

# Communities Overview and Scrutiny Committee

## Agenda

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**Date:** Thursday, 22nd January, 2015  
**Time:** 10.30 am  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Whipping Declarations**

To provide an opportunity for Members to declare the existence of a party whip in relation to any item on the agenda.

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For requests for further information

**Contact:** Katie Small

**Tel:** 01270 686465

**E-Mail:** [katie.small@cheshireeast.gov.uk](mailto:katie.small@cheshireeast.gov.uk) with any apologies

4. **Public Speaking**

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.

Note: In order for officers to undertake any background research, it would be helpful if members of the public contacted the Scrutiny officer listed at the foot of the agenda, at least one working day before the meeting to provide brief details of the matter to be covered.

5. **Minutes of the last Meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 20 November 2014 as a correct record.

6. **Safer Cheshire East Partnership Annual Report**

To give consideration to a presentation on the Safer Cheshire East Partnership Annual Report.

7. **Sustainable Libraries Strategy Progress Update** (Pages 5 - 10)

To give consideration to the progress report

8. **Draft Enforcement Policy** (Pages 11 - 28)

To give consideration to the draft Enforcement Policy

9. **Forward Plan** (Pages 29 - 38)

To note the forward plan, identify any new items, and to determine whether any further examination of new issues is appropriate.

10. **Work Programme** (Pages 39 - 44)

To give consideration to the work programme

**CHESHIRE EAST COUNCIL****Minutes of a meeting of the Communities Overview and Scrutiny Committee**

held on Thursday, 20th November, 2014 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor G Baxendale (Chairman)  
Councillor M Grant (Vice-Chairman)

Councillors W S Davies, P Edwards, H Gaddum, P Hayes, K Hickson and  
P Whiteley

**In Attendance**

Councillor L Smetham – Deputy Portfolio Holder, Strategic Outcomes  
K Hercules – Principal Manager, Partnerships and Communities  
L Woodrow Hurst – Anti-Social Behaviour Team Leader

**17 APOLOGIES FOR ABSENCE**

There were no apologies for absence

**18 DECLARATIONS OF INTEREST**

There were no declarations of interest

**19 WHIPPING DECLARATIONS**

There were no whipping declarations

**20 PUBLIC SPEAKING**

There were no members of the public present wishing to speak

**21 MINUTES OF THE MEETING HELD ON 25 SEPTEMBER 2014**

Consideration was given to the minutes of the meeting held on 25 September 2014.

**RESOLVED**

That the minutes be approved as a correct record and signed by the Chairman.

**22 QUARTER 2 - TATTON PARK ENTERPRISES**

Consideration was given to a presentation on the second quarter performance of Tatton Park Enterprises (TPE), the presentation highlighted that TPE:

- Provides labour, supplies and services to support the catering at Tatton Park.
- Does not currently trade or undertake any services outside Tatton Park and therefore had no external customers.
- Operated on a 'not for profit' basis. All costs of Tatton Park Enterprises were fully reimbursed from the Tatton Park Trading Account.
- Main KPI is net contribution to Tatton Park Trading Account (sales net of running costs)
- At mid year TPE Ltd was on track to deliver the 2014/15 net contribution target.
- Currently employs 11 full time staff and up to 25 catering assistants across the stables and the gardeners cottage.
- Had received a loan of £240,000 from Cheshire East Council to renovate the gardeners cottage, which would be paid back over 12 years.

It was noted that there was a strong marketing campaign for Tatton Park, competition included Dunham Massey, Chester Zoo and Lyme Park. Tatton Park Vision highlighted the strategic direction up to 2017/2018. It contributed £8.9m towards the local economy and had won the visitor attraction award for 2014.

RESOLVED

That the second quarter report for Tatton Park Enterprises be received

## **23 ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

Laura Woodrow Hurst gave a further presentation on the tools and powers of the Anti – Social Behaviour Crime and Policing Act 2014.

It was noted that the Council needed to decide on its policy for dealing with the tools and powers and include it in the constitution.

The Committee agreed that there was a lot of work involved for the legal team. It was agreed that the relevant legal officer should be invited to the Committee in 3 months time to discuss the sections capacity to deal with the additional work.

It was also agreed that the Committee should receive details of the appeals procedure and quarterly monitoring reports on how the powers are being used and how often.

RESOLVED

1. That the relevant legal officer be invited to Committee in 3 months time to discuss the sections capacity to deal with the tools and powers of the Anti – Social Behaviour Crime and Policing Act 2014.
2. That the Committee receive details of the appeals procedure.
3. That the Committee receive quarterly monitoring reports on how the powers are being used and how often.

#### **24 FORWARD PLAN**

Consideration was given to the items on the forward plan which fell within the remit of the Committee.

RESOLVED

That the forward plan be received.

#### **25 WORK PROGRAMME**

Consideration was given to the work programme. Councillor K Edwards attended the meeting to request that, in light of the recent media attention, Members investigate what Cheshire East does to ensure women's safety, particularly in regard to rape, domestic violence and internet trolling.

RESOLVED

That the Committee receive a report on what steps are taken by Cheshire East to ensure women's safety.

The meeting commenced at 10.30 am and concluded at 12.15 pm

Councillor G Baxendale (Chairman)

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# CHESHIRE EAST COUNCIL

## Communities Overview and Scrutiny Committee

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**Date of Meeting:** 22<sup>nd</sup> January 2015  
**Report of:** Principal Manager Local Community Services  
**Subject/Title:** Sustainable Libraries Strategy Progress Update

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### 1.0 Report Summary

- 1.1 The Council recognises the valuable role that our libraries play in their communities and is committed to retaining its libraries. It has the ambition to broaden the role of our libraries and develop community hubs that appeal to a wider audience and buck the national trend of declining library usage.
- 1.2 A new Sustainable Libraries Strategy was approved by Cabinet in April 2014, including priorities for action. Good progress is being made against the priorities for action, and the service has delivered £700k efficiency savings to date.

### 2.0 Recommendation

- 2.1 The Committee endorses this progress update.

### 3.0 Reasons for Recommendations

- 3.1 Good progress is being made against the priorities for action and budgeted financial savings.

### 4.0 Wards Affected

- 4.1 All wards

### 5.0 Local Ward Members

- 5.1 Not applicable

### 6.0 Policy Implications

- 6.1 Our libraries directly contribute to outcome 1 and outcome 3 in the Council's Three Year Plan.

### 7.0 Financial Implications

- 7.1 The Libraries strategy supports the delivery of the financial savings of the major change project to deliver a sustainable library service in Cheshire East.

### 8.0 Legal Implications

- 8.1 There are no legal implications from this progress update.

## 9.0 Risk Management

9.1 Reputational risk is the main risk associated with any proposals to change a library service. The risk to Cheshire East is low given the Libraries strategy is not proposing closing libraries. Thorough consultation and equality impact assessments of any proposals affecting individual libraries will mitigate the risk of reputational damage.

## 10.0 Background and Options

10.1 The Council published its Three Year Plan in February 2013, setting a clear strategic direction for the authority and identifying key outcomes to improve the quality of life of local people. The Plan established major projects to focus energy and resources on areas of change which will ensure maximum value for money and build a sustainable Council for the future. This included a project to develop a new model for sustainable library services and community hubs, setting an efficiency challenge of £1m against the budget for libraries of £3.5m by 2015/16. A capital programme was established to enable investment in the service to ensure sustainability.

10.2 The efficiency challenge was the catalyst for a comprehensive review of the service and the long established traditional ways of working. The role of libraries in communities is evolving, but they would not exist without their traditional purpose of lending books. Our challenge was to develop a service that balances the expectations of traditional library users with the expectations of residents that visit us to seek help with finding a job, get information on benefits, develop digital skills, or participate in community activities.

10.3 A Libraries survey was commissioned to ensure we developed a sustainable service that met the expectations of local people. More than 7,500 residents responded to the survey, with 95% saying that they were satisfied with the library service, and a majority describing their library as very good. They told us that the service they value is a traditional one, with an emphasis on borrowing books and the changes they desire tend to be enhancements or modernisations of the current offer: Wi-Fi, eBooks, and better zoning to allow for quiet study and noisy children in the same building.

10.4 The service worked with Members through the Communities Policy Development Group to review the survey findings and develop proposals, resulting in the development of the Sustainable Libraries Strategy, approved by Cabinet in April 2014. The strategy set out the service priorities, and included priorities for action that are provided below, along with a progress update.

<b>1.</b>	<b>Introduce free Wi-Fi for library members across all libraries</b>
A procurement process is under way to identify a solution that provides free Wi-Fi access to library members and also provides the facility to use the library's public printers. The solution is expected to be implemented by April 2015.	

<b>2.</b>	<b>Review our layouts to provide better zoning and more seating for both study and relaxation purposes and confidential meeting space</b>
<p>A Library Design specialist has been engaged to review the layouts in five of our libraries. These designs will feed into reconfiguration and refurbishment plans to be implemented during 2015 and 2016. Work is already under way at Congleton, Nantwich, Poynton and Sandbach libraries to implement changes. Work will begin on the remaining libraries during 2015.</p>	
<b>3.</b>	<b>Review reference collections offered in libraries</b>
<p>A core reference stock list has been agreed, and weeding of surplus stock is in progress. Higher value surplus stock is being sold on eBay to generate income for the service. Additional digital reference resources are being explored.</p>	
<b>4.</b>	<b>Review and modernise our local studies offer to engage more library users to learn about the history of their community</b>
<p>Libraries are reviewing and weeding existing local studies collections with support from the Cheshire Record Office to ensure they are relevant to the local area. We have received support from volunteers in some of our libraries to help catalogue old photographs that have been donated to us over the years. We are exploring options to digitise our collections and make them accessible online rather than available only in our physical libraries. We have also started to improve and modernise the display of our local studies collections with the aim of engaging more users. For example, the reconfiguration at Sandbach will result in a display of the local transport heritage in Sandbach with the replica Foden's Steam Engine as the central feature.</p>	
<b>5.</b>	<b>Implement pilot community hub at Nantwich library to include the Citizen's Advice Bureau</b>
<p>Work is under way at Nantwich library to refurbish and reconfigure the space to include confidential meeting spaces that will be used by the CAB and available for other community partners. The CAB will move into the library in April 2015.</p>	
<b>6.</b>	<b>Develop partnerships with local cafes to make it easier for library users to enjoy a coffee and cake while using the library</b>
<p>Conversations with local cafes are ongoing in a number of locations. Some libraries are exploring options for easy to use vending machines where there are no cafes or willing partners within the immediate locality of the library.</p>	
<b>7.</b>	<b>Improve promotion of our libraries within their local communities to reflect local priorities</b>
<p>Libraries are making greater use of social media to engage with local communities, with each library having its own Facebook page so that residents can find out what is going on at their local library. We are making more connections with local partners, and doing more things locally to promote the library such as leafleting a new housing estate that has been built near Bollington library, membership drives at local supermarkets, and contributing to parish newsletters.</p>	
<b>8.</b>	<b>Procure a new mobile library vehicle</b>

The procurement of the new mobile library vehicle has been completed. It is expected to be ready for service following fit out in April 2015.	
<b>9.</b>	<b>Re-align book fund expenditure in line with comparator authorities</b>
The book fund has been reviewed and reduced to contribute to the efficiency savings. We have received no direct negative feedback from customers. We are seeing a small reduction in overall numbers of issues, but this reduction is consistent with the last few years and is more likely to reflect the national trend in declining issues as a result of changing reading habits and the increase in online material. The latest CIPFA Public Library Statistics for 2013-14 reported that Cheshire East had the second highest issues per 1,000 population out of all library authorities.	
<b>10.</b>	<b>Introduce eBooks to Cheshire East libraries</b>
A 'soft launch' of eBooks took place in June 2014 to enable us to better understand demand and resolve any usability issues. More titles are being purchased, and the service will be more widely promoted during 2015.	
<b>11.</b>	<b>Review evening opening hours</b>
A review of visitor numbers comparing daytime and evening opening hours was undertaken and confirmed that demand during the evenings remains strong and so no changes were introduced.	
<b>12.</b>	<b>Implement new library management system</b>
The new library management system has been procured and will be implemented in February 2015. The new system will be more intuitive and easier to use, particularly from mobile devices for both customers and staff while browsing or working in the library.	
<b>13.</b>	<b>Introduce chip and pin payments to self-service machines</b>
This will be progressed during 2015 as it is dependent on the implementation of the new library management system.	
<b>14.</b>	<b>Seek opportunities for grants and sponsorship to support the funding of our libraries</b>
Our library teams are continuously looking for opportunities for external funding, and some examples from the last year include funding from the Tinder Foundation to help people get online, from the Home Office to increase the number of young people who volunteer for the Summer Reading Challenge, and from a local supermarket to support junior activities at their local library.	

10.5 The strategy also describes our ambition to extend our work with community partners to help them connect with residents and communities, recognising the role our libraries play as the 'department store' or 'market place' for information. The creation of confidential meeting space is recognised as a requirement for many partners, and our reconfiguration plans at many of our libraries will address this need.

- The Cheshire Neighbours Credit Union now have a presence in eight of our libraries to recruit new members, and recently signed up two new members in the library who each contributed £10,000 to the union.
- We have begun to host new job clubs in Macclesfield and Crewe libraries.
- Several organisations have started to use our libraries in the last year to engage with local residents, including Silverline, Cheshire Carers, Alzheimer's Society, Marie Curie, Dove Bereavement Counselling, Cheshire Community Agents, the Beanstalk Charity, St Luke's Hospice Befriending Service, the Ramblers, and the National Trust.

10.6 The flexibility and adaptability of our library staff has been critical in delivering the efficiency challenge while continuing to meet the expectations of our customers. Their roles have changed considerably from that of a traditional librarian and they now may be asked to help run a Job Club, deliver children's activities, respond to enquiries about housing benefit, or support a user get online. They may even get asked to recommend a good book. The impact of increased customer self-service, simplified stock procedures and greater staff flexibility enabled us to review our staffing levels whilst continuing to support our customers with greatest need. We have also reviewed our management structures and specialist librarian roles, empowering local libraries to provide a service that is relevant to their local community. We also seek to use volunteers where appropriate alongside our staff to support us in delivering activities and events.

10.7 The service has delivered £700k of the efficiency target to date, with the remaining £300k to be delivered for the 2015/16 budget year, and we are exploring a range of opportunities to achieve this.

10.8 We also set ourselves the goal of bucking the national trend of declining library usage. We have now installed people counters in all of our libraries to accurately measure the number of visitors to our libraries. We will set the baseline this year and then aim to increase visitors from next year. We have already received more than one million visitors through our doors since April 2014.

## **11.0 Access to Information**

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

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## **CHESHIRE EAST COUNCIL**

### **Communities Overview and Scrutiny Committee**

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**Date of Meeting:** 22<sup>nd</sup> January 2015  
**Report of:** Head of Communities  
**Subject/Title:** Draft Enforcement Policy

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#### **1.0 Report Summary**

- 1.1 Previous discussion with Communities Overview and Scrutiny Committee has highlighted that as a Council we have clearly articulated our ambition to be an Enforcing Council. Being an Enforcing Council means that that we want to be tough on those residents and businesses that are selfish and cause harm to others. However, we need to provide some clarity and consistency to what this means in practice and also where it is appropriate to take informal action develop a change in behaviour and to seek compliance.
- 1.2 The purpose of the draft Corporate Enforcement Policy is to provide a refreshed umbrella document for enforcement services. It sets out what we as a Council can and can't do and how we will carry out our enforcement approach. Service specific policies will link up with this document and each other underneath this for the detail.

#### **2.0 Recommendation**

- 2.1 The Committee agrees that the draft enforcement policy reflects the ambition to be an Enforcing Council
- 2.2 That feedback on the document as set out in a series of asks at para 10.3 are given from a Residents and Business First Council perspective
- 2.3 That next steps for the document are noted

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

- 3.1 Good progress is being made against the priorities for action and budgeted financial savings.

#### **4.0 Wards Affected**

- 4.1 All wards

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

5.1 Not applicable

## **6.0 Implications for Rural Communities and Policy Implications**

6.1 It is a statutory requirement to have an Enforcement Policy. This also directly contributes towards Council Outcomes 1, 3 and 5

6.2 This has a huge impact on rural communities as there are many issues that these face, such as fly-tipping, unauthorised encampments, concerns about animal welfare, aggressive dogs worrying livestock as examples.

## **7.0 Financial Implications**

7.1 There are no immediate financial implications to developing the policy and the actions proposed are clearly identified as proportionate and appropriate. However, there has been an options appraisal of certain key enforcement activity which needs to be reviewed and may have financial implications

## **8.0 Legal Implications**

8.1 The legal implications have been taken into consideration when refreshing the Corporate Enforcement Policy.

## **9.0 Risk Management**

9.1 Possible reputational risk is that there will be further demands placed on services and these will need to be prioritised. The Council will be mindful of not raising aspirations of residents too far with no financial resource to tackle them. The enforcement policy clearly states that actions will be proportionate and appropriate.

## **10.0 Background and Options**

10.1 The Council first published its Enforcement Policy in 2009, and many changes have happened since. Predominantly a shift to a strategic commissioning Council, the strong desire to be an Enforcing Council with residents and businesses at the heart of what we do. Therefore, the challenge for Communities Overview and Scrutiny Committee was to be at the forefront of the refresh of a policy that would feel and look very different from the one produced in 2009.

10.2 The draft has been worked up based on views from the initial discussion by Communities Overview and Scrutiny Committee by a group of officers who deliver enforcement services. There has been great engagement by them in the process and they have expressed a feeling of involvement and engagement in the process. They are really keen to hear the views of Members and would value some constructive challenge and feedback on the style and content.

10.3 The key asks of Community Overview and Scrutiny Committee are:

- a. Does the policy show to residents and businesses what they can expect from the Council if they are “breaking Council rules on enforcement” or if they are a victim of someone else doing this?
- b. Does the policy reflect our ambition to be an Enforcing Council, and demonstrate that we will take the most appropriate action whether this be informal to full on prosecution
- c. Does the point that this is a high level umbrella policy for all of enforcement functions come across and this is not about service specific detail?
- d. Does the style and format feel resident and business friendly or do we need a summary document and/or some illustrative case studies and photos added in?
- e. Are there any glaring gaps that you think we have missed?

10.4 After the views of this committee are given, a further draft will be presented to Cabinet Member for consideration and it will then be subject to consultation with businesses and residents. A formal decision would then be made by Cabinet Member- Localism and Enforcement for its formal adoption.

### **11.0 Access to Information**

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

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## Cheshire East Council – Enforcement Policy

### 1.0 Background

- 1.1 Cheshire East Council is an Enforcing Council and proud to be one that is tough on residents and businesses that are selfish and cause harm to others. Through this policy we want to be clear about what you can expect from us if you break Council rules on enforcement, or if you are a victim of someone else doing it.
- 1.2 We accept that there are times when you may need help on what the rules are and what we expect from you. So along with our tough stance on enforcement, we will provide advice and assistance, and try and nip problems in the bud through more informal approaches. We will make sure that we target those areas that are most in need and so we are upfront that our challenge is huge, but we are committed to protecting residents and businesses from harm wherever we can.
- 1.2 Cheshire East Council has an existing Enforcement Policy that was approved in March 2009. This new Policy provides an update and refresh of the 2009 version and takes into account changes that have occurred in relation to regulatory activity; this includes updated statutory requirements of an Enforcement Policy, new regulatory sanctions available for specific issues of non compliance and also changes to the structure within Cheshire East Council itself. *The Policy was approved by [insert decision making body] on [insert date].*
- 1.3 Our policy does not aim to provide a ‘one size fits all’ approach to enforcement across the wide range of regulatory services, but is more of an overarching view of how Cheshire East and its officers will undertake regulatory and enforcement action as part of their day to day work.
- 1.4 It also takes into account the subtle differences in regulatory approach between the various service areas by providing links to specific local enforcement procedures which will be useful for business and individuals.

### Scope and Meaning of Enforcement

This Policy applies to all the legislation enforced by Officers with delegated enforcement powers employed by the Council.

‘Enforcement’ includes any criminal or civil action taken by Enforcement Officers aimed at ensuring that individuals or businesses comply with the law.

The term ‘enforcement action’ has been given a general statutory definition, which is;

(a) action to secure compliance with a restriction, requirement or condition in relation to a breach or supposed breach;

(b) action taken in connection with imposing a sanction for an act or omission; and

(c) action taken in connection with a statutory remedy for an act or omission.

## **2.0 What Guides Our Enforcement Approach?**

### **2.1 The Principles of Good Regulation**

The Legislative and Regulatory Reform Act 2006 requires every local authority to have regard to the five Principles of Good Regulation when carrying out specific regulatory functions.

#### 1. Proportionate

Our activities will reflect the level of risk to the public and enforcement action will relate to the seriousness of the offence.

#### 2. Accountable

Our activities will be open to public scrutiny, with clear and accessible policies, and a fair and efficient complaints procedure.

#### 3. Consistent

Our advice to those that we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.

#### 4. Transparent

We will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.

#### 5. Targeted

We will focus our resources on higher risk enterprises and activities, reflecting both local need and national priorities.

### **2.2 The Regulators Code**

Cheshire East Council has had regard to the Regulators' code in the preparation of this policy. This provides for an efficient and effective approach to all council regulatory inspection and enforcement functions to improve compliance with legislation whilst minimising the burden on businesses, individuals, organisations and Cheshire East Council itself.

In certain instances we may however conclude that a provision of the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, documented and based on material evidence.

### **2.3 Human Rights Act 1998**

Cheshire East Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for Human Rights and Fundamental Freedoms. The Policy and all associated enforcement decisions take account of the provisions of the

Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

## **2.4 Data Protection Act 1998**

Where there is a need for Cheshire East Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1998.

## **2.5 The Code for Crown Prosecutors**

When deciding whether to prosecute, Cheshire East Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test'.

1. Evidential Test: Is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, Cheshire East will consider what evidence can be used in court and is reliable. We must be satisfied there is enough evidence to provide a 'realistic prospect of conviction' against each alleged offender.

2. Public Interest Test: Is it in the public interest for the case to be brought to court?

Cheshire East will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The following public interest criteria will normally be taken into account when deciding on the relevance of legal proceedings, although this list is not exhaustive.

- § The prevalence of the type of offence
- § The need for a suitable deterrent
- § The risk of danger or injury to the public
- § The failure to comply with a statutory notice or respond to advice about legal requirements
- § The disregard of legal requirements for financial reward
- § Significant financial loss, potential or actual, to a third party
- § A history of similar offences
- § Persistent breaches of legislation
- § Where fraud, gross negligence or guilty knowledge is a factor
- § Minor breaches of a number of statutes

## **2.6 Regulatory Enforcement and Sanctions Act 2008**

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that as a primary authority, and will have regard to guidance issued by the secretary of State in relation to Primary Authority.

## **3.0 Which services operate in accordance with this Enforcement Policy?**

This policy relates to all council services that operate a regulatory function within or on behalf of the council.

Some examples of service areas that have a role to enforce legislation include;

- Environmental Health (food safety, health and safety, environmental protection, public health)
- Licensing (alcohol, hackney carriage & private hire, street trading)
- Animal Health and Welfare (farmed animal health, animal boarders and breeders, zoos, riding schools)
- Trading Standards (doorstep crime, fraud, counterfeiting, under age sales, weights and measures, labelling)
- Private Sector Housing
- Planning Enforcement
- Building Control
- Benefit fraud
- Waste Management
- Antisocial Behaviour
- Parking Services
- Public Rights of Way and Countryside Services

Please note that this is not exhaustive and refers to the 'traditional' name of the service area/function for simplicity.

## **4.0 Who does this Enforcement Policy affect?**

4.1 Although this policy provides a framework for Council employees and contractors whilst they are carrying out their day to day duties it is also designed to provide an overview of the Council's approach and general operating principals to those who might be affected by its

use; this would include members of the public, commercial businesses and voluntary organisations.

- 4.2 This policy is also applicable where the Council is the Enforcing Authority for its own premises. In such instances steps are taken to ensure that enforcement decisions are free from any conflict of interest. In particular, any serious breaches of legislation would be brought to the attention of the Head of Service and Chief Executive without delay.

## **5.0 Evidence Gathering during an Investigation**

- 5.1 Regulatory bodies are empowered to gather evidence by various means and as part of any ongoing investigation. This can include overt methods where the subject is aware of the investigation or, where appropriate, covert methods where the subject is unaware.

- 5.2 Where the Council undertakes to gather information covertly then they will have regard to the procedures and protocols laid down within the Regulatory Investigation Powers Act 2000 (RIPA) and the Protection of Freedoms Act 2012 as applicable. The Council has a corporate application and authorisation process for the use of these specific methods which is monitored by senior officers.

- 5.3 During an investigation the type of evidence or intelligence gathered can be wide ranging and may include one or more of the following;

- § Photographs
- § Computer Records and open source investigations including information from social media websites
- § Communications data
- § CCTV images including body camera footage
- § Paper Records
- § Samples (food, water, environmental, counterfeit goods)
- § Equipment
- § Plans or sketches made at the scene
- § Noise recording records
- § Invoices
- § Witness Statements
- § Expert reports
- § Forensics (including forensic examination of electronic devices)
- § Results of Test Purchase work

§ Information from other agencies such as those listed in section [insert number]

5.4 This list is not exhaustive and will depend upon the circumstances of the investigation. Evidence may be retained indefinitely and in certain circumstances the Council may seek to destroy equipment that has been seized as part of an investigation, for example where there is a potential risk to health.

5.5 In gathering evidence the Council routinely undertake recorded investigative interviews. These are carried out in accordance with the Police and Criminal Evidence Act 1984 and associated Codes of Practice and seek to provide an individual or business with the opportunity to provide their version of events as part of an ongoing investigation.

5.6 Attendance in person at an interview under caution is expected on the grounds of gathering complete evidence and to maximise the efficiency of the investigation process. Failure to assist an investigation or the act of obstructing an officer is an offence under many pieces of legislation used by enforcement agencies. The Council expect cooperation and will take action where this is not forthcoming.

5.7 In order to take enforcement action there needs to be sufficient supporting evidence to prove that there is a breach of legislation upon which enforcement action can be taken. In relation to anonymous complaints or cases where there is no independent witness, corroborating independent evidence or evidence exists that undermines a case the Council will take a view as to whether they can take any further action or whether to retain the details purely for intelligence purposes.

All investigations will be carried out lawfully having regard to the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Cheshire East Council:

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

## **6.0 What does enforcement look like?**

6.1 Cheshire East Council is committed to working with its local residents, business and volunteer communities to provide a safe, healthy and fair working and trading environment. Where it can the Council will provide practical and proactive help and advice to all parties to help them achieve compliance with the law. However there remains the expectation that individuals and business will make every effort to comply with the law in their day to day business and social lives.

6.2 The Council expects residents and businesses to act on its officer's advice when given. If a resident or business operator chooses not act on this advice, an enforcement intervention should be expected. Similarly Cheshire East Council is committed to taking firm action against those that deliberately or persistently fail to comply with legislation and where this is considered appropriate.

6.3 Where non compliance is identified then the Council will seek compliance through a combination of Promotion, Compliance Advice, Guidance and Support, Informal Warning and Formal Enforcement action.

### **6.3.1 Promotion**

This typically involves a push of information to residents and businesses about specific matters of legislation. This is usually achieved by methods such as direct correspondence, press releases, face to face contact and website information.

### **6.3.2 Compliance Advice, Guidance and Support**

The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. If a similar breach is identified in the future, this advice will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such advice cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council recognises that where a business has entered into a partnership with a Primary Authority, the Primary Authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the Primary Authority in accordance with the Regulatory Enforcement and Sanctions Act 2008.

### **6.3.3 Informal Warnings**

This method is used in circumstances where there has been a breach of legislation, usually minor, and where it was not thought appropriate to take more formal action. In these cases the remedy may be simple and easily achieved following a written or oral warning. Such warnings can be challenged by the recipient and a review by a senior officer can be requested.

### **6.3.4 Formal Enforcement**

This includes a wide variety of sanctions including statutory (legal) notices, written undertakings, the refusal to grant or the revocation of an existing licence or registration, fixed penalty notices, powers of seizure and detention, cautions and prosecution. Formal enforcement action is taken in line with corporate procedures and having regard to Codes of Practice and professional guidance notes. Formal enforcement action also extends beyond prosecution as the Council may apply for further post conviction sanctions.

#### **6.4 Statutory (legal) Notices**

Many pieces of legislation enforced by the Council provide for the service of statutory notices to seek compliance with legal requirements. A statutory notice will require a person, business or organisation to comply with specific legal requirements within a specified time period. A notice shall explain what legislation has been breached, how to comply with the notice and the consequences of not complying with a notice. Notices will be accompanied by any relevant appeal information.

In general, failure to comply with a notice makes the person or business named in the notice liable for prosecution action. Further, the Council may, in some cases carry out the works identified within the notice and recover costs from the recipient of the original notice. Prosecution and Works in Default may run in parallel.

#### **6.5 Written Undertakings (Voluntary and Formal)**

Where an individual or organisation persistently fails to comply with the law, the Council may seek a written undertaking from that person that they will cease the action causing the breach. If appropriate and proportionate, this action may preclude the need for further formal action whilst the agreement is met.

Failure by an individual or business to agree to a written undertaking or, in the case where an agreement is breached, can lead to further formal action being taken by the council in accordance with the relevant legal provisions.

#### **6.6 Injunctions/ Enforcement Orders etc**

In certain circumstances the Council may consider it necessary or expedient to seek a direction from the court (in the form of an order or an injunction) to control behaviour or an activity. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place. Injunctions are orders of the court, breach of which are punishable as a contempt of court by imprisonment or a fine.

#### **6.7 Seizure proceedings**

Certain legislation enables authorised officers to seize goods, for example, unsafe food, sound equipment that is being used to create a statutory noise nuisance, unsafe products or any goods or documents that may be required as evidence for possible future court proceedings.

#### **6.8 Fixed Penalty Notices**

A Fixed Penalty Notice may be used as a means of dealing with an offence instead of prosecution action. Certain lower level offences such as littering, dog fouling and smoking in prohibited places are subject to Fixed Penalty Notices and they enable the offender to discharge their liability and avoid a criminal record.

The Council will apply with any current relevant guidance on the use of Fixed Penalty Notices to include;

- a) There must be sufficient evidence to give a realistic prospect of conviction;
- b) The offence is not too serious and is of a nature suitable for being dealt with by a Fixed Penalty Notice; and
- c) Specific guidance on issuing Fixed Penalty Notices to juveniles; including provisions for issuing a Fixed Penalty Notice to an individual aged between 10-15 years of age; cases where there is doubt over the age of a juvenile; first and second offence provisions.

Where an adult recipient does not pay the penalty offered, or is a repeat offender there will be a presumption that prosecution will follow in relation to the actual offence.

## **6.9 Penalty Charge Notices**

Penalty Charge Notices are issued in relation to breaches of parking restrictions whereby an individual pays an amount of money as a consequence of the breach.

The method and circumstances for issuing a Penalty Charge Notice is prescribed by specific legislation.

Failure to pay a Penalty Charge Notice may ultimately result in the individual being pursued by the Traffic Enforcement Centre for non payment of debt.

A Penalty Charge Notice does not result in the creation of a criminal record and it is common practice for a Penalty Charge Notice to be issued within first issuing a warning.

## **6.10 Administrative Penalties**

There are circumstances and where prescribed by specific legislation where the authority may impose administrative penalties in response to an offence; this is normally in relation to matters of Benefit overpayment. Where you agree to accept an administrative penalty and the conditions of its repayment no proceedings for an offence relating to the overpayment will be instituted against you.

Depending upon when the benefit overpayment occurred a set percentage will be added to the outstanding balance. There are circumstances where an administrative penalty can be invoked with no overpayment and the level and regulations are set down in specific legislation.

## **6.11 Revocation, suspension and withdrawal of licensing and permits**

Where the council has issued a permit, approval, licence or other form or permission, removal of that permission in line with the relevant guidance or legislation will be considered as an enforcement remedy. This action does not preclude further parallel formal enforcement action by the authority e.g. prosecution.

When considering future licensing applications, Cheshire East may take previous breaches and enforcement action into account.

### **6.12 Forfeiture Proceedings**

This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem. The Council may seek an order of the court for forfeiture of goods it has seized either as part of criminal investigations or during the exercise of its enforcement functions.

### **6.13 Simple Caution**

As an alternative to prosecution and in appropriate circumstances a simple caution may be considered as a means of formal enforcement action. A caution is not a criminal conviction but it will form part of an offenders' criminal record and may be referred to in any subsequent proceedings.

For a caution to be issued the following criteria must be met;

- a) There is sufficient evidence to provide a realistic prospect of conviction and it is in the public interest to caution;
- b) There has been a reliable admission of guilt by the offender; and
- c) The offender is over 18 years of age.

The refusal of an offender to accept a caution will not prevent the matter from being prosecuted.

Consideration will be given to the Ministry of Justice - Simple Caution for Adult Offender guidance (MoJ Guidance)

### **6.14 Prosecutions**

The Council will consider a prosecution when;

- a) It is appropriate in the circumstances, as a way to draw attention to the need for compliance with the law, especially where there would be a normal expectation of a prosecution, or where;
- b) Through the conviction of offenders, others may be deterred from offending; or
- c) There is potential for considerable harm arising from the breach; or
- d) The gravity of the offence, taken together with the general record and approach of the offender justifies it.

The decision to prosecute will always take into account the criteria set down in the Code for Crown Prosecutors [insert section number]. The Council will use discretion in deciding to initiate a prosecution and may do so without prior warning taking place.

### **6.15 Proceeds of Crime**

There are some cases where an application under the provisions of the Proceeds of Crime Act is considered appropriate. This seeks to confiscate assets from an offender in order to recover the financial benefit they have gained during the course of their criminal activities. Where such an

approach is considered then the Council will seek the advice of an Accredited Financial Investigator at the earliest opportunity so that a parallel financial investigation can be undertaken.

There is a defined timescale for the application to proceed with confiscation; it must be made after conviction but prior to any sentencing.

## **6.16 Charges**

Certain enforcement activities incur a charge designed to solely recover the cost of the enforcement action taken and are recoverable from the offender or perpetrator. Some charges are set by statute whilst other are determined by the Council and must demonstrate financial transparency in how they are calculated.

The authority also has the power to apply interest charge rates to any expense it incurs in the course of enforcement action including works in default. Such charges will be applied with regard to advice provided by from financial services.

## **6.17 No Action**

In certain circumstances, contravention of the law may not warrant any action. This can be where there is insufficient evidence or it is not in the public interest to proceed. Some areas of legislation only allow the Council to take action where it is expedient to do so, taking into account the level of harm caused by the contravention. In certain cases it may not be considered expedient to take enforcement action. All such decisions will be made transparently.

## **7.0 How do we determine the most appropriate enforcement action?**

7.1 The Council will carry out its duties in a fair and consistent manner. Whilst officers are expected to exercise judgement in individual cases the Council has formal documented arrangements in place to review proposed enforcement actions in the more serious cases and a published scheme of officer delegation. This could include an internal case review and discussion on whether the proposed action is the most suitable means of achieving compliance.

7.2 As part of its decision making process, Cheshire East will also consider the role of supplementary decision making policies and tools that are available across the wide range of regulatory functions; this could include the use of the HSE Enforcement Manager Model, Codes of Practice or the role of Primary Authority protocols etc.

7.3 Where there is a shared enforcement role with other local authorities and/or enforcement agencies, the Council will ensure that effective liaison and consultation takes place to ensure that the needs of all parties are considered and to help achieve the best outcome from formal enforcement action.

## **8.0 What can you expect from your enforcing officer/council?**

8.1 All officers engaged in enforcement functions are appropriately trained and authorised to ensure the highest standards of service delivery. Officers are subject to a twice yearly

appraisal to identify where new or refresher training is required to help them carry out their existing and new roles.

- 8.2 Authorised officers will carry out their enforcement activities in accordance with the principles of this Policy and the requirements of the particular legislation under which they are acting and with any associated guidance or codes of practice.
- 8.3 The Council believes that prevention is better than cure and encourages businesses and individuals to seek advice on matters that they are unsure of without fear that this will trigger direct enforcement action. In return the Council will be clear about issues that constitute direct non-compliance with legislation and those matters which are examples of good practice. Where appropriate, advice and guidance will be followed up by dedicated compliance checks or will form part of any routine inspection programme.
- 8.4 The Council will endeavour to provide information and advice in plain language. The Council will discuss general issues, individual compliance failures or problems with anyone experiencing difficulties should it be requested. To support this, the Council will identify named contacts in any correspondence that it issues.
- 8.5 The Council will have regard to the challenges faced by individuals and businesses, particularly small businesses. It will ensure that any action it requires is proportionate and balanced against risk. As far as the law allows, the council will take account of the individual circumstances of each case when considering action. This includes the seriousness of the offence, past history, confidence in management, the consequences of non compliance and the likely effectiveness of the various enforcement options.
- 8.6 A business or individual will be notified of any intended enforcement action as soon as possible, unless this could undermine an investigation or pose a safety risk to those concerned, the environment or the general public.
- 8.7 In cases where there is an imminent risk to health or the environment, enforcement action may be taken before any right or challenge can be heard.
- 8.8 The Council will provide information on how to challenge or appeal any enforcement decision as part of the enforcement action and where a statutory appeal process exists; where no statutory appeal process exists, guidance on how to challenge or make a representation is provided at the time the action is taken. In addition the Council will also provide its formal complaints procedure for those wishing to use this approach.
- 8.9 The Council will make businesses and individuals aware of the current Enforcement Policy through the website, direct correspondence or as part of day to day contact. Printed copies of the Policy will be provided on request.

## **9.0 Which other agencies might we work with?**

- 9.1 The Council will aim to maximise its effectiveness by working with other authorities and other agencies to share intelligence and resources where it is lawful to do so. Where issues are identified that extend beyond the remit of one agency and into the role of another, then

joint operations will be undertaken to maximise resources and improve any enforcement outcome.

Some examples of agencies that the Council might work with include;

- § Police
- § Environment Agency
- § Health and Safety Executive
- § Fire Service
- § HM Revenue and Customs
- § DEFRA
- § *New AHVLA name*
- § Better Regulatory Delivery Office
- § Citizens Advice Office of Fair Trading
- § Department for Work and Pensions
- § Registered Social Landlords
- § Other Local Authorities (particularly where a Primary Authority relationship exists)

## **10.0 Equality and Diversity**

*Need some equality comments here as well as any accessibility statement we have.*

## **11.0 Complaints, compliments and suggestions**

11.1 Complaints, compliments or suggestions on any aspect of the services the Council provides should be directed to Service Manager of the relevant service area in the first instance.

11.2 If the Council's response to a complaint about the service fails to resolve the matter then you may wish to lodge a formal complaint using our dedicated corporate complaint procedure.

*Insert details – also link to full procedure on our website.*

11.3 Where a complaint is received about the conduct of an officer then this will be investigated separately to run in parallel with the enforcement investigation; this will ensure that there is no unnecessary delay in the enforcement process.

## **12.0 Review of this enforcement policy**

12.1 This policy will be reviewed every three years or more frequently in response to a significant service change or changing regulation.

12.2 If you have any queries regarding the content of this policy then please contact [*insert contact details*].



## FORWARD PLAN TO 31 MAY 2015

This Plan sets out the key decisions which the Executive expect to take over the four month period indicated above. The Plan is rolled forward every month. Key decisions are defined in the Councils Constitution as:-

“an executive decision which is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the local authority.

*For the purpose of the above, savings or expenditure are “significant” if they are equal to or greater than £500,000.”*

Reports relevant to key decisions, and any listed background documents, may be viewed at any of the Councils Offices/Information Centres 5 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 686472

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 record of the decision 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, at Council Information Centres and Council Offices.

This Forward Plan also provides notice that the Cabinet may decide to take a decision in private. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, 28 days notice must be given of any decisions to be made in private by the Cabinet, with provision for the public to make representations as to why they should be made in public. In these cases Members of the Council and the public may make representations in writing to the Democratic Services Team Manager using the contact details below. A further notice of intention to hold the meeting in private must then be published 5 clear days before the meeting setting out any representations received about why the meeting should be held in public with a response from the Leader and the Cabinet.

The list of decisions in this Forward Plan indicates whether a decision is to be taken in private, with the reason category for that decision being taken in private being drawn from the list overleaf:

1. Information relating to an individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including to authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority
5. Information in respect of which a claim to legal and professional privilege could be maintained in legal proceedings
6. Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

If you would like to make representations about any decision to be conducted in private at a meeting then please email

Paul Mountford, Democratic Services Officer [paul.mountford@cheshitreeast.gov.uk](mailto:paul.mountford@cheshitreeast.gov.uk)

Such representations must be received at least 10 clear working days before the date of the Cabinet or Portfolio Holder meeting concerned.

Where it has not been possible to meet the 28 day rule for publication of notice of a key decision or intention to meet in private the relevant notices will be published as soon as possible in accordance with the requirements of the Constitution.

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

Forward Plan to 31 May 2015

<b>Key Decision and Private Non-Key Decision</b>	<b>Decisions to be Taken</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>How to make representation to the decision made</b>	<b>Private/ Confidential and paragraph number</b>
CE 14/15-1 Medium Term Financial Strategy 2015-18	To recommend Council to approve the Medium Term Financial Strategy for 2015-18, incorporating the Council's priorities, budget, policy proposals and capital programme.	Cabinet	3 Feb 2015		Alex Thompson	No
CE 14/15-28 Commissioning of 5-19 Healthy Child Programme (School Health Service)	To authorise officers to take all necessary actions to follow the procurement process re: the commissioning of 5-19 years Healthy Child Programme (School Health Process), including delegated authority to Portfolio Holders, the Director of Public Health and the Executive Director of Strategic Commissioning to award and conclude the contractual documentation with the successful tenderer.	Cabinet	3 Feb 2015		Jane Branson	No

<b>Key Decision</b>	<b>Decisions to be Taken</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>How to make representation to the decision made</b>	<b>Private/ Confidential and paragraph number</b>
CE 14/15-29 Crewe Town Centre Regeneration Delivery Framework	To consider recommendations on a regeneration framework for Crewe town centre.	Cabinet	3 Feb 2015		Jez Goodman	No
CE 14/15-37 Cheshire East Council Energy Framework	To endorse and approve the proposed Energy Framework for Cheshire East.	Cabinet	3 Feb 2015			No
CE 14/15-45 School Funding Formula 2015-16	To authorise officers to implement the 2015-16 Schools Funding Formula.	Cabinet Member for Safeguarding Children and Adults	February 2015		Fintan Bradley, Head of Strategy, Planning and Organisation	No
CE14/15-18 Cheshire Homechoice - Allocation Policy Review	To approve the final version of the Cheshire Homechoice Policy for adoption and authorise officers to take all necessary steps to implement the revised Housing Allocation Policy.  Cheshire Homechoice is the Choice Based Lettings Partnership between Cheshire East Council and Registered Providers who allocate Social Housing in Cheshire East.	Cabinet	3 Mar 2015		Karen Carsberg	

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made	Private/ Confidential and paragraph number
CE 14/15-33 Strategic Asset Management Plan	To accept the new Strategic Asset Management Plan and authorise the officers to take all necessary actions to implement it.	Cabinet	3 Mar 2015		Julian Cobley	No

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made	Private/ Confidential and paragraph number
CE 14/15-41 Congleton Lifestyle Offer	<p>To note the outcome of assessments and consultation to date and approval to:</p> <ol style="list-style-type: none"> <li>1. Progress the modernisation of the existing leisure facilities by undertaking all required consultation, supporting assessments and studies to develop a detailed design; and</li> <li>2. Delegate all necessary powers to the Executive Director for Strategic Commissioning to undertake procurement of a delivery partner and progress the scheme to a submission of a planning application.</li> </ol>	Cabinet	3 Mar 2015			No

<b>Key Decision</b>	<b>Decisions to be Taken</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>How to make representation to the decision made</b>	<b>Private/ Confidential and paragraph number</b>
CE 14/15-44 Energy Procurement - Corporate Buildings, Street Lighting and Schools	To seek agreement to use the procurement method recommended.  To appoint West Mercia Energy as the preferred provider.	Cabinet	3 Mar 2015			No
CE 14/15-47 Community Equipment Service - Provision of Larger Equipment	To authorise officers to take all necessary actions to procure two equipment framework agreements. One framework will be to enable the purchase of adult equipment. The second framework will be to enable the purchase of children's equipment.	Cabinet	3 Mar 2015			No
CE 14/15-43 Digital Customer Services	To authorise officers to take all necessary actions to implement the future 'digital by design' operating model for customer contact.	Cabinet	31 Mar 2015		Paul Bayley	No
CE 14/15-46 Determination of Local Authority Co-ordinated Scheme and Admission Arrangements	To approve the Local Authority's Co-ordinated Scheme and Admission Arrangements for 2016/17.	Cabinet	31 Mar 2015		Barbara Dale	No

<b>Key Decision</b>	<b>Decisions to be Taken</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>How to make representation to the decision made</b>	<b>Private/ Confidential and paragraph number</b>
CE 14/15-38 Cheshire East Housing Strategy 2016-2021	Initially to authorise officers to release a draft version of the Strategy for public consultation.  Subject to the consultation response, ratify the Strategy and authorise officers to implement all initiatives and actions contained therein.	Cabinet	28 Apr 2015		Karen Carsberg	No
CE 14/15-46 Determination of Local Authority Co-ordinated Scheme and Admission Arrangements	To approve the Local Authority's Co-ordinated Scheme and Admission Arrangements for 2016/17.	Cabinet	31 Mar 2015		Barbara Dale	No
CE 14/15-38 Cheshire East Housing Strategy 2016-2021	Initially to authorise officers to release a draft version of the Strategy for public consultation.  Subject to the consultation response, ratify the Strategy and authorise officers to implement all initiatives and actions contained therein.	Cabinet	28 Apr 2015		Karen Carsberg	No

<b>Key Decision</b>	<b>Decisions to be Taken</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>How to make representation to the decision made</b>	<b>Private/ Confidential and paragraph number</b>
CE 14/15-42 Cheshire East Indoor Facility and Playing Pitch Strategies	To adopt both the Indoor Facility and the Playing Pitch Strategies in support of the Council's Local Plan.	Cabinet	28 Apr 2015		Mark Wheelton	No
CE 14/15-42 Cheshire East Indoor Facility and Playing Pitch Strategies	To adopt both the Indoor Facility and the Playing Pitch Strategies in support of the Council's Local Plan.	Cabinet	28 Apr 2015		Mark Wheelton	No

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## CHESHIRE EAST COUNCIL

### REPORT TO: Communities Overview and Scrutiny Committee

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**Date of Meeting:** 22 January 2015  
**Report of:** Head of Corporate Resources and Stewardship  
**Subject/Title:** Work Programme update

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#### 1.0 Report Summary

- 1.1 To review items in the 2014/2015 Work Programme listed in the schedule attached, together with any other items suggested by Committee Members.

#### 2.0 Recommendations

That the 2014/2015 work programme be reviewed.

#### 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 - Carbon reduction - Health

- 6.1 Not known at this stage.

#### 7.0 Financial Implications

- 7.1 Not known at this stage.

#### 8.0 Legal Implications

- 8.1 None.

## **9.0 Risk Management**

9.1 There are no identifiable risks.

## **10.0 Background and Options**

10.1 Members are asked to review the schedule attached to this report, and if appropriate, add new items or delete items that no longer require any scrutiny activity. When selecting potential topics, Members should have regard to the Council's new three year plan and also to the general criteria listed below, which should be applied to all potential items when considering whether any Scrutiny activity is appropriate.

The following questions should be asked in respect of each potential work programme item:

- 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;

10.2 If during the assessment process any of the following emerge, then the topic should be rejected:

- The topic is already being addressed elsewhere
- The matter is subjudice
- Scrutiny cannot add value or is unlikely to be able to conclude an investigation within the specified timescale

## **11 Access to Information**

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

Name: Katie Small  
Designation: Scrutiny Officer  
Tel No: 01270 686465  
Email: [katie.small@cheshireeast.gov.uk](mailto:katie.small@cheshireeast.gov.uk)

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## Communities Overview and Scrutiny Committee Work Programme – December 2014

Upcoming Meetings	Date: 22/01/2015 Time:10.30am Venue: Committee Suite, Westfields.	Date: 19/02/2015 Time:10.30am Venue: Committee Suite, Westfields Informal Meeting	Date:26/03/2015 Time:10.30am Venue: Committee Suite, Westfields	
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Item	Notes	Lead Officer/ Portfolio Holder	Action to be Taken	Key Dates/Deadlines
Community Infrastructure Levy	Members to assist in the development of the Policy/CIL charging schedule	Councillor D Brown A Fisher S Penny	Task and Finish Group to determine rates and how it will be measured. Investigate what is done by other councils.	Ongoing
SCEP – Draft Annual report	To scrutinise the SCEP draft annual report.	S Cordon Cllr L Gilbert	report	22 January 2015
Enforcement Policy	To develop the enforcement policy	S Cordon Councillor L Gilbert	Scrutiny Committee Report	22 January 2015
Review of Library Strategy	6 monthly review following implementation	S Cordon Cllr D Brown	Is the strategy still fit for purpose. Develop next stage. Visit to see how they operate, are private interview rooms needed.	22 January 2015
Tatton Park Enterprises	To receive the quarterly performance monitoring report	Councillor L Gilbert	Scrutiny Committee	19 February 2015
Review of women's safety	To review what Cheshire East do to ensure women's safety in respect of rape, domestic violence and internet trolling	S Cordon L Gilbert	Report Possible task and finish. J Gibson (domestic violence to	19 February 2014

## Communities Overview and Scrutiny Committee Work Programme – December 2014

			attend)	
Community Safety Partnership Performance	New needs assessment to be introduced. Review whether or not fit for purpose.	S Cordon Cllr L Gilbert	Scrutiny Committee Report	TBC
Domestic Homicide Review	To scrutinise the outcomes of the action plan	S Cordon J Gibson Cllr Gilbert	Scrutiny Committee report	TBC
Cheshire Sub Regional Review of Community Safety	To comment on the review. What do we want for Cheshire East ?	S Cordon Cllr Gilbert	Scrutiny Committee report	TBC
Performance Management Information	Six monthly review – safer and Stronger Communities.	S Cordon Cllr Gilbert	Scrutiny Committee report	TBC
Community Strategy	Is this still fit for purpose?	S Cordon Cllr D Brown	To review the strategy.	TBC
Drugs in schools	To scrutinise whether or not there is a problem with drug use in schools and what the council can do to assist in tackling the problem.	F Bradley to arrange	Chairman to meet with representatives of the Head Teachers Organisation to attend.	TBC