help focus attention on the priority equality issues within an organisation in order to deliver improvements in policy making, service delivery and employment, including resource allocation. To comply with the specific duty on equality objectives the Council must:
- prepare and publish, by 6 April 2012, one or more objectives they think they should achieve in order to do any of the things mentioned in the aims of the general equality duty. Review and revise the objectives at least every four years thereafter
 - ensure that those objectives are specific and measurable
 - publish those objectives in such a manner that they are accessible to the public.

- 9.9 The EHRC advise that equality objectives should be seen as part of the business plan and as supporting delivery of it. The Commission recommends that they are based on evidence of the effect of employment, service, policy and other functions on people with the protected characteristics and that there is a clear link between objectives and published equality information to demonstrate transparency.
- 9.10 **Engagement** - While there is no explicit legal requirement under the general equality duty to engage with people with different protected characteristics, the general equality duty requires public authorities to have an adequate evidence base for their decision-making, and the EHRC advise that engagement can assist with developing that evidence base.
- 9.11 The Commission point out that case law from the previous equality duties states that engagement is important in ensuring public authorities understand the impact of their decisions on different people. A failure to engage has been at the heart of findings that a public authority has not complied with equality duties.
- 9.12 The EHRC's non statutory guidance on information, equality objectives and engagement can be found at <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 9.13 **Progress** - The Corporate Equalities Group (CEG) has overseen work to comply with the general and specific duties. Progress to date is set out below.
- A full review of the Single Equality and Inclusion Scheme (SEIS) action plan has been carried out taking into account the requirements in the Equality Act Directorate Action Plans are currently being prepared and these will take the place of the SEIS overarching plan, giving clearer ownership of actions and progress.
 - **Information** on the Cheshire East population can be found at <http://www.doriconline.org.uk/PowerSearch.aspx?txtQuery=lap%20information%20pack> . Information is also available in the refreshed Joint Strategic Needs Assessment (<http://www.doriconline.org.uk/ViewPage1.aspx?C=Resource&ResourceID=335>).
 - A workforce profile has been published. It is recognised that there are gaps in the information but the Human Resources action plan addresses closing the gaps in information.
 - The Council has also committed to publishing equality impact assessments and has done so since the summer of last year, where this has been appropriate.

- A review of the equality and inclusion pages on the Council's website has been carried out and the revised information has been published.
- Draft **equality objectives** are attached at appendix 1. These have been developed taking into account the assessment of the Council's progress on the equalities agenda and the review and revision of the SEIS action plan.
- The Council carries out considerable and significant **consultation and engagement** with the public and service users. Results of this wide-ranging consultation have been used to inform the development of the draft equality objectives. Engagement and consultation information has also been used as part of the equality impact assessment processes.

9.14 **Next steps** - The CEG's priorities for the coming months are

- **Improve and enhance the publication of equality data.** This will include
 - updating the workforce profile as more data become available
 - setting up a cross-service data group, facilitated by the Corporate Research and Consultation Team. This will improve understanding of what data sets are held across departments that can be shared both internally and externally, what products are available and planned and what analytical skills are available. This will be a valuable resource not only for equality data but for data and intelligence generally.
 - developing a strategy for the interrogation, dissemination and publication of the 2011 Census information which is due to be released in the autumn of this year.
- **Equality objectives.** Consultation on the equality objectives is currently taking place with the intention of reporting the final objectives to Cabinet on 2nd April.
- **Closing the gaps.** This will include
 - Completion of the directorate action plans will need to be a priority. EHRC will be expecting to see that we have acknowledged where we need to improve and what plans we have to do so. Publication of the completed actions plans will help the EHRC to understand this.
 - Monitoring of the directorate action plans is critical. One of the failings of the SEIS action plan was that formal monitoring of the plan was minimal at best. CEG will develop a proportionate monitoring plan with clear reporting lines to the Corporate Management Team.
 - Reviewing and refining advice on impact assessments.

10.0 Access to Information

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

Name: Jane Strange

Designation: Policy and Research Manager

Tel No: 01270 685867

Email: jane.strange@cheshireeast.gov.uk

Draft Equality Objectives

Our Equality Objectives have been based on available equalities information through research, consultation and engagement and service-level Equality Impact Assessments. Our draft equality objectives identify specific internal and external targets that will enable the council to improve the collection of equality information, and address the most persistent areas of inequalities faced by both employees and residents.

Where possible our objectives are SMART (specific, measurable, achievable, realistic and timed) or identify key milestones for improvement.

The draft equality objectives listed below have been developed at service level and have informed our business planning process. Although the main objective headings may not change over the next 4 years the specific actions listed beneath each objective will be reviewed annually in line with the business planning cycle to ensure they remain reflective of current developments and circumstances.

The Council has identified four equality objectives that address our main priorities for improving our understanding of and response to inequalities across all our services including our new Public Health responsibility which will shortly come into effect. All have been designed with the intention of achieving the following shared outcomes:

- Narrowing the gap between our communities
- Providing access to services for all our communities
- Understanding and reflecting the needs of all our communities
- Fostering good relations with all our communities and partners
- Ensuring our workforce broadly mirrors that of the communities it serves

1 Improve Data and Analysis

We will collect robust data in our interactions with customers and communities to generate detailed equality information ensuring our services are well balanced and proportionate. We aim to ensure that 100% of data is collected where appropriate for the listed equality protected characteristics over the next 4 years. This will enable us to improve access to services for our hard to reach communities as we:

- Capture protected characteristic information at service level where appropriate, which is subjected to annual customer trend analysis
- Develop a robust council wide data set, which is reviewed annually and published on Centranet for use in Equality Impact Assessments

- Produce directorate equality action plans that are reviewed annually to address data gaps and issues identified in Equality Impact Assessments

2 To Better Reflect Our Communities through our Workforce Profile and Training

We will aim to reflect the diversity of the Borough within our workforce with the aim to improve service delivery by reflecting the needs of everyone in the Borough. We aim to achieve a 5% shift in gaps on our employment profile from 2011-2012 over the next 3 years. This will be delivered through staff and Member recruitment and development by:

- Improving workforce planning data to incorporate listed equality protected characteristic information
- Including equality awareness training in corporate staff and Member induction processes
- Introducing general equality awareness raising with all staff using an e-learning package
- Introducing targeted equality training for specific processes ie: staff recruitment and disciplinary

3 To Ensure Community Engagement and Consultation is Effective

Our organisation will improve its understanding of hard to reach communities within our area, and their perceptions of ourselves, partners and our services. This will be achieved through effective and meaningful consultation and engagement activities. The aim is to foster strong relations allowing customers the opportunity to influence services by:

- Sharing resources for consultation and engagement activities with our partners and the community and voluntary sector where appropriate
- Reducing the consultation burden through targeted consultation and engagement with our hard to reach communities where appropriate
- Sharing consultation and engagement outcomes and learning between services and partners by publishing results within a shared forum

4 Embed Equalities throughout the Council

Equality and inclusion will be considered at all levels within the Council to ensure that there is a clear and concise link between strategic thinking and service delivery. We aim to ensure we understand and address the needs of all our communities in all functions by:

- Giving due equality and inclusion consideration to all our decisions taken at both Officer and Member level

- Completing and regularly reviewing Equality Impact Assessments for all our systems, processes and policies including the business plan, service plans and corporate action plans
- Ensuring all commissioned services give equality and inclusion the same importance as the Council

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CHESHIRE EAST COUNCIL

REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE

Date of Meeting: 1 March 2012
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 5 January 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:

Name: James Morley
Designation: Scrutiny Officer
Tel No: 01270 686465
Email: james.morley@cheshireeast.gov.uk

Sustainable Communities Scrutiny Committee Work Programme – 21 February 2012

Issue	Description/Comments	Officer	Suggested by	Portfolio	Corporate Priority	Current Position	Date
Section 106	To receive a report on section 106 and possible changes.	Caroline Simpson/ Rachel Bolton	Committee	Safer and Stronger Communities	Nurture Strong Communities	On Target	24 February 2012
CCTV Update	To receive a report on the current arrangement for CCTV	Peter Hartwell	Chairman	Safer and Stronger Communities	Nurture Strong Communities	On Target	24 February 2012
Ageing Well Programme	To consider how the Committee can contribute to Ageing Well Programme	Bernadette Bailey	Scrutiny Chairmen's Group	Health and Wellbeing	Prepare for an increasingly olderpopulation	On Target	24 February 2012
Equality and Diversity	To receive a briefing on the Council's E&D policy and how performance is measured	Jane Strange	Chairman	Performance and Capacity	Nurture Strong Communities	Deferred from 5 January 2012	1 March 2012
LAPs	To receive a presentation giving an overview of LAPs and how they operate.	Juliet Blackburn/ Kirsty Hercules	Committee	Safer and Stronger Communities	Nurture Strong Communities	On Target	1 March 2012
Heritage Crime Initiative	To consider a report of the Heritage Crime Initiative	David Hallam	Portfolio Holder	Safer and Stronger Communities	Nurture Strong Communities	On Target	5 April
Police Reform and Social Responsibility	To receive an update on the Police Reform and Social Responsibility Act from the Police Authority	Stephen Pickup- Police Authority	Committee	Safer and Stronger Communities	Nurture Strong Communities	On Target	5 April

Sustainable Communities Scrutiny Committee Work Programme – 21 February 2012

Possible Items to Monitor or consider at future Meetings

- Performance Management
- Think Drive Survive site visits
- Domestic Violence
- Budget Monitoring
- Process and Policy for Anti Social Neighbours in private and let accommodation.
- Establishment of the Cheshire Road Safety Group - **April**
- Potential impacts of the Pilkington Case Report
- Voluntary Sector Grants
- 6 month update of Community Safety Wardens **April**
- Road Safety Provision measurements – Kevin Melling **April**
- Police Commissioners Update – Stephen Pickup PA – **April**
- Risk Management – Information, research & Business intelligence – Partnerships - Community Safety
- Customer Service Charter
- Libraries Strategy – Cllr D Brown

Dates of Future Committee Meetings

24 February 2012, 1 March 2012, 5 April 2012, 10 May 2012, 21 June 2012, 26 July 2012 and 13 September 2012.

Dates of Future Cabinet Meetings

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

Dates of Future Council Meetings

23 February 2012, 19 April 2012 and 16 May 2012.



FORWARD PLAN 1 MARCH 2012 - 30 JUNE 2012

This Plan sets out the key decisions which the Executive expect to take over the next four months. The Plan is rolled forward every month. It will next be published in mid March and will then contain all key decisions expected to be taken between 1 April and 31 July 2012. Key decisions are defined in the Council's Constitution.

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

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

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

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

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

Forward Plan 1 March 2012 to 30 June 2012

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	Relevant Scrutiny Committee	How to make representation to the decision made
CE11/12-4 Business Planning Process 2012/2015 - Business Plan	To approve the Business Plan for 2012/2015 incorporating updated budget and policy proposals.	Cabinet, Council	23 Feb 2012	With all Members and a range of local stakeholders including PCT's, Parish Councils, social care representatives, businesses, trades unions, the schools forum and the public.	To be determined but expected to be a scrutiny budget consultation group.	Lisa Quinn, Director of Finance and Business Services
CE11/12-36 Connecting Cheshire - Superfast Broadband	To consider the Cheshire, Warrington and Halton local broadband plan and investment to provide for 90% coverage across the borough.	Cabinet	5 Mar 2012	Public launch, presentations to local business groups, town and parish councils and the telecommunications sector.	Sustainable Communities	Lisa Quinn, Director of Finance and Business Services
CE11/12-38 Review of the Local Development Scheme	To consider the revised Local Development Scheme 2012-2014 which sets out the timetable for the preparation of the Local Plan.	Cabinet	5 Mar 2012	N/A	Sustainable Communities	John Nicholson, Strategic Director (Places and Organisational Capacity)