

Corporate Overview and Scrutiny Committee

Agenda

Date: Thursday, 8th September, 2016
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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

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

1. **Apologies for Absence**
2. **Minutes of Previous meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 7 July 2016.
3. **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.
4. **Declaration of Party Whip**

To provide an opportunity for Members to declare the existence of a party whip in relation to any item on the agenda.
5. **Public Speaking Time/Open Session**

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Mark Nedderman
Tel: 01270 686459
E-Mail: mark.nedderman@cheshireeast.gov.uk

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.

6. **Quarter 1 Performance Report**

To consider a report of the Chief Operating Officer.(to follow)

7. **Alternative Service Delivery Vehicle (ASDV) Governance Structure**

Alex Thompson Corporate Manager Strategy & Reporting and Paul Fox Solicitor to give a presentation on the governance structure of ASDVs.

8. **Budget Consultation**

Alex Thompson Corporate Manager Strategy & Reporting to give a presentation on the Budget Consultation arrangements for 2017/18.

9. **Work Programme Progress Report (Pages 5 - 12)**

To review the work programme.

10. **Forward Plan (Pages 13 - 22)**

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

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Corporate Overview and Scrutiny Committee**
held on Thursday, 7th July, 2016 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M Simon (Chairman)
Councillor M Grant (Vice-Chairman)

Councillors Rhoda Bailey, G Baxendale, S Corcoran, D Flude, A Moran,
B Walmsley, H Wells-Bradshaw and J Wray

Apologies

Councillors G Barton, S Edgar, S Pochin, J Saunders and J Weston

1 ALSO PRESENT

Councillor Peter Groves –Finance and Assets Portfolio Holder
Alex Thompson - Corporate Manager Strategy & Reporting

2 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 7 April be confirmed as a
correct record and signed by the Chairman.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 DECLARATION OF PARTY WHIP

There were no declarations of the existence of a party whip.

5 PUBLIC SPEAKING TIME/OPEN SESSION

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

6 FINAL OUTTURN PERFORMANCE REPORT

The Committee considered a report of the Chief Operating Officer setting out the Council's financial and non-financial performance at the final outturn of 2015/16 and highlighted the latest progress towards achieving the Council's residents first outcomes as described in the Councils three year plan 2013-2016.

The final outturn review showed that the Council had continued to build upon positions achieved in the past two years. The Council's reserves showed an underspend of £0.5m representing a variance of 0.2%.

In annex 1 of the report, further details of the Council's performance were set out in three sections:

Section 1 Summary of Council Performance - brought together the positive impact that service performance and financial performance had had on the 5 Residents First Outcomes during the year;

Section 2 Financial Stability - provided an update on the Council's overall financial position. It demonstrated how spending in 2015/16 had been funded, including the positions on overall service budgets, grants, council tax and business rates, treasury management, centrally held budgets and the management of the Council's reserves;

Section 3 Workforce Development - provided a summary of the key issues relating to the Council's workforce development plan;

The report indicated that mitigating measures had been included in 2015/16 budget to relieve pressures connected with increased caseloads for adult social care.

The Committee was informed that the Health and Adult Social Care Committee had recently received presentations from the two CCGs in the borough about the challenging financial circumstances projected over the next four years which would lead to both CCGs having to make significant efficiency savings. The Committee expressed its concern that there may be consequences for this Council in future years.

The Committee raised the following additional points in relation to the final outturn report:

- The Committee acknowledged the £1.9 million overspend in children services which related to increased and continuing demand as more children came into care. The Committee noted that whilst additional funds had been included in the 16/17 budget to stem those pressures, it requested additional information about the actual spend on SEND costs for placements outside of the Borough;
- The number of fixed penalty notices issued for littering and dog fouling offences during the year appeared to be low. However, the Committee was pleased to hear that the number of enforcement officers employed by the Council was under review and that plans for an education programme were in place;
- The reduced reliance on agency staff was welcomed but the Committee felt that efforts should be made to reduce the number further particularly in relation to children's services in Crewe, however the committee also acknowledged that the Council's 'grow your own' initiative was on the right trajectory and should alleviate reliance on agency staff in future years;
- That plans should be developed to identify potential risks resulting from the outcome of the referendum for the UK to exit the EU;

- The progress in reducing slippage in the Capital programme and future plans to better reflect the phased spend on capital schemes was welcomed;
- The Committee supported the continuing review of the situation regarding the increased number of schools becoming academies, specifically in relation to the level of support required from the Council;
- That additional information should be provided to explain in full what the objectives of the Council's ASDVs would be in future years.

RESOLVED

- (a) That the report be received;
- (b) That the forecast underspend be noted and the Committee's congratulations be conveyed to all those involved;
- (c) That Cabinet be requested to consider preparing contingency plans to mitigate any risks identified arising from the referendum result to exit the European Union;
- (d) That Cabinet be requested to submit a draft efficiency plan in connection with the Government's four year spending settlement proposals to this committee prior to it being considered by Cabinet by October 2016, or earlier if available;
- (e) That the work currently being carried out by South and Eastern CCGs to address their individual reduced spending allocations for the next four years be acknowledged and Cabinet be requested to consider contingency plans to prepare for any consequential additional pressures that this may place on the Council's own budget;
- (f) That whilst the Committee acknowledges that spending within Children Social Care is demand led, the Committee nevertheless wishes its concern to be placed on record that there is a projected overspend in Children Services;
- (g) That Cheshire East Residents First (CERF) be requested to provide detailed information to this Committee on the ASDV objectives referred to in appendix 12 of the report.

7 BUSINESS PLANNING PROCESS 2017/20

The Committee considered a report of the Chief Operating Officer on the Council's business planning process for 2017/18 to 2019/20.

A key part of the business planning process in 2016 was the production of an efficiency plan in October 2016. The plan would enable the Council to secure the four year fixed funding deal that the Government had offered as part of the Local Government final settlement for 2016/17 announced on 8 February 2016.

RESOLVED – That the report be received and the Business Planning process for 2017/20 and availability of officers throughout the process be noted.

8 **WORK PROGRAMME PROGRESS REPORT**

The Committee reviewed its work programme.

RSOLVED –

- (a) That the Scrutiny Manager be requested to obtain information from the Council's new bailiffs about the company in advance of the September meeting;
- (b) That the item listed as a potential item relating to Member Facilities/Accommodation/culture be added to the list of essential items and the following members be appointed to a task and finish group to investigate the matter:

Chairman – Councillor Margaret Simon
Councillors Mo Grant, Dorothy Flude, Hayley Wells-Bradshaw

9 **FORWARD PLAN**

The Committee reviewed the forward plan.

RESOLVED – that the forward plan be received and noted.

The meeting commenced at 10.00 am and concluded at 1.55 pm

Councillor M Simon (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: CORPORATE SCRUTINY COMMITTEE

Date of Meeting: 8 September 2016
Report of: Head of Corporate Resources and Stewardship
Subject/Title: Work Programme update

1.0 Report Summary

- 1.1 To review items in the 2016/2017 Work Programme listed in the schedule attached, together with any other items suggested by Committee Members.

2.0 Recommendations

That the 2016/2017 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 The schedule attached has been updated to reflect the decisions taken by the Committee at its previous meeting.

10.2 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.

10.3 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.

10.4 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;

10.5 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: Mark Nedderman
Designation: Scrutiny Manager
Tel No: 01270 686459
Email: mark.nedderman@cheshireeast.gov.uk

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Corporate Overview and Scrutiny Committee 2016/17 updated August 2016

Formal meeting	Informal meeting	Formal meeting	Informal meeting	Informal meeting	Formal meeting
Date: 8 September 2016 Time: 2.00pm Venue: Committee Suite, Westfields	Date: 6 October 2016 Time: 2.00pm Venue: Committee Suite, Westfields	3 November 2016 Time: 2.00pm Venue: Committee Suite, Westfields	1 December 2016 Time: 2.00pm Venue: Committee Suite, Westfields	12 January 2017 Time: 2.00pm Venue: Committee Suite, Westfields	2 February 2017 Time: 2.00pm Venue: Committee Suite, Westfields

Essential items

Item	Description/purpose of report/comments	Outcome	Lead Officer/organisation/Portfolio Holder	Suggested by	Current position	Key Dates/Deadlines
Performance Management Information	Quarterly reports on Performance and Budget	A responsible effective and efficient organisation	Chief Operating Officer, Finance and Assets Portfolio Holder	The Committee	Reports are considered in line with the Cabinet reporting cycle	7 July 2016, 8 September 2016, 3 November 2016, 2 February 2017
Budget Consultation 2017/18	Corporate will begin the 2017/18 budget consultation process in September 2016 and finally will collate, on behalf of the 5 other O&S committees, a formal 'scrutiny' response	A responsible effective and efficient organisation	Chief Operating Officer, Finance and Assets	The Committee	Formal consultation on the draft budget TBA	8 September 2016

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			Portfolio Holder			
Capital Programme	To be fed into the budget consultation process	A responsible effective and efficient organisation	Chief Operating Officer, Finance and Assets Portfolio Holder		Formal consultation to be part of the budget process	TBA
Parking Outside Schools	To explore opportunities to improve highway safety around schools across the borough at drop off and pick up times	Our local communities are strong and supportive	Communities Portfolio Holder	Highways and Infrastructure Portfolio Holder and Head of Communities	Task and Finish Group appointed	3 November 2016
Local Plan	To review the local plan process	Cheshire East has a strong and resilient economy. Cheshire East is a green and sustainable place.	Director of Economic Growth Housing and Portfolio Holder	Director of Economic Growth & Housing and Planning Portfolio Holder	Leader and Housing and Planning Portfolio Holder invited to next informal meeting	9 June 2016 and continuing
Member facilities/Accommodation/Culture	To review member facilities and accommodation	A responsible effective and efficient organisation	Chief Operating Officer, Finance and Assets Portfolio	The Chairman	Task and Finish group appointed 7 July 2016	Start date to be agreed.

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Monitoring Items

Bailiff Services	To receive a presentation from the newly appointed bailiffs.	Our local communities are strong and supportive	Chief Operating Officer, Finance and Assets Portfolio Holder	Chief Operating Officer		3 November 2016
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Possible Future/ desirable items

ORACLE - To review whether ORACLE is fit for purpose.

Review the Council's working arrangements with partners and other third parties specifically in relation to value for money.

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FORWARD PLAN FOR THE PERIOD ENDING 30TH NOVEMBER 2016

This Plan sets out the key decisions which the Executive expects to take over the period indicated above. The Plan is rolled forward every month. A key decision is defined in the Council's 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 £1M.”

Reports relevant to key decisions, and any listed background documents, may be viewed at any of the Council's 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 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 at Council Offices.

This Forward Plan also provides notice that the Cabinet, or a Portfolio Holder, may decide to take a decision in private, that is, with the public and press excluded from the meeting. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, 28 clear days' notice must be given of any decision to be taken in private by the Cabinet or a Portfolio Holder, with provision for the public to make representations as to why the decision should be taken in public. In such 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, together 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 the 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, please email:

Paul Mountford, Democratic Services Officer paul.mountford@cheshireeast.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 clear 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 provide for urgent key decisions to be made. Any decision made in this way will be published in the same way.

Forward Plan

Key Decision and Private Non-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 15/16-45 Planning for SVPR Programme Delivery - A Phased Approach	To provide a further report on the Council's work with partners to provide support for asylum seeker dispersal, Syrian refugees and unaccompanied Syrian children, and information on a phased approach to Syrian Vulnerable Person Relocation programme delivery.	Cabinet	13 Sep 2016		Stephanie Cordon, Head of Communities	No
CE 16/17-5 Household Waste Recycling Centre Review	To take all necessary actions following a review of household waste recycling centre provision as required by the adopted Waste Strategy 2030.	Cabinet	13 Sep 2016		Ralph Kemp	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 16/17-12 Expressions of Interest to the DfE Innovation Programme	<p>To authorise the Executive Director People to submit the business cases and proceed to the final stages of the bidding process to the DfE Innovation Programme, and to undertake all necessary negotiations and enter into any funding and associated agreements to secure the funding from the DfE Innovation Programme.</p> <p>To delegate the authority to make decisions on the use of funds for these projects to the Executive Director People, including the procurement of services, provision of grants, entering into partnership agreements and authorising the acceptance and use of funds.</p>	Cabinet	13 Sep 2016		Nigel Moorhouse, Interim Director of Children's Services	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
<p>CE 16/17-13 Pension Provision in the Council's Owned and Controlled Companies</p>	<p>That Cabinet as shareholder approve in principle the closure of access to the Local government pension Scheme (LGPS) to new starters in the Council's wholly-owned and controlled companies. (A corresponding decision will then be taken by CERF Ltd.)</p> <p>The Chief Operating Officer be authorised to work collaboratively with CERF Ltd. to identify an alternative pension scheme for use by the CERF subsidiary companies.</p> <p>The matter be brought back to Cabinet in order to update Cabinet in relation to the work undertaken by CERF and the other companies in relation to the future pension provisions and for Cabinet to authorise the Chief Operating Officer to enter into agreements with CERF, its subsidiaries, financial advisers and a pension provider to have the alternative scheme in operation in early 2017-18.</p>	<p>Cabinet</p>	<p>13 Sep 2016</p>		<p>Peter Bates, Chief Operating Officer</p>	<p>yes - paras 3, 4 & 5</p>

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 15/16-8 Poynton Relief Road - Procurement Strategy	The Poynton Relief Road forms an important part of the Council's strategy of enabling job creation, delivering housing growth and addressing long standing traffic congestion and environmental issues in the town, as well as delivering an important part of the wider SEMMMS Strategy. The report will outline the work undertaken to identify the procurement process to appoint a contractor in order to construct the scheme. The report will also seek authority for the officers to undertake all necessary actions to implement the proposal.	Cabinet	18 Oct 2016		Paul Griffiths	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 15/16-18 Bentley Development Framework	To approve the development framework as a consultation draft document; and to agree to review the development framework following public consultation with a view to considering endorsing the final version of the document as a material consideration when determining future planning applications on the site.	Cabinet	18 Oct 2016		Andrew Round, Interim Executive Director of Growth and Prosperity	No
CE 15/16-49 Review of Available Walking Routes to School	To review all available walking routes to school linked to Home to School Transport; and to ensure that equitable and appropriate arrangements are in place for all Home to School Transport.	Cabinet	18 Oct 2016		Kath O'Dwyer, Director of of Children's Services	No
CE 16/17-3 The Development of a Sub-regional Gypsy and Traveller Unit	To authorise officers to take all necessary actions to implement the proposal to enter into the development of a sub-regional gypsy and traveller unit.	Cabinet	18 Oct 2016		Stephanie Cordon, Head of Communities	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 16/17- 6 Crewe Green Roundabout Preferred Scheme Selection and Works Contract Award	<ol style="list-style-type: none"> 1. To select a preferred design solution; 2. to select a procurement route for the delivery of the Works resulting in the appointment of a Contractor and award of the Contract; 3. to authorise the extension of the appointment of the Designer and production of detailed design for the preferred solution; 4. to authorise that officers enter into discussions with The Duchy of Lancaster and effect the transfer of the necessary land; 5. to authorise the conduct of the necessary diversions of statutory-undertakers apparatus to enable the highways Works; 6. to authorise the completion of assembly of the identified funding solutions. 	Cabinet	18 Oct 2016		Phil Christian, Research and Consultation Team Leader	

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 16/17-7 Re-Tender of Cheshire East Council's Corporate Insurance Portfolio	to delegate to the Chief Operating Officer the authority to go out to tender for procurement of the Council's Corporate Insurance Portfolio and to approve the award of all insurance policies (contracts) for Cheshire East Council. Contract award will be made in consultation with the Director of Legal Services and the Portfolio Holder for Finance and Assets.	Cabinet	18 Oct 2016		Alison Taborda	
CE 16/17-8 Development and Marketing Agreement with PwC	To authorise the Chief Operating Officer to enter into a development and marketing agreement with PwC.	Cabinet	18 Oct 2016		Paul Bayley	No
CE 16/17-9 Prevent Duty and Channel Duty	To consider the authority's responsibilities under the Prevent Duty Guidance 2015 and the Channel Duty Guidance 2015.	Cabinet	18 Oct 2016		Stephanie Cordon, Head of Communities	No
CE 14/15-42 Cheshire East Indoor Facility Strategy	To adopt the Indoor Facility Strategy in support of the Council's Local Plan.	Cabinet	8 Nov 2016		Mark Wheelton	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 16/17-10 Middlewich Eastern Bypass: Selection of Preferred Route, Development of Detailed Design and Outline Business Case	To select a preferred design; develop the detailed design; authorise discussions with landowners and developers; and develop an outline business case, identifying the funding required to deliver the bypass.	Cabinet	8 Nov 2016		Andrew Round, Interim Executive Director of Growth and Prosperity	No
CE 16/17-11 Crewe HS2 Masterplan	To approve the HS2 masterplan for Crewe, and to authorise the Executive Director Place to enter into a public consultation on the masterplan in 2017.	Cabinet	8 Nov 2016		Andrew Ross	No
CE 16/17-14 Congleton Link Road - Procurement Strategy	To approve the preferred procurement strategy for Congleton Link Road and to authorise the officers to take the necessary actions to commence the procurement process.	Cabinet	8 Nov 2016		Paul Griffiths	No
CE 16/17-4 Medium Term Financial Strategy 2017-20	To approve the Medium Term Financial Strategy for 2017-20, incorporating the Council's priorities, budget, policy proposals and capital programme.	Council	23 Feb 2017		Alex Thompson	No