

Corporate Overview and Scrutiny Committee

Agenda

Date: Thursday, 1st December, 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 3 November 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. **Pre - Budget Consultation**

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

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

To review the work programme.

8. **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, 3rd November, 2016 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors S Corcoran, B Dooley, S Edgar, D Flude, A Moran, S Pochin,
J Saunders, B Walmsley and J Wray

Apologies

Councillors G Barton and H Wells-Bradshaw

25 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 8 September 2016 be confirmed as a correct record and signed by the Chairman.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 DECLARATION OF PARTY WHIP

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

28 PUBLIC SPEAKING TIME/OPEN SESSION

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

29 ENFORCEMENT AGENTS

Adrian Lardner, Debra Grogan from the Council's Enforcement Agents Bristow and Suter attended the meeting and gave a presentation on the work of the company with the Council. The company had begun its work with the Council in 2011 and had had its contract extended in 2015.

The Committee was informed that since the introduction of new legislation in 2014, the way that enforcement agents operated had changed. This was in response to the government's wish to reduce aggressive bailiff behaviour which had introduced standard scale of fees and a defined clear process for debt recovery. With effect from April 2014 Bailiffs ceased to exist and were replaced by enforcement agents.

Therefore, at the compliance stage, only three fees were now payable.

They were:

- £75 as soon as the case was received
- £235 enforcement fee which covered multiple visits if necessary
- £110 if goods needed to be removed.

If a debt totalled over £1500 a tariff of 7.5% of the value was charged

Enforcement officers largely dealt with debtors via electronic communication means, through emails, telephone calls etc. and had reduced face to face contact with debtors by reducing the need to knock on doors.

The changes in legislation had brought about a success rate of 40-50% in the compliance period meaning that fewer people than ever had any face to face contact with enforcement agents. There was also a defined process for dealing with vulnerable people and enforcement agents undertook specific training.

RESOLVED – That the presentation be received and noted.

30 MID YEAR PERFORMANCE REPORT

The Committee considered a report of the Chief Operating Officer relating to the mid - year review of Performance 2016/17.

The report highlighted financial and non-financial pressures and performance indicating how the Council was working to achieve the outcomes of the Corporate Plan 2016 to 2020.

Nationally, care services in particular were experiencing rising caseloads and increasing complexity of care needs as well as rising costs from minimum wage requirements for care providers. This was particularly relevant in Cheshire East as the Council's budget included net expenditure of over £140m for services provided by the People directorate.

The Mid Year Review of Performance provided evidence about how the Council engaged with residents, businesses and its partners to achieve positive outcomes.

The report demonstrated that the overall financial health, performance, resilience and value for money at the Council was strong, and that the reserves strategy remained effective. A potential overspend of £1.2m (0.5%) was currently being forecast, which in line with national trends was being strongly influenced by an increase in caseload and costs associated with Children in Care.

At Annex 1, the report set out details of how the Council was performing in 2016/17. It was structured into three sections:

Section 1 Summary of Council Performance - brought together the positive impact that service performance and financial performance had had on the 6 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 2016/17 had been funded, including: service budgets, grants, council tax & 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.

The Committee questioned each of the Executive Directors on their respective performance results.

RESOLVED –

- (a) That the report be received;
- (b) That whilst acknowledging the huge financial pressures facing the Council at the moment as outlined in the mid quarter performance report, particularly in relation to adults and children's care provision, the Committee notes the good levels of performance highlighted in the report and welcomes the opportunity presented by Cabinet comment regularly on the quarterly performance reports.

31 BUDGET CONSULTATION

The Chief Operating Officer gave a brief outline of the budget consultation arrangements over a three-year period, starting in 2017/18.

He informed the committee that 344 of 353 local authorities had agreed to take up the offer of multi-year agreements with the Government. Although this was a three-year agreement, Council tax would still have to be approved on an annual basis.

It was suggested that a further update could be provided at the December meeting of the committee with a view to formal budget proposals being considered by individual Overview and Scrutiny Committees in the new year.

RESOLVED – That the Chief Operating Officer be requested to provide an update on the budget consultation arrangements at the 1 December meeting and the status of that meeting be changed to a formal meeting open to the public.

32 WORK PROGRAMME PROGRESS REPORT

The Committee reviewed its work programme.

RESOLVED – That a progress report on the Local Plan Process be received early in 2017.

33 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 3.48 pm

Councillor M Simon (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: CORPORATE SCRUTINY COMMITTEE

Date of Meeting: 1 December 2016
Report of: Director of Legal Services
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 November 2016

| Formal meeting | Informal meeting | Formal meeting | Informal meeting | Formal meeting |
|---|---|---|--|--|
| 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 1 December 2016 |

Corporate Overview and Scrutiny Committee 2016/17 updated November 2016

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|---|--|---|--|--|--|--------------------------|
| | 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 | 1 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 | | update Jan/Feb 2017 |
| 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 November 2016

| | | | | | | |
|--|--|--|------------------|--|--|--|
| | | | Portfolio Holder | | | |
|--|--|--|------------------|--|--|--|

Monitoring Items

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 28TH FEBRUARY 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 16/17-10 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 16/17-14 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 |

| 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 | 6 Dec 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 | 6 Dec 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 16/17-18 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 | 6 Dec 2016 | | Kirstie Hercules | No |
| CE 16/17-22 Merger between Wulvern Housing Association and the Guinness Partnership | Wulvern Housing Association is seeking the support of Cheshire East Council to merge with the Guinness Partnership. Cabinet will be requested to approve the nominated member to vote in favour of the proposal at the Wulvern Board Special General Meetings in December 2016 and January 2017 which will give formal consent to the merger. | Cabinet | 6 Dec 2016 | | Karen Carsberg | 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 16/17-23 Quality of Place | 'Quality of Place' is a measure that focuses on the connection of environment and places. Cabinet will be asked to adopt the principles relating to Quality of Place as the overarching strategy for the Council and to inform a revised corporate plan for the Council. The paper will set out the principles and related benefits, noting that 'Quality of Place' will also be used as the key driver behind the refresh of the Local Enterprise Partnership's Strategic Economic Plan. A draft revised corporate plan will be prepared for Cabinet's consideration in due course. | Cabinet | 6 Dec 2016 | | Brendan Flanagan | 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 16/17-26 Procurement of Care and Support at Heath View Extra Care Housing Scheme, Congleton | To approve the award of a contract and authorise officers to implement the decision. | Cabinet | 6 Dec 2016 | | Mark Palethorpe | N/A |
| 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 | 17 Jan 2017 | | Frank Jordan, Executive Director: Place | 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 |

| 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 outline the statutory process. A third 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 | 7 Feb 2017 | | 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 | 7 Feb 2017 | | 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 16/17-24 Cheshire Energy Networks Ltd Business Plan | To seek Cabinet's endorsement of the business plan for Cheshire Energy Networks Ltd. It is intended that the business plan will provide the framework for the company's activities for the next five years. | Cabinet | 7 Feb 2017 | | Frank Jordan, Executive Director: Place | |
| CE 16/17-27 Determination of Local Authority Co-ordinated Scheme and Admission Arrangements 2018/19 | To approve the Council's Co-ordinated Scheme and Admission Arrangements for 2018/19. | Cabinet | 7 Feb 2017 | | Kath O'Dwyer, Deputy Chief Executive and Executive Director: People | N/A |
| 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 |
| CE 16/17-25 Food Waste Collection Organic Waste Treatment Solution | To authorise officers to take all necessary actions to implement the proposal to bring to final tender the procurement for the treatment of food waste. | Cabinet | 14 Mar 2017 | | 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 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 |
| 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 | 11 Apr 2017 | | Stephanie Cordon, Head of Communities | Exempt by virtue of para 5 |

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