

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Environment and Prosperity Scrutiny Committee

held on Tuesday, 22nd November, 2011 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor L Gilbert (Chairman)
Councillor G M Walton (Vice-Chairman)

Councillors A Barratt, P Butterill, H Davenport, K Edwards, R Fletcher,
S Hogben, P Hoyland and G Morris

Apologies

Councillors G Barton

ALSO PRESENT

Councillors S Wilkinson, P Raynes, S Davies

OFFICERS PRESENT

Arthur Pritchard – Assets Manager
David Job – County Land Agent (Cheshire Shared Services)
Kevin Melling – Head of Highways and Transport
David Malcolm – Southern Area Manager – Development Management
Diane Bramall – Media Relations Officer
James Morley – Scrutiny Officer

146 MINUTES OF PREVIOUS MEETING

RESOLVED: that the minutes of the meeting held on 25 October 2011 be approved as a correct record and signed by the Chairman.

147 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS

Councillor Steve Wilkinson declared a personal interest in Item 5 as he had the sporting rights on some of the Cheshire farms estate.

148 PUBLIC SPEAKING TIME/ OPEN SESSION

Councillor John Saville Crowther, of Congleton Town Council, was present at the meeting and addressed the committee. Councillor Saville Crowther's comments related to Item 6 of the agenda and the effect that alfresco licenses were having on local businesses. He believed the charge levied by Cheshire East for alfresco licenses could be too much for businesses to cope with and could contribute to the downfall of many local businesses, bearing in mind that most businesses were only able to take advantage of alfresco dining six weeks a year

during the summer. He believed that alfresco licenses should be shelved until the economy improved.

149 **CHESHIRE FARMS ESTATE**

The Committee received a report from the Assets Manager and the Shared Services County Land Agent on the Farms Estate Policy Review. The report summarised the work of a Cabinet Review Group (CRG) that was commissioned by the Portfolio Holder for Prosperity to carry out an investigation into farms estate to assist the Council in reaching a conclusion upon the formation of policy for the service. The report set out the conclusions and advice that the Cabinet Review Group were going to offer to Cabinet and financial and legal implications of adopting the recommendations.

Members of the Committee asked questions and made comments about the report and recommendations. The points made included:

- The farm estate would be rationalised to create fewer but larger and more sustainable and viable farms. Rationalisation would result in surplus assets such as buildings (e.g. farm houses and out buildings) that would be sold. Some assets that may be sold would possibly provide opportunity for housing developments depending on their location and proximity to other developments and infrastructure. Plans for rationalisation and which assets would become surplus had not yet been carried out however decisions would be managed based on the recommendations of the policy and in relation to corporative objectives and the Council's vision for the borough.
- Some of the capital receipts from rationalising the estate had been reinvested to prepare the estate for the new arrangements and also to make improvements to the quality of assets and farms to improve the quality of the estate.
- Vacant farms were advertised through a tendering process and potential tenants make an application to the Council. Demand for farms was high and the Council had received 40 applications for a recent vacancy the vast majority of which were good quality applications.
- The majority of Committee members welcomed the report and believed that a review of the policy was necessary to bring the farms estate up to date a make the Council's farms more viable and sustainable.

RESOLVED: That the Committee endorse the recommendations of the Cabinet Review Group

The Asset Manager and County Land Manager left the meeting

ALFRESCO POLICY

The Committee received a briefing from the Head of Highways and Transport on the Council's Pavement Café Policy. The Pavement Café Policy was approved on 18 March 2011 under delegated powers by the Strategic Director Places after it had been commented on by this Committee on 8 February 2011. The Pavement Café Policy aimed to set out a consistent approach for owners and managers of restaurants, cafes, bars, tea rooms, coffee shops and snack bars, who may be considering placing tables and chairs outside their premises. The Committee was asked to give comments on the policy.

Members of the Committee asked questions and the following points were made:

- Under Part VII A of the Highways Act 1980 the Council had the power to licence the placing of items and amenities on certain types of highway.
- The Council had been working hard to support the future prosperity of all town centres with schemes such as the “Love Local Life” and was committed to continually reviewing its policies and fees. The Strategic Director Places had therefore made an informed decision in consultation with the Portfolio Holder for Environment to revise the fee structure to provide a greater concession to smaller businesses. The revised fee structure was to charge £100 initial license and renewal for up to 6 seats as opposed to £150 initial fee, £100 renewal, for up to 4 seats.
- The pricing structure meant that the Council only recovered the cost it incurred through the application process and enforcement; however the fees did not cover the cost of administering and enforcing the policy.
- The advantage of a license with each individual person or business was that the Council could ensure compliance with the terms and conditions of the licence. Without a licence, the Council could only set down guidelines and then take enforcement action where appropriate.
- All responsible premises should carry public liability insurance. The Council's insurers had stated that they would expect every business to have their own public liability insurance in place. If the Council did not take measures to impose licenses and ensure business had public liability insurance it would be liable to pay, from its own pocket, any costs and damages awarded to an injured person in the event of a claim.
- The Committee generally agreed that it was necessary to enforce licences to protect the Council from liability for injury caused by

obstructions on the public highway such as tables and chairs. However, it was considered that the charges needed to better reflect the difference between small local businesses and large national companies. Members of the Committee believed that the step from £100 for 6 seats to £550 for 7 seats was too great and would effect the growth of local businesses. They recommended that charges be looked at again and the introduction of more steps in the scales or charges was needed. The Head of Highways and Transport said this would be looked at during the next review and that the Scrutiny Committee would be given the opportunity to comment on changes.

RESOLVED:

- (a) That the Committee endorse the Pavement Café Policy and the Principle of cost recovery. Vote: 6 For, 2 Against, 1 Abstention.
- (b) That at the next review of charges, the Head of Highways and Transport consider a tiered system to provide a more equitable scale of charges.

151 COMMUNITY TRANSPORT TASK AND FINISH REVIEW

The Committee discussed the Community Transport Task and Finish Review with the Head of Highways and Transport. The Head of Highways and Transport explained that there needed to be a total transport review to take stock of the current position of transport as a whole and possible strategy for the future. He suggested that a Task and Finish group looking specifically at Community Transport at this time would impact on the other areas of transport and potentially have a bad effect on a total transport review.

Various members of the Committee welcomed a total review of transport as it was a service that cuts across many portfolios and scrutiny committees such as Children's Services and Adult Social Care. The Head of Highways and Transport suggested that the Task and Finish Group should be suspended until it was more suitable to look at Community Transport in isolation.

RESOLVED: That the Community Transport Task and Finish Review be suspended.

The Head of Highways and Transport left the meeting

152 DEVELOPMENT MANAGEMENT TRANSFORMATION PROJECT UPDATE

The Committee considered a report from the Southern Area Manager updating it on the Development Management Transformation Project. The report set out what Development Management's current activity and future plans were. The objective of the Development Management Transformation Project was to introduce new robust IT hardware and to standardise all of the historic records inherited from the former legacy authorities onto one system. It was also concerned with transforming the Council's working practices to make them more efficient, and to deliver a new staffing structure that would be fit for purpose as well as meeting budget targets.

The report stated that completion of the project was scheduled for April 2011 to tie in with staffing restructure which was also due to be completed by that time. However this target had not been met and the project was still incomplete. The project suffered a number of delays; unfortunately as a result a number of project milestones were missed which had a knock on effect on the project as a whole. At the date on the meeting work completed included; new IT hardware infrastructure; planning system upgrade & new module software implementation; existing legacy data from Crewe & Nantwich/Congleton/County IT systems converted onto one system; and single consolidated document management system installed.

There were still a number of outstanding issues and work which had not yet been delivered. These had been logged and were being dealt with accordingly. Re-planned work was underway via separate mini-projects and other smaller problems had been identified and logged to ensure that they were resolved with agreed timescales.

Delivery of benefits from the project had already been realised in respect of staffing restructure which had delivered budget savings and further cost savings from the decommissioning of existing legacy systems would take place be actualised in 2012.

RESOLVED: That the report be noted.

153 **WORK PROGRAMME**

The Committee gave consideration to the Work Programme.

RESOLVED: That the current Work Programme be agreed.

The meeting commenced at 2.00 pm and concluded at 4.05 pm

Councillor L Gilbert (Chairman)