

Communities Overview and Scrutiny Committee

Agenda

Date: Thursday, 17th March, 2016
Time: 10.00 am
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 the Last Meeting** (Pages 1 - 4)

To give consideration to the minutes of the meeting held on 21 January 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. **Whipping Declarations**

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**

For requests for further information

Contact: Katie Small

Tel: 01270 686465

E-Mail: katie.small@cheshireeast.gov.uk with any apologies

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. **Gypsy and Traveller Liaison**

To receive a presentation on the current Gypsy and Traveller Service in Cheshire East, possible future arrangements to provide the service and an update on the position regarding a transient site.

7. **Community Rights Update** (Pages 5 - 12)

To receive an update on the Community Rights to Bid applications

8. **Work Programme** (Pages 13 - 20)

To give consideration to the work programme

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Communities Overview and Scrutiny Committee**
held on Thursday, 21st January, 2016 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor G Baxendale (Chairman)
Councillor C Andrew (Vice-Chairman)

Councillors M Beanland, M Grant, S Pochin, J Rhodes and M Warren

In attendance

S Angus Crawshaw – Strategic Partnership Manager
S Cordon – Head of Communities

34 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor E Brooks

35 MINUTES OF THE LAST MEETING

Consideration was given to the minutes of the meeting held on 19 November 2015.

RESOLVED

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

36 DECLARATIONS OF INTEREST

There were no declarations of interest

37 WHIPPING DECLARATIONS

There were no whipping declarations.

38 PUBLIC SPEAKING

There were no members of the public present wishing to speak

39 SUSTAINABLE COMMUNITY STRATEGY

A copy of Cheshire Easts Community Strategy 2010 – 2025 was circulated to the Committee. It was clear that the strategy was now out of date and in need of a refresh to make it responsive and fit for purpose. Members agreed that it should be a joint strategy with Health and Wellbeing Strategy as most of the outcomes

were based around health and wellbeing. It was agreed that a Member event should be held to draft the strategy ensuring it meets the needs of the community.

RESOLVED

That a Member event be held to draft the joint strategy.

40 **ENFORCEMENT POLICY**

The Committee had previously worked on developing a corporate policy for enforcement. Further to this, work had been undertaken at officer level to make the policy user friendly. It was agreed that the Committee would give final consideration to the policy prior to it being submitted to the Portfolio Holder for Communities for approval.

RESOLVED

That the Committee give final consideration to the draft enforcement policy, prior to it being submitted to the Portfolio Holder for Communities for approval.

41 **FORWARD PLAN**

Members expressed disappointment that they had not been notified of CE15/16-23 Voluntary, Community and Faith Sector Commissioning Strategy and Framework 2016-2021. It was agreed that the strategy would be emailed to Members for comment and the Chairman would verbally report any comments to Cabinet on 9 February 2016.

RESOLVED

That the strategy be emailed to Members for Comment and the Chairman verbally report any comments to Cabinet on 9 February 2016 also expressing members disappointment that they had been involved in the decision making process.

42 **WORK PROGRAMME**

Consideration was given to the work programme. With regard to the Domestic Violence Task and Finish Group, in order to fit in with the budget timescales and ahead of the Task and Finish Groups final report, the Committee agreed that a report be submitted to Cabinet requesting that the funding shortfall for high risk domestic violence be addressed.

RESOLVED

That a report be submitted to Cabinet, requesting that the shortfall in high risk domestic violence funding be addressed.

The meeting commenced at 10.00 am and concluded at 10.35 am

Councillor G Baxendale (Chairman)

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CHESHIRE EAST COUNCIL

Communities Overview and Scrutiny Committee

Date of Meeting: March 2016
Report of: Steph Cordon/Sharon Angus-Crawshaw
Subject/Title: Community Rights Update

1.0 Report Summary

- 1.1. As a Residents First Council, the successful implementation of the Community Right to Bid has enabled our communities to nominate assets of importance to them, for these in turn to be assessed and for lists of approved and unsuccessful nominations to be published on the Cheshire East website. This report provides an update on the delivery of Community Rights process currently facilitated by Partnerships and Communities.
- 1.2. The report also references the Community Right to Challenge, which is another element of the Localism Act that enables communities to bid to take over local services they think they can run differently and better.

2.0 Recommendation

- 2.1 That Committee notes the content of the Report and makes comment where necessary.

3.0 Reasons for Recommendations

- 3.1 We know that people in Cheshire East value and love the places they live in. They want great local public services, to protect the things that make their neighbourhood special and to help their community grow and develop in the right way. The Localism Act 2012 has given our communities legal powers and new opportunities to preserve what they like and change what they don't like about the city, town or village they live in.
- 3.2 Since the implementation of the Community Right to Bid process Cheshire East Council has received 22 nominations for a wide variety of assets across the Cheshire East area. These are listed in Appendix 1. A clear process has been implemented to deliver the Community Right to Bid initiative. This includes: - a regular meeting structure to support the assessment process; ensuring that valid nomination forms are submitted with detailed information and with supporting evidence; asset owners are provided with the reasons why an asset has been nominated; website information is regularly updated; and, an updated policy and guidance and clear process charts are published.

- 3.3 From the 6th April 2015 Public Houses listed as Assets of Community Value (ACV) require planning permission to change their use or be demolished. In addition, planning permission will be required to change the use or demolish a pub from the point of nomination. As a result CAMRA have been active in encouraging groups to nominate their local pub and we have recently received a number of enquiries and applications for public houses.
- 3.4 We also have an ambitious approach to Transfer and Devolution and actively encourage community groups and Town and Parish Councils to approach us with any ideas they have regarding the future management of our assets and services. Our aim is to explore ideas at the earliest opportunity, where local communities want to deliver local services.
- 3.5 Whilst we are proactive and open to approaches for transfer or devolution, the Localism Act still requires the Council to have a process in place to consider expressions of interest received under the Community Right to Challenge. There is a statutory duty placed on all Local Authorities to consider expressions of interest. A separate report on Community Right to Challenge outlining a process to do this is being taken to Cabinet in March 2016.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 It should be recognised that if the numbers of Community Right to Bid nominations received continue to increase this will put pressure on existing staff workloads, and could result in the process not operating to the deadlines required by the legislation and as outlined in Policy and Guidance.
- 6.2 There are further commitments required through the provision in the legislation for internal listing and compensation reviews, which must be undertaken by an appropriately senior officer and also to strict deadlines. Compensation claims can be raised if the asset owner feels they have incurred a financial loss through their property being listed or previously listed. Internal reviews can be triggered when the asset owner does not agree with the Council's assessment of nominations or compensations claims.
- 6.3 A Community Right to Challenge Policy and Guidance Document is required under the Localism Act 2011 which needs to include what the procedure and process is where accepted expressions of interest will lead to a procurement exercise, how the service will be commissioned, and how information about the Community Right to Challenge will be communicated and made available publicly.

7.0 Financial Implications

- 7.1 There are human resource implications in enacting the Community Right to Bid, given the number of tasks necessitated by the legislation and reflected in our process. The Council is obliged to, at various points of the process, contact community groups, asset-owners, and local communities. Regular monthly meetings are arranged and facilitated, and a number of officers from a range of services are required to undertake duties.
- 7.2 A successful award of costs against the Council at First Tier Tribunal could have considerable financial implications. The Council is required to compensate the owner or former owner of listed land where they have incurred loss or expense through their asset being listed or previously listed. DCLG guidance states that the estimated costs of providing this compensation have been subsumed into the Council's funding. Additionally, if the Council pays out over £20,000 in one financial year (either on one large claim or as a combined total on a number of smaller claims) then the Council may write to the Community Assets Team at DCLG with a request for financial support providing evidence of the compensation costs incurred.

8.0 Legal Implications

- 8.1 We currently have a claim from an asset owner to the First Tier Tribunal, seeking to challenge the results of an internal review and to have a listed asset removed from the Register. This process will be carried out via a paper review and implications to date have been on staff time to prepare responses to the appellant. We will use this opportunity to better understand how the Tribunal process operates, and they state that the overriding objective of the Tribunal is that cases are dealt with fairly and justly including: avoiding unnecessary formality and doing what is possible to enable a party to participate fully in the proceedings. At this stage it is not known if any costs will be incurred.

9.0 Risk Management

- 9.1 The processes and procedures that have been developed and implemented should mitigate risks associated with the Community Right to Bid including failure to correctly deal with community nominations for assets of community value; failure to correctly fulfil obligations under the disposal of listed land procedures (community right to bid which may result in assets of community value not being appropriately identified, land disposals being unacceptably delayed or alternatively allowed to proceed when the moratorium period should have applied. There are also risks in terms of compensation and legal costs associated with the First Tier Tribunal process, and having an open and robust process will help to meet those risks.

- 9.2. Community Right to Challenge could have huge implications on service delivery if not considered properly. The Council needs to be prepared for challenges to the services it delivers and commissions and be clear about the processes it follows in contracting its services. It also needs to have a clear rationale as to why any challenges would be rejected and on what grounds. The creation of appropriate policy and guidance documentation, and a robust process to ensure that the statutory duty under Community Right to Challenge legislation is fully met, is vital.

10.0 Background and Options

- 10.1 A report was taken to Cabinet on 19th August 2013, to agree recommendations that aimed to create a revised and strengthened policy by which Cheshire East Borough Council would manage and administer the Community Right to Bid under the provisions of the Localism Act and the Assets of Community Value Regulations (2012).
- 10.2 The aim of the Community Right to Bid is to empower communities wishing to protect valuable local assets (land and buildings) by requiring the Council to maintain a list of assets in its area which are of community value. If an asset then comes up for sale, the community group will be given time to make a bid to buy it on the open market.
- 10.3 The Right does not restrict in anyway who the owner of the asset can sell their property to or at what price, and it does not confer a right of first refusal to community or voluntary groups.
- 10.4 A building or land will be listed as an asset of community value if, in the opinion of Cheshire East Borough Council, the following criteria are met:-
- Current primary use of the building/land or use of the building/land in the recent past furthers the social well-being or social interests (cultural, recreational, or sporting interests) of the local community
- It is realistic to think that now or in the next five years there could continue to be primary use of the building/land which will further the social well-being or social interests of the local community (whether or not in the same way as before)
- 10.5 In April 2015 legislation changed in relation to Public Houses that are nominated for listing and then subsequently listed. From the 6th April 2015 pubs nominated as Asset of Community Value will require planning permission for demolition or change of use.
- 10.6 The Community Right to Challenge allows relevant bodies to challenge the Council to run local services that they think they can run differently and better. There is a statutory duty placed on all Local Authorities to consider expressions of interest.

- 10.7 If a relevant group submits a valid expression of interest to run a Council service the Council must consider the proposal and either reject the proposal, request that modifications be made or accept the proposal.
- 10.8 A Cabinet Report about a Community Right to Challenge Policy is currently being prepared. This sets out roles for the Head of Governance and Democratic Services and the Head of Communities, who will be authorised to carry out the initial validation of expressions of interest and to reject any that are not valid, to be responsible for overall management of each procurement exercise and to create appropriate policy and guidance documentation and a robust process to ensure that the statutory duty under Community Right to Challenge legislation is fully met. It also proposes to implement a 30 day period each year for accepting Expressions of Interest on Community Right to Challenge starting from 1 September 2016.

11.0 Access to Information

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

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Appendix 1 Community Right to Bid - Nominations Update February 2016

Nomination	Status	Comments
0001 Old Ship Inn, Macclesfield	Listed 03/12/2013	Due to be removed from list 03/12/2018
0002 AP Sports & Social Club, Holmes Chapel	Date of disposal notice 20/12/2013	Holmes Chapel Community Centre (previously The AP Club) has been purchased by Holmes Chapel Parish Council for community use, including the sports field and former bowling green. The Parish Council has leased the site to Everybody Sport and Recreation on a 25 year lease to manage on their behalf and to bring the site back into full community use.
0003 Hankelow Methodist Church	Listed 24/03/2014	Due to be removed from list 24/03/2019
0004 Vale Allotments, Congleton	Date of disposal notice 23/10/2014	Allotment site still for sale. Protected period ends 24/04/2016. Owners have queried what happens when protected period ends and have been advised that if asset is still up for sale then a new moratorium period could be triggered.
0005 The Vine Inn, Shavington	Listed 14/07/2014	Due to be removed from list 14/07/2019
0006 The Royal Oak, Worleston	Listed 08/09/2014	The asset owner requested an internal review of the decision. Decision to approve was upheld. Due to be removed from list 08/09/2019
0007 The Robin Hood Inn, Rainow, Macclesfield	Listed 23/02/2015	Due to be removed from list 23/02/2020
0008 Sessions House, Knutsford	Unsuccessful nomination	No evidence provided to indicate how the actual current or recent use of former court building furthers the social wellbeing or social interests of the local community.
0009 Land on Park House Lane, Prestbury SK10 4HZ	Listed 19/01/2015	The asset owner requested an internal review of the decision. Decision to approve was upheld. Due to be removed from list 19/01/2020
00010 RSPB land, Somerford	Unsuccessful nomination	The land is tenanted farmland, which is planted with crops annually and its use has not furthered the social wellbeing or social interests of the local community.
00011 Boot and Slipper, Wettenhall	Date of disposal notice 23/4/2015	No expressions of interest received during the initial moratorium period. Asset sold on 15.12.15, land charge removed on 21.12.15. Asset has been removed from listing.
00012 Gorsty Hill Golf Club & Country Park	Listed 23/02/2015	Subject to an FOI request. The asset owner requested an internal review of the decision. Decision to approve was upheld. Now subject to a First Tier Tribunal review requesting removal of asset from list.
00013 Unicorn Inn , Wilmslow	Listed 23/02/2015	The asset owner requested an internal review of the decision. Decision to approve was upheld. Due to be removed from list 23/02/2020

00014 Community Room, Astle Court Chelford	Unsuccessful nomination	Asset does not qualify as it is part of an elderly persons residential housing scheme and it is therefore excluded from listing.
00015 Ford Lane Allotment, Crewe	Listed 17/11/2015	Due to be removed from list 17/11/2020
00016 Stags Head, Great Warford, Alderley Edge	Listed 21/12/2015	Asset owner has requested an internal review of Decision. An officer has been appointed to undertake review and a recommendation will be taken to the Decision Group meeting on 15 th March 2016. Currently due to be removed from list 21/12/2020
00017 Sandpiper Public House, Sandbach	Listed 21/12/2015	Due to be removed from list 21/12/2020
00018 Chapel House Inn, Mobberley	Unsuccessful nomination	Insufficient evidence had been provided that confirmed that there was a time in the recent past when the actual use of the asset furthered the social wellbeing or interests of the local community. The property has been sold and had planning consent to develop into a single residence and therefore it is not realistic to think that there is a time in the next five years when it could continue to further the wellbeing or social interests of the community. Evidence received provided outcomes of a viability test which indicated that Chapel House does not constitute a viable proposition for an operator who would wish to continue its use as a public house.
00019 Hulme Street Allotment, Crewe	Listed 17/11/2015	Due to be removed from list 17/11/2020
00020 Foresters Arms, Haslington	Initial application	Nominators have withdrawn application for time being pending proposed new tenancy at the pub
00021 Greenhouse, Chelford	Listed 21/12/2015	Due to be removed from list 21/12/2020
00022 Plough Boy, Disley	Unsuccessful nomination	Insufficient evidence was provided to confirm that there was a time in the recent past when the actual use of the asset furthered the social wellbeing or interests of the local community, and that it is realistic to think that there is a time in the next five years when it can do so again. Evidence received confirmed the position of the asset at the time when trading ceased, and the difficulty to sell the property as a viable business at market value.

CHESHIRE EAST COUNCIL

REPORT TO: Communities Overview and Scrutiny Committee

Date of Meeting:	17 March 2016
Report of:	Corporate Resources and Stewardship
Subject/Title:	Work Programme update

1.0 Report Summary

- 1.1 To review items in the 2015/2016 Work Programme listed in the schedule attached, together with any other items suggested by Committee Members.

2.0 Recommendations

That the 2015/2016 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:

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Communities Overview and Scrutiny Committee Work Programme – March 2016

Formal meeting	Informal meeting	Informal meeting	Formal meeting	Formal meeting	Informal meeting	Formal meeting	Informal meeting
Date: 17.03.2015 Time: 10.00am Venue: Committee Suite, Westfields	Date:21.04.2015 Time: 10.00am Venue: Committee Suite, Westfields	Date:16.06.2015 Time: 10.00am Venue: Committee Suite, Westfields	Date:14.07.2015 Time: 10.00am Venue: Committee Suite, Westfields	Date:15.09.2015 Time: 10.00am Venue: Committee Suite, Westfields	Date:13.10.2015 Time: 10.00am Venue: Committee Suite, Westfields	Date:17.11.2015 Time: 10.00am Venue: Committee Suite, Westfields	Date:08.12.2015 Time: 10.00am Venue: Committee Suite, Westfields

Essential Items

Item	Description/Purpose of reports/Comments	Outcome	Lead Officer/ Organisation/Portfolio Holder	Suggested by	Current Position	Key Dates/Deadlines
Domestic Violence	To review what Cheshire East does to ensure women's safety in respect domestic violence	People live well and for longer	S Cordon Cllr J Clowes	Committee	Task and Finish Group Final Report	21 April
Enforcement Policy /Enforcement Service	To review the draft enforcement policy	Our local communities are strong and supportive	S Cordon Cllr P Bates	L Gilbert		TBA
Community Strategy	Is this still fit for purpose?	Our local communities are strong and supportive	S Cordon Cllr P Bates	S Cordon		Workshop to be arranged
Voluntary, Community and Faith Sector	To develop the strategy	Our local communities are strong and	K Hercules Cllr P Bates	Committee		TBA

Communities Overview and Scrutiny Committee Work Programme – March 2016

Commissioning Strategy and Framework		supportive				
Community Safety Partnership Plan and Performance	Revised plan to be considered. Protocol between SCEP and Committee to be circulated.	Our local communities are strong and supportive	S Cordon Cllr P Bates	S Cordon/K Hercules		21 April 2016
Cultural Strategy	To examine the strategy prior to being submitted to cabinet	People live well and for longer	B Flannigan S Gardner	L Gilbert		TBC

Monitoring Items

Item	Description/Purpose of reports/Comments	outcome	Lead Officer/ Organisation/Portfolio Holder	Suggested by	Current Position	Key Dates/Deadlines
Community Right to Bid	update	Our local communities are strong and supportive	K Hercules Councillor L Gilbert	K Hercules		17 March 2016
Tatton Park Enterprises and Tatton Park	To receive the quarterly performance monitoring report.	Strong and resilient community/ people live well and for longer	Councillor L Gilbert B Flanagan	Committee	Arrange visit to Tatton Park (outside facilities)	21 April 2016
Gypsy and Travellers	To gain an understanding of the current position and future plans	Our local communities are strong and supportive	Councillor L Gilbert	Committee		17 March 2016

Communities Overview and Scrutiny Committee Work Programme – March 2016

Possible future/ desirable items

Libraries

Management of Community Buildings

Human Trafficking/ Honour based crime

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