

Corporate Overview and Scrutiny Committee

Agenda

Date: Thursday, 3rd November, 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 3 - 6)

To approve the minutes of the meeting held on 8 September 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. **Enforcement agents**

To receive a presentation from Bristow & Sutor the Council's Enforcement Agents.

7. **Mid Year Performance Report**

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

8. **Budget Consultation**

To receive a presentation from the Chief Operating Officer.

9. **Work Programme Progress Report** (Pages 7 - 14)

To review the work programme.

10. **Forward Plan** (Pages 15 - 26)

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, 8th September, 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, S Edgar, D Flude,
A Moran, S Pochin, J Saunders, B Walmsley, H Wells-Bradshaw, J Weston
and J Wray

Apologies

Councillors (none)

10 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 7 July 2016 be confirmed
as a correct record and signed by the Chairman.

11 ALSO PRESENT

Councillor Chris Andrew – Deputy Cabinet Member
Peter Bates – Chief Operating Officer
Frank Jordan - Executive Director – Place
Alex Thompson - Corporate Manager Strategy & Reporting
Paul Fox - Solicitor

12 DECLARATIONS OF INTEREST

There were no declarations of interest.

13 DECLARATION OF PARTY WHIP

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

14 PUBLIC SPEAKING TIME/OPEN SESSION

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

15 QUARTER 1 PERFORMANCE REPORT

The committee considered a report of the Chief Operating Officer relating to the
first quarter review of performance 2016/17. The report highlighted financial and
non-financial pressures and performance in connection with the outcomes of the
Corporate Plan 2016 to 2020.

A potential overspend of £1.5 million was being forecast, which was attributed largely to an increase in caseloads and costs associated with children in care.

Appendix 1 of the report set out details of how the Council was performing. The appendix was divided into 3 sections:

- Section 1- Summary of Council Performance brought together the positive impact that service performance and financial performance had had on six residents first outcomes during the first year:
- Section 2 – Financial Stability provided an update on the Council's overall financial position. It demonstrated how spending in 2016/17 had been funded including service budgets, grants, council tax and business rates, treasury management, centrally held budgets and reserves.
- Section 3 Workforce Development - provided a summary of the key issues relating to the Council's workforce development plan.

Members then questioned at length the Chief Operating Officer, Executive Director of People and Deputy Chief Executive and Director of Place on the contents of the report and sought additional information on the following matters which would be reported back to Members outside of the meeting:

- Details of the amount of grant approved for the 523 home adaptations for older and/or disabled residents to support independent living;
- The annual target for affordable homes having delivered 145 to date;
- Whether the figure of 57 fixed penalty notices issued in the first quarter was higher or lower than previous years?
- The level of funding provided by Town/Parish Councils for CCTV;
- An explanation as to why a town centre manager for Macclesfield would be retained for 2016/17

RESOLVED –

- (a) That the report be received;
- (b) That Cabinet be informed that this Committee acknowledges the significant financial pressures facing the Council at the moment, the work going on to alleviate those pressures and the challenges ahead to manage the projected budgetary deficits in future years. The committee is pleased to note however, that in spite of the difficult climate, the Council continues to maintain a strong financial position and therefore wishes to place on record its thanks to all involved in achieving this;
- (c) That The Committee request that Cabinet formally acknowledge these comments in the minutes of the meeting.

16 **ALTERNATIVE SERVICE DELIVERY VEHICLE (ASDV) GOVERNANCE STRUCTURE**

Peter Bates and Paul Fox gave a brief outline of the ASDV governance structure.

Since the committee had last received a report on the governance arrangements for ASDVs, the number of ASDVs had grown. The committee was particularly interested in better understanding the role of the holding company - Cheshire East resident First (CERF). In addition Members sought guidance on the future role of Overview and Scrutiny Committees in the future governance of ASDVs in order to ensure that Overview and Scrutiny continued to play its part in monitoring the performance of the arms length companies.

RESOLVED –

- (a) That the Chief Operating Officer be requested to arrange an 'all Member' briefing on the current governance arrangements for ASDVs;
- (b) That the chief Operating Officer be requested also to arrange a specific briefing session for Overview and Scrutiny Members in consultation with Chairman and Vice Chairman of this committee.

17 BUDGET CONSULTATION

Alex Thompson gave a presentation on the budget consultation process for the forthcoming financial year 2017/18.

Alex explained that the Council was currently had a strong base budget but that would face a challenging financial position over the next 4 years culminating in a reduction in Government Grant to nil by 2019/20. In addition, there were additional pressures resulting from the financial challenges facing Health Partners. Added to that, there were a number of unknown factors such as Brexit and inflation. The specific demographics within Cheshire East also added to these pressures bearing in mind the high level spending in the Borough on people based services.

The Council was therefore preparing for an overall potential 'cash deficit' of over £90m over 3 years if no action was taken.

Consequently, even if Council Tax was increased up to the referendum threshold of 2% + 1.99%, this would close only half of the potential deficit.

The next stage in the process as far as this committee was concerned would be to consider the pre –budget report which was expected to be available in November 2016.

The Chief Operating Officer indicated that it was hoped that an efficiency plan would be presented to this committee at an informal meeting in October 2016.

RESOLVED –

- (a) That the presentation be noted;
- (b) That the Chief Operating Officer be requested to submit an efficiency plan to this committee informally in October followed by a pre-budget report to the 3 November 2016 meeting.

18 WORK PROGRAMME PROGRESS REPORT

The Committee reviewed its work programme.

RESOLVED –

That subject to an item being added to review the results of the staff survey, the report work programme be approved.

19 FORWARD PLAN

The Committee reviewed the forward plan.

RESOLVED – that the forward plan be received and noted.

The meeting commenced at 2.00 pm and concluded at 4.16 pm

Councillor M Simon (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: CORPORATE SCRUTINY COMMITTEE

Date of Meeting: 3 November 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 October 2016

Formal meeting	Informal meeting	Informal meeting	Formal meeting	Informal meeting	Formal meeting
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	9 March 2017 Time: 2.00pm Venue: Committee Suite, Westfields	6 April 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	A responsible effective and efficient organisation	Chief Operating Officer, Finance and	The Committee	Formal consultation on the draft budget TBA	8 September 2016 3 November 2016

Corporate Overview and Scrutiny Committee 2016/17 updated October 2016

	O&S committees, a formal 'scrutiny' response		Assets 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	December 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.	Executive Director - Place Housing and Portfolio Holder	Executive Director - Place & Housing and Planning Portfolio Holder		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	The Chairman	Task and Finish group appointed 7 July 2016	Start date to be agreed.

Corporate Overview and Scrutiny Committee 2016/17 updated October 2016

			Portfolio Holder			
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Monitoring Items

Enforcement Agents (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

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 31ST JANUARY 2017

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 16/17-16 Cheshire East Local Development Scheme	To approve the fifth local development scheme, setting out a programme and timetable for the preparation of documents for the Local Plan 2016 – 2018. It will be used to support the Local Plan Examination Hearings in September/October 2016.	Cabinet Member for Housing and Planning	17 Oct 2016		Frank Jordan, Executive Director: Place	
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, Deputy Chief Executive and Executive Director: People	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 16/17-9 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 16/17-15 Children's Residential Home Tender	To give delegated authority to the Deputy Chief Executive and Executive Director People in consultation with the Portfolio Holder for Children and Families to award a contract for the Children's Residential Home tender.	Cabinet	18 Oct 2016		Kath O'Dwyer, Deputy Chief Executive and Executive Director: People	No
CE 16/17-17 LAN Switch Replacement Project	To approve the procurement and award of contracts for the replacement of all EOL/EOS LAN equipment at an estimated cost of £3M over a seven year contract period, via the Crown Commercial Service RM1045 LOT 2 – Local Connectivity Services.	Cabinet	18 Oct 2016		Gareth Pawlett, ICT Manager	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 16/17-18 Connected Communities	To approve the Connected Communities Strategy and to agree the allocation of existing Partnerships and Communities Budget for the delivery of the Strategy; and to authorise officers to take all necessary steps to implement and deliver the Strategy.	Cabinet	18 Oct 2016		Kirstie Hercules	No
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

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	8 Nov 2016		Nigel Moorhouse, Interim Director of Childrens 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
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 16/17-19 Highways Service Contract Re-Procurement	To approve the contract model, procurement route and project management framework, and to authorise the officers to progress the re-procurement exercise in consultation with the Portfolio Holder.	Cabinet	8 Nov 2016		Frank Jordan, Executive Director: Place	No
CE 16/17-21 Commissioning a Voluntary, Community and Faith Infrastructure Service	To approve the commissioning of a Voluntary, Community and Faith Infrastructure Service from April 2017 and authorise the officers to take all necessary actions to implement the proposal.	Cabinet	8 Nov 2016		Stephanie Cordon, Head of Communities	Exempt by virtue of para 5

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 and Compulsory Purchase of Land	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. One report will outline the work undertaken to identify the procurement process to appoint a contractor in order to construct the scheme. A second report will seek authority for the compulsory purchase of land. The reports will also seek authority for the officers to undertake all necessary actions to implement the proposals.	Cabinet	6 Dec 2016		Paul Griffiths	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	6 Dec 2016		Andrew Ross	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	17 Jan 2017		Andrew Round, Interim Executive Director of Growth and Prosperity	No
CE 16/17-20 Crewe Nurseries	To give delegated authority to the Executive Director- People and Deputy Chief Executive, in consultation with the Portfolio Holder, to award a contract for the Children's Residential Home tender.	Cabinet	17 Jan 2017		Kath O'Dwyer, Deputy Chief Executive and Executive Director: People	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

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 14/15-42 Cheshire East Indoor Facility Strategy	To adopt the Indoor Facility Strategy in support of the Council's Local Plan.	Cabinet	11 Apr 2017		Mark Wheelton	No

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