

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Corporate Overview and Scrutiny Committee**
held on Thursday, 5th April, 2018 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, S Corcoran, H Davenport, T Dean, B Dooley,
S Gardiner, J Nicholas, S Pochin, L Smetham and Stott

17 APOLOGIES FOR ABSENCE

Councillor B Walmsley.

18 ALSO PRESENT

Brian Reed- Head of Democratic Services and Governance
Jan Willis- Interim Executive Director of Corporate Services
Alex Thompson- Head of Finance and Performance

19 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on the 1 February 2018 be confirmed as a correct record and signed by the Chairman.

20 DECLARATIONS OF INTEREST

Councillor S Gardiner declared a non-pecuniary interest in minute number 22 because he attended two of the work shops that fed into the final report.

21 DECLARATION OF PARTY WHIP

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

22 PUBLIC SPEAKING TIME/OPEN SESSION

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

23 A MEMBER- LED COUNCIL: DEVELOPING EFFECTIVE MEMBER AND OFFICER RELATIONS

Brian Reed, Head of Democratic Services and Governance attended the meeting to present the item on the Member-Led Council. He advised the Committee that the report had been to the Member Technology and Development Panel, Constitution Committee, Group Leaders, and had been published to all employees through Team Voice.

Prior to the meeting, Councillor S Corcoran had advised Brian that he had not endorsed the document or any part of it and had several questions that related to the Member-Led report. The Committee agreed to hear these points and make comment as necessary.

- Principle 8 vii: specifically: Members must not "shop-around" for advice, seeking to obtain advice which they may prefer from certain officers, or by seeking a secondary opinion once formal advice has been provided.

The Committee agreed with the sentiment of this principle and noted that Members who take decisions should take into account officer advice. However, it was noted that sometimes Members struggled to find who the correct contact should be especially where there had been significant changes to teams. Brian advised he would speak to the Member Panel to investigate the possibility of an organisation chart that included mobile phone numbers.

There was some general discussion about the expected time scales from officers after a Member has emailed a particular enquiry. Experience suggested that often officers did not reply to Members or acknowledge the original email. It was also noted that officers could delegate through to other officers and the Member was not kept in the loop. Brian agreed to feed this information back to the Member Panel that was being set up to deal with this.

- Principle 10 specifically: Whilst officers will treat all members in an even-handed, appropriate manner, members must appreciate that officer resource must be provided to assist the Administration to administer, not to assist the opposition to oppose.

Councillor Corcoran advised the phrase 'not to assist the opposition to oppose' was misleading particularly in the context of scrutiny where the remit was to hold the Executive to account. Brian advised a similar comment had been raised at the Constitution Committee.

The Committee had some discussion about the task for the Member Panel, in identifying many options and that nothing was a foregone conclusion. The Committee recognised this was an open and transparent process and therefore it was essential to look at as many options as possible.

The Committee discussed whether they could have sight of future reports complete with tracked changes to show the comments made by previous Committees to avoid duplication of discussion and comments.

The Committee asked for clarification on the last paragraph of Principle 10:

- Officers must also support those members of Council who do not have "special responsibilities". They are nevertheless equal members of Council and have a right to be appropriately supported.

Brian advised this referred to Members with Office such as the Leader or Mayor but he would feed the comment back for expansion in the document.

Finally the Committee asked that any acronyms be avoided or explained where possible to make for an easier reading experience.

RESOLVED:

- (a) That Brian Reed be thanked for his attendance and presentation;
- (b) That Brian Reed be asked to:
 - investigate the possibility of obtaining an organisation chart for Members to show officer area of responsibility including mobile phone contact;
 - feed the experiences relating to email reply correspondence to Members by officer back to the Member Panel to identify a clear communication policy;
 - feed in that the view of this Committee that the primary task for the Member Panel was to look at as many options as needed, and that nothing should be a foregone conclusion.
 - feed in comments to expand the final paragraph of Principle 10 to provide further clarity around the phrase “special responsibilities”;
 - feed in comments to maintain a Plain English approach to language and avoid acronyms, or explain them where possible;
- (c) That the Committee support the approach set out in the document: Cheshire East - A Member-led Council: Developing effective Member and officer relations; and endorse its importance as a supplement to the Council’s Member/ Officer Relations Protocol.

24 NEW HOMES BONUS- COMMUNITY FUND

Jan Willis, Interim Executive Director of Corporate Services and Alex Thompson, Head of Finance and Performance attended the meeting to update the Committee in respect of the New Homes Bonus Community Fund.

Since this Committee last reviewed this item, Cabinet on the 6 February 2018, had approved the previous recommendations by this Committee to earmark £2m to create a specific “New Homes Bonus Community Fund” to be used over the next two financial years. Cabinet also noted that this Committee was willing to assist Cabinet by working on the details of a specific scheme to allocate funds. The Leader stressed the need to have the new model framework in relation to New Homes Bonus funding ready before the next Council meeting and had asked the Portfolio Holder for Finance and Communication to set up an urgent Working Group group in liaison with the Chairman and Vice-Chairman of the Corporate Overview and Scrutiny Committee for this purpose.

The Working Group had met to discuss a model framework and established some ideas behind this. Jan and Alex presented this work to the Committee.

Funds would be allocated on the basis that:

- Parishes would be grouped according to area highways groups;
- There would be £50,000 allocation per area; and
- The balance of £2million would be based on housing completions between 2011-2017.

Jan and Alex presented some indicative figures to the Committee based on the hybrid system that allocated £50k flat rate per area, plus a percentage split from the seven area highways group based on number of new homes built. The funding would not be allocated to individual parishes, it was a flat rate plus a top-up with Ward Members making decisions.

Jan reiterated that grant money had to be spent by the end of the second year, no projects could extend beyond that period. There would be a clawback clause

to grant awards and that money would return to the area it had been clawed back from.

The Committee asked for clarification about matched funding, and if it would be expected that large projects could expect to be funded from multiple sources. Jan advised that the expectation of the scheme was to add additionality and impact for the community through upgrading and enhancing services.

The Committee had some discussion about the timescales and whether the expectation that groups could complete projects in time especially with outdoor capital schemes that were weather reliant and were more likely to experience time slippage. Jan advised a key concern was that Town and Parish Councils could hold the grant funding in their reserves which was outside the spirit of the scheme.

Jan gave the example that if it was decided funding should be allocated to potholes, that funding could be transferred to the highways budget for that work.

Paul Bates, Portfolio Holder for Finance and Communications questioned if projects should be given a completion date of June 2021. The Committee agreed with the principle of the need to accommodate a long-stop date to write in flexibility for projects without it being open-ended.

The Committee agreed that any claw-back of funds should be at the discretion of the Ward Member.

Jan reminded the Committee that any grants would need to demonstrate themes in line with the Council's strategic outcomes. Under each of these six strategic outcomes was a proposal of the type of grant application which would help sort the types of application being received for example, community transport, youth schemes, homelessness prevention and community allotments or orchards. With all grants there was the need to manage the expectations of the applicant that Ward Members would be helping to set and shape the priorities for their local areas.

Alex advised Members that the scheme needed to demonstrate good value for money and that there would be strong governance built in. In terms of application process, officers would score applications but Members would set the scheme parameters. Alex suggested that there would be a better outcome if the community worked together to have wider benefits, but the scheme would not exclude smaller projects but they may consider joining onto a larger scheme to pool resources.

The Chairman read some comments made by Councillor Toni Fox who was part of the Working Group. The Working Group were satisfied that ward members would be instrumental in the distribution of funds. The Group thought a proportion of NHB Funds should be allocated for each house built, there should be no minimum number of builds. They thought there should be no minimum amount of spend. This was to reflect where smaller communities could be disadvantaged when the impact of a smaller number of new houses could in some cases have a greater impact in an area than large developments in others.

The Committee agreed that, there should be a safeguard to ensure the areas where the homes had been built were not disadvantaged because of neighbouring wards being eligible for the larger share of the fund.

The Group felt that infrastructure needs were not being met through S106 and Council services were being cut. In recognition of this NHS Funds should be available to fill this shortfall. Finally they questioned what happened to money that was clawed back. An extended timescale for allocation of the money should be considered. However schemes that would not be deliverable within the two years should not be eligible under the rules of the scheme.

The Chairman noted some of these points had been addressed during the meeting.

RESOLVED: That:

- (a) Jan and Alex be thanked for their attendance and presentations and for their work helping the shape and set the scheme;
- (b) a long-stop date be written into the process for grant applicants;
- (c) a discretionary claw-back of funds by the Ward Member be written into the process;
- (d) a minimum threshold of £10k be considered;
- (e) safeguarding for individual parishes be written into the process to ensure the areas where the homes had been built were not disadvantaged by neighbouring wards;
- (f) deliverability be added to the schemes scoring criteria to ensure project be delivered within the two year threshold.

25 WORK PROGRAMME

The Committee considered the current Work Programme.

The Committee asked for clarification when the item for New Homes Bonus would return to this Committee. Jane Willis, Interim Executive Director of Corporate Services, advised that the a draft form could be circulated to this Committee before it went to Cabinet on 12 June 2018.

Jan advised the Committee that she could schedule a demonstration of Quick Sense at a forthcoming Committee meeting, the Committee agreed to this suggestion.

The Committee asked for the items on Private Enforcement and Fly-tipping to be scheduled for the Committee meeting on 7 June 2018, as a number of Members had dealt with these kind of issues in their wards and would like an update from officers.

The Chairman asked Members for any pieces of work that could feed into the Work Programme. Councillor James Nicholas suggested adding an item ton the process of consultation within the Council. The Committee agreed this suggestion to include public reception and perception.

RESOLVED:

- (a) That the Work Programme be received and noted;
- (b) That Jan Willis be invited to share the New Homes Bonus draft form with this Committee before Cabinet on 12 June 2018;
- (c) That an item on Quick Sense Demonstration be added to the Work Programme; and

- (d) That an item on Cheshire East consultations be added to the Work Programme.

26 **FORWARD PLAN**

The Committee considered the current Forward Plan.

RESOLVED: That the Forward Plan be received and noted.

The meeting commenced at 2.00 pm and concluded at 4.23 pm

Councillor M Simon (Chairman)