

# Council Agenda

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**Date:** Wednesday 11th December 2024  
**Time:** 11.00 am  
**Venue:** Council Chamber, SKA Observatory, Jodrell Bank, Lower Withington, SK11 9FT

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The agenda is divided into two 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.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are uploaded to the Council's website

## **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary interests, other registerable interests, and non-registerable interests in any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 5 - 18)

To approve as a correct record the minutes of the meeting of Council held on 16 October 2024.

4. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

5. **Public Speaking Time/Open Session**

In accordance the Council Procedural Rules, a total period of 30 minutes is allocated for members of the public to speak at Council meetings. Individual members of the public may speak for up to 2 minutes, but the Chair will have discretion to vary this requirement where they consider it appropriate.

Members of the public wishing to speak are required to provide notice of this at least three clear working days' in advance of the meeting and should include the question with that notice. Questions should be submitted to: [katie.small@cheshireeast.gov.uk](mailto:katie.small@cheshireeast.gov.uk) or [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk).

Petitions - To receive any petitions which have met the criteria - [Petitions Scheme Criteria](#), and falls within the remit of the Committee. Petition organisers will be allowed up to three minutes to speak.

6. **Leader's and Deputy Leader's Announcements**

To receive such announcements as may be made by the Leader and Deputy Leader.

7. **Recommendations from Corporate Policy Committee: Council Tax Base 2025/26**  
(Pages 19 - 28)

To consider the recommendations from the Corporate Policy Committee.

8. **Recommendations from Corporate Policy Committee: Revised Statement of Licensing Policy** (Pages 29 - 122)

To consider the recommendations from Corporate Policy Committee.

9. **Recommendations from Corporate Policy Committee: Changes to the Council's Constitution** (Pages 123 - 144)

To consider the recommendations from the Corporate Policy Committee.

10. **Recommendations from Corporate Policy Committee: Cheshire East Council Support for Proposed Future Rail Schemes** (Pages 145 - 226)

To consider the recommendations from the Corporate Policy Committee.

11. **Recommendations from Finance Sub Committee: Approval of Supplementary Revenue Estimates and Supplementary Capital Estimates** (Pages 227 - 260)

To consider the recommendation from the Finance Sub Committee.

12. **Senior Management Structure - Children's Services** (Pages 261 - 278)

To consider proposed change to the senior management staffing structure for Children's Services.

13. **Cheshire and Warrington Joint Committee: Amendment to Terms of Reference**  
(Pages 279 - 294)

To consider the proposed amendments to the Terms of Reference for the Cheshire and Warrington Joint Committee.

14. **Approval of Absence from Council Meetings** (Pages 295 - 298)

To seek the approval of Council in respect of a Councillor's absence from Council meetings for a period over six months.

15. **Notices of Motion** (Pages 299 - 302)

To consider any Notices of Motion that have been received in accordance with the Council Procedure Rules.

16. **Questions**

In accordance the Council Procedure Rules, opportunity is provided for Members of the Council to ask the Mayor or the Chair of a Committee any question about a matter which the Council, or the Committee has powers, duties or responsibilities.

At Council meeting, there will be a maximum question time period of 30 minutes. A period of two minutes will be allowed for each Councillor wishing to ask a question. The Mayor will have the discretion to vary this requirement where they consider it appropriate.

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**CHESHIRE EAST COUNCIL****Minutes of a meeting of the Council**

held on Wednesday, 16th October, 2024 in the Council Chamber, SKA  
Observatory, Jodrell Bank, Lower Withington, SK11 9FT

**PRESENT**

Councillor M Houston (Mayor/Chair)

Councillor D Edwardes (Deputy Mayor/Vice-Chair)

Councillors S Adams, L Anderson, M Beanland, S Bennett-Wake, J Bird, L Braithwaite, J Bratherton, M Brooks, D Brown, L Buchanan, C Bulman, A Burton, R Chadwick, C Chapman, D Clark, J Clowes, P Coan, A Coiley, N Cook, S Corcoran, L Crane, T Dean, S Edgar, K Edwards, M Edwards, H Faddes, A Farrall, R Fletcher, A Gage, S Gardiner, E Gilman, M Gorman, E Hall, A Harrison, G Hayes, A Heler, C Hilliard, S Holland, T Jackson, D Jefferay, A Kolker, N Mannion, G Marshall, A Moran, R Moreton, R Morris, H Moss, M Muldoon, J Pearson, J Place, B Posnett, P Redstone, J Rhodes, J Saunders, H Seddon, M Sewart, L Smetham, G Smith, J Smith, J Smith, J Snowball, R Vernon, L Wardlaw, M Warren, J Wray and B Wye

**43 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Bailey, C Browne, B Drake, M Goldsmith, K Hague, R Kain, C O'Leary, J Pratt, J Priest, B Puddicombe, M Simon, L Smith, H Whitaker and F Wilson.

Cllr Fletcher arrived at the meeting during the lunch break.

**44 DECLARATIONS OF INTEREST**

In relation to Item 7 – Proposed New Senior Management Structure, the following officers declared a disclosable interest: -

Helen Charlesworth-May, Executive Director of Adults, Health and Integration

Peter Skates, Acting Executive Director Place

Janet Witkowski, Acting Director of Governance and Compliance

Paul Goodwin, Head of Finance

Michael Moore, Head of Communications

Brian Reed, Head of Democratic Services

**45 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 17 July 2024 be confirmed as a correct record subject to the following amendment:

Minute 32 – Corporate Peer Challenge

Recorded Vote results - the addition of Cllr L Anderson to the list of those who voted 'FOR'.

**46 MAYOR'S ANNOUNCEMENTS**

The Mayor, in summary:-

- 1 welcomed Councillor Ben Wye to his first Council meeting, having been elected at the recent by election for the Crewe West ward.
- 2 reported the death of Honorary Aldermen John Goddard and invited all present to stand in a minute's silence in remembrance. The Council was represented by Councillor Rod Fletcher at his funeral.
- 3 reported that the Council had received the Gold Award in the Defence Employer Recognition Scheme and congratulated all those staff who had been involved in this achievement. The Mayor stated that she was looking forward to attending the Awards Ceremony in Liverpool later this year.
- 4 reported that details of all the engagements undertaken by the Mayor and Deputy Mayor could be found on the Council's website.

**47 PUBLIC SPEAKING TIME/OPEN SESSION**

Mr Stuart Redgard stated that he had identified 6 locations in Wilmslow where signs installed on roundabouts did not comply with the Council's Interim Roundabout Advertising Policy and asked if the Council was aware that the policy was not being followed; if yes why had this been allowed to happen; who allowed it to happen and what action would be taken and when.

In response Councillor M Warren, Chair of Environment and Communities Committee, stated that the Council did not currently have a policy relating to advertising on roundabouts. Erection of signage on roundabouts was generally subject to both planning and highway safety considerations. Advertisement opportunities on Council land were being reviewed in a wider context as part of the Council's Transformation Plan and a new policy which covered roundabouts amongst other things was likely to be developed as part of that work.

Councillor Warren stated that he would ask officers to investigate in respect of the Interim Roundabout Advertising Policy Mr Redgard had stated was published on the Council's website, and that a written response would be provided.

Ms Charlotte Peters Rock asked what oversight the Council had over specialist educational and residential sites either Council owned,

commercially run or run by a quasi-charitable body. Ms Peters Rock asked that when the environment changed dramatically, did the Council know or have the ability to safeguard the mentally and physically disabled who used those sites.

In response, Councillor C Bulman, Chair of the Children and Families Committee, agreed to provide a written response.

#### **48 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS**

The Leader, in summary:

- 1      thanked Members, officers, and residents of Cheshire East for the support he had received since becoming Leader of the Council in July 2024.
- 2      referred to the Council's financial situation and stated that the Council could no longer afford to do everything, everywhere for everybody all the time.
- 3      referred to the withdrawal of the Winter Fuel Allowance from all but the less well-off pensioners and stated that the administration had been working with officers and partner organisations to help those pensioners who needed extra support. He reported that 3500 pensioners who had had the Allowance withdrawn would get extra help from the Council over the winter months.
- 4      reported that the Government's Devolution White Paper was expected later this year and would be followed by legislation in the Spring 2025.
- 5      reported that he had reviewed the cohort of Member Champions and details of which were available on the Council's website - [Member champions](#). The Leader reported that a new Member Champion had been appointed for Care Leavers, with Councillor Geoff Smith taking on the role.
- 6      reported on the successes at the Olympic Games in Paris of those athletes who had close links to Cheshire East and highlighted the success of Honorary Freewomen Bryony Page and Dame Sarah Storey amongst others.

The Deputy Leader, in summary:

- 1      reported that the Council's Transformation Plan had been submitted to the Government and was being put in place at pace with support of Members and staff. He stated that Phase 1 of the Plan had been completed and the Council was moving into Phase 2 implementation.

- 2 thanked the Local Government Association and the Council's Transformation Delivery Partner- Inner Circle, for their continued support in helping to transform the Council.
- 3 noted that Council was being asked to approve the senior management structure as advocated by the Peer Review.
- 4 stated that the current Cheshire East Plan would run out in 2025 and the next Plan would need to reflect the new priorities of a smaller Council with financial stability, clear values, and a sharp customer service focus.
- 5 reported that the Solar Farm at Leyton Grange had been completed and was part of the Council's commitment to be a carbon neutral by 2027.
- 6 reported that Council staff including the Chief Executive had taken part in the Yorkshire Three Peaks Challenge to raise funds for Cancer Research UK.
- 7 stated he was pleased that the Council had been awarded the Ministry of Defence Employer Recognition Scheme Gold Award in recognition of the exceptional commitment to supporting the armed forces community.
- 8 encouraged all to watch the new Fostering Recruitment Video, which had been created collaboratively with 100 other local authorities to encourage more people to come forward to become foster carers.
- 9 recognised the major contribution of three senior staff who had left or retired in recent weeks – David Brown, Monitoring Officer, Deborah Woodcock, Executive Director Children and Families, and Matt Tyrer, Director of Public Health.

**49 RECOMMENDATION FROM CORPORATE POLICY COMMITTEE:  
PROPOSED NEW SENIOR MANAGEMENT STRUCTURE**

*The officers who had made a declaration under Item 2 - Declarations of Interest, left the meeting during consideration of this item.*

Consideration was given to the recommendations from the Corporate Policy Committee in relation to the Proposed New Senior Management Structure.

The proposed structure for Phase 1 of the restructure focused on the posts of Executive Directors and Directors (tier 2 and 3) across the organisation to provide stability and capacity at the most senior level. Phase 1 also included the structure within Corporate (Resources) Services to Head of Service (tier 4) to ensure an enabling structure was in place to drive the

transformation programme, support Childrens' Services improvements, deliver the Corporate Peer Challenge action plan and to achieve financial sustainability over the medium term.

**RESOLVED:** That Council

- 1 agree the senior management structure (Phase 1 only), as set out in Appendix 1 to the report, including the approval of new positions within that structure with salaries more than £100,000 per annum and statutory officers, prior to implementation, and agree that the Chief Executive commences recruitment to vacant/positions within the senior management structure.
- 2 note the implementation/recruitment timeline to the new senior management structure.
- 3 agree the release and associated redundancy and pension costs of the impacted/at risk staff members.

**50 RECOMMENDATION FROM CHILDREN AND FAMILIES COMMITTEE: YOUTH JUSTICE PLAN 2024-27**

Consideration was given to the recommendation from the Children and Families Committee in relation to the Youth Justice Plan 2024-27.

Local authorities had a statutory duty to submit an annual Youth Justice Plan relating to their provision of youth justice services. Cheshire East Council had a shared services arrangement for Youth Justice with Cheshire West and Chester Council, Warrington Council and Halton Council, with the governance arrangements being overseen by a pan Cheshire Partnership Management Board.

**RESOLVED:**

That Council approve the Youth Justice Plan 2024-27.

**51 SUPPLEMENTARY REVENUE ESTIMATES (FIRST FINANCIAL REVIEW 2024/25)**

Consideration was given to the report seeking approval of supplementary revenue estimates from the First Financial Review 2024/25.

**RESOLVED:** That Council approve

- |   |   |            |
|---|---|------------|
| 1 | Children and Families - supplementary revenue estimates for |            |
|   | Teachers Pay Additional Grant                               | £1,645,000 |
|   | Teachers Pension Grant                                      | £2,393,000 |
|   | Household Support Fund                                      | £2,200,000 |

2	Economy and Growth – supplementary revenue estimate for Homelessness Prevention Grant	£1,054,000
3	Highways and Transport – supplementary revenue estimates for Bus Service Improvement Plan+ Phase 2	£1,188,000
	Bus Service Improvement Plan+ Phase 3	£2,268,000

*The meeting adjourned for a lunch break.*

## 52 NOTICES OF MOTION

Consideration was given to the following Notice of Motions which had been submitted in accordance with the Council's Procedural Rules.

### **Motion 1     Winter Fuel Allowance**

#### **Proposed by Councillor A Kolker and Seconded by Councillor A Gage**

"This Council is dismayed at the Labour Government's recent decision, in the absence of a full impact assessment, to restrict the Winter Fuel Payment to only those pensioners in receipt of Pension Credit or similar benefit, with immediate effect this winter.

This means that many vulnerable Cheshire East pensioners this year, will lose between £200 and £300 that they have relied upon to keep their homes warm and hot food prepared.

Nationally, Age UK has identified that up to two million pensioners who badly need this money, will now not receive it.

In addition, as many as 800,000 pensioners who are eligible for Pension Credit, do not claim it and will therefore remain ineligible for the Winter Fuel Allowance.

As elected members, we have already received letters of concern from affected, older residents, including, for example, a petition from fifty members of the Congleton Widows Group.

Vulnerable Cheshire East Pensioners on limited means, but either not claiming Pension Credit or with incomes just above the Pension Credit threshold, will face desperate choices this winter; to "heat or eat" - decisions that pose a significant threat to health and life.

This Council therefore resolves:

- That Group Leaders write jointly to the Chancellor of the Exchequer and the Secretary of State for Work and Pensions, expressing this Council's deep concerns regarding the impact of this decision on Cheshire East's most vulnerable residents and asking that the Winter

Fuel Allowance is reinstated with immediate effect. This to remain in place, pending the results of a full impact assessment and the evaluation of an alternative scheme that will protect the most vulnerable and middle-income pensioners at risk during Winter months.

- To bring forward a refreshed Council-led, local awareness campaign, via digital, targeted mail and via related services and venues (for example; GP surgeries, Community facilities, places of worship), to support all those eligible, to apply for Pension Credit, before 21st December 2024. This date is critical if they are to register for Winter Fuel Allowance this Winter and so avoid fuel poverty.
- That the Leader and Deputy Leader of Council write to all Members of Parliament representing Cheshire East constituencies, explaining this Council's concerns and to request their support in raising them in Westminster, on behalf of Cheshire East's most vulnerable pensioners."

**RESOLVED:**

That the Motion be referred to the Adults and Health Committee for consideration.

**Motions 2 and 3** – The Mayor announced that these Motions would be dealt with at the meeting and taken together, with one debate on both motions as she did not believe that there was anything which was contradictory in either motion which would create problems for a joint debate, and that following the conjoined debate, a separate vote would be taken on each Motion.

**Motion 2     Council's Governance Framework**

**Proposed by Councillor Clowes and Seconded by Councillor S Gardiner**

An amended Motion was proposed by Councillor Clowes and seconded by Councillor S Gardiner which removed the reference to the Constitution Working Group.

"This Council notes the concerns raised in the LGA Peer Challenge Report (March 2024), related to the Council's systems of governance and specifically highlighted in:

*Recommendation 8: Urgently review the Council's decision-making framework: The Council needs to streamline current decision-making arrangements to avoid siloed working across committees, ensure that Committees are working through effective work programmes, and reduce confusion and lost capacity caused by the current system.*

This Council recognises that changes to the committee system are necessary to address this recommendation and related issues, as highlighted in the report.

It is therefore proposed that this Council gives authority to:

1. The Corporate Policy Committee to consider and recommend, no later than the 31st March 2025 those modifications to the Committee System that will address at pace the issues of financial management and governance as raised in the LGA Corporate Peer Challenge Review Report; and
- 2 That the Corporate Policy Committee consider and recommend, no later than the 25th September 2025, potential substantive changes to the Council's Governance Framework, that will facilitate improved capacity and effectiveness throughout the longer-term period of transformation."

### **Motion 3 - The Council's Governance Arrangements**

**Proposed by Councillor N Mannion and seconded by Councillor M Gorman**

"At the Council's Annual General Meeting on 22 May 2019, Council resolved to express its commitment to implementing a change of its decision-making governance arrangements, comprising the cessation of the Leader and Cabinet model of governance, and the implementation of a full committee model of governance.

Following much preparatory work, on 19 November 2020, Council resolved amongst other things, to cease operating the Leader and Cabinet model of governance, and to implement a committee system model of governance, this to take effect from the Annual Council Meeting on 12 May 2021. Since then, the Council has operated committee system arrangements.

The committee system has now been in operation for over three years, and it is appropriate and timely for members to consider the benefits or otherwise of this system of governance.

Between 24-28 March 2024, the Local Government Association undertook a Corporate Peer Challenge of the Council, which concentrated upon a number of issues, including the Council's governance arrangements.

The LGA's report included observations and comments upon the Council's governance arrangements, together with a recommendation, which are set out in the Appendix to this Notice of Motion.

### **Notice of Motion**

Council calls for a full report to be prepared and presented to the Corporate Policy Committee on or before 6 February 2025, which will:

- Include information from Members of their experience of the current committee system.
- Set out details of how any change in the Council's governance arrangements might be made, the implications of such a change, and the timescale within which such a change might be implemented.
- Provide details upon any other pertinent matters, such as financial implications and the potential impact of such a change upon the speed and effectiveness of decision-making."

Following the conjoined debate, Motion 2 was put to the vote and declared lost.

Motion 3 was put to the vote and declared carried.

### **RESOLVED:**

That Motion 3 – The Council's Governance Arrangements, be approved.

### **Motion 4     Broadcasting and Recording Equipment**

**Proposed by Councillor L Wardlaw and Seconded by Councillor R Chadwick**

"Will this Council commit to improving its broadcasting and recording equipment in the interest of openness, fairness and a wider access to democracy.

It is now over a year since Cheshire East Council has been made aware of the poor sound quality of its broadcasts and recordings, and yet the problem remains unresolved. The recurrent failure of its live broadcasting and the delays in recordings being available is unacceptable. We have made a commitment to deliver this service to our residents, but we fail at every meeting held. The situation is anti-democratic, unprofessional, and unacceptable.

Democracy is not well served when it cannot be easily accessed. The current service is inadequate. An improved offer is needed, and I ask that this be considered as a priority."

**RESOLVED:**

That the Motion be referred to the Corporate Policy Committee for consideration.

**Motion 5     Agreed Framework for Delivery of Services at a Local Level**

**Proposed by Councillor M Gorman and Seconded by Councillor K Edwards**

“The Council is about to embark on the devolution journey.

It is also entering a new realm of co-operation with our Parish and Town Councils, where increased co-operation and shared working needs to be explored in a planned and systematic way to secure the ongoing provision of services at local level in a co-operative partnership.

We therefore urge that as part of the Council's Transformation Programme Cheshire East Council approaches our local town and parish council partners to discuss developing an agreed framework to support the delivery of appropriate services at the local level. There are already good examples of such partnership arrangements in place in parts of Cheshire East.

Such a framework should have at its heart a balanced and equitable relationship, for the benefit of both councils and of local residents.”

**RESOLVED:**

That the Motion be referred to the Corporate Policy Committee for consideration.

**53 QUESTIONS**

Councillor B Posnett sought clarification in respect of whether the grant cohorts already agreed on for the Household Support Fund 5 were those agreed at Children and Families Committee?

In response Councillor J Rhodes, Chair of Adults and Health Committee, stated that the money agreed at Children and Families Committee would be distributed as agreed. The Government had since given a new grant, as of 1<sup>st</sup> October 2024, which was not detailed in today's papers.

Councillor A Kolker referred to the winter fuel allowance and asked what assurance the Council could provide to ensure that the Congleton Widows Group, and all other pensioners who were entitled to claim pension credit, would be proactively informed and supported to do so before the final application date in December. He asked how the Council would ensure that vulnerable pensioners were able to keep warm this winter whilst their

applications were processed? Councillor Kolker asked the Leader to explain where the money was coming from.

In response Councillor J Rhodes, Chair of Adults and Health Committee, stated that the Council had been notified of a sum of money - around £2.2million, which would be given to Cheshire East Council from 1 October 2024 for the Household Support Fund. The Council would be contacting pensioners who may be able to claim pension credit using a targeted approach by using information from the council tax support records. Officers had identified around 3500 pensioners who were on the relevant benefits or claiming council tax credit, who may be able to access the Household Support Fund, but the details were still being worked through.

The Leader of the Council, Councillor N Mannion, stated that the Council would be relaunching the Warm Places Scheme to open up local venues for warmth and there would be a communications campaign to promote this which would be aimed at reaching as many people as possible.

Councillor T Dean asked that, as the Council were closing three Household Waste and Recycling Centres (HWRCs) in Cheshire East, to what extent were cross boundary drawbacks and reciprocal arrangements discussed with neighbouring local authorities to improve residents' access to HWRCs, reduce any potential impacts of rising fly tipping and provide mutually beneficial cost savings.

Councillor M Warren, Chair of Environment and Communities Committee, agreed to provide a written response.

Councillor L Anderson asked if the Council could make it mandatory for all Councillors to undergo Corporate Parenting training and be made aware of their responsibility as Corporate Parents.

In response, Councillor C Bulman, Chair of Children and Families Committee, stated that the Children and Families Committee and the Cared for Children and Care Leavers Committee had recently received training from an external provider, during which care leavers provided feedback and the suggestions received were now being worked on. Councillor Bulman stated that it was mandatory for all Councillors to do Safeguarding Training and there was a lot of resources on the Learning Lounge relating to Corporate Parenting. Training for all members was being worked on.

Councillor D Clark asked the Leader to reassure Members that, following the closure of Westfields, the audio broadcasting system would be improved and asked if consideration had been given to an electronic voting system?

Councillor N Mannion, Leader of the Council, stated that facilities were being created at Delamere House, with a new PA system and broadcasting equipment which would be an improvement on that which was currently

used at Westfields. Officers were progressing the delivery of an electronic voting system following the identification of a suitable system and was due to be tested at upcoming committees. There would be a requirement for a minor change to the Constitution which currently stated that voting was by a show of hands.

Councillor S Gardiner asked that following the introduction of a revised highway arrangement in Knutsford, whether there would be an audit of the arrangement, when would it take place, and whether third parties could suggest alterations.

In response Councillor L Crane, Vice Chair of Highways and Transport Committee, agreed that a written response would be provided and suggested that a meeting with senior highways officers could be arranged.

Councillor R Fletcher asked if the car parking charges being introduced after 6pm would apply to Fairview car park in Alsager as this was currently free after 3pm.

In response Councillor L Crane, Vice Chair of Highways and Transport Committee, stated that assurance had been given that any free after 3pm car park would not be subject to evening charges.

Councillor P Redstone asked when officers propose the acceptance of government grants whether they look at the impact on the MTFS for future years as there were a number of proposed footpaths in Crewe, whilst existing footpaths had no budget for maintenance.

In response, Councillor N Mannion, Leader of the Council, stated that the footpaths in question had been funded by the Towns Fund which was separate and that they had a broader impact. Councillor Mannion agreed to provide a written response.

Councillor A Gage asked whether officers requested reassessments of circumstances to take place for those who received adult social care support from the Council and, if so, were residents informed? A resident of his had unexpectedly received a bill which was six times the previous amount despite no change in circumstances.

Councillor J Rhodes, Chair of Adult and Health Committee, stated that she could not comment on individual cases, but reassessment of residents in receipt of help from the Council happened on a regular basis and the Council had recently put in place a new charging policy, agreed by the Adults and Health Committee. The resident should be encouraged to contact their social worker for assistance.

Councillor L Buchanan commended the Council's commitment to support those pensioners who would lose their winter fuel allowance and asked how the Council would support children and working age adults living in poverty.

Councillor C Bulman, Chair of Children and Families Committee, agreed that a written response would be provided.

Councillor J Bratherton referred to the Constitution Working Group and sought assurance that there would be an improved approach to Members' input into the Constitution where contributions from the Working Group would be welcomed.

In response Councillor M Warren, Chair of the Constitution Working Group, stated that guidance would be sought from officers, and that Councillor Bratherton's comments were noted.

Councillor R Morris asked if the Council had a chicane in storage, where was it, and could it be used.

Councillor L Crane, Vice Chair of the Highways and Transport Committee, agreed that a written response would be provided.

Councillor J Clowes asked how many eligible low-income pensioners would be supported to claim pension credit by the deadline of 21 December 2024.

Councillor J Rhodes, Chair of Adults and Health Committee, agreed to provide a written response.

Councillor A Burton asked if anything could be done to fast-track the Nantwich bus contracts as residents in Nantwich were currently without a service.

In response Councillor L Crane, Vice Chair of Highways and Transport Committee stated that work was ongoing to expand the Flexi link and Go-To services as a direct response to D&G withdrawing their Nantwich services and agreed that a written response would be provided.

#### **54 REPORTING OF URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE**

Council received a schedule of urgent decisions taken by the Chief Executive on behalf of the Council, which were reported for information in accordance with the Council procedure rules.

#### **RESOLVED:**

That the schedule of urgent decisions be noted.

The meeting commenced at 11.00 am and concluded at 2.35 pm

Councillor M Houston (Mayor/Chair)

**COUNCIL MEETING – 11 DECEMBER 2024****RECOMMENDATION FROM THE CORPORATE POLICY COMMITTEE: COUNCIL TAX BASE 2025-26****RECOMMENDATION**

That

1. In accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012, the amount to be calculated by Cheshire East Council as its Council taxbase for the year 2025-26 as 163,261.10 for the whole area.

**Extract from the Minutes of the Corporate Policy Committee held on 28 November 2024.**

**50 COUNCIL TAX BASE 2025-26**

The Committee considered the report which set out the council taxbase calculation 2025-26. It was clarified that the council taxbase had been calculated as 163,261.10. The taxbase reflected an increase of £5.9m (1.9%) on the 2024/25 budgeted position which was £2.7m higher than the £3.2m (1%) forecast increase reported in February 2024. £1.2m of this improvement related to the introduction of the new 100% premium chargeable on second furnished homes from April 2025. A further £1m income was also being raised from the introduction of the empty homes premium for properties over 1 year which commenced in April 2024 but had not been included in the taxbase calculation for 2024/25.

Charging Town and Parish Councils for all-out Borough Elections was raised. It was confirmed that officers were continuing to work on calculations, and this would be shared at the earliest opportunity. It was anticipated that payments would be phased.

**RESOLVED (unanimously):**

That the Corporate Policy Committee

- 1 Recommend to Full Council, in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012, the amount to be calculated by Cheshire East Council as its Council taxbase for the year 2025-26 as 163,261.10 for the whole area.
- 2 Note the Council Tax Support scheme is agreed for 2025-26 as unchanged other than the increases in line with CPI, as agreed in the last consultation.

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OPEN

**Corporate Policy Committee**

**Thursday, 28 November 2024**

**Council Tax Base 2025/26**

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**Report of: Adele Taylor, Interim Executive Director of Resources  
and S151 Officer**

**Report Reference No: CP/13/24-25**

**Ward(s) Affected: All Wards;**

**For Decision or Scrutiny: Both**

**Purpose of Report**

- 1 This report sets out the Council taxbase calculation 2025/26 for recommendation from Corporate Policy Committee to Council in December 2024.

**Executive Summary**

- 2 The calculation sets out the estimates of new homes less the expected level of discounts and the level of Council Tax Support (CTS). This results in a band D equivalent taxbase position for each Town and Parish Council.
- 3 The taxbase reflects an increase of £5.9m (1.9%) on the 2024/25 budgeted position which is £2.7m higher than the £3.2m (1%) forecast increase reported in February 2024. £1.2m of this improvement relates to the introduction of the new 100% premium chargeable on second furnished homes from April 2025. A further £1m income is also being raised from the introduction of the empty homes premium for properties over 1 year which commenced in April 2024 but had not been included in the taxbase calculation for 2024/25.
- 4 Additional new homes, property premiums and more properties brought back into use over the last fifteen years, have increased the taxbase by 23.3% since 2010/11.

- 5 No changes are proposed to the Council Tax Support Scheme for 2025/26 other than to increase the income bands and non-dependant deductions in line with CPI. This continues the higher levels of support provided since 2022/23 to allow up to 100% relief for those on the lowest income. The scheme will be reviewed again during 2025/26.

#### RECOMMENDATIONS

Corporate Policy Committee recommends to Council that:

1. In accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012, the amount to be calculated by Cheshire East Council as its Council taxbase for the year 2025/26 as 163,261.10 for the whole area.

Corporate Policy Committee note that:

2. The Council Tax Support scheme is agreed for 2025/26 as unchanged other than the increases in line with CPI as agreed in the last consultation.

#### Background

- 6 Cheshire East Council is required to approve its taxbase before 31 January 2025 so that the information can be provided to the Cheshire Police and Crime Commissioner and Cheshire Fire Authority for their budget processes. It also enables each Town and Parish Council to set their respective budgets. Details for each parish area are set out in **Appendix A**.
- 7 The taxbase for the area is the estimated number of chargeable dwellings expressed as a number of band D equivalents, adjusted for an estimated number of discounts, exemptions and appeals plus an allowance for non-collection. A reduction of 1% is included in the taxbase calculation to allow for anticipated levels of non-collection.
- 8 Processes to collect Council Tax locally continue to be effective despite the challenges of the impact on residents of the cost of living. However, strong collection is continuing and the forecast level of non-collection at Cheshire East has been maintained at 1% for 2025/26.
- 9 Analysis of recent trends in new homes, and homes being brought back into use, suggest an increase of nearly 4,100 homes is likely between the setting of the 2025/26 taxbase in October 2024 and the 31 March 2026. The impact of this growth is affected by when properties may be

available for occupation and the appropriate council tax banding and this is factored into the taxbase calculation.

- 10 In common with most Billing Authorities, Cheshire East Council charges a Council Tax premium of 100% on property that has been empty for 1 year or more in order to encourage homes to be brought back into use. The Local Government Finance Act 1992 (amended) enables Councils to charge a premium on empty properties.
- 11 Cheshire East now charges the following premiums for empty properties:

Time empty/unfurnished	Premium
1 to 5 years	100%
5 to 10 years	200%
Over 10 years	300%

- 12 The Government's Levelling Up and Regeneration Bill received royal ascent on 26 October 2023 and included a further discretionary option for the application of Council Tax premiums on furnished second homes subject to a 12 month notice period. This was approved as part of the MTFS 2023-27 in February 2023 subject to the passing of the Bill. Therefore, the introduction of the 100% premium on furnished second homes will come into effect on 1 April 2025. The additional income due to be raised from the introduction of this premium (subject to some exclusions to the premium) is estimated to be £1.2m and has been included in the calculation of the taxbase for 2025/26.
- 13 The taxbase also reflects assumptions around Council Tax Support payments. The Cheshire East CTS scheme was introduced in 2013/14 and subsequently amended following consultations in 2016/17, 2020/21 and was amended again for 2022/23 to make the scheme more supportive in the light of funding being provided by central government (£3.3m) to be able to assist the pandemic recovery.
- 14 The funding for this Local Council Tax Support grant was received in 2020/21 and was transferred to the Collection Fund Earmarked reserve. The funding has been used over the last four years to support the revenue budget to compensate for suppressed council tax levels as a result of higher Council Tax Support payments. This funding has now been used in full and no further funding has been made available.

- 15 No changes are proposed to the Council Tax Support scheme for 2025/26 other than to increase the income bands and non-dependant deductions in line with CPI. This continues the higher levels of support for those on the lowest income. The scheme will be reviewed again during 2025/26.
- 16 The taxbase and subsequent collection of council tax is subject to overall risks from a variety of sources, such as inaccuracies within:
- Numbers of new homes forecast;
  - Levels of discounts and premium charges estimated;
  - Under collection rate.
- 17 Risks particularly associated with Council Tax Support levels include:
- Challenges over the medium-term economic position, especially in the light of increased inflation and economic slowdown;
  - The risk of a major employer leaving the area;
  - The risk of delay in the significant development projects delaying employment opportunities;
  - The prospect of a greater number of residents becoming of pensionable age and potentially becoming eligible for CTS;
  - The risk of increased non-collection due to the increasing demand on non-protected residents.
- 18 Risks are managed throughout the year and regular monitoring and reporting takes place to ensure that preceptors are made aware of any shortfalls in the Collection fund.

## **Consultation and Engagement**

- 19 The calculation of the taxbase is not subject to consultation.

## **Reasons for Recommendations**

- 20 In accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012 Cheshire East Council is required to agree its taxbase before 31<sup>st</sup> January 2025.

## **Other Options Considered**

- 21 None.
- 22 Do nothing – Impact/risk would be high. Members would not be performing in accordance with the Local Government Finance Act 1992 (as amended); The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

## **Implications and Comments**

### *Monitoring Officer/Legal*

- 23 The recommendations are supportable and legal position is as set out within the report, which includes additional options introduced by the Levelling UP and Regeneration Act 2023.
- 24 In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and Chapter 4 of the Council's Constitution, the calculation of the Council taxbase is a matter for full Council following a recommendation by Corporate Policy Committee.

### *Section 151 Officer/Finance*

- 25 The calculation of the taxbase provides an estimate that contributes to the calculation of overall funding for Cheshire East Council in each financial year. The taxbase calculation as set out in this report will be used to calculate the council tax budgeted income for 2025/26 and will be included in the Medium-Term Financial Strategy 2025-29.

### *Policy*

- 26 There are no direct policy implications arising from this report.
- 27 The report supports the Council Plan aim Open and priority to be an open and enabling organisation.

### *Equality, Diversity and Inclusion*

- 28 There are no direct equality, diversity and inclusion implications arising from this report.

### *Human Resources*

- 29 There are no direct human resources implications arising from this report.

### *Risk Management*

- 30 Consideration and recommendation of the taxbase for 2025/26 to Council ensures that the statutory requirement to set the taxbase is met.
- 31 Estimates contained within the Council taxbase calculation, such as the loss on collection and caseload for Council Tax Support, will be monitored throughout the year. Any significant variation will be reflected in a surplus or deficit being declared in the Collection Fund which is then shared amongst the major precepting authorities.

*Rural Communities*

32 This report provides details of taxbase implications across the borough.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

33 There are no direct children and young people implications arising from this report.

*Public Health*

34 There are no direct public health implications arising from this report.

*Climate Change*

35 There are no direct climate implications arising from this report.

<b>Access to Information</b>	
Contact Officer:	Honor Field, Paul Manning, Paul Goodwin, honor.field@cheshireeast.gov.uk, paul.manning@cheshireeast.gov.uk paul.goodwin@cheshireeast.gov.uk
Appendices:	Appendix A – Taxbase 2025/26
Background Papers:	None

## APPENDIX A

## COUNCIL TAX - TAXBASE 2025/26

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Acton	142.59	141.17
Adlington	645.39	638.93
Agden	97.69	96.71
Alderley Edge	2,806.65	2,778.58
Alpraham	269.63	266.93
Alsager	5,853.44	5,794.91
Arclid	197.60	195.62
Ashley	178.56	176.77
Aston by Budworth	204.20	202.16
Aston-juxta-Mondrum	96.18	95.22
Audlem	1,064.94	1,054.29
Austerson	49.14	48.65
Baddiley	95.86	94.90
Baddington	61.68	61.06
Barthomley	104.34	103.30
Basford	96.57	95.61
Batherton	30.53	30.22
Betchton	300.79	297.79
Bickerton	132.77	131.44
Blakenhall	78.30	77.51
Bollington	3,237.33	3,204.96
Bosley	230.01	227.71
Bradwall	95.93	94.97
Brereton	866.50	857.83
Bridgemere	70.56	69.86
Brindley	71.68	70.96
Broomhall	91.93	91.01
Buerton	253.43	250.89
Bulkeley	156.06	154.50
Bunbury	728.86	721.57
Burland	339.71	336.31
Calveley	149.08	147.59
Checkley-cum-Wrinehill	50.16	49.66
Chelford	836.63	828.26
Cholmondeley	96.36	95.40
Cholmondeston	87.84	86.97
Chorley	284.47	281.63
Chorley (Crewe)	65.14	64.49
Chorlton	685.71	678.85
Church Lawton	890.96	882.05
Church Minshull	220.39	218.18
Congleton	11,469.99	11,355.29
Coole Pilate	37.81	37.43
Crnage	686.62	679.76
Crewe	14,963.77	14,814.13
Crewe Green	121.51	120.30
Disley	2,094.33	2,073.39
Dodcott-cum-Wilkesley	213.12	210.99
Doddington	21.41	21.19
Eaton	193.26	191.32
Edleston	37.51	37.14
Egerton	35.80	35.44
Faddiley	82.56	81.73
Gawsworth	840.48	832.08
Goostrey	1,108.35	1,097.27
Great Warford	473.78	469.04
Handforth	2,618.43	2,592.24
Hankelow	183.03	181.20
Haslington	2,854.07	2,825.53
Hassall	114.00	112.86
Hatherton	190.00	188.10
Haughton	105.11	104.06
Henbury	442.82	438.40
Enhull	22.81	22.58
High Legh	907.49	898.42
Higher Hurdfield	332.32	329.00
Holmes Chapel	2,988.87	2,958.98
Hough	345.48	342.03
Hulme Walfield & Somerford Booths	479.91	475.11
Hunston	81.08	80.27
Hurleston	39.24	38.85

## COUNCIL TAX - TAXBASE 2025/26

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Kettleshulme	170.94	169.24
Knutsford	6,206.22	6,144.16
Lea	21.75	21.53
Leighton	2,018.31	1,998.13
Little Bollington	124.20	122.95
Little Warford	39.50	39.10
Lower Peover	76.26	75.49
Lower Withington	332.78	329.45
Lyme Handley	78.89	78.10
Macclesfield	19,632.97	19,436.66
Macclesfield Forest/Wildboarclough	133.97	132.63
Marbury-cum-Quoisley	142.61	141.18
Marton	121.23	120.02
Mere	481.35	476.54
Middlewich	5,190.75	5,138.85
Millington	91.57	90.65
Minshull Vernon	138.52	137.13
Mobberley	1,510.11	1,495.01
Moston	188.94	187.05
Mottram St Andrew	427.56	423.29
Nantwich	6,823.78	6,755.54
Nether Alderley	677.31	670.54
Newbold Astbury-cum-Moreton	363.11	359.48
Newhall	481.39	476.57
Norbury	110.84	109.73
North Rode	137.94	136.56
Odd Rode	2,048.70	2,028.22
Ollerton with Marthall	365.23	361.57
Over Alderley	302.81	299.78
Peckforton	77.92	77.15
Peover Superior	426.32	422.05
Pickmere	401.28	397.26
Plumley with Toft and Bexton	433.51	429.17
Poole	85.90	85.04
Pott Shrigley	163.81	162.17
Poynton with Worth	6,400.23	6,336.22
Prestbury	2,275.32	2,252.57
Rainow	622.21	615.99
Ridley	86.07	85.21
Rope	812.48	804.36
Rostherne	82.04	81.22
Sandbach	9,059.91	8,969.31
Shavington-cum-Gresty	2,659.20	2,632.61
Siddington	185.26	183.41
Smallwood	335.76	332.40
Snelson	85.07	84.22
Somerford	1,050.51	1,040.00
Sound	123.26	122.03
Spurstow	210.54	208.43
Stapeley	1,716.94	1,699.77
Stoke	115.43	114.27
Styal	391.33	387.42
Sutton	1,346.08	1,332.62
Swettenham	189.50	187.60
Tabley	264.35	261.71
Tatton	13.26	13.13
Twemlow	126.28	125.02
Walgherton	72.21	71.49
Wardle	78.66	77.88
Warmingham	119.71	118.52
Weston	1,002.08	992.06
Wettenhall	120.57	119.36
Willaston	1,605.34	1,589.29
Wilmslow	12,339.30	12,215.90
Wincle	96.21	95.24
Wirswall	42.53	42.10
Wistaston	3,398.66	3,364.67
Woolstanwood	242.78	240.35
Worleston	119.06	117.87
Wrenbury	540.74	535.34
Wybunbury	852.49	843.97
	<b>164,910.20</b>	<b>163,261.10</b>

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**COUNCIL MEETING – 11 December 2024****RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: REVISED STATEMENT OF LICENSING POLICY****RECOMMENDATION**

**That Council adopt the revised Statement of Licensing Policy.**

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**Extract from the Minutes of the Corporate Policy Committee meeting held on 3 October 2024.**

The Committee received the report which set out the provisions of the Licensing Act 2003 and sought approval from the Committee to recommend to Full Council the adoption of a revised Statement of Licensing Policy to enable proper discharge of the Council's responsibilities for the regulation of alcohol sales, regulated entertainment, and late-night refreshment.

The Committee noted that Town and Parish Councils (T&PCs) had requested to be directly consulted upon applications. Legislation made this request difficult, as T&PCs fell into the 'other persons' category set in legislation, and should the Council decide to actively consult with this category of individuals, it would need to consult all other persons, not just T&PCs, failure to do so would leave decisions open to judicial review. It was confirmed that the Council's website provided a list of applications available for consultation and that Town and Parish Councils could now request copies of redacted applications to be sent to them directly.

The Committee queried if the new Government had provided any guidance on the potential modernisation of the Taxi Licensing Infrastructure Framework. It was noted that to date, no communication had been received from government to indicate a change. However officers committed to following this up prior to the debate of this item at Full Council in December.

It was noted that powers for planning and licencing were entirely separate however silo working should be avoided. It was confirmed that matters considered by the Licensing Sub Committee would highlight in decision notices the information that could/couldn't be taken into consideration and that more information would be provided in future revised versions of the Statement of Licensing Policy.

The Committee welcomed the assurance provided by the Chief Executive that the proposed senior management structure would ensure sufficient capacity and capability across the organisation and that this would include regulatory services such as licensing, to enable the effective implementation and delivery of the revised policy.

**RESOLVED (unanimously):**

That the Corporate Policy Committee

1. Note the content of the draft revised policy set out at appendix 1, the changes made, and the consultation responses received.
2. Recommend the final draft Policy be adopted at Full Council.

OPEN

**Corporate Policy Committee**

**03 October 2024**

**Revised Statement of Licensing Policy**

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**Report of: Peter Skates – Acting Executive Director Place**

**Report Reference No: CP/24/24-25**

**Ward(s) Affected: All Wards**

**Purpose of Report**

- 1 To comply with the provisions of the Licensing Act 2003 and to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, regulated entertainment and late-night refreshment, the Council must adopt a revised Statement of Licensing Policy

**Executive Summary**

- 2 The Licensing Act 2003 requires that Licensing Authorities prepare and publish a statement of policy that they propose to apply when exercising their functions under the Act during the five-year period to which the statement applies.
- 3 The Council is required to review its existing statement of policy and publish a revised version. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders identified within the Licensing Act 2003. There have been some further grammatical and typographical amendments made since the matter appeared before the Licensing Committee and consideration at this Committee. Based on the consultation responses, officers have not suggested any further amendments.

## RECOMMENDATIONS

The Corporate Policy Committee is recommended to:

1. Consider the content of the draft revised policy set out at appendix 1, the changes made, and the consultation responses received; and
2. Recommend the final draft be adopted at Council

## Background

- 4 The Licensing Act 2003 requires Licensing Authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act.
- 5 The draft statement, a copy of which is attached as Appendix 1, incorporates some amendments (set out in Appendix 2). In essence the policy remains substantially the same as previous iterations.
- 6 Some of the key additions include sample conditions to help licence holders comply with Martyn's Law (forthcoming requirements around their preparedness for, and protection from, a terrorist attack), a guide to organisers of large outdoor events prepared by the Environmental Protection Team, and updated references for external guidance documents.
- 7 The Statement of Licensing Policy is the policy document that the Licensing Sub-Committee will use when determining contested applications under the Licensing Act 2003. Consequently, it needs to adequately guide applicants, objectors, Licensing Authority Officers, and Committee Members.
- 8 The policy must reflect that the Council is required to discharge its responsibilities under the Act with a view to promoting the four licensing objectives:
  - i. The prevention of crime and disorder
  - ii. Public safety
  - iii. The prevention of public nuisance
  - iv. The protection of children from harm
- 9 The Statement of Licensing Policy establishes a local framework for decision-making when considering applications for relevant permissions, or variations to existing terms and conditions. The Policy is of significant

importance as the Licensing Committee and Sub-Committee are required to have due regard to it when determining a contested application. It is therefore paramount that the policy sets out how the objectives will be promoted. Any matters not relevant to the promotion of the licensing objectives must be disregarded.

- 10 In addition to having regard to the Statement of Licensing Policy, the Licensing Authority must also have regard to the statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003. The current version of which was issued in December 2023.
- 11 The Licensing Team have not received any comments, either positive or negative, on the current policy. Similarly, the Council has not been subject to judicial challenge on the content of the policy.

### **Consultation and Engagement**

- 12 The statement is subject to a statutory consultation process set out within the legislation.
- 13 In addition to formal consultation, the Licensing Team also invited all the Responsible Authorities to a meeting on the 8<sup>th</sup> November 2023 to discuss, as a group of professional officers and consultees, any improvements or changes we thought would benefit the revised statement. Those changes were incorporated in the final draft that went out for the consultation required by the legislation.
- 14 A statutory consultation process (including those parties identified in para 16) ran between April and June 2024, during which time 137 responses were received through the online survey. These responses have been summarised by the Business Intelligence Team. Their report is set out at appendix 3. In addition to the survey results 3 individual responses were also received, which are set out at appendix 4.
- 15 On the 10<sup>th</sup> June 2024 the draft revised statement was considered by the Licensing Committee, where it was resolved to approve the draft.
- 16 The specific stakeholders that must be included in the consultation are:

<b>Consultee</b>	<b>Consultation Method</b>
The chief officer of police for the licensing authority's area	Consultation document sent to the Police Licensing Officer who is delegated to deal with licensing matters.

	Officer also invited to a pre-consultation meeting held on 8 <sup>th</sup> November 2023.
The fire and rescue authority for that area	<p>Consultation document sent to the response authority contact details for CFRS.</p> <p>Officers also invited to a pre-consultation meeting held on 8<sup>th</sup> November 2023.</p>
Each Local Health Board for an area any part of which is in the licensing authority's area	Consultation document sent to the NHS Trusts.
Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area	<p>Consultation document sent to the officer from the Council's Public Health Team that deals with licensing matters.</p> <p>Officer also invited to a pre-consultation meeting held on 8<sup>th</sup> November 2023.</p>
Such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority	Emails were sent to licensing holders with an up to date email address
Such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority	Emails were sent to certificate holders with an up to date email address
Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority	Emails were sent to those personal licence holders who are also the designated premises supervisors at a premises within Cheshire East.
Such other persons as the licensing authority considers to be	The consultation document was sent to all the Town and Parish

representative of businesses and residents in its area	<p>Council's within the Borough and to all Cheshire East Members.</p> <p>The consultation document was also shared with the local Chambers of Commerce, those responsible for Business Improvement Districts, and the Council's Economic Development Team.</p>
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### Reasons for Recommendations

- 17 To comply with the provisions of the Licensing Act 2003, to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, regulated entertainment and late-night refreshment.

### Other Options Considered

- 18 No other options have been considered. The Council is required by section 5 of the Licensing Act 2003 to adopt a Statement of Licensing Policy. The route for adopting this document is set out both in legislation and by virtue of the requirements in the Council's Constitution.

Option	Impact	Risk
Do nothing	The Licensing Authority would not be complying with its statutory obligations	All decisions made may be subject to challenge or Judicial Review

### Implications and Comments

#### *Monitoring Officer/Legal*

- 19 In accordance with Section 5 of the Licensing Act 2003 the Licensing Authority is required to determine and publish a Statement of Licensing Policy.
- 20 The statement of policy forms part of the Council's Policy Framework. As such, the final decision to approve or revise the policy rests with full Council. In addition, in developing a revised statement of policy, the authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).

*Section 151 Officer/Finance*

- 21 There are no direct financial implications in relation to the decision requested. However, preparation and consultation of the revised Statement of Licensing Policy has been funded from existing licensing budgets.
- 22 The Licensing Team does generate income through the fees attached to applications. These fees are set by Government and the Council has no discretion to amend them. Accordingly, the approval of the draft revised Statement will not affect the level of income generated or the fees charged.
- 23 It should be noted that Licensing Act 2003 fees have remained the same since 2005. Therefore, while costs of providing the service have increased each year, the fees have remained the same for nearly 20 years.

*Policy*

- 24 The Council is required to revise and adopt a Statement of Licensing Policy every five years.

<b>An open and enabling organisation</b>	<b>A council which empowers and cares about people</b>	<b>A thriving and sustainable place</b>
Ensure that there is transparency in all aspects of council decision making	Work together with residents and partners to support people and communities to be strong and resilient	A great place for people to live, work and visit
	Ensure that there is transparency in all aspects of council decision making	Welcoming, safe and clean neighbourhoods
		Thriving urban and rural economies with opportunities for all

*Equality, Diversity and Inclusion*

- 23 Consideration has been given to the application of the ‘public sector equality duty’ (in accordance with section 149 Equality Act 2010) to the recommendation. The decision requested is likely to have a neutral effect in terms of its impact on those individuals with ‘protected characteristics.’

*Human Resources*

- 24 There are no human resource implications.

*Risk Management*

- 25 It should be noted that the Licensing Act 2003 requires the Licensing Authority to have a Statement of Licensing Policy. However, there is no penalty that could be applied if the Licensing Authority did not adopt a Statement. Notwithstanding, any decisions taken where a policy was not in place could be subject to Judicial Review.

*Rural Communities*

- 26 There are no direct implications for rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 27 There are no direct implications for children and young people. However, the policy does reference how safeguarding and prevention of exploitation may be relevant considerations when determining applications or reviewing licences.

*Public Health*

- 28 There are no direct implications for public health. However, Public Health is a statutory consultee and has influenced the revision of policy.

*Climate Change*

- 29 There are no direct implications for climate change.

<b>Access to Information</b>	
Contact Officer:	Kim Evans – Licensing Team Leader <a href="mailto:licensing@cheshireeast.gov.uk">licensing@cheshireeast.gov.uk</a>
Appendices:	Appendix 1 – Draft revised statement of licensing policy

	<p>Appendix 2 – Log of changes made</p> <p>Appendix 3 – Summary of Consultation Responses</p> <p>Appendix 4 – Specific Consultation Responses</p>
Background Papers:	<p><a href="#">Statutory Guidance issued by the Home Office</a></p> <p><a href="#">Licensing Act 2003</a></p>



**CHESHIRE EAST COUNCIL**  
**STATEMENT OF LICENSING POLICY**  
**(LICENSING ACT 2003)**  
**POLICY DATED 2024 TO 2029**

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1. Introduction
2. The aim of the Policy and Statutory Licensing Objectives
3. Matters within the control of the Licence Holder
4. Planning and need for Licensed Premises
5. Integrating Strategies
6. Anti-Social Behaviour
7. Prevention of Crime and Disorder
8. Public Safety
9. Prevention of Public Nuisance
10. Protection of Children from Harm
11. Cumulative Impact
12. Applications for New Grants and Variation of Existing Terms and Conditions
13. Temporary Events
14. Operating Schedule
15. Hours of Operation
16. Conditions
17. Enforcement and Review
18. Early Morning Alcohol Restriction Orders (EMRO's)
19. Late Night Levy
20. The Licensing Process
21. Delegation and Decision Making
22. Exclusions
23. Consultation
24. Changes to Legislation

*Appendix 1 – Table of Delegations of Licensing Functions*

*Appendix 2 – Procedure at Hearings*

*Appendix 3 – Mandatory Conditions*

*Appendix 4 – Non-regulated entertainment matrix*

*Appendix 5 – Sample conditions*

*Appendix 6 – Suggested hours matrix*

*Annex 1 – Noise Control Guidance for Large Outdoor Events*

*(Annex 1 does not form part of the Statement of Licensing Policy and is a standalone guidance document prepared for the benefit of applicants. As such any changes made will not form a review of the Statement of Licensing Policy and will not be subject to statutory consultation)*

## 1. Introduction

- 1.1 Cheshire East Council (**the Council**) is the Licensing Authority for the area of Cheshire East under the provisions of the Licensing Act 2003 (**the Act**).
- 1.2 This Statement of Licensing Policy (**the Policy**) is the result of the review and is published by the Council in accordance with section 5 of the Act. The Policy provides information and guidance to applicants and persons who are likely to be affected by an application (e.g residents and businesses) and Responsible Authorities or anyone interested in these matters. It will clarify the manner in which the Council will approach matters relating to licensing. Whilst the policy provides framework guidance regarding the considerations it will take into account when determining any licence application, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.
- 1.3 Cheshire East's Corporate Plan<sup>1</sup> sets out a number of aims, which will be reflected throughout this policy:



- 1.4 The context of the Policy includes the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board to reduce alcohol related harm.
- 1.5 The context of the Policy includes the Council's statutory duty under the Crime and Disorder Act 1998 to have regard to the need to do all that it reasonably can to prevent crime and disorder, misuse of drugs and alcohol and reoffending in its area.

<sup>1</sup> [Corporate Plan \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk/corporate-plan)

1.6 The Policy takes into account the guidance issued under section 182 of the Act. The latest guidance was published by the Home Office in December 2023<sup>2</sup>.

1.7 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of Licensable Activities and qualifying Licensable Activities in accordance with Section 1 and Schedules 1 and 2 of the Act. The following is a summary of what comprises Licensable Activities:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- The provision of regulated entertainment:
  - performance of a play
  - exhibition of a film
  - indoor sporting event
  - boxing or wrestling entertainment
  - performance of live music
  - playing of recorded music
  - performance of dance
  - entertainment of a similar description to the above

**There are certain exemptions to this definition, which relate to incidental live and recorded music, and spontaneous music, singing and dancing, which are set out in full in the Act. A summary of what entertainment is and is not licensable is set out at Appendix 4.**

- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours). The Licensing Authority has not designated any area within the Borough as exempt (under schedule 2 of the deregulation act 2015) from the requirement for licensing of the provision for late night refreshment.

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<sup>2</sup> [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/section-182-guidance)

- 1.8 In formulating the Policy, the Licensing Authority has consulted all Responsible Authorities, holders of licences under the Act and the public within Cheshire East.
- 1.9 This policy will be for a 5-year period and a review will take place in accordance with statutory procedures and will take into account relevant information received by way of consultation or otherwise.

## **2. The Aim of the Policy and Statutory Licensing Objectives**

- 2.1 The aim of the Policy is to secure the safety and amenity of communities within the Cheshire East area, whilst facilitating a sustainable entertainment and hospitality sector. The Council recognises the need of residents for a safe and desirable environment in which to work and live and the importance of well-run licensed premises in a vibrant and diverse local economy. The Council will promote the safety of residents and visitors whilst out at night and on their journey home.
- 2.2 In accordance with the guidance issued by the Secretary of State, the Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefits of our communities. A natural concern to prevent disturbance in the neighbourhood will always be balanced with the wider cultural benefits of our communities.
- 2.4 The Council has a duty to protect the amenity of its residents. This extends to the business community, who can expect the Council to ensure that the environment is attractive and sustainable for the conduct of their business.
- 2.5 It is the Council's duty to exercise its licensing functions with a view to promoting the four Licensing Objectives set out in section 4 of the Act:
- **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**
- 2.6 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 2.7 The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them

2.8 The Licensing Authority will have proper regard to amongst other issues:

- Location and environmental impact of the proposed activity
- Suitability of the applicant
- Suitability of the premises to the application
- Operation and management of the premises
- Monitoring, review and enforcement

### **Policy Considerations**

2.9 This policy does not prejudice the requirement for the Licensing Authority to consider each application on its own merits.

2.10 Nothing in the policy will

- Undermine the rights of any individual to apply under the terms of the Act for a variety of permissions and have the application considered on its individual merits; or
- Override the right of a person or a body or a Responsible Authority (as defined in the Act) to make representations on an application or to seek a review of a licence or certificate in accordance with the provisions of the Act.

- 2.11 All persons have equal rights to make representations concerning applications for premises licenses (and hours of trading) and to receive appropriate consideration to their representations. Irrelevant, frivolous and vexatious representations will be disregarded.
- 2.12 Following Relevant Representations the Licensing Authority will only depart from this Policy where there is satisfactory evidence/information that the Licensing Objectives will be met in full. In cases where a departure occurs, the Licensing Authority shall provide reasons for the departure in the decision notice issued following a determination.
- 2.13 If an application for a licence or certificate has been made lawfully and there have been no Relevant Representations from Responsible Authorities or other persons, the Licensing Authority will grant the application, subject only to conditions consistent with the operating schedule and any relevant mandatory conditions.
- 2.14 To achieve our aims the Council is committed to working in partnership with the Responsible Authorities, local businesses, residents and others towards ensuring the continued success of this Policy in achieving the statutory objectives of the Act. In considering these issues the Council will focus on the four statutory Licensing Objectives.

### **3. Matters within the Control of the Premises Licence Holder**

- 3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises, and therefore away from the direct control of the premises licence holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus on matters which are within the control of the individual licence holder and others who are granted relevant permissions. Nevertheless, licence holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, e.g. on the pavement, in a beer garden or in a smoking shelter, where and to the extent these matters are within their control.
- 3.2 The Licensing Authority will expect applicants to consider and make appropriate provisions to ensure that harm is not caused to the Licensing Objectives as a result of activity in, or in the vicinity of, the licensed premises.
- 3.3 It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained.

### **4. Planning and need for Licensed Premises**

- 4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.
- 4.2 The Planning Regulation and Licensing Regulation functions are separate statutory regimes. The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. The Licensing Authority when exercising its licensing functions will not consider whether there has been any alleged breach of planning conditions. Planning Permission will usually be required prior to the use of premises for Licensable Activities.
- 4.3 The Licensing Authority is not bound by decisions made by the Planning Authority and vice versa.
- 4.4 There may be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensed hours, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 4.5 It should be noted that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities.

## **5. Integrating Strategies**

- 5.1 The Licensing Authority will consider the Council's approved strategies and policies where they are relevant to the exercise of its function as the Licensing Authority.
- 5.2 The Council recognises that Licensed Premises are an important contributor to the local economy. Any licence application will be considered by taking certain factors into account. These include:
- Employment opportunities
  - The enhancement the proposal might have on the attractiveness of the wider area
  - The general impact in attracting visitors to the area
- 5.3 In undertaking its statutory licensing function the Licensing Authority may have regard to:

- Section 17 of the Crime and Disorder Act 1998 and requirement that the Council do all that it reasonably can to prevent crime and disorder in its locality
- The European Convention on Human Rights (which is given effect by the Human Rights Act 1998), which places a duty on public authorities to protect the rights of individuals in a variety of circumstances
- Any other relevant legislation drawn to its attention

5.4 The Licensing Authority will seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act.

### **Integration with Public Health**

5.5 The context of the Policy includes the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board (reflected in the Joint Local Health and Wellbeing Strategy 2023 – 2028) to reduce alcohol related harm. The Board recognises the potential negative impacts of excessive alcohol consumption and the need to work as a system to minimise harms to individuals, communities and businesses.

5.6 Many organisations are working to reduce levels of consumption and promote safe, sensible and social drinking. The Health and Wellbeing Board are working with partners to focus upon activity that will bring positive outcomes to the families, communities and businesses of Cheshire East. Reducing excess alcohol consumption is the overarching aim and the priority outcomes are:

- To reduce alcohol-related health harms
- To reduce alcohol-related hospital admissions
- To reduce alcohol-related crime, anti-social behaviour and domestic abuse
- To support a diverse, vibrant and safe night time economy
- To improve our co-ordination/partnership work to ensure that all the other priorities are achieved efficiently and effectively.

### **Integration with Safeguarding and Exploitation**

5.7 Contextualised safeguarding is a way of understanding how children and young people can be abused and exploited by people in their neighbourhoods

and communities as opposed to this happening within their families. This would include; child exploitation, criminal exploitation and modern day slavery. The Council is mindful of its responsibility in relation to the safety of children and young people who are both living in Cheshire East and those who may be trafficked into Cheshire East as part of their exploitation. The statutory duties and responsibilities to protect children from harm are contained in the Children Act 1989 and the statutory guidance in Working Together to Safeguard Children (2018) and will look to all relevant agencies to promote the licensing objectives by making representations or calling for reviews of licenses where there are concerns around exploitation or contextualised safeguarding. The Council will also take a robust stance when considering appropriate conditions to prevent such activities taking place.

## **6. Anti-Social Behaviour**

- 6.1 The Licensing Authority recognises that in addition to the requirements for it to promote the Licensing Objectives, the Council has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its area.
- 6.2 The objective of the licensing process is to allow the retail sale of alcohol and the provision of other licensable activities in a manner that ensures the public's safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's aim to facilitate well run and managed premises with premises licence holders displaying sensitivity to the impact of their premises on local residents.
- 6.3 In accordance with the Guidance, the Licensing Authority does not regard this policy as a mechanism for the general control of anti-social behaviour by individuals once they have left the immediate vicinity of the licensed premises.
- 6.4 Recurring problems of alcohol-related anti-social behaviour, crime and disorder or serious public nuisance can occur in an area, which are not directly attributable to specific premises. In such cases, particularly if supported by the Police, the Licensing Authority may consider whether an Early Morning Alcohol Restriction Order (EMROs) might address the problems. These Orders are considered later in this Policy.

## **7. Prevention of Crime and Disorder**

- 7.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 (See Section 6.1 above). Any conditions attached to the premises licence

should reflect any local crime prevention strategy, including the community safety priorities identified by the Safer Cheshire East Partnership<sup>3</sup>.

- 7.2 The Licensing Authority will consider whether the premises make or will make a detrimental contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the application.
- 7.3 In order to meet its duty to prevent and reduce crime this Policy will have regard to the likely impact of licensing on related crime and disorder in the area. The Licensing Authority will consider the location of the premises and the impact, operation and management of the Licensable Activities. In particular these issues may include:
- Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder
  - Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder
  - Door supervision together with the maintenance of an incident book
  - Use of toughened glass or plastic glasses
  - Mechanisms for combating drug dealing and use
  - Use of CCTV cameras
  - Membership of any Pubwatch or similar scheme
  - Use of ID scan equipment
- 7.4 The Licensing Authority may impose conditions on licences or certificates. These may include the following conditions (although the list is not exhaustive). The decision to impose conditions and their extent will depend upon the risks of crime and disorder at the particular premises.
- Appropriate ratio of tables to chairs to customers and for areas to be allocated for seated customers
  - A requirement for Security Industry Authority door supervisors to control numbers and to deny entry to individuals who appear drunk, disorderly or intent on crime

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<sup>3</sup> [Safer Cheshire East Partnership](#)

- A requirement that drinking vessels do not form a sharp edge when broken
- Restrictions on drinking in areas within and outside the premises
- Procedures for checking the ages of young people who appear under the age 25 to ensure alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol-led premises
- Appropriate 'early warning' communication systems with the Police and with other licensed premises
- The installation of CCTV
- Clear policies and measures to prevent illegal drugs being brought onto and used on the premises
- Searching of customers and staff

7.5 The Licensing Authority will carefully consider Police representations and other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise.

### **Safer Clubbing**

7.6 The Licensing Authority wishes to promote the principles of 'Safer Clubbing'. The current Home Office Guidance<sup>4</sup> on the subject is recommended to relevant Premises Licence and Club Premises Certificate holders. Following relevant representations appropriate licensing conditions may be imposed to control the environment at relevant premises in support of the 'Safer Clubbing' objectives.

### **Drugs**

7.7 Following Relevant Representations, conditions may need to be imposed for certain types of venues to seek to eliminate the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will consider the above-mentioned 'Safer Clubbing' advice issued by the Home Office. In all cases where conditions are to be imposed advice will be sought from the Drug and Alcohol Action Team and the Police.

7.8 The Licensing Authority, Police and Licence Holders need to be aware that power is available under the Anti-Social Behaviour Act 2003 that allows for the closure of a licensed premises by the Police where there is production,

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<sup>4</sup> [Safer Clubbing Guide \(csdp.org\)](https://www.csdp.org)

supply or use of Class A drugs and/or serious nuisance or crime and disorder. This provides an extra tool to the Police in enabling instant action with regards to premises where there is a Class A drug problem.

- 7.9 The Licensing Authority expects all applicants to consider reasonable and proportionate controls to protect against and disrupt the spiking of drinks. Conditions may be attached to licences to tackle spiking where the Licensing Authority considers it appropriate to promote the Licensing Objectives.

### **Door Supervisors**

- 7.10 Following Relevant Representations the Licensing Authority may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises. In such cases licensed door supervisors (registered by the SIA) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, at a number and ratio to be determined by the Licensing Authority. (This excludes stewards/glass collectors who are not involved in the security of the premises and do not therefore require registration with the SIA).

### **CCTV**

- 7.11 Licence holders may wish to install cameras for the protection of staff, customers and for the prevention of crime on or in the vicinity of the premises. In exercising its licensing functions, the Licensing Authority may for the purpose of promoting any of the Licensing Objectives, impose as a condition of the licence the installation of a CCTV system. It should be noted that in such cases the Licensing Authority may take into account the type and quality of recordings, the location of cameras, storage and the availability of recordings to the Licensing Authority and Police.

### **Cinema Exhibitions (see also under Protection of Children from Harm)**

- 7.12 No film shall be exhibited at a licensed premises which is likely to:
- Lead to disorder
  - Incite hatred or violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

## **8. Public Safety**

- 8.1 The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Act.

- 8.2 The Licensing Authority recognises that the Public Safety Objective is concerned with the physical safety of the customers using the relevant premises and not with Public Health, which is dealt with by other legislation.
- 8.3 Where the Local Authority Director of Public Health submits a relevant representation the relevant Licensing Objective is likely to be Public Safety. This may include where a premises has undermined the objectives in respect of accidents and injury and other harms that may be caused by alcohol consumption. These issues may also impact on the prevention of crime and disorder objective and/or the protection of children from harm objective.
- 8.4 Where activities are organised by volunteers or a committee of a club or a society the Licensing Authority considers it good practice that the same level of Health and Safety protection is provided as if an employer/employee relationship existed, irrespective of whether there are strict legal duties applicable under Health and Safety legislation.
- 8.5 Following Relevant Representations, where the Licensing Authority considers that general health and safety duties do not adequately cover certain Licensable Activities, conditions may need to be attached to the licence to ensure public safety.
- 8.6 Organisers of temporary/large scale events will be encouraged to seek advice and information from the Council's Event Safety Advisory Group prior to submitting any application.

### **Fire Safety**

- 8.7 The Licensing Authority will have due regard to the representations of Cheshire Fire and Rescue Service regarding licensing applications.
- 8.8 Following Relevant Representations, the Licensing Authority may impose appropriate conditions in relation to fire safety matters in consultation with Cheshire Fire and Rescue Service.
- 8.9 The Licensing Authority will only include an occupant capacity condition on a Premises Licence or a Club Premises Certificate where there is a genuine fear or a genuine problem with overcrowding and it is considered appropriate for public safety. This figure will be arrived at in consultation with Cheshire Fire and Rescue Service. If an occupant capacity is fixed in accordance with any risk assessment required by The Regulatory Reform (Fire Safety) Order 2005 that figure will be used.
- 8.10 Where the special provisions of Section 177 of the Act (dancing, amplified and unamplified music in premises with a capacity of no more than 200 persons)

are utilised, the Licensing Authority reserves the right to confirm with Cheshire Fire and Rescue Service the safe capacity of the premises.

### **Sufficient Steps to Protect Against Terrorist Acts**

- 8.11 The Licensing Authority encourages premises to produce and maintain appropriate general and technical risk assessments, management procedures and other documentation. This should be made available to the relevant responsible authority, and to the Licensing Authority upon request, in order to demonstrate that the public will be safe within and in the vicinity of the premises. It is advisable to include clearly defined responsibilities and procedures for medical and other emergencies, and for calling the emergency services.
- 8.12 The Council recognises the need to ensure that appropriate and proportionate steps are taken to protect the public. Without prejudice to any legal requirement or duty the Council expects premises managers to have taken appropriate steps including:
- That all staff on-duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training<sup>5</sup>.
  - That the premises manager and security supervisor/manager can evidence attendance at a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing North West (CTPNW) trained personnel as soon as reasonably practicable.
  - That Designated Premises Supervisors in all cases must have registered to have attended a CTPNW course within 28 days of being named on the licence and be able to evidence this if requested by the Police or an authorised officer of the Council.
  - That there should be a document security assessment and plan, which must incorporate counter terrorism measures for the premises, based on Guide, Shelter and Communicate, this should be reviewed following any change in national threat level, or any grant or variation. All any reviews and changes should be documented.
- 8.13 Licence holders and event organisers must ensure that they are complying with the requirements placed on them by Martyn's Law.

## **9. Prevention of Public Nuisance**

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<sup>5</sup> [ACT Awareness e-Learning | ProtectUK](#)

- 9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:
- Noise from premises
  - Waste
  - Litter
  - Car parking
  - Light pollution
  - Noxious odours
- 9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

### **Noise and Vibration**

- 9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies
- 9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a

report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.

9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of any noise from the premises or open air site
- Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- Minimise and control any noise from customers arriving and departing from the premises

9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

9.7 If it is considered that any noise emanating from within the curtilage of a licensed premises is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.

### **Eating, Drinking and Smoking Outside Premises**

9.8 The Licensing Authority will take the following into consideration:

- Whether people standing or sitting outside are likely to cause obstruction or other nuisance
- Whether premises are under or near residential accommodation
- The hours of sale of alcohol in open containers or food for consumption outside the premises
- Measures to make sure that customers move away from outside premises when such sales cease
- Measures to collect drinking vessels and crockery, cutlery and litter

- The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking
- Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.

### **Other Environmental Impacts**

9.9 Consideration will be given to whether Operating Schedules contain adequate measures to prevent:

- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
- Street fouling
- Light pollution
- Congestion of the pavement or roadway, impeding reasonable access

arising from the proposed licensable activity that may cause nuisance to people in the vicinity.

9.10 If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, the following considerations are relevant:

- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
- Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
- The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
- The steps taken to prevent disturbance by patrons arriving at or leaving the premises
- The steps taken to ensure staff leave the premises quietly
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents

- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
- Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures
- The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
- If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.

### **Outdoor Events**

9.11 The Licensing Authority will expect applicants seeking licences for outdoor events to propose appropriate measures within their operating schedule to control all types of nuisances. Additionally, applicants should have regard to the Noise Control Guidance issued in January 2024 by the Council's Environmental Protection Team. A copy of the guidance is set out at annex A.

## **10. Protection of Children from Harm**

10.1 Protection of Children from harm includes the protection of children from moral, psychological and physical harm. This includes protection from premature exposure to strong language and sexual expletives. The Act does not prevent children having free access to premises selling alcohol for consumption on those premises, although the Licensing Authority when in receipt of Relevant Representations may impose conditions necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and the restriction of access may not ensure adequate protection of children from harm, children should be excluded. Examples of what may give rise to these concerns include:

- Where there have been convictions for serving alcohol to minors or where the premises has a reputation/there is evidence of underage drinking (including any action taken regarding test purchases in relation to the supply of alcohol)

- There is a known association with drug taking or dealing
- There is a strong element of gambling on the premises
- Entertainment of an adult or sexual nature is provided

*Note: The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises used exclusively or primarily for the supply of alcohol for consumption on the premises.*

10.2 Matters which the Licensing Authority will take into consideration include:

- Whether there are effective measures to check the age of those young people who appear under 25, to ensure alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises
- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises
- The likelihood of children being attracted to the premises e.g. by the nature of activities or facilities provided, whether or not these are licensed
- Whether there is evidence of heavy, binge or underage drinking on the premises

10.3 Where Relevant Representations have been received and it is considered necessary that the access of children should be restricted to protect them from harm then conditions may be attached to the licence. These may include:

- Limitation on the hours when children may be present
- Restrictions to the age of persons on a premises (e.g. to over 18's only)
- Restrictions on access to certain parts of the premises
- Limitations or exclusions when certain activities may take place
- Requiring an accompanying adult be present at all times

10.4 Where large numbers of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then the Licensing

Authority may require the presence of an appropriate number of adult staff (who will have provided a satisfactory Disclosure and Barring Service check) to ensure their safety and protection from harm. The exact ratio is to be assessed in respect of each individual application and is dependent on the type and size of the premises and the control measures in place as outlined within the operating schedule, and importantly the particular group of children likely to visit the premises in question.

### **Cinema Exhibitions (see also under Prevention of Crime and Disorder)**

- 10.5 Where the exhibition of films is permitted the Licensing Authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications (BBFC) recommendations. Where a film has not been classified by the BBFC the Licensing Authority will consider whether it is appropriate to provide a local classification. When setting a local classification the Licensing Authority will have regard to the BBFC's guidelines.
- 10.6 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions have not been adhered to.

## **11. Cumulative Impact**

- 11.1 The Licensing Authority does not consider that there are areas where Cumulative Impact occurs presently nor is there a need at this time for the Licensing Authority to adopt a special policy relative to designating 'Stress Areas'.
- 11.2 Where there is a concentration of licensed premises this can lead to serious problems of nuisance and disorder arising in the area itself and even some distance away from the premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish individual premises as being the sole cause or even a major contributing factor, of a particular problem. It is the **Cumulative Impact** of all the premises which causes problems for the wider area.
- 11.3 It is clear however, that the vicinity within which licensed premises are or may be located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it should any relevant representation(s) be received. Due consideration will be given to the direct impact of the operation of the premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

- 11.4 It should be noted that 'Cumulative Impact' should not be confused with the issue of 'need', which relates to commercial demand for licensed premises. 'Need' is not a matter to be taken into account by the Licensing Authority.
- 11.5 Where a particular area becomes saturated with licensed premises, making it a focal point for large groups of people to congregate, this might create exceptional problems of disorder, noise and other nuisance. In such circumstances, the grant of further Premises Licences or Club Premises Certificates may undermine the Licensing Objectives.
- 11.6 Notwithstanding these concerns each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a licence or certificate would result in a cumulative impact which undermines one or more Licensing Objectives, the following shall apply:

### **Objections on the grounds of Cumulative Impact**

- 11.7 In cases where objectors seek to establish that an application should be refused on the grounds that it would result in or further contribute to cumulative impact which would undermine one or more of the Licensing Objectives the objector shall:
- Identify the boundaries of the area from which it is alleged problems are arising
  - Provide full details and evidence as to the seriousness of the nuisance and disorder caused in the area
  - Identify the licensing objective(s) which it is alleged will be undermined with specific regard to:
    - The occupancy figure for the proposed premises
    - The nature of the licensed activity to be carried on at the premises and its patrons.

### **Identifying Stress Areas**

- 11.8 Where objection under paragraph 11.7 is received and the Licensing Authority is satisfied that there is a serious or chronic concern about nuisance and disorder in a particular area and has refused an application on the grounds of Cumulative Impact the area shall be declared a '*Stress Area*'. In doing so the Licensing Authority shall:
- Follow the statutory procedures outlined in the Home Office Guidance issued under Section 182 of the Act

- Identify the boundaries of the area
- Identify the licensable activities causing the nuisance and/or disorder
- Monitor and review the 'Stress Area'

#### **Applications for a New Premises Licence in a Stress Area**

11.9 New premises licenses will not be granted for the activities identified as causing nuisance and/or disturbance in Stress Areas except where:

- No objections are received to the application, or
- The grant of the licence will not undermine the Licensing Objectives

11.10 In considering such applications the Licensing Authority will have particular regard to:

- The occupancy figure for the proposed premises
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises
- Whether the proposed premises will act as a replacement for others in the Area that no longer has a licence
- The proposed methods of management outlined in the applicants' operational plan
- The proposed hours of operation
- Transport provision for the Area

#### **Existing Premises Licenses in Stress Areas**

11.11 The above factors cannot be used as a justification for removing an existing licence. If representations are received about existing licensed premises relating to matters other than cumulative impact and which undermine the Licensing Objectives then appropriate action may be taken.

#### **Applications for variations to existing Premises Licenses in Stress Areas**

11.12 Applications for variations to existing Premises Licenses in Stress Areas will not be granted where modifications directly affect the issue of Cumulative Impact in the Stress Area or otherwise undermine the Licensing Objectives. An example of where a modification may directly affect the issue of cumulative impact would be where an application was received to extend premises and significantly increase the occupancy level of the premises.

## **12. Applications for New Grants and Variation of Existing Terms and Conditions**

- 12.1 In the absence of any Relevant Representations in respect of any application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any Mandatory Conditions prescribed in the Act. This will also apply to any applications made in respect of premises within an identified Stress Area.
- 12.2 The Licensing Authority will consider the same issues in respect of a variation and a renewal as they do in respect of an application for a new grant.
- 12.3 The Licensing Authority may take into account any non-compliance with other statutory requirements brought to its attention. Particularly where these undermine the Licensing Objectives, as non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.
- 12.4 The Licensing Authority will consider whether appropriate measures have been put into effect by the applicant to mitigate any adverse impact.

## **13. Temporary Events**

- 13.1 Arrangements are made under Part 5 of the Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or a club premises certificate.
- 13.2 The Licensing Authority will provide advice about, amongst other things, public safety. Organisers of temporary/large scale events will be encouraged to seek advice and information from the Council's Event Safety Advisory Group prior to submitting any application.
- 13.3 Legislation states that a minimum of ten working days notice should be given to the Licensing Authority of temporary events (or five working days in respect of a late temporary event). In accordance with the Act, 'Working Day' excludes Saturday, Sunday and Bank Holidays. The Licensing Authority cannot and will not accept notification of a Temporary Event Notice or a late Temporary Event Notice outside the statutory time limit.
- 13.4 The Licensing Authority acknowledges that in exceptional circumstances, some Temporary Events may and do have an impact upon crime and disorder. Therefore, in cases of large scale events, organisers should consider providing as much notice as possible. The Licensing Authority considers two months notice to be advisable in relation to such events.

13.5 The Licensing Authority expects organisers to give due consideration to the four licensing objectives and to consider local residents and those attending events, in areas such as:

- Health and Safety
- Noise Pollution
- Use of Temporary Structures
- Road Closures
- Use of Pyrotechnics or Fireworks
- Controlling Anti-Social Behaviour

13.6 The Licensing Authority may advise applicants to consult with Cheshire Fire and Rescue Service and North West Ambulance Service for guidance with regards to assessing possible risks.

13.7 Applicants will also be reminded that giving a Temporary Event Notice does not relieve the premises user from planning law and any requirement to obtain the appropriate planning permission where it is required.

## **14. Operating Schedule**

14.1 It is recommended that that applicants contact Responsible Authorities when preparing their operating schedules. This is likely to reduce subsequent objections.

14.2 This Statement of Licensing Policy sets out criteria and considerations, which relate to the Licensing Objectives, which applicants should have in mind when drawing up their Operating Schedule.

## **15. Hours of Operation**

15.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.

15.2 The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.

15.3 The Licensing Authority recommends that applicants indicate within the operating schedule that consideration has been given to the impact the licensing hours applied for will impact on local residents and the surrounding area.

- 15.4 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

## **16. Conditions**

- 16.1 The Licensing Authority may, when considering the content of the Operating Schedule, select appropriate conditions from the Home Office Guidance Pool of Conditions<sup>6</sup>, where it is deemed appropriate to ensure that the Operating Schedule reflects the four Licensing Objectives.
- 16.2 Where appropriate, following receipt of Relevant Representations, the Licensing Authority, may attach conditions to the grant of a licence which seek to regulate the behaviour of persons as they leave licensed premises.
- 16.3 Where existing law already places statutory obligations on applicants the Licensing Authority will not usually impose the same or similar duties by way of condition.
- 16.4 In addition to the Home Office Pool of Conditions, the Licensing Authority is aware that some operators seek out further guidance on the working of conditions. This is to ensure that conditions are enforceable, practical and appropriate. Additionally, the Licensing Sub-Committee may seek to include conditions on a licence at a Hearing. In order to facilitate this, the Licensing Authority has compiled a list of frequently used conditions as a guide. It is not intended that these will form blanket conditions applied to all licenses. These conditions are set out at appendix 5.

## **17. Enforcement and Review**

- 17.1 It is the intention of the Licensing Authority to work proactively with the Cheshire Police and other enforcement agencies. Proportionate targeting of agreed problem and high-risk licensed activities needing greater attention will be applied. A corresponding lighter touch for well run, lower risk premises will also be applied.
- 17.2 The Review of licences or certificates provides a key protection for the community where the Licensing Objectives are being undermined. The Review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing

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<sup>6</sup> [Supporting Guidance - Pools of Conditions \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/supporting-guidance-pools-of-conditions)

Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.

- 17.3 At any stage following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. The Licensing Authority shall refer to Guidance when assessing whether any Relevant Representations are irrelevant, vexatious, frivolous or repetitious.
- 17.4 Although the Act does not require premises inspections to be undertaken, they will take place at the discretion of the Licensing Officers charged with this role and will take place as judged necessary. This will ensure that the Licensing Authority manages resources efficiently and that 'effective enforcement' is directed at 'problem premises'.
- 17.5 Where any conditions have been applied to a Premises Licence or Club Premises Certificate and Authorised Officer of the Council may inspect the premises at any reasonable time for the purpose of checking that the conditions are being complied with.

### **Door Supervisors**

- 17.6 The Security Industry Authority (SIA) plays an important role in preventing crime and disorder by ensuring that door supervisors are properly trained and licensed. Specific enquiries or premises visits may occur in order to ascertain that SIA Licenses are being executed in the correct manner and not as a tool for crime and disorder such as fronts for serious and organised criminal activity. Intelligence led operations by the SIA, Licensing Authority and/or Police will be conducted without notice
- 17.7 At all times the Licensing Authority will have regard to the Council's Enforcement Policy, which is available on the Council's website.

## **18. Early Morning Alcohol Restriction Orders (EMROS)**

- 18.1 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 18.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the

Local Community Safety Partnership as well as evidence the Licensing Authority has gathered to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. The Licensing Authority will consider the problems that have been identified. A range of evidence may be considered, including local crime and disorder statistics, statistics on anti-social behaviour offences, health related statistics (e.g. alcohol related emergency attendances and hospital admissions, environmental health complaints, complaints recorded by the Council, residents' questionnaires, evidence from local councillors and evidence obtained through local consultation).

- 18.3 It is acknowledged by the Licensing Authority that an EMRO is restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified in particular other measures might include:

- Development of a Cumulative Impact Policy
- Reviewing the licenses of specific problem premises
- Encouraging the creation of business-led practice schemes
- Use of powers of the Council to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)
- The confiscation of alcohol in designated areas
- Police enforcement of the general law concerning disorder and anti-social behaviour
- Prosecution for the offence of selling (or allowing such a sale) alcohol to a person who is drunk
- Use of Police powers to close down any licensed premises instantly for up to 24 hours in respect of which a TEN has effect

- 18.4 In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations.

- 18.5 The Licensing Authority appointed a working group to consider the implementation of any EMROs. The group reported their findings to the Licensing Committee in November 2016. The findings of the working group were that EMRO(s) were not appropriate at that time. This decision was endorsed by the Committee. However, this matter can be revisited at anytime

and should the evidence justify the making of an order, this will be given further consideration

## **19. Late Night Levy**

- 19.1 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late Night Levy, following a consultation process, outlined by the Home Office. It allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after 12 midnight and up to 06:00 in order to cover the additional costs associated with late night alcohol trading. Legislation allows this to start from midnight but it is up to the Council to decide when they wish to apply it.
- 19.2 Any income raised by the Levy must be split with the local Police force; the Police would receive a minimum of 70% of funds raised and the Council's 30% must be used to fund services which make the late night economy a more welcoming place.
- 19.3 The Licensing Authority appointed a working group to consider the implementation of a Late Night Levy. The group reported their findings to the Licensing Committee in November 2016. The findings of the working group were that a Late Night Levy was not appropriate at that time. This decision was endorsed by the Committee. However, this matter can be revisited at anytime and should the evidence justify the implementation of a levy, this will be given further consideration.

## **20. The Licensing Process**

- 20.1 Applications can be made on the prescribed forms that can be found on the Home Office website.
- 20.2 Applications can also be made via the government website [www.gov.uk](http://www.gov.uk). In order to fulfil its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council will continue to enable the application process and payment online. Tacit consent is however not applicable for applications under the Licensing Act 2003 since the suitability of an applicant and the suitability of premises are under consideration.

## **21. Delegation and Decision Making**

- 21.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated at an appropriate level to ensure an efficient and cost effective service.
- 21.2 The Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing

functions to be discharged in accordance with the Home Office Guidance. The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers

- 21.3 The Act itself creates a presumption that applications will be granted unless a Relevant Representation (objection) is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicants, objectors and Responsible Authorities to ensure that any licence granted is subject to any appropriately agreed conditions and relevant mandatory conditions
- 21.4 Where objections are made, an officer of the Licensing Authority may liaise with the Applicant, objectors and the Responsible Authorities to see if a 'settlement' is possible to overcome any objections, without the need for the matter to go before the Committee or Sub-Committee. Only where objections are raised which cannot be reconciled will matters be referred to either the Sub-Committee or the Full Committee for determination.
- 21.5 Contested Licensing Applications and Review Hearings are administrative in nature and the (Sub) Committee will ensure that any meetings are conducted as informally as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. Procedural requirements will be established to ensure that all parties are able to express their views openly and fairly. The (Sub) Committee procedure is inquisitorial rather than adversarial and, whilst applicants, objectors and Responsible Authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement or a necessity.
- 21.6 Whilst the (Sub) Committee usually meets in public, it does have the power to hear certain applications in private. The Committee, however, will always reach its decision in private. A public announcement of the decision is normally made at the end of the Hearing together with an outline of the reasons for that decision. However, on occasion this may not be possible, due to time constraints and/or the complexity of the issues under consideration, in which case a written decision will be issued as soon as possible after the Hearing.
- 21.7 The procedure which will generally be used by the (Sub) Committee, unless the Chairman of the (Sub) Committee takes the view that natural justice and fairness require a change to be made to the process, is set out at Appendix 2.

## **22. Exclusions**

- 22.1 In formulating this Statement of Licensing Policy in accordance with Guidance and recognising the need to treat each application on its individual merits the Licensing Authority makes specific exclusions, which are detailed below.

### **Commercial Demand**

- 22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

### **Zoning and licensing hours**

- 22.3 Fixed predetermined closing times for particular areas will not form part of the Policy and restriction on trading hours will be considered only where appropriate to meet Licensing Objectives. However, the Licensing Authority has produced a document to assist applicants, Committee Members and Responsible Authorities in considering what hours are suitable for Town Centre, Rural, or Residential locations. This is set out at appendix 6. While these times are not binding on applicants, where an applicant does apply for permissions beyond these suggestions there will be an expectation from all Responsible Authorities that additional measures to promote the Licensing Objectives will be included in the operating schedule accompanying the application.

### **Children**

- 22.5 Nothing in this Statement of Policy shall limit or require access of children to premises unless there is an overriding necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this Policy.

### **Standardised conditions**

- 22.6 The Policy does not provide for 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licenses or certificates if deemed appropriate in particular circumstances will be tailored to reflect the individual operation of the premises in question. Conditions will not be imposed which are beyond the responsibility or control of the premises licence holder.

## **23. Consultation**

- 23.1 In reviewing this Policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. Various bodies have been consulted as set out within the Licensing Act 2003.

## **24. Changes to Legislation**

- 24.1 As changes to legislation occur the Council will implement them using the principles stated in this Statement.

## Appendix 1

**Table of delegations of licensing functions**  
 Functions under the Licensing Act will be dealt with as follows:

<b>Matter to be Dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for Personal Licence		If a police objection	If no objections made
Application for Personal Licence with unspent convictions		All Cases	
Application for premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated Personal Licence holder		If a police objection	All other cases
Request to be removed as designated Personal Licence Holder			All cases
Application of transfer of Premises Licence.		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	

<b>Matter to be Dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when Local Authority is a consultee and not a lead authority		All cases	
Determination of a relevant objection to a Temporary Event Notice		All cases	
Power to issue a Counter Notice in respect of a Temporary Event			All cases
Determination of a minor variation			All cases
Decision to exercise the Licensing Authority's powers as a Responsible Authority			All cases

## CHESHIRE EAST COUNCIL

### Procedure for Hearings – Licensing Act 2003

#### The Licensing Committee

The full Licensing Committee consists of elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

#### Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

#### PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chair, that will be the first item of business.

<b>1</b>	<b>Chair</b>	The Chair will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	Will present his/her case, calling witnesses, as appropriate.  <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>

5	<b>Responsible Authorities</b>  (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	<b>Other Persons</b>  (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification.  <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear or may have been misunderstood.
9	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Other Persons</b>  (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which they should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Other Persons</b>  (who have made representations)	The local residents who are objecting to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the Local Residents.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Local Residents</b> to make their closing addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested

		conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	<p>Will return to <u>give its decision</u>, with reasons, which will be announced by the Chair and subsequently confirmed in writing to the applicant and to all the parties that made representations.</p> <p>In cases where a decision is not given at the end of the hearing, parties will be advised of the decision within five working days.</p>

### Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chair may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.
8. When considering an application to review a licence, references to applicant will lean the person who applied for the review of the licence. The premises

licence holder will be heard in the 'other persons' section of the hearing. In respect of TEN hearings the applicant will mean the Responsible Authority who submitted an objection notice.

### **Summary of Procedure**

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present
13. The decision notice setting out the reasons will be issued within 5 working days

## **Mandatory Conditions**

### **Mandatory conditions where licence authorises supply of alcohol**

1. No supply of alcohol may be made under this Premises Licence –
  - a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
  - b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

### **Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003**

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

### **Mandatory condition where the licence authorises the exhibition of films**

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

### **Prohibited conditions: plays**

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

### **Mandatory condition: Door supervision**

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

**LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)( AMENDMENT)  
ORDER 2014**

**MANDATORY CONDITIONS**

**Condition 1**

1. The responsible person must ensure that staff on relevant premises no not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –

i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

ii. Drink as much alcohol as possible (whether within a time limit or otherwise);

b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Condition 2**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Condition 3**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the reasonable person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - a) A holographic mark, or
  - b) An ultraviolet feature

### **Condition 4**

The reasonable person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - i. Beer or cider: ½ pint;
  - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
  - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
  - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—
- i. the holder of the premises licence,
  - ii. the designated premises supervisor (if any) in respect of such a licence, or
  - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Non-regulated Entertainment

The Deregulation Act 2015 extended the deregulation of entertainment that was brought into effect by the Live Music Act 2012, Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, and The Legislative Reform (Entertainment Licensing) Order 2014. The following activities do not require authorisation under the Licensing Act 2003 (eg premises licence or temporary event notice):

Non-regulated Entertainment Matrix							
Plays and Dance	Films	Live Music unamplified	Live Music amplified	Recorded music	Boxing and Wrestling	Indoor Sport	Cross-activity Any entertainment
At any time between 0800 and 2300							
Audience up to 500		Audience unlimited	Audience up to 500		Audience up to 1000		Audience unlimited
Conditions / Restrictions							
	Consent from premises		Premises with an alcohol on-licence <b>or</b>		Greco Roman or Freestyle		On LA/hospital/school premises <b>or</b>
	Observe age ratings		Church hall, village hall or similar with the consent of person responsible <b>or</b>				At travelling circus provided:  1. No films, boxing or wrestling <b>and</b> 2. within a moveable structure accommodating audience <b>and</b> 3. not there for more than 28 days
	Not for profit <b>and</b>		Non-residential LA premises, school or hospital with the consent of body responsible <b>or</b>				
	on community premises		Live music only – a workplace (ie anywhere that is made available to any person as a place of work)				

## Sample Conditions

Conditions attached to a licence or certificate are the steps or actions the holder of the premises licence or the club premises certificate will be required to take, or refrain from taking, at all times when licensable activities are taking place at the premises in question.

Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unequivocal and unambiguous. Further, such conditions should be open, transparent and reasonable.

Conditions must not be applied universally and treated as standard conditions. Licensing conditions are to be tailored to the size, style, characteristics and activities taking place at the premises concerned.

**The sample conditions list is neither exclusive nor exhaustive. The conditions relate to the four licensing objectives and can be used where appropriate to the particular circumstances of individual premises.**

**The list of sample conditions does not restrict any applicant, responsible authority, or other persons from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives.**

### The Prevention of Crime and Disorder

#### CCTV

The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested

*NB The above condition is an example of the wording that could be used for premises where the customers might commit serious crime. The CCTV requirements would be expected to be 'scaled down' accordingly for smaller premises or those premises which are unlikely to prove as troublesome*

### Incident Management

An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Licensing Authority. The log will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any incidents of disorder (disturbance caused either by one person or a group of people)

*[There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]*

- (d) seizures of drugs or offensive weapons
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol during the hours the premises is licensed to sell it

There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the DPS and/or xx, shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Cheshire Police for appropriate disposal

### **Door Supervisors**

On any occasion that regulated entertainment is provided, not less than xx SIA registered door supervisors shall be engaged to control entry

At least xx female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.

When the premises is carrying on licensable activities after xx:xx hours, at least xx registered door supervisor(s) is(are) to be on duty at each door used for entry or exit.

A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises

There shall be no admission or readmission of customers to the premises after xx:xx hours save for customers using the agreed smoking area at the premises

On occasions where licensable activities are carried on past xx:xx hours admission of customers will be restricted to *[enter restriction e.g. a particular entrance, a particular area of the licensed premises etc]*

Where SIA registered door supervisors are used at the premises, a record shall be kept of their SIA registration number and the dates and times when they are on duty.

The door supervisor[s] shall properly control customers outside the Premises so that they leave quickly and quietly and do not congregate on the pavement outside the Premises [causing noise and nuisance to residents living in the vicinity]

### **Public Safety**

All glasses in use at the premises shall be either toughened glass or polycarbonate material

No drinks of any sort are to be supplied to customers in glass bottles

### **The Prevention of Public Nuisance**

#### **Noise (regulated entertainment)**

All doors and windows shall remain closed at all times after xx:xx hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency

The external doors of the Premises shall be kept closed except for immediate access and egress and the windows shall be locked shut from xx:xx hours until the Premises closes.

Loudspeakers shall not be located in the entrance lobby, *[specify another location if appropriate]* or outside the premises

#### **Noise (persons)**

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly

Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them

There shall be no sale of alcohol in unsealed containers for consumption off the premises

The Licence holder shall make available a contact telephone number to nearby residents and the Licensing Team/Environmental Protection Team/Police to be used in the event of complaints arising

### **The Protection of Children from Harm**

A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under xx years of age. The log shall

record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the Council

A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Children under the age of xx years shall not be allowed on the premises after xx:xx hours unless accompanied by an adult.

Children under the age of \*\* years shall not be allowed on the premises

No single cans or bottles of beer or cider shall be sold at the premises

### **General**

Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear

There shall be no self service of spirits on the premises

There shall be no admission after xx:xx other than to

- 1) Residents of the hotel and their bona fide guests
- 2) Persons who have pre-booked to attend a function at the premises

All tables and chairs shall be removed from the outside area by xx:xx hours each day.

A copy of the premises licence shall be provided to any company involved in the provision of licensable activities at the premises.

### **Martyn's Law**

At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training. In addition, a minimum of 1 on-duty manager and any on-duty security supervisor/manager must also have attended a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing North West (CTPNW) trained personnel as soon as reasonably practicable. If not completed, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of the licensing authority.

The Designated Premises Supervisor must have attended a CT Awareness training session delivered by CTPNW-trained personnel as soon as is reasonably practicable. In all cases, within 28 days of a new Designated Premises Supervisor being named on the licence, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of the Council.

There must be a documented security assessment, which must incorporate counter terrorism measures for the premises. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.

Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security assessment and take prompt steps to eliminate them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of the Council.

The premises must have a documented security plan, which sets out counter measures to be implemented in response to a terrorist attack that incorporates the principles of 'Guide', 'Shelter' and 'Communicate' as appropriate in conjunction with relevant National Counter Terrorism Security Office (NACTSO) / Centre for the Protection of National Infrastructure (CPNI) guidance, and the purposes of those procedures and the necessity of following them must be understood by those carrying them out:

Guide – Direct people towards the most appropriate location (in vacu-ation, evacuation, hide)

Shelter – Understand how your place or space might be able to lock-down and shelter people within it for several hours

Communicate – Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

## Suggested Hours Matrix

Area	Vision	Licensing Policy Direction	Premise Type				
			Restaur ant	Club / Late Bar	Pub	Off Licenc e	LNR
The designated areas of Macclesfield and Crewe town centres	Creation of mixed use development	Our aim for this area includes:  To expand the early evening offer to introduce a new customer base and to reduce the reliance on vertical late night drinking	01:30	03:00	02:00	23:00	01:30
The designated areas of Wilmslow, Knutsford, Congleton, Sandbach, and Nantwich town centres	Creation of mixed use development.	Our aim for this area includes:  To expand the early evening offer to introduce a new customer base and to reduce the reliance on vertical late night drinking	01:00	02:00	01:00	23:00	01:00
All other areas	To protect the integrity of the existing community	Our aim for this area is to:  To protect the integrity of the area and to encourage businesses that are consistent with the needs and expectations of the area	00:30	X	00:00	23:00	00:00



# **NOISE CONTROL GUIDANCE FOR LARGE OUTDOOR EVENTS (WITH 500 OR MORE GUESTS/CUSTOMERS)**

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## 1. Introduction

Cheshire East Council supports and encourages entertainment and cultural events within the community, many of which involve music. This document outlines the Council's approach to managing and controlling noise from large outdoor events (i.e. those with 500 or more people attending). The approach taken in this guidance is one of active engagement with the Council's Environmental Protection Team at the earliest possible opportunity. This will help to minimise and, where possible, remove the possibility of noise from the event causing a nuisance to the surrounding area. It also introduces and outlines the relevant legal framework associated with these types of events and draws on past events to offer advice regarding good practice to help control the noise.

Please note, for smaller events, i.e. those with less than 500 people attending, further information can be found on the Council's website<sup>7</sup>.

Any queries or questions regarding this guide should be sent to the Environmental Protection Team Leader at [environmentalprotection2@cheshireeast.gov.uk](mailto:environmentalprotection2@cheshireeast.gov.uk)

## 2. Purpose of this Guidance

This guidance is aimed at:

- Interested parties who participate in the planning/hosting/staging of large outdoor events within Cheshire East, which have the potential for noise disturbance
- Outdoor event organisers and promoters
- Owners of land where large outdoor events may take place
- Sound engineers
- Acoustic consultants

## 3. Key Legislation and Guidance

### The Environmental Protection Act 1990 – Part III

Annually, the Council receives a considerable number of complaints regarding the level of noise from large outdoor events. To try and avoid a potential noise nuisance the Council will always try to work with all parties involved before, during and after the event.

Please note, if the Council establishes that noise from any large event, is either likely to or is causing a statutory nuisance, action may be taken in accordance with both the Council's Enforcement Policy<sup>8</sup> and Part III of the Environmental Protection Act 1990<sup>9</sup>, which may result in the service of a formal Statutory Nuisance Abatement Notice. If the statutory notice is found to be breached it may result in prosecution in the Magistrates' Court, where an unlimited fine can be imposed where guilt is established.

<sup>7</sup> [www.cheshireeast.gov.uk/leisure\\_culture\\_and\\_tourism/events-whats-on-guide/event\\_organisers/licensing.aspx](http://www.cheshireeast.gov.uk/leisure_culture_and_tourism/events-whats-on-guide/event_organisers/licensing.aspx)

<sup>8</sup> <https://www.cheshireeast.gov.uk/business/enforcement/enforcement-policy.aspx>

<sup>9</sup> <https://www.legislation.gov.uk/ukpga/1990/43/contents>

## Licensing Act 2003

Any premises where regulated entertainment takes place must have a premises licence. If such activities are undertaken without the benefit of a premises licence or in breach of any conditions imposed on a licence, the Council's Licensing Enforcement Team could call for a review of the licence and/or refer the matter to the Magistrates' Court for prosecution as set out in the Licensing Act 2003. For further information regarding licensing please see the Council's website<sup>10</sup> or the team can be contacted at [licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk).

## The Purple Guide

The Purple Guide was originally published by the Health & Safety Executive and is designed to provide guidance for event organisers, suppliers, local authorities and others involved in the outdoor events industry. Publication of the Guide was taken over by the events industry in 2012, which is when it was updated. It is not intended as a detailed guide but provide general guidance on the matters event organisers need to consider when planning an event. It does not exclusively apply to noise control but focuses on the application of health and safety and associated regulations, some of which will apply to noise levels at large events.

## Events Safety Advisory Group

The Event Safety Advisory Group (ESAG) is a multi-agency group made up of officers from Licensing, Environmental Health, Trading Standards, Highways, Emergency Planning, Cheshire Police, Cheshire Fire and Rescue and the Northwest Ambulance Service. This group is normally the first point of contact for any individual, group or business thinking of organising a large outdoor event. Whilst risk management and public safety are the responsibility of the event organisers, early consultation with ESAG can significantly increase safety and assist in the planning process. More information is available on the council's website<sup>11</sup>.

## 4. Event Information

The Council's Environmental Protection Team requires initial information and details of the event as outlined in Appendix 1, at least six months prior to the event taking place. A checklist is available in Appendix 2, which summarises what needs to be covered for all large outdoor events.

Event organisers will need to demonstrate that:

- The location of all stages and marquees where live or recorded music will take place, have been planned to minimise their impact on noise sensitive properties.

<sup>10</sup> [www.cheshireeast.gov.uk/business/licensing/licensing.aspx](http://www.cheshireeast.gov.uk/business/licensing/licensing.aspx)

<sup>11</sup> [www.cheshireeast.gov.uk/leisure\\_culture\\_and\\_tourism/events-whats-on-guide/event\\_organisers/event\\_organisers.aspx](http://www.cheshireeast.gov.uk/leisure_culture_and_tourism/events-whats-on-guide/event_organisers/event_organisers.aspx)

- The programme of events for stages and marquees where music is to be played, has been planned in such a way to minimise the impact of noise at sensitive properties.
  
- All suitable measures are considered and where appropriate employed to mitigate noise levels, for example-
  - the number and positioning of speakers,
  - use of delay or circuit speakers,
  - compressors/generators; or
  - noise limiters on the main sound circuit.

All completed forms should be emailed to the Environmental Protection Team via [environmentalprotection2@cheshireeast.gov.uk](mailto:environmentalprotection2@cheshireeast.gov.uk).

### Noise Control

Based on the event information supplied, the Environmental Protection Team may seek to apply conditions appropriate to promote the licensing objectives for the event, through the licensing regime to control the operating hours and/or noise levels. Included in Appendix 3 is a (non-exhaustive) list of examples of licensing conditions, which could be applied to a licence to control noise levels at the event.

The aim should be to achieve the Music Noise Level (MNL) when assessed during sound checks and should not exceed the guidelines set out in Table 1 at one metre from the façade of any noise sensitive premises (i.e. school, care homes, nursing homes etc) for events held between 0900 and 2300.

**Table 1 - Guideline Music Noise Levels values**

Concert days per calendar year, per venue	Venue Category	Guideline
1 to 3	Urban Stadia or Arenas	The MNL should not exceed 75dB(A) over a 15-minute period
1 to 3	Other Urban and Rural Venues	The MNL should not exceed 65dB(A) over a 15-minute period
4 or more	All Venues	The MNL should not exceed the background noise level by more than 15dB(A) over a 15-minute period

For events continuing or held between 2300 and 0900 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation.

In addition, the maximum sound levels in the 63Hz and 125Hz octave bands must not exceed 75dB over a fifteen minute period, throughout the event, including rehearsals and sound checks, at any noise sensitive premises.

## Local Geography and Topography

The overall site design and layout should have the dual purpose of maximising audience enjoyment, whilst using the local topography to act as a natural acoustic barrier to protect noise sensitive properties. When deciding on the location of an event, the potential to cause a noise disturbance must be a key consideration. If the site is surrounded by residential properties, it may not be a suitable venue for music based events, or strict conditions and controls may need to be imposed via the premises licence.

Consideration will need to be given to all potential noise sources for example music, people, fairground rides, loudspeakers, public address systems, compressors/generators etc. If there are any sensitive receptors near the site, steps will need to be taken to minimise the impact of all noise sources. Table 2 gives a non-exhaustive list of considerations.

**Table 2 - Potential localised features and associated comments**

Feature	Comment
Wind	The prevailing wind can carry noise towards receptors. Offsite it can be very noticeable for example a gust of wind can lead to more than a 10 decibel (dB) increase
Water	Noise carries readily over stretches of water such as lakes, which can lead to increased noise levels off site
Hills	The topography of the land around the event site can determine the direction of noise transmission off site
Trees	Usually not considered an effective noise barrier
Nearby non-noise sensitive buildings	Can provide useful noise barriers, they can also cause problems in terms of reflection, which may direct the sound towards noise sensitive premises and amplify the noise at the receiver's location

## Location of Speakers

Most speakers are capable of directing sound towards a target area and they should be focused on the audience area so as to reduce the transmission of noise off site.

Consideration must be given to:

- Where the audience will be located - sound engineers should set up the system to concentrate the sound in this area and reduce sound leaving the site.
- It may be preferable to use a distributed system suspended from delay towers around the area where the audience is located, as this will help to reduce the noise levels when compared to only using speakers located next to the stage area.
- It is important that the sound engineer strictly controls the noise levels, especially low frequency noise (bass tones), as this will be more likely to cause the most disturbance to both local residents and those located further away from the site.

## Type of Event

The event organiser should consider the type of performers and music to be booked for the event. All performers will have differing noise level requirements and it is important that the site operator has control of the overall volume and frequency levels. Please note,

if the event is to be held on council owned land, there may be additional terms and conditions included in the hire agreement to control noise, which will need to be agreed and adhered to during the event.

## Public Relations

Previous events have shown that if there is effective communication between the event organiser and local residents, the residents are more likely to be understanding of what is taking place. Therefore, the important considerations are:

- Inform local residents and businesses well in advance of the event taking place, so they can make alternative arrangements for themselves and their pets, if required.
- A letter should be sent to local residents, other noise sensitive receptors and local community groups at least two weeks in advance of the event taking place. The contents of the letter along with any complaint procedure will need to be discussed and agreed in advance at multi agency meetings during the planning process for the event.
- It is also advantageous to engage with the local Town and/or Parish Councils to make them aware of the duration of the event and the controls in place. Details of all Town and Parish Councils can be found on the Cheshire East Council website<sup>12</sup>.
- Operating a staffed complaint telephone number and/or email via which noise complaints can be channelled and actioned as quickly as possible.

## Noise Management Plan

A Noise Management Plan (NMP) should be prepared and emailed to the Council's Environmental Protection Team as early as possible. Please note, events involving amplified music in locations with noise sensitive receptors near the site, may be required to submit a NMP as part of the conditions attached to a premises licence. The NMP should identify all noise monitoring locations, both on and off site. Typical sections for a NMP include:

- ✓ Type of event
- ✓ Dates and duration of the event
- ✓ Times of operation each day the event takes place including rehearsal and sound check times
- ✓ Types of noise to be generated by the event e.g. music, fireworks, people etc.
- ✓ Noise criteria used for assessing the noise during the event
- ✓ Assessment of predicted noise levels
- ✓ Details of noise control and management measures to be implemented
- ✓ Details of how local residents can complain and how they will be dealt with during the event
- ✓ Contact details of the organiser and responsible staff on site for the Council can contact, if necessary

## Location of Generators

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<sup>12</sup>[www.cheshireeast.gov.uk/council\\_and\\_democracy/voting\\_and\\_elections/town\\_and\\_parish\\_councils/town\\_and\\_parish\\_councils.aspx](http://www.cheshireeast.gov.uk/council_and_democracy/voting_and_elections/town_and_parish_councils/town_and_parish_councils.aspx)

If generators are to be used, consideration should be given to their location so as to prevent noise affecting local residents. Where possible all generators and ancillary equipment should be located at a distance so they are inaudible at all noise sensitive properties. If, due to the nature of the site, this is not possible, suitable acoustic screening or barriers should be used to ensure the noise does not affect neighbouring noise sensitive premises.

## 5. Noise Monitoring

The event organiser is responsible for ensuring all noise monitoring is undertaken and all relevant noise limits set for the event are complied with. It is normal for event organisers to employ an acoustic consultant to do this on their behalf. If an acoustic consultant is employed, they should be made aware of the information in Table 3.

Please note, council officers may also undertake visits to the site both before and during the event to check the layout of the site, noise monitoring and any noise controls imposed by the licence are in place for the event. If officers visit the site or undertake noise monitoring either on or off site, they should receive co-operation from the event organiser and other relevant persons on the site.

**Table 3 – Noise monitoring considerations**

<b>Acoustic Consultant</b>	Employ a suitably qualified acoustic consultant who will be able to assist with noise transmission on and off site and to identify which noise sensitive premises may be affected.
	Ensure the acoustic consultant is aware of all noise controls required and in place for the event.
	It may be helpful for a noise contour map to be produced, which can be included in the Noise Management Plan.
<b>Equipment</b>	The use of sound level meters and associated measurements can be complex and anybody undertaking these must be suitably trained.
	Noise levels must be measured using an integrating-averaging sound level meter complying with type 2 or higher (British Standard 6698) to undertake all noise monitoring including background noise levels. The time weighting 'F' (fast response) should be used.
	The use of a basic sound level meter or mobile phone App should be avoided. If they are used it should only be for indicative purposes and not to demonstrate compliance with any noise requirements.
<b>Noise measurements</b>	Should be undertaken at or near to the mixing desk and other pre-determined locations both on and off the site, such as near noise sensitive premises.
	Noise monitoring during the event should either be continuous or as a succession of short periods e.g., up to 15 minutes ( $L_{Aeq}$ ).
	To ensure the dominant noise source is being measured you must avoid undertaking measurements close to busy roads or other such noise sources. If a location is available, which is set

	back from the road, this should be used and the location recorded on a map.
<b>Low frequency noise</b>	Criteria may need to be set to control low frequency noise, depending on the type of event, as this can cause disturbance even if the overall noise levels are being achieved.
	It is recommended that all complaints are logged, including the location, time, date and the 63Hz and 125Hz octave frequency bands are checked to ensure they are not above 75dB(A) or a limit specified in the licence.
<b>Monitoring outside of the venue</b>	Those undertaking noise monitoring and controlling sound levels need to be able to communicate with each other. Communication channels need to be checked as mobile phone signals are not always available in rural areas.
	If monitoring indicates noise levels are exceeding those set for the event, the nominated person must, without delay, inform the sound engineer or other relevant person who can make the necessary adjustments. The sound engineers should be instructed to act on the advice of the nominated person who is responsible for overall control of the music.
	If noise complaints are received in an area which is not being monitored, the event organiser should make every effort to respond to the complaint and if appropriate, undertake noise monitoring in the area where it originated. All such monitoring must be recorded along with the location, time and date.

## 6. Preparation Before the Event

### Band and Live Music

Music from most performers consists of amplifiers and speakers for instruments and vocals. The sound is mixed and balanced by a sound engineer at the sound desk prior to the performance. It is important that any performers booked are:

- Aware of the need to be sensitive due to the potential for noise disturbance off site and should accept all restrictions imposed for the event. Verbal assurances have been known to be ineffective and organisers are strongly advised to include suitable clauses in contracts, so as to ensure they retain effective overall control of sound levels.
- Where more than one stage or marquee is proposed they should be spread throughout the site. Simultaneous performances should be held at separate places so as to minimise the likelihood of large crowds being drawn to one place.
- Ensuring the programme runs to schedule is key. Performers can take longer than expected to set up or may fail to arrive on time, which can cause the schedule to slip. Organisers are reminded about their responsibilities under the terms and conditions of any licence or agreements for the event. This is especially important for those set by the Council to protect local residents and the community.

## Sound Systems

The output of all sound systems should be suitable for the size and nature of the event, and further information about suitable noise levels for the audience area can be found on the Health Safety Executive website<sup>13</sup>. Ensure, when booking a sound system company, that they fully understand the need to work within any restrictions imposed for the event and that they are prepared to accept direction from the licence holder, event organiser or other responsible authority regarding sound levels. It is recommended that a suitable contract is drawn up giving clear and detailed information about the expectations regarding the management of acceptable sound levels based on the contents of this document.

## Setting up

A sound propagation test should be conducted on the day of the event, after 10:00 hours, to ensure the sound levels at the agreed monitoring positions comply with any noise limits imposed for the event, allowing for the weather conditions. If the agreed sound levels at the sound desk need to be adjusted this must be done and the new levels noted and implemented. It is preferably that controls are locked in place to prevent any further adjustment beyond the maximum level. Officers from the Environmental Protection Team may attend sound checks if available.

## 7. During the Event

It is expected that the event organiser will be responsible for noise monitoring and ensuring they comply with all noise conditions imposed. However, where complaints have been received, or there is reason to suspect that licence conditions may not be complied with, the Council may also undertake noise monitoring of the event.

Sound levels should be monitored from the agreed monitoring positions throughout the event and a record kept of the results. Action should be taken to reduce noise levels where they are exceeding those imposed for the event, and a record kept of the reason for the breach and any action taken to resolve the problem together with the date and time of such action.

The complaint hotline should be staffed at all times during the event i.e., from before the sound propagation test and until all members of the public have left the premises. Any complaints should be passed on to the responsible person as appointed by the event organiser, without delay. Action should be taken to investigate all complaints and, where appropriate, remedial action taken, all of which should be recorded for your own records.

Please be aware that noise levels set during the sound propagation test may vary at noise sensitive premises, when compared to the predicted levels. If this is the case it needs to

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<sup>13</sup> <https://www.hse.gov.uk/event-safety/noise.htm>

be taken in to account during any sound tests so sound levels can be adjusted as required.

## 8. After the Event

When the event has finished, noise disturbance can be caused by dismantling the stage and other equipment. If this is likely to adversely impact neighbouring noise sensitive premises, it should be delayed until the following day.

The results of the noise monitoring along with details of any complaints received and action taken to resolve them should be emailed to the Environmental Protection Team within 48 hours of the event finishing. In addition, you be expected to give a debrief to the Events Safety Advisory Group (ESAG).

If you have plans to run subsequent events, a checklist of what went well and what could be improved next time should be retained along with any lessons learned from the event. This can be hugely beneficial for helping with arrangements for future events.

## Appendix 1

### Event Information Questionnaire

The event organiser should supply their event planning information well in advance of the event date so that any potential for noise nuisance arising from the event can be managed from the outset. The aim is to make sure the event can go ahead without causing unnecessary disturbance and we request this form is completed and sent to the Environmental Protection Team at [environmentprotection2@cheshireeast.gov.uk](mailto:environmentprotection2@cheshireeast.gov.uk)

1. Name and Address of Premises/Site:

.....

.....

2. Date of the Event:..... No Attendees:.....

3. Start Time:..... Finish Time:.....

4. Names, Company details, Duties and Telephone Numbers of the Premises Licence Holder/Organiser

Name&	Main Duty	Premises Licence	Telephone	Email
-------	-----------	------------------	-----------	-------

Company Details		Holder Y/N		

(Ensure that the person with overall responsible for the control of noise during the event is identified)

5. Name of the nominated Designated Premises Supervisor (DPS):

.....  
 (NB If the nominated DPS above is different to the one stated on the premises licence you should contact the Council's Licensing Team to determine if changes to the licence are required)

6. Details of the sound engineer or production company to be employed:

Name:..... Company Name.....

Address:.....

.....

Tel Number:.....

Email:.....

7. Details of the acoustic consultant (if applicable):

Name:..... Company Name.....

Address:.....

.....

Tel Number:.....

Email:.....

**Please make sure the following are enclosed:**

- Layout plan of the premises/site to a suitable scale (e.g. 1:500) which clearly show the location of all music areas/fairground rides/generators, bars and dimensions of marquees and other temporary structures to be used during the event)
- Noise Management Plan
- Itinerary of bands and music

Signed:..... Date.....  
(Organiser of event)

## Appendix 2 - Event Checklist

Before the Event	✓
Check what permissions you need to hold for the event i.e. Licensing Act 2003, Planning, land ownership, Highways etc	
If required, appoint a suitably qualified noise consultant	
Provide the noise consultant with a copy of this guidance, which should be followed before, during and after the event	
Visit the event site and surrounding area. Make a list of all potential noise sensitive premises which may be affected by the event and decide on a suitable layout plan for noisy activities	
Produce a Noise Management Plan (NMP)	
Submit the Noise Management Plan for approval to the Environmental Protection Team <a href="mailto:environmentprotection2@cheshireeast.gov.uk">environmentprotection2@cheshireeast.gov.uk</a>	
Choose a telephone number and/or email address that will function as a complaint hotline	
Prepare a draft letter for local residents that informs them of the event: <ul style="list-style-type: none"> <li>• The type of event along with the date(s) and time.</li> <li>• Start and finish times of the event.</li> </ul>	

• The complaint hotline and/or email address details	
Send a copy of the draft letter to the Environmental Protection Team for approval	
When the letter for the local residents has been approved it should be sent at least 2 weeks before the start of the event to all the premises noise sensitive as identified in the NMP.	
Confirm the approval of the NMP with the Council's Environmental Protection Team	
Test the complaint hotline/email address is working	
Test the contact numbers you will be using for communication between relevant people during the event	
<b>During the Event</b>	✓
Ensure that all pre-agreed noise monitoring locations are being monitored and regular reports, from the acoustic consultant or other people charged with monitoring the noise, are taking place. The event organiser should be informed of any problems without delay and these should be addressed as soon as possible by the event organiser	
Ensure the event is complying with all noise guidelines or any pre-agreed sound levels	
Respond to any noise complaints in a polite and professional way and take them seriously: <ul style="list-style-type: none"> <li>• Make a note of the caller's name, address and contact details</li> <li>• Advise the caller their complaint will be investigated</li> <li>• Take measurements of the noise levels outside the complainant's property, or as close as possible</li> <li>• Take appropriate action to deal with any noise</li> <li>• Advise the complainant what has been done to resolve their complaint</li> <li>• Make a note of all actions undertaken</li> </ul>	
Ensure the event finishes at the required time	
<b>After the Event</b>	✓
Request a noise report from the person responsible for undertaking noise recordings and ensure a copy is emailed to the Council's Environmental Protection Team	
Arrange a de-brief meeting with key people, including the responsible authorities	

## Appendix 3

### Glossary of Possible Noise Licensing Conditions

As a result of any Premises Licence application the Licensing Team may seek to apply conditions controlling the hours and noise levels at the event. You may also want to include one or more of the following conditions in your operating schedule where applicable.

- All amplified music in an outside marquee or in the open air shall finish no later than (\*) hrs.

- Rehearsals and sound checks are permitted only between the following hours: (\*) hrs to (\*) hrs.
- Music from the concert or event is permitted only between the following hours: (\*) hrs to (\*) hrs.
- Music from other sources (e.g. food traders, fairground rides) is permitted only between the following hours: (\*) hrs to (\*) hrs.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed (\*)dB(A) over a fifteen minute period throughout the duration of the concert or event.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not exceed the background noise level by 15dB(A) over a fifteen minute period throughout the duration of the concert or event at any noise sensitive premises.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed (\*)dB(A) over a fifteen minute period throughout the duration of any rehearsal or sound check for the concert or event.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not at any noise sensitive premises exceed the background noise level by 15dB(A) over a fifteen minute period throughout the duration of any rehearsal or sound check for the concert or event.
- The control limits set at the mixer position shall be adequate to ensure that the 63Hz and 125Hz octave frequency bands do not exceed 75dB throughout the duration of the concert or event.
- The Event Organiser shall have full control over the sound amplification equipment and the volume shall be adjusted according to the requirements of the Council's Environmental Protection Team.
- The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Council's Environmental Protection Team regarding noise levels are complied with.
- Unrestricted access to the front of house position and backstage areas shall be allowed at all times to the Council's Environmental Protection Team for the purpose of sound level measurements, communications with the nominated noise consultant / sound engineer and monitoring licence conditions.
- All complaints about noise received by the site office / event organiser shall be logged and shall be notified to the Council's Environmental Protection team within [\*] minutes of the complaint being received.

- The Event Organiser shall have full control over traders or other organisations on site where there is amplified music being played. At the request of the Council's Environmental Protection team the Event Organiser shall arrange for the volume to be reduced or the playing to cease, or if necessary the equipment to be confiscated.
- All noise monitoring as required shall be conducted by a suitably qualified and experienced Noise Consultant appointed by the Event Organiser.
- The appointed Noise Consultant/named person shall be delegated the responsibility of noise control during a concert and during sound tests. The person shall control the sound levels at the mixer throughout the period of the concert and ensure that the agreed levels are not exceeded.
- The Event Organiser shall ensure that the noise consultant shall maintain satisfactory levels of communication with the Council's Environmental Protection Team at all times and shall advise the sound engineer accordingly to ensure the noise limits are not exceeded.
- The Event Organiser will be required to carry out a sound propagation test prior to the event to determine a sound level at the sound mixer position which is required to achieve the external noise limits at residential properties. The Event Organiser shall agree the maximum level at the mixer position with the Council's Environmental Protection Team.
- During music events noise levels shall be continuously monitored using a sound level meter located at the mixer position by the appointed Noise Consultant.
- The Event Organiser shall ensure that the Council's Environmental Protection Team is provided with the results of the noise monitoring in a readily accessible format (e.g. pdf, Spreadsheet, Word document or any other format agreed with the Environmental Protection Team) at any time upon request.
- Pre-event information, including but not limited to when sound checks may be conducted, the times of the performance and a complaint hotline will be communicated to local residents and business premises at least 2 weeks prior to the first day of the event/concert.
- The Event Organiser will submit a Noise Management Plan at least (\*) weeks/months before the event to the Council's Environmental Protection Team for approval.

## Appendix 4 – Acoustic Definitions

dB(A)	The A-weighted sound pressure level whereby various frequency components of sound are weighted (equalized) to reflect the way the human ear responds to different frequencies.
$L_{Aeq}$	The equivalent continuous noise level which at a given location

	and over a given period of time contains the same A-weighted sound energy as the fluctuating noise at the same location over the same period.
$L_{A90, T}$	The A-weighted sound pressure level exceeded for 90% of the measuring period (T).
Background Noise Level	The prevailing sound level at a location, measured in terms of the $L_{A90, T}$ on an equivalent day and at an equivalent time when no concert or sound checks are taking place.
Mixer	The location where the main sound system is controlled. As well as ensuring the correct sound balance between the various performers, the overall level of sound for the audience is controlled at this location.
Delay Tower	An additional set of loudspeakers employed to provide a better spread of sound to the audience.
Music noise	The noise from the music and vocals during a concert or sound checks and not affected by other local noise sources.
Music Noise Level	The $L_{Aeq, T}$ of the music noise measured at a particular location.
Noise Consultant	A person given responsibility by the organiser of the event for monitoring noise levels in accordance with the prevailing conditions, and who has the ability and authority to make decisions and implement changes in noise level during the event.
Noise sensitive receptor	Includes premises used for residential purposes, hospitals or similar institutions, education establishments (when in use), or places of worship (during recognised times and days of worship) or any premises used for any other purpose likely to be affected by the Music Noise.
Sound engineer	Person employed to control the sound quality of the music for the audience.

## Acknowledgements

Cheshire East Council would like to acknowledge the work of Manchester City Council, Trafford Borough Council and Bath and Northeast Somerset Council in relation to the control of noise at outdoor events, in the preparation of this document and the guidance within.

Summary of logged changes to the Statement of Licensing Policy –

Paragraph	Type of change	Change
All	Footnotes	Footnotes added in where appropriate
1.3	Change of wording	Wording change to reflect the Corporate Plan aims (eg Fair, Open, Green)
1.6	Update	Latest Statutory Guidance issued in December 2023. Reference to their website removed and footnote to the policy included
1.7	Additional wording	The Licensing Authority has not designated any area within the Borough as exempt (under schedule 2 of the deregulation act 2015) from the requirement for licensing of the provision for late night refreshment.
2.1	Change of wording	Substitute sustainable entertainment industry for sustainable entertainment and hospitality sector
2.12	Additional wording	In cases where a departure occurs, the Licensing Authority shall provide reasons for the departure <b>in the decision notice issued following a determination.</b>
2.14	Change of wording	'To achieve its aims' amended to 'To achieve our aims'
3.1	Change of wording	Licensee substituted with licence holder
5.5 & 5.6	Change of wording	Updated wording provided by Public Health Team
7.1	Change of wording	Reference to Safer Cheshire East Partnership plan changed to community safety priorities identified by the Safe Cheshire East Partnership
7.9	New paragraph	Sets out that applicants need to consider spiking of drinks. Results in the renumbering of the remaining paragraphs
8.11-8.13	New paragraphs	Establishes the Licensing Authority's expectations around measures to prevent terrorist attacks. References Martyn's Law
9.11	New paragraph	Establishes the Licensing Authority's expectations for outdoor events and directs applicants to consider the guidance issued by the Environmental Protection Team.
12.2	Removed paragraph	No longer any need to specifically confirm that online applications are available. Remaining paragraphs renumbered
Appendix 2	Change of wording	Referenced to Chairman changed to Chair
Appendix 2	New paragraph	Note number 8 added to clarify the situation with a Review Hearing and TEN Hearing.
Appendix 2	New paragraph	Summary of Procedure paragraph 13 added in
Appendix 5	Additions	The following sample conditions have been added:

		<ol style="list-style-type: none"> <li>1. All tables and chairs shall be removed from the outside area by xx:xx hours each day.</li> <li>2. The external doors of the Premises shall be kept closed except for immediate access and egress and the windows shall be locked shut from xx:xx hours until the Premises closes.</li> <li>3. Where SIA registered door supervisors are used at the premises, a record shall be kept of their SIA registration number and the dates and times when they are on duty.</li> <li>4. A copy of the premises licence shall be provided to any company involved in the provision of licensable activities at the premises.</li> <li>5. The door supervisor[s] shall properly control customers outside the Premises so that they leave quickly and quietly and do not congregate on the pavement outside the Premises [causing noise and nuisance to residents living in the vicinity]</li> </ol> <p>New section giving sample conditions to support Martyn's Law</p>
Annex 1	New Document	Guidance for large scale outdoor events prepared by the Council's Environmental Protection Team.








# Statement of Licensing Policy Consultation 2024

## Summary of responses

### Introduction

During April / June 2024 Cheshire East Council undertook a consultation to seek views on the proposed revisions to the statement of licencing policy for 2024 – 2029.

In total 137 completed responses were received.

1. Which of the following best describes who you are you responding as? Please select one box only				
Answer Choices			Response Percent	Response Total
1	A local resident		60.15%	80
2	Cheshire East Employee		2.26%	3
3	A local business		29.32%	39
4	A member of a voluntary or community organisation		1.50%	2
5	An elected town or parish councillor in Cheshire East		3.01%	4
6	An elected Member of Cheshire East		0.75%	1
7	Other (please specify):		3.01%	4
			answered	133
			skipped	4

## Change of wording

The following changes of wording were proposed:

- Paragraph 1.3: Wording change to reflect the Corporate Plan aims, e.g., Fair, Open, Green
- Paragraph 2.1: Substitute sustainable entertainment industry for entertainment and hospitality sector
- Paragraph 2.14: 'To achieve its aims' amended to 'To achieve our aims'
- Paragraph 3.1: Licensee substituted with licence holder.
- Paragraph 7.1: Reference to Safer Cheshire East Partnership plan changed to community safety priorities identified by the Safe Cheshire East Partnership
- Appendix 2: Reference to Chairman changed to Chair.

**58% of respondents agreed with the revised changes to the wording.**

3. How strongly do you agree or disagree with the changes to the wording? Please select one option only							
Answer Choices	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Unsure / don't know	Response Total
	20.31% 26	37.50% 48	32.81% 42	0.78% 1	3.13% 4	5.47% 7	128
						answered	128
						skipped	9
If you have any comments to make on the changes to the wording, please detail below: (8)							
1	Totally unnecessary changes. Making the whole language more subjective						
2	It's hard enough for venues to make a living as it is without the requirement to be a "sustainable entertainment industry"						
3	Do you need to put green in para 1:3						
4	Makes a layman difficult in understanding the lengthy section. Most of it is common sense which you seem to lack in the long-winded bits						
5	Rather pedantic.						
6	Pleased to see you are un-gendering roles, though surprised it's taken till 2024 to recognise the importance of this						
7	No issues with wording						
8	A chair is a piece of furniture - why not say Chairman or Chairwoman?						

## Additional wording

The following additional wording was proposed:

- Paragraph 1.7: The Licensing Authority has not designated any area within the Borough as exempt (under schedule 2 of the deregulation act 2015) from the requirement for licensing of the provision for late night refreshment.
- Paragraph 2.12: In cases where a departure occurs, the Licensing Authority shall provide reasons for the departure in the decision notice issued following a determination.

**66% of respondents agreed with the additional wording.**

4. How strongly do you agree or disagree with the additional wording? Please select one option only							
Answer Choices	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Unsure / don't know	Response Total
	24.81% 32	41.09% 53	23.26% 30	3.10% 4	2.33% 3	5.43% 7	129
						answered	129
						skipped	8
If you have any comments to make on the additional wording, please detail below: (5)							
1	These make sense						
2	It's hard enough for venues to make a living as it is without the requirement to be a "sustainable entertainment industry"						
3	Some areas, highly residential for example, should be exempt.						
4	There needs to be more information available on your portal giving full details of application. We would like to have consistency in opening and closing times. There are householders living in Knutsford town centre and we receive complaints about noise especially the filling of bins with empty glass bottles 01.00-02.00 hours in the morning.						
5	No issues with wording						

## New paragraph

The following new paragraphs are proposed:

- Paragraph 7.9: Set out that applicants need to consider spiking of drinks. Results in the renumbering of the remaining paragraphs
- Paragraph 8.11: Establish the Licensing Authority's expectations around measure to prevent terrorist attacks. References Martyn's Law
- Paragraph 9.11: Establish the Licensing Authority's expectations for outdoor events and directs applicants to consider the guidance issued by the Environmental Protection Team
- Appendix 2: Note number 8 added to clarify the situation with a Review Hearing and TEN Hearing
- Appendix 2: Summary of Procedure paragraph 13 added in

**71% of respondents agreed with the new paragraphs proposed.**

5. How strongly do you agree or disagree with the new paragraphs? Please select one option only							
Answer Choices	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Unsure / don't know	Response Total
	27.91% 36	43.41% 56	16.28% 21	4.65% 6	1.55% 2	6.20% 8	129
						answered	129
						skipped	8
If you have any comments to make on the new paragraphs, please detail below: (11)							
1	It's hard enough for venues to make a living as it is without more environmental red tape						
2	the implementation of Martyn's Law needs to be proportionate between risks and costs.						
3	Surprisingly, parking arrangements are not referred to in the policy. The largest event in the Nantwich area is a fireworks display prior to Bonfire Night that in recent years has gridlocked local streets because of uncontrolled parking.						
4	Again, long winded what happened to common sense and plain English.						
5	I don't support policies that are too restrictive and remove personal responsibility.						
6	Not everyone will know what "Martyn's Law" is.						
7	Environment team needs to follow up on waste, whether it is just left in view of the street and if it is emptied regularly.						
8	<ul style="list-style-type: none"> <li>▪ That the premises manager and security supervisor/manager can evidence attendance at a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing Northwest (CTPNW) trained personnel as soon as reasonably practicable.</li> <li>- Members of staff will need to attend but not clear when this is at the moment. Please can you direct us to appropriate sessions and timing.</li> <li>▪ That Designated Premises Supervisors in all cases must have registered to have attended a CTPNW course within 28 days of being named on the licence and be able to evidence this if requested by the Police or an authorised officer of the Council.</li> </ul> Staff members will need to undergo this training but no training courses available in the area at the moment. Please can you direct us to appropriate training.						
9	Could a new paragraph be added to direct applicants to the outdoor events guides such as the green guide for sports grounds and the purple guide for outdoor events where appropriate.						
10	Need to define Martyn's Law properly.						
11	Who will pay for these online courses? Are there grants available?						

## Additional sample conditions

The following sample conditions have been added:

1. All tables and chairs shall be removed from the outside area by xx:xx hours each day.
2. The external doors of the Premises shall be kept closed except for immediate access and egress and the windows shall be locked shut from xx:xx hours until the Premises closes.
3. Where SIA registered door supervisors are used at the premises, a record shall be kept of their SIA registration number and the dates and times when they are on duty.
4. A copy of the premises licence shall be provided to any company involved in the provision of licensable activities at the premises.
5. The door supervisor[s] shall properly control customers outside the Premises so that they leave quickly and quietly and do not congregate on the pavement outside the Premises [causing noise and nuisance to residents living in the vicinity]

New section giving sample conditions to support Martyn's Law

**78% of respondents agreed with the additional sample conditions.**

6. How strongly do you agree or disagree with the additional sample conditions? Please select one option only							
Answer Choices	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Unsure / don't know	Response Total
	36.15% 47	42.31% 55	13.08% 17	1.54% 2	3.85% 5	3.08% 4	130
						answered	130
						skipped	7
If you have any comments to make on the sample conditions, please detail below: (12)							
1	Makes sense						
2	It's hard enough for venues to make a living as it is without more red tape from the council						
3	In case of fire why are doors and windows being locked						
4	Most tables on certain pubs take up some of the footway						
5	Item 2 what about fire regs when premises are being used						
6	Excellent and considerate addition.						
7	Windows locked shut? What if there is a fire? Crazy idea.						
8	I'm so pleased Martyn's law is being recognised						
9	These seem fine although I wonder whether windows being locked shut should be amended to just say shut - surely locking them presents a safety risk in the event of an emergency? The risk of noise pollution is surely less significant than the loss of life if people needed to leave via windows, for example in a terrorist attack or fire?						
10	Point 2 - what about during hot weather? Closing windows whilst there are still customers inside may result in customers overheating, becoming uncomfortable and leaving.						
11	No issues						
12	Point 2: some businesses will need their external doors open during operational hours for air flow e.g., on hot days. Will this still be allowed?						

## Other revisions

The following revisions are also proposed:

- Throughout: Footnotes added in where appropriate
- Paragraph 1.6: Update, latest Statutory Guidance issued in December 2023. Reference to their website removed and footnote to the policy included.
- Remove paragraph 12.2: No longer any need to specifically confirm that online applications are available. Remaining paragraphs renumbered.
- Annex 1: New document added - guidance for large scale outdoor events prepared by the Council's Environmental Protection Team.

**57% of respondent agreed with the other revisions.**

7. How strongly do you agree or disagree with the other revisions? Please select one option only							
Answer Choices	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Unsure / don't know	Response Total
	18.75% 24	38.28% 49	34.38% 44	0.78% 1	3.91% 5	3.91% 5	128
						answered	128
						skipped	9
If you have any comments to make on the other revisions, please detail below: (3)							
1	It's hard enough for venues to make a living as it is without more red tape from the council						
2	Again, environmental team need to cover noise levels for neighbours, planning of waste disposal etc at realistic hours, parking and when alcohol selling ends.						
3	Would it be possible to direct applicants to the outdoor events guides such as the green guide for sports grounds and the purple guide for outdoor events where appropriate?						

## The policy overall

71% of respondents agreed that the policy addresses all the matters they would expect it to.

8. How strongly do you agree or disagree that the policy addresses all the matters you would expect it to? Please select one option only

Answer Choices	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Unsure / don't know	Response Total
	18.46% 24	52.31% 68	22.31% 29	0.77% 1	3.08% 4	3.08% 4	130
						answered	130
						skipped	7

What, if anything, was missing from the policy? (12)

1	Nothing comes to mind
2	It's hard enough for venues to make a living as it is without more red tape from the council
3	No mention of smoking or vaping nuisance - will bins be provided
4	Because the policy can cover an exceptionally wide set of circumstances, the implementation/delivery of certain actions in that policy will depend on individual interpretation, sometimes of necessity on the spur of the moment, and in a challengingly difficult public sector resourcing environment. Hence, the policy can never be fully comprehensive, and will require regular update/review.
5	See comment on lack of parking control for large-scale outdoor events.
6	Historically the policy has failed to account for the potential impacts of granting a new licensing application for an existing but unlicensed commercial property a residential area. None of the proposed amends address this
7	Nothing as such
8	Too much sub sections then layman can't understand the not so common sensicle
9	Common Sense.
10	Licensee and employees to be held responsible for service to intoxicated customers and their subsequent actions which result in offences and criminal actions
11	It should be made clear that the venue is responsible for cleaning away all the mess that late night drinkers leave behind that night.
12	A policy banning venues from advertising with fly-posters - i.e. posters illegally put up without the consent of the landowner. This was a problem in Macclesfield some years ago. Venues that use fly-posters should lose their licences.




## Other comments

9. Do you have any other comments to make on the proposed revisions and/or on the policy as a whole? Please write in below










Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	17
1	No		
2	No comment.		
3	No comment.		
4	It's hard enough for venues to make a living as it is without more red tape from the council		
5	None		
6	As a retired licence holder, it's very long winded. The need for sub sections and sections using descriptions is unnecessary. Keep it simple succinct and plain English		
7	Mostly good but the usual bad additions		
8	Public houses to stop serving alcohol by 23.00, clubs to close by 01.00 and providers of late-night food to close by 01.30.		
9	Reading through the changes they all appear to cover what is needed in the policy		
10	Licensing applications on your portal have full applicant details. Consistency in time of late opening/serving times to make our towns safer late at night and awareness of people living in town centres.		
11	More spot checks on public houses in relation to cigarette smoking outside especially at the front of premises and the litter generated		
12	The wording in paragraph 8:11 Establish the Licensing Authority's expectations to prevent "Terrorist Attacks" seems very ambitious and open to misjudgement.		
13	no		
14	no		
15	During the application stage, ensure that applicants are directed to the requirements of the Fire Safety Order 2005 including the need for a suitable and sufficient fire risk assessment detailing the hazards present, people who are at risk and details on any control measures that are in place.  In order to make a proper determination on the proposals the provision of better-quality floor plans should be mandated, including the number and width of any fire escape doors, the calculated occupancy of the building and the maximum travel distance to a relative or ultimate place of safety. As well as information on the level of automatic fire detection present and the location of any firefighting equipment (fire extinguishers).  This is especially appropriate for any wedding licence applications where larger numbers of people are gathering where alcohol may be served.		
16	This was a misleading survey, as many of the revisions lacked an explanation to what they were referring to.		
17	Keep it simple and understandable for everyone		
		answered	17
		skipped	120

## Demographics






## 11. What is your gender identity? Please select one option only

Answer Choices			Response Percent	Response Total
1	Male		57.95%	51
2	Female		36.36%	32
3	Prefer not to say		5.68%	5
4	Other gender identity, please specify:		0.00%	0
			answered	88
			skipped	49

## 12. What age group do you belong to? Please select one option only

Answer Choices			Response Percent	Response Total
1	16-24		1.14%	1
2	25-34		2.27%	2
3	35-44		3.41%	3
4	45-54		15.91%	14
5	55-64		29.55%	26
6	65-74		20.45%	18
7	75-84		20.45%	18
8	85 and over		1.14%	1
9	Prefer not to say		5.68%	5
			answered	88
			skipped	49

## 13. What is your ethnic origin? Please select one option only

Answer Choices			Response Percent	Response Total
1	White British / English / Welsh / Scottish / Northern Irish / Irish		89.53%	77
2	Any other White background		0.00%	0
3	Mixed: White and Black Caribbean / African / Asian		1.16%	1
4	Asian / Asian British		1.16%	1
5	Black African / Caribbean / Black British		0.00%	0
6	Prefer not to say		6.98%	6
7	Any other ethnic group, please specify:		1.16%	1
			answered	86
			skipped	51

**13. What is your ethnic origin? Please select one option only**
**14. Which of the following best describes your religious belief / faith? Please select one option only**

Answer Choices			Response Percent	Response Total
1	Buddhist		1.15%	1
2	Christian		55.17%	48
3	Hindu		0.00%	0
4	Jewish		1.15%	1
5	Muslim		0.00%	0
6	Sikh		0.00%	0
7	None		32.18%	28
8	Prefer not to say		6.90%	6
9	Other religious belief / faith, please specify:		3.45%	3
			answered	87
			skipped	50

**15. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? This includes problems related to old age. Please select one option only**

Answer Choices			Response Percent	Response Total
1	Yes		25.00%	22
2	No		68.18%	60
3	Prefer not to say		6.82%	6
			answered	88
			skipped	49

**Appendix 4 – Specific Consultation Responses submitted**

<b>1</b>	<b>Received on</b>	<b>From</b>
	17/05/2024	Knutsford Town Council
	See letter	

2	Received on	From
	21/05/2024	Poynton Town Council
	<p>Poynton Town Council would like to make the following comments on the Statement of Licencing Policy Consultation.</p> <p>Poynton Town Council support the revised wording but propose that the Policy be amended to include a specific ban on licensed venues displaying advertising material on buildings and street furniture without the consent of the owner. Breach of this policy may lead to a licence being removed.</p> <p>The main elements of the Licensing Policy are set down in the Licensing Act and guidance from the Home Office. Cheshire East (and all other councils) have fairly limited powers to make major changes in this area. The proposed changes seem reasonable overall.</p> <p>One area that could be addressed is the question of venues illegally advertising by means of fly-posting (the display of advertising material on buildings and street furniture without the consent of the owner). Some years ago, this was a problem in Macclesfield. These fly-posters occasionally appeared in Poynton.</p> <p>The Licensing Act allows councils to remove a licence if a venue breach one of the licensing objectives – including the prevention of crime and disorder. Flyposting is illegal - S.224(3) of the 1990 Planning Act makes it an offence for any person to display an advertisement in contravention of the Regulations. The relevant regulations are the Town and Country Planning (Control of Advertisements) Regulations 1992.</p> <p><a href="https://www.birminghammail.co.uk/news/midlands-news/five-birmingham-nightclubs-investigated-over-11940263">https://www.birminghammail.co.uk/news/midlands-news/five-birmingham-nightclubs-investigated-over-11940263</a></p>	

<b>3</b>	<b>Received on</b>	<b>From</b>
	22/05/2024	Licence Holder
	<p>To whom it may concern,</p> <p>One thing we have found particularly tiresome with the current licensing policy is that when we renew, we are not sent a new certificate which we are legally required to display. We have to pay for this to be dispatched once it has been issued.</p>	

	It would make more sense to simply include the cost of a certificate in the renewal fee and then automatically dispatch a printed certificate to be displayed on the premises.

## Knutsford Town Council

**Town Clerk: Adam Keppel-Green**

Council Offices, Toft Road, Knutsford, Cheshire, WA16 6TA

01565 653929

[www.knutsfordtowncouncil.gov.uk](http://www.knutsfordtowncouncil.gov.uk)

[townclerk@knutsfordtowncouncil.gov.uk](mailto:townclerk@knutsfordtowncouncil.gov.uk)



Kim Evans  
Licensing Team Leader  
Cheshire East Council  
By Email

Friday 17<sup>th</sup> May 2024

Dear Ms Evans,

### REVIEW OF LICENSING POLICY

Knutsford Town Council seeks to play an active role in the administration of Knutsford and wishes to be able to review licensing applications during the relevant consultation periods. However, the council's ability to do this is hampered by the current policy of Cheshire East Council not to publicise the applications for premises licenses. As you will be aware, should the Town Councillors wish to review the detail of an application, for example layout plans etc, they are told to visit Macclesfield Town Hall which is inconvenient and simply means we are unable to review applications.

You are currently reviewing the Cheshire East Council Licensing Policy, and the Town Council requests that you introduce policy to:

- Publish licensing applications in full on the Cheshire East Council website so that those wishing to submit comments can do so with all the relevant information without having to attend Macclesfield Town Hall
- Issue a weekly notification of registered applications to town and parish councils across the borough, with links to the full applications

This would be similar to how the council publishes details of planning applications. Many other councils have similar systems, for example:

- Stroud (district) – parishes are sent the details as published online, but the district council will supply the full application on request.
- Dorset (unitary) – parishes are sent a weekly email listing all licensing applications open for consultation with direct links to the full licensing application. It's Statement of Licensing Policy expressly refers to notifying parishes of applications.

- Chichester (district) – The full applications are published online, with a portal which enables users to find previous applications and decisions. It's Statement of Licensing Policy expressly refers to consulting parishes.
- Wiltshire (unitary) – Individual emails are sent to parishes with application information and a link to the website for the full application. It's Statement of Licensing Policy expressly refers to consulting parishes.

The Town Council believes that the council's current approach of requiring visits to Macclesfield Town Hall is outdated and lacks transparency. It is directly contrary to your council's corporate policy:

- It is not OPEN as it reduces transparency, information which could be made available to the public is obscured.
- It is not FAIR as it creates a barrier to people accessing information, this affects those without transport or means to access Macclesfield Town Hall such as those working
- It is not GREEN as it requires people to travel to Macclesfield rather than access information remotely which increases carbon emissions

The Town Council considers that the review of licensing policy presents an ideal opportunity for Cheshire East Council to implement a fairer and more transparent system for publishing information about licensing applications. This will particularly enable the Town Council to play a more active role in the licensing system and provide informed comments on applications from within our areas.

Yours sincerely,



Adam Keppel-Green

**Town Clerk**

cc. Cllrs Coan, Dean and Gardiner – Knutsford Ward  
Cllrs Moreton and Kain – Licensing Committee Chair/Deputy

**COUNCIL MEETING – 11 DECEMBER 2024****RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: CHANGES TO THE CONSITUTION****RECOMMENDATION**

**That Council approve: -**

- 1. the revised Petition Scheme, as appended to the report at Appendix 1, with the typing amendment being made as set out below.**
- 2. the revised Job Descriptions for the Leader and Deputy Leader, Chairs and Vice-Chairs and Opposition Spokespersons, as appended to the report at Appendices 2,3 and 4, subject to the title of the Leader/Deputy Leader JD being amended to ‘Role of the Leader and Deputy Leader of the Council’.**
- 3. the amendments to the Constitution in relation to rules of Notices of Motion, Significant Decisions and electronic voting as set out in paragraphs 17 to 19, 26 to 28 and 32 to 35 of the report.**
- 4. the Acting Governance, Compliance and Monitoring Officer be given delegated powers to make any necessary changes to the Council’s Constitution as they deem are required to implement the decision of full Council.**

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**Extract from the Minutes of the Corporate Policy Committee held on 28 November 2024.**

**54 CHANGES TO THE CONSTITUTION**

The Committee considered the report which set out proposed changes to the Constitution, as agreed and recommended by the Council’s Constitution Working Group, relating to Notices of Motion, the Petitions Scheme, revised Job Descriptions for the Leader, Deputy Leader, Chairs, Vice Chairs and Opposition Spokespersons, significant decisions and electronic voting.

It was proposed that the Job Description for the Leader and Deputy Leader (Appendix 2) be renamed from “Role and Powers of the Leader and Deputy Leader of the Council” to “Role of the Leader and Deputy Leader of the Council”. This was accepted by the Committee as a friendly amendment.

It was clarified that item K, within the Job Description for Opposition Spokespersons, was proposed to remain within the JD as opposition members now attended ‘Opposition Briefing’ meetings with senior officers across the council.

It was clarified that Appendix 1 (Revised Petition Scheme) contained a typing error and that the final sentence of the first paragraph should read “subject to the decision of the Monitoring Officer as to *which* meeting will receive it”.

**RESOLVED (unanimously):**

That the Corporate Policy Committee recommend to full Council that:

1. The revised Petition Scheme, as appended to this report at Appendix 1, be approved, with the typing amendment being made as set out above.
2. The revised Job Descriptions for the Leader and Deputy Leader, Chairs and Vice-Chairs and Opposition Spokespersons, as appended to this report at Appendices 2,3 and 4, be approved, subject to the title of the Leader/Deputy Leader JD being amended to ‘Role of the Leader and Deputy Leader of the Council’.
3. The amendments to the Constitution in relation to rules of Notices of Motion, Significant Decisions and electronic voting as set out in paragraphs 17 to 19, 26 to 28 and 32 to 35 of the report be approved.
4. The Acting Governance, Compliance and Monitoring Officer be given delegated powers to make any necessary changes to the Council’s Constitution as she deems are required to implement the decision of Full Council.

OPEN

## **Corporate Policy Committee**

**Thursday 28 November 2024**

### **Changes to the Council's Constitution**

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**Report of: Janet Witkowski, Acting Governance, Compliance and Monitoring Officer**

**Report Reference No: CPC/50/24-25**

**Wards Affected: (All Wards);**

**For Decision or Scrutiny: Decision**

#### **Purpose of Report**

- 1 The purpose of the report is to recommend proposed changes to the Constitution, as agreed and recommended by the Council's Constitution Working Group (CWG).
- 2 The proposed changes relate to Notices of Motion, the Petitions Scheme and revised Job Descriptions for Leader and Deputy Leader, Chairs and Vice-Chairs and Opposition Spokespersons, significant decisions and electronic voting.

#### **Executive Summary**

- 3 The Constitution sets out the governance framework for decision-making within the Council. This provides for the consideration and recommendation for approval, of any proposed changes to the Constitution to Full Council.
- 4 The Council's CWG has received a series of reports detailing proposed changes to the Council's Constitution, and the reasoning for such changes. These related to various matters that are in line with the Council's corporate priorities.

- 5 After consideration of the proposals, the CWG agreed that they should be recommended to the Corporate Policy Committee for consideration and in turn recommended to Full Council. These proposals relate to the following matters:

- The Council's Petition Scheme.
- Job descriptions for the Leader and Deputy Leader, Chairs and Vice-Chairs and Opposition Spokespersons.
- Amendments to Rules on Notices of Motion.
- Significant Decisions.
- Electronic voting.

## RECOMMENDATIONS

That the Corporate Policy Committee recommend to Full Council that:

1. The revised Petition Scheme, as appended to this report at Appendix 1, be approved.
2. The revised Job Descriptions for the Leader and Deputy Leader, Chairs and Vice-Chairs and Opposition Spokespersons, as appended to this report at Appendices 2,3 and 4, be approved.
3. The amendments to the Constitution in relation to rules of Notices of Motion, Significant Decisions and electronic voting as set out in paragraphs 17 to 19, 26 to 28 and 32 to 35 of the report be approved.
4. The Acting Governance, Compliance and Monitoring Officer be given delegated powers to make any necessary changes to the Council's Constitution as she deems are required to implement the decision of Full Council.

## Background

- 6 The Constitution sets out the governance framework for decision making within the council.
- 7 On 16 July 2024 and 6 November 2024, the Council's Constitution Working Group (CWG) received a series of reports detailing proposed changes to the Council's Constitution.
- 8 **Petitions Scheme**
- 9 The Council's Constitution provides for a procedure for dealing with Petitions and a link to it is provided in [Chapter 7](#). This procedure

provides a process for receipt of Petitions, but lacks clarity in certain areas, including;

- Which committee petitions should be reported to
- Whether petitions should be listed as an item on the agenda
- Whether a covering officer report is required
- The appropriateness of the next steps
- Whether petitions should just be received, speakers allowed to address the relevant meeting without debate, and the petition be noted.

10 As a consequence of certain issues arising in respect of petitions at recent services committee meetings, the CWG agreed that the revised Petition Scheme attached at Appendix 1 should be approved. The revised petition scheme provides clarity in respect of the above matters.

11 **Job Descriptions for the Leader and Deputy Leader, Chairs and Vice-Chairs and Opposition Spokespersons.**

12 At its meeting held on [27 February 2024](#), Council gave consideration to a report on a Targeted Review of Member Allowances. At that meeting it was agreed that the CWG should review the job descriptions for the Leader and Deputy Leader of the Council, Service Committee Chairs and Vice Chairs and Opposition Spokespersons, and that its recommendations in respect of these job descriptions should then be submitted to the Independent Remuneration Panel.

13 Following consideration by the CWG, the reviewed job descriptions are now attached at Appendices 2,3 and 4.

14 **Notices of Motion**

15 In reviewing the Constitution, the CWG has given further consideration to the Council Procedure Rules regarding notices of motion and, in particular, the power of the Mayor to decide that any motion moved and seconded shall stand referred without discussion to such bodies as the Mayor may determine.

16 To ensure that important matters remain before Full Council and to provide further clarity in the Constitution, the CWG recommends that this power should not relate to certain functions, in particular those relating to those that are the sole responsibility of full Council and also motions regarding the confidence in, or otherwise, of the Leader.

17 Proposed Amendment - Chapter 3 Part 1 Section 1:

18 1.37.1 When a Motion has been moved and seconded the mover and seconder shall not be permitted to speak in support of the Motion, nor

shall there be any debate or vote upon it. The Mayor may then decide (subject to paragraph 1.37.2) that the motion should stand referred without discussion to the appropriate committee for determination. However, if the Mayor, having consulted the Monitoring Officer, considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is initially considered.

- 19 1.37.2 No item relating to a matter which is a function that is the responsibility of the full council as set out in Chapter 2 Part 3 paragraph 1.4 to 1.19 or to the confidence in or otherwise of the Leader of the Council, may be referred and must remain the responsibility of and be discharged by the full council.

20 **Significant Decisions**

- 21 Recommendation 8 of the Corporate Peer Challenge Review advised that the Council needs to streamline current decision-making arrangements to avoid siloed working across committees, ensure that Committees are working through effective work programmes, and reduce confusion and lost capacity caused by the current system. This should include consideration of governance structures, schemes of delegation, and report approval arrangements ahead of committee meetings.

- 22 As part of Cheshire East Council's response to the recommendation, it was agreed in the [action plan](#), that all "significant decisions" should be made via a committee or, where delegated to an officer under a committee decision, that they are clearly recorded. It was also agreed that the significant decision threshold be reviewed.

- 23 A significant decision is currently defined in the Council's Constitution as:

- 'a decision which is likely to result in the Council incurring non-routine expenditure which is, or the making of non-routine savings which are, significant having regard to the Council's budget for the service or function to which the decision relates,
- and/or is likely 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 Council.

- 24 For these purposes, savings and expenditure are "significant" if they are equal to or greater than £1 million, unless the context requires otherwise. For clarification, no decision previously approved by the Finance Sub- Committee, and no treasury management decision, shall constitute a Significant Decision'.

- 25 It is proposed that the definition of significant decision, along with the current financial thresholds, be considered as part of the review of the committee system, which will be separately addressed. In the meantime, to ensure that there is clarity around the decision-making process for significant decisions, the following amendments to the Council's Constitution are recommended:
- 26 Chapter 2 Part 2, Paragraph 8 - Significant decisions are ~~likely~~ to be taken by Committees and ~~will may therefore~~ appear on the Council's Forward Plan.
- 27 Chapter 3 Part 2, Paragraph 29 - Public access to records of individual decision. As soon as reasonably practicable after any decision has been made by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. **Significant decisions delegated to officers by a committee or Full Council will also be open to inspection.** This does not require the disclosure of exempt or confidential information, or advice from a political adviser or assistant.
- 28 Chapter 6 – Definition of a Significant Decision - A decision, which is likely to result in the Council incurring non-routine expenditure which is, or the making of non-routine savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, and/or is likely 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 Council. For these purposes, savings and expenditure are "significant" if they are equal to or greater than £1 million, unless the context requires otherwise. For clarification, **significant decisions must be made by a Committee, Full Council or delegated to an officer by a Committee or Full Council**, no decision previously approved by the Finance Sub- Committee, and no treasury management decision, shall constitute a Significant Decision.
- 29 **Electronic Voting**
- 30 Due to recent issues relating to the accuracy of the vote at Full Council meetings, it is proposed that an electronic voting system be introduced for Committee and Full Council meetings at a cost of approximately £4,500. The system would allow for members to vote for, against a proposition, or to abstain from a vote and also raise their hand when they wish to speak.

- 31 The proposal would require the following insertions to the Council's Constitution:
- 32 Chapter 3, Part 1, paragraph 1.59 - Voting will be by **electronic means or** by a show of hands.
- 33 Chapter 3, Part 1, paragraph 1.61 - A recorded vote will not be taken if the vote has already begun to be taken **electronically or** by a show of hands.
- 34 Chapter 3, Part 1, Page 109, paragraph 2.31 - Voting at Committee and Sub-Committee meetings will be by **electronic means or** by a show of hands.
- 35 Chapter 3, Part 1, Page 103, paragraph 2.33 - A recorded vote will not be taken if the vote has already begun to be taken by **electronic means or** by a show of hands.
- 36 **Minor and Consequential Changes to the Council's Constitution**
- 37 Members are requested to note that the Acting Monitoring Officer intends to make minor and consequential amendments to the Council's Constitution, under her delegated powers in relation to:
- changes in job titles arising from the recent management restructure.
  - consistency in how in year appointments to Committees, Chairs/Vice Chairs and Outside Organisations are made, (via Group Leader/ Group Administrator notification to the Head of Democratic Services).

### **Consultation and Engagement**

- 38 All proposed changes have been considered and approved for recommendation to committee by the Constitution Working Group or noted in relation to those made by the Monitoring Officer.

### **Reasons for Recommendations**

- 39 To ensure that the Council's Constitution is updated to ensure that it is fit for purpose and that it meets the needs of the Council.

### **Other Options Considered**

- 40 An alternative option would be to leave the constitution unchanged and not achieve the outcomes identified within the reasons for the recommendations.

Option	Impact	Risk
Do nothing	This is not considered to be a suitable alternative option as there needs to be clarity within the constitution. The Constitution is a living document, which needs to be kept under review to ensure that it is fit for purpose and that it meets the needs of the Council.	Failure to achieve the outcomes identified and impacts stated.
Adopt only some of the proposed amendments.	Same as above	Same as above

## Implications and Comments

### *Monitoring Officer/Legal*

- 41 The proposed amendments to the Constitution are part of the continuing development of the committee system. Failure to keep the Constitution under review and adapt to the changing needs of the organisation will build in levels of risk into the decision-making process. Those risks may manifest themselves as delay, poor quality decisions or ultimately a challenge to the decision itself.

### *Section 151 Officer/Finance*

- 42 Electronic voting equipment will cost approximately £4,500, which will be met from existing budgets.

### *Policy*

- 43 The recommended changes to the Constitution will, if agreed, result in constitutional change. They will facilitate an open and enabling organisation and ensure that there is transparency in all aspects of council decision making.

**An open and enabling organisation**

Ensure that there is transparency in all aspects of council decision making. The council to be seen as being a fair open and transparent organisation and able to demonstrate it. To increase local democracy

*Equality, Diversity and Inclusion*

44 There are no implications arising from this report.

*Human Resources*

45 There are no implications arising from this report.

*Risk Management*

46 There are no implications arising from this report.

*Rural*

47 There are no implications arising from this report.

*Communities*

48 There are no implications arising from this report.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

49 There are no implications arising from this report.

*Public Health*

50 There are no implications arising from this report.

*Climate Change*

51 There are no implications arising from this report.

<b>Access to Information</b>	
Contact Officer:	Janet Witkowski, Acting Governance, Compliance and Monitoring Officer - Janet.Witkowski@cheshireeast.gov.uk
Appendices:	Appendix 1 - Draft Petitions Procedure

	Appendix 2 – Job Description – Leader and Deputy Appendix 3 – Job Description – Chairs and Vice Chairs Appendix 4 – Job Description – Opposition Spokesperson
Background Papers:	None

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## PETITION SCHEME

### Petitions of 5000 plus signatures (petition for debate)

Petitions regarding matters affecting the area or the functions of the Council or relating to consultation exercises or pursuant to specific legislation, may be accepted at the start of an ordinary Council meeting or a service committee, subject to the decision of the Monitoring Officer as to meeting will receive it.

Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council unless the Extraordinary Council Meeting is convened to consider the subject matter of the petition.

The petition organiser must register the petition with the Head of Democratic Services and Governance. Petitions must relate to the functions of the Council and the area of Cheshire East.

Petitions will not be accepted that are considered by the Monitoring Officer to be:

- inappropriate, frivolous, derogatory, offensive, vexatious or otherwise improper.
- related to a Council employment or staffing matter.
- potentially defamatory.
- substantially the same as any notice of motion' submitted to a meeting of Council during the preceding 6 months.

Petitions will also not be accepted if they apply to a current or future planning or licensing application, are is a statutory petition (for example requesting a referendum), or are on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, or where other review or appeal procedures exist. (For instance, Planning Committee and Licensing Committee have to make decisions based on the evidence put before them and the planning/licensing merits, as defined by law, and there are defined rights of review and/or appeal. se sSuch matters cannot be debated in a full council or committee meeting as it would leave the Council exposed to legal challenge and/or subject to prejudice.)

Following consultation with the Mayor and relevant Committee Chair, tThe Monitoring Officer will also decide which meeting should receive the petition, based upon the views of the petition organiser, the subject matter and its place in terms of Council/committee business.

## OFFICIAL

**If the petition is accepted**

Petitions must be 'signed' (in person or by name if electronic) by at least 5,000 petitioners and contain the name and contact details of the 'petition organiser'.

Each signature must be supported with a clear indication that the signatory is a resident of the Borough and on the electoral register, and the requisite number of signatures was achieved within 6 months.

If accepted, the petition will stand referred to the Council meeting or relevant committee for consideration. The petition will be listed as an item on the summons or agenda of the relevant meeting, where it is received in sufficient time to be included. If received after the issue of the summons or agenda, it will be dealt with as the first main item after public speaking.

The petition organiser will be permitted to speak at the Council meeting or committee for 3 minutes to outline the background to the petition. If the Petitioner is unable to present the petition in person, they may appoint a spokesperson to present on their behalf.

The relevant Executive Director will be given an opportunity to verbally address the subject matter of the petition and will give guidance and direction as to the appropriate next steps.

The Council or Committee can choose to:

- note the petition or
- write to the petition organiser outlining the Council's views If the Council or Committee feels no further action should be taken, this will be the end of the matter.
- The Council or Committee can also request that an officer report on the matter be submitted to the Council or Committee at a later date, or if the matter is referred to Council, it may refer the matter to a relevant committee for further consideration.

If the petition is referred to a relevant Committee and that committee decides the petition is of significant importance to the whole borough, the committee may decide the petition should be debated at Full Council.

The petition must be considered at Full Council if referred to a committee and the Committee recommends any action which may amend the budgetary or policy framework of the Council's Constitution.

If the requisite number of signatures are not achieved within 6 months, the petition will not be accepted for debate, but will be sent to the relevant service committee chair, service department and kept on file.

## **Role and Powers of the Leader and Deputy Leader of the Council**

**In the case of a joint administration, the Council will expect the Leader and Deputy Leader to determine how these responsibilities are divided between them.**

### **1. Appointment and General Role**

2. The Annual General Meeting of the Council will appoint the Leader and the Deputy Leader of the Council for the forthcoming municipal year.
3. The Councillors appointed will hold these offices until:
  - (a) The next Annual Meeting of the Council; or
  - (b) The Leader or the Deputy Leader resigns from the office; or
  - (c) The Leader or the Deputy Leader is no longer a Councillor; or
  - (d) The Leader or the Deputy Leader is removed from the office by resolution of the Council requiring a simple majority, in respect of which the motion has been fully set out in the agenda for the meeting.
4. A notice of motion under paragraph 3 must be submitted to a Full Council or Annual Council meeting, if it is proposed to remove the Leader or Deputy Leader from this office and must be submitted 7 clear working days before the meeting.
5. If the Council meeting resolves to remove the Leader or Deputy Leader from office but fails to appoint a successor, then an item to appoint a new Leader/Deputy must be included on the next and successive Council agendas until a replacement Leader or Deputy Leader has been appointed.
6. Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until the vacancy has been filled.
7. Where both the Leader and Deputy Leader cease to hold office at the same time, the Council's Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.
8. The role of the Leader/Deputy is not a formal legal role, but in practice, these office holders are jointly the political heads of the Council, and the Members with greatest responsibility for driving forward the broad policies of the Council.

### **9. Fulfilling the Roles of Leader and Deputy Leader**

The Council expects that they will:

10. be the political (rather than ceremonial) leaders of the Council, for the benefit of all the Borough's Communities - its citizens, taxpayers, businesses, public bodies and other public authorities.
11. lead and work with the Council, particularly the Chairs of its Committees and Sub-Committees.
12. lead upon the development of the Council's political vision for the future, policy framework, budgets and strategies.

13. represent and pursue the interests of the Council in the community and at international, national and regional levels.
14. the Leader to serve as Chair of the Corporate Committee.
15. the Deputy Leader will be appointed as the Vice Chair of the Corporate Policy Committee of the Council.
16. fulfil the role of Leader and Deputy Leader at full Council.
17. lead in providing political policy direction and guidance to the Chief Executive and Chief Officers.
18. meet regularly to progress the Council's objectives with Committee Chairs, Vice Chairs, the Chief Executive and Chief Officers, Leaders of other political groups on the Council, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament etc.
19. They shall be recognised in the following ways:
  - (a) Attend and speak at any meeting of a Committee or Sub-Committee of the Council, provided that they will only be entitled to vote if appointed as a voting member of that Committee or Sub-Committee.
  - (b) Be available to respond to questions at Full Council meetings.
  - (c) Establish policy direction, and the Council's priorities, and to facilitate discussion thereon.
  - (d) Be principal ambassadors for the Borough and the Council (recognising the role of the Mayor).
  - (e) Represent the Council on external bodies, as considered appropriate, and to make decisions and vote on behalf of the Council at meetings of such bodies.
  - (f) Be involved in arrangements relating to major emergencies. They must be informed if an emergency is likely to take place or has been declared under the Council's emergency planning or business continuity procedures.
  - (g) Promote and uphold high standards of ethical conduct by Members and the Council's equalities policies.

## **20. Powers**

21. As the Council operates a committee system of decision-making governance, the Leader and Deputy Leader have no formal legal powers and duties vested in them under the Local Government Act 1972, or the Local Government Act 2000. However, in practice, all local authorities need to appoint to these offices, and will and will be the chief advocate and ambassador for the Borough.

## **The Role of Committee Chairs and Vice Chairs**

**Vice-Chairs will be required to step in and support the role of chair and all of the responsibilities below therefore apply equally to Chairs and Vice Chairs.**

### **1. Appointment**

1.1 The annual appointments made by the Council include the office of Chair and Vice Chair for each Committee and Sub-Committee. Vice Chairs are empowered and required to exercise the powers vested in the Chairs of their Committees, if the Chairs are not available to do so.

1.2 Nominations by political groups for appointments to these offices should be based on relevant skills, knowledge, experience and suitability.

1.3 As further explained below, the role of Chair includes some powers and responsibilities which are formally recognised by law and which relate to the conduct of meetings.

### **2. Fulfilling the Role of Chair and Vice Chair**

The Council expects that its Chairs and Vice Chairs will:

2.1 Have a good working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee or Sub-Committee in question.

2.2 Attend all training sessions as required by the Council's Training and Development Plan.

2.3 Lead in the development of the work of their Committee or Sub-Committee. This should take into account of matters such as strategic, budgetary, corporate, cross-service and partnership issues, service delivery and the implementation of policies approved by the Council where these relate to their Committee or Sub-Committee.

2.4 Be the spokespersons for their Committee or Sub-Committee, in relation to external affairs and communications (this responsibility applies only to Vice Chairs in circumstances where the Chair is unable to do so).

2.5 Progress their Committee's or Sub-Committee's objectives with officers and Members and, as appropriate, other people, groups and organisations.

2.6 Represent and pursue the interests of their Committee or Sub-Committee in the community and, if appropriate, at regionally and more widely.

2.7 Promote and uphold high standards of ethical conduct by Members, and the Council's equalities policies.

2.8 In accordance with the Council's Constitution, ensure that:

(a) the meetings of their Committee or Sub-Committee are properly conducted, and

(b) reports of proceedings are appropriately administered, for example by the making of recommendations to full Council.

2.9 Maintain professional working relationships and establish mutual respect with all Members and officers.

### **3. Preparation for the meeting**

3.1 To ensure that they are fully aware of the business and objectives of the meeting. To be familiar with the content of reports and, in all other respects, ensure that they are properly prepared for the meeting.

3.2 To be familiar with the rules of debate, as contained in the [Council's Constitution](#).

3.3 To guide officers in the administration of committee business e.g. where meeting arrangements need to change, such as time and venue changes.

### **4. During the meeting**

4.1 To be responsible for the regulation of the conduct of the meeting they chair, including by adopting measures to aid debate:

- (a) To make the business of the meeting efficient and effective.
- (b) Encouraging members of the committee not to repeat points already made in debate.
- (c) Ensuring that all those participating keep to their allocated speaking time and are succinct in making contributions, always ensuring that appropriate opportunity is given for those entitled to speak to do so.
- (d) Taking appropriate advice from officers prior to, and in attendance at, the meeting.

4.2 To control discussion in order to ensure that it is within the scope of the meeting and within reasonable limits of time.

4.3 To decide whether proposed motions and amendments are procedurally appropriate, taking legal and procedural advice where necessary.

4.4 To formulate for debate and decision, questions that have been submitted for consideration at the meeting.

4.5 To decide points of order and other incidental questions that require decision at the time, taking into account legal and procedural advice.

4.6 Where appropriate, to ascertain the “sense of the meeting” by putting relevant questions to the meeting and conducting a vote.

4.7 Where appropriate, to summarise the outcome of the debate.

4.8 To declare the result of each vote.

4.9 To determine when to conduct a vote upon any proposed adjournment of the meeting when circumstances justify or require that course of action.

4.10 To exercise a second or casting vote where there is an equality of votes cast.

### **5. Preserving order at the meeting**

5.1 To call upon any person behaving in a disorderly manner to behave properly and to ask that person to withdraw from the meeting if they fail to do so, always taking account of the requirements of the Council's Procedure Rules and in line with the Rules:

5.2 Where necessary, to direct that such person be removed from the meeting, provided that only such force as is reasonable may be used in doing so.

5.3 To determine whether to call for the meeting to be suspended or adjourned in circumstances where there is disorder.

5.4 To determine whether to propose that a Member "be not further heard" in circumstances of misconduct and, where such misconduct continues after the vote:

- (a) to propose that the Member "do leave the meeting".
- (b) to order that such Member be removed from the meeting, provided that only such force as is reasonable may be used in doing so.

5.5 To determine whether to order, where general disturbance occurs, that the appropriate part of the meeting room be cleared.

## **6. Legal powers and Duties**

6.1 The responsibility of a Chair (or Vice Chair, in their absence) for the proper conduct of meetings is formally recognised in law. There are provisions in the Local Government Act 1972, which apply to the holding and chairing of meetings, but much of the detail is contained within the Council's Procedure Rules, which are standing orders made under powers in the 1972 Act. For any eventuality not covered in the legislation or the Procedure Rules, it may be possible to turn to the body of common law which the Courts have developed in relation to meetings.

6.2 The following are specific functions which a chair of a meeting has under the Local Government Act 1972:

- A power to exercise a second (casting) vote in the event of an equality of votes on any matter.
- A duty to sign the minutes of the previous meeting.
- A power to agree the addition of a late item of business to the agenda, if the Chair is of the opinion that it should be considered at the meeting as a matter of urgency.

6.3 To help their Committee or Sub-Committee make effective decisions, they will not only ensure that the procedural rules applying to their Committee or Sub-Committee are observed, but also that any decisions made are sound in law. With assistance from officers as necessary, Chairs will ensure that the Committee or Sub-Committee:

- (a) Observes any legal duties relevant to a proposed decision and
- (b) Has regard as necessary to any general duties such as:
- (c) compliance with the Human Rights Act 1998.

(d) equalities.

(e) the general fiduciary duties to its Council Taxpayers to act with financial prudence.

6.4 Finally, they will ensure that their Committee or Sub-Committee reaches its decisions rationally, taking into account relevant factors and disregarding those which are irrelevant, including advice taken from the Monitoring Officer and Section 151 Officer.

## **7. Powers and Duties of Chairs, or Vice Chairs in their absence, under the Council's Constitution**

Under the Council's constitution, the role and powers of Chairs and, in their absence, Vice Chairs, are recognised in a number of ways, including the following:

7.1 Manage the Agenda: they have power to direct that items of business are placed on the agenda of their Committee or Sub-Committee and the order in which business is arranged on the agenda.

7.2 Conducting the meeting: Under the Procedure Rules they control the proper conduct of meetings of their Committee or Sub-Committee. They have discretion to depart from the formality of the Rules of Debate applicable to full Council meetings.

7.3 Power to call special Meetings: The Council's Procedure Rules permit a Chair to call a special meeting of their Committee or Sub Committee at any time and agree that urgent reports be added to agendas.

7.4 Reporting to full Council: It usually falls to Chairs to present any reports which need approval of full Council.

7.5 Duty to be available for Questions: The Council's Procedure Rules permit any Member of the Council to ask questions of any Chair at full Council meetings. Also, a Chair can be questioned about any report which they are putting before the Council.

7.6 Right to be consulted: Under the Council's Scheme of Delegations to Officers, a number of delegated powers can only be exercised by officers. Where there is a joint administration it is normally expected that the Chair and Vice Chair will be consulted

### Role of Opposition Spokesperson

**A Group Spokesperson is a position that is held by an opposition member in relation to each Service Committee. The overall role is to provide an effective political counter-balance to the role of the Committee Chair and ensure each decision is appropriately considered by each Service Committee.**

1. The role of the spokesperson is to champion the principles of open, timely efficient and affordable decision making in accordance with legal obligations and the needs of the residents of Cheshire East.
2. Given that the Council's Administration groups hold the chairs and vice chairs of service committees, the Opposition Spokesperson's role is to champion the benefits and necessity of internal scrutiny, and to be a conduit of information from the committee to the main opposition group.
3. A spokesperson will be expected to:
  - a. To support the democratic process by ensuring that, in their roles as committee members, the activities of the political administration are scrutinised, and where necessary challenged.

- b. To work in cooperation with the Committee Chair and Vice Chair to facilitate the efficient and timely conduct of the committee business **subject to fulfilling the role as described in (a) and (e).**

**Add the additional text (in red) at the end of bullet point (b).**

REASON: Opposition Spokespersons have a pivotal role in holding the administration to account as described in (a). Whilst in (b) efficiency and timeliness is desirable, it must not be at the expense of appropriate debate, challenge or time to present alternative options (see (e)).

- c. To inform, discuss and where appropriate agree with the Chair and Vice Chair an approach to contentious issues which support the principles of openness, timely and efficient decision making which meets the needs of the residents of Cheshire East
    - d. To work with the Chair and Vice Chair to provide recommendations for training, development, and improved learning for all committee members.
    - e. Champion the effective scrutiny of the **committee's** decisions and to support the democratic process by ensuring that the activities of the administration are examined, tested and, where appropriate, to promote consideration of alternative options.

- f. ~~To ensure that committee decisions and administration align with and reflect the policy, budgetary and constitutional and policy framework of the Council.~~

**Remove this bullet point (f)**

REASON: Section (f) is ambiguous, suggesting that the Opposition Spokesperson must support administration-led policy decisions, that may create a conflict of interest where members may have voted against these in previous forums.

In the context of previous bullet points, where it is already acknowledged that the role is required to support the democratic process, section (f) is unnecessary and should therefore be deleted.

- g. To contribute to policy development and the operational role of the committee, from the perspective of non-administration groups
- h. To meet regularly with senior officers and receive briefings on the work programme of the committee and share information with Councillors from opposition Groups. This will enable them to make evidence-based interventions, where appropriate, at the committee meeting itself, which would add to the quality of the debate and ensure effective self-scrutiny.
- i. To be the committee's first political point of contact for non-Administration Councillors
- j. To establish and maintain effective working relationships with Chief Officers, Heads of Service and other key officers.

k. To support key officers in the delivery of reports to the committee which meet the needs of Councillors to make informed decisions.

Bullet point (k) is ambiguous. Opposition Spokespersons do not attend Chair and Vice-Chair meetings with officers and do not see Officer Reports prior to publication. Whilst the introduction of regular meetings with senior officers may provide an opportunity to 'influence' how reports are presented to the committee, this bullet point is not deliverable as currently written.

- l. To champion Cheshire East Council's programme for Brighter Futures, encourage positive behaviour, and challenge inappropriate conduct in the Committee.

**COUNCIL MEETING – 11 DECEMBER 2024****RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: CHESHIRE  
EAST COUNCIL SUPPORT FOR PROPOSED FUTURE RAIL SCHEMES****RECOMMENDATION**

**That Council**

- 1. Provisionally supports:**
  - a) the proposed Liverpool to Manchester Railway section of NPR; and**
  - b) b. the use of the High Speed Rail (Crewe – Manchester) Bill to deliver the Liverpool to Manchester Railway provided that the conditions set out in paragraph 31 of this report are met.**
- 2. The Council remains a member of the Liverpool to Manchester Partner Board, acting at all times, under the agreed positions set out above.**
- 3. The Council welcomes the progression of alternative options to HS2, to improve rail connectivity and capacity between the Midlands and the North West, but the Council would only lend its support to schemes that put Crewe at the heart of the solution and deliver:**
  - a) Enhanced connectivity from Crewe with improved direct services to key conurbations including London, Birmingham and Manchester;**
  - b) Enables, facilitates and delivers the necessary capacity, upgrades and rationalisation at Crewe Station to enable any new services on an alternative north-south link to call at Crewe;**
  - c) Supports and enables investment and growth in Crewe including the regeneration of Crewe Town Centre and provision of high quality links to the Crewe Station, and**
  - d) Provides appropriate and sufficient mitigation against the negative impacts of the scheme, and its construction, on the borough, its residents and business and on the local environment.**
- 4. The Council only support the use of existing powers secured via the HS2 phase 2a hybrid bill to deliver part of any alternative north-south rail link if the scheme delivers the conditions set out above.**
- 5. The HS2 Member Reference Group be re-established and refocussed to support the Council's strategic rail priorities and positions.**

6. **Approve the revised Terms of Reference and membership changes for the Member Reference Group as proposed in Appendix 2, subject to the membership being extended to include Cllr Stewart Gardiner.**
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**Extract from the Minutes of the Corporate Policy Committee held on 28 November 2024.**

**47 CHESHIRE EAST COUNCIL SUPPORT FOR PROPOSED FUTURE RAIL SCHEMES**

The Committee considered the report which set out work to date to establish a Cheshire East Council position on two emerging rail proposals impacting the borough (Liverpool to Manchester Railway section of Northern Powerhouse (NPR) project and the High Speed 2 (HS2) alternative Midlands – North-West Rail Link.

Having a clear council position on rail matters impacting the borough was essential to ensure Cheshire East could engage fully with key partners, including central government and sub-regional authorities and the Private Sector Consortium, to further understand the impact and benefits for the borough.

The Committee agreed that the wider benefits for the Borough and beyond needed to be considered and form part of the Council's lobbying. Delivering capacity improvements at Crewe Station would support opportunities for new strategic connections at Crewe and free up capacity for other lines, unlocking wider benefits. It was confirmed that once the Council had a clear agreed position, officers could begin to explore further costs, impacts and benefits that would be clearly communicated with members and local communities. Ensuring Cheshire East residents, and future generations, benefited from any proposals was important.

The Committee welcomed the proposal to re-establish the Member Reference Group. The Member Reference Group would be key in sharing intelligence and seeking member views throughout the process. A friendly amendment was supported by the Committee that the Member Reference Group Membership (Appendix 2) be expanded to include Councillor Stewart Gardiner as the local ward member for Knutsford, an area which would be impacted significantly by the proposals.

**RESOLVED (by majority):**

That the Corporate Policy Committee recommend to Full Council that:

1. The Council provisionally support:
  - a. the proposed Liverpool to Manchester Railway Section of the NPR.

- b. the use of the High-Speed Rail (Crewe – Manchester) Bill to deliver the Liverpool to Manchester Railway.

provided that the conditions set out in paragraph 31 of the report are met.

2. The Council remains a member of the Liverpool to Manchester Partner Board, acting at all times, under the agreed positions set out above.
3. The Council welcomes the progression of alternative options to HS2, to improve rail connectivity and capacity between the Midlands and the North-West, but the Council would only lend its support to schemes that put Crewe at the heart of the solution and deliver:
  - a. Enhanced connectivity from Crewe with improved direct services to key conurbations including London, Birmingham and Manchester;
  - b. Enables, facilitates and delivers the necessary capacity, upgrades and rationalisation at Crewe Station to enable any new services on an alternative north-south link to call at Crewe;
  - c. Supports and enables investment and growth in Crewe including the regeneration of Crewe Town Centre and provision of high quality links to the Crewe Station and;
  - d. Provides appropriate and sufficient mitigation against the negative impacts of the scheme, and its construction, on the borough, its residents and business and on the local environment.
4. The Council only support the use of existing powers secured via the HS2 phase 2a hybrid bill to deliver part of any alternative north-south rail link if the scheme delivers the conditions set out above.
5. The HS2 Member Reference Group be re-established and refocussed to support the Council's strategic priorities and positions.
6. Approve the revised Terms of Reference and membership changes for the Member Reference Group as proposed in Appendix 2, subject to the membership being extended to include Cllr Stewart Gardiner.

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OPEN

## **Corporate Policy Committee**

**28 November 2024**

### **Cheshire East Council Support for Proposed Future Rail Schemes**

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**Report of: Peter Skates, Acting Executive Director of Place**

**Report Reference No: CPC/48/24-25**

**Ward(s) Affected: All Wards**

**For Decision or Scrutiny: Decision**

#### **Purpose of Report**

- 1 To update the Committee on the work to date to establish a Cheshire East Council position on two emerging rail proposals impacting the borough, namely:
  - (a) the proposed Liverpool to Manchester Railway section of Northern Powerhouse Rail (NPR) project, and
  - (b) the High Speed 2 (HS2) alternative Midlands-North West Rail Link.
- 2 To seek recommendations from Committee to Council on any conditional support to each of the proposals and on the future membership of the Liverpool to Manchester Partner Board.
- 3 To seek Committee approval on the next steps to make the case for investment in Crewe railway station as part of any major Government rail improvements.

#### **Executive Summary**

- 4 Following the cancellation of HS2 north of Birmingham in 2023, Government announced its intention to reallocate the funds to other transport projects across the North and Midlands.
- 5 Despite representations from the Council to Government regarding the substantial impact of the loss of HS2 to Cheshire East, to date no

mitigations or significant reallocation of funding has directly benefited transport infrastructure in Crewe or the wider Cheshire East area

- 6 One of the projects the Government announced was its commitment to the acceleration of the Liverpool to Manchester section of NPR and to use the HS2 Phase 2b hybrid bill to secure the powers for the section of the route that was proposed to be shared with HS2.
- 7 The proposed Liverpool to Manchester Railway would pass through Cheshire East, with a section of the scheme, between High Legh and Manchester, following the same alignment as the previous HS2 Phase 2b scheme.
- 8 It was always envisaged that progression of NPR would follow the delivery of HS2, and therefore build on the connectivity benefits of HS2, via Crewe Station. As such, the Council's position of support for NPR was always predicated on HS2 being delivered in full prior to NPR.
- 9 As a standalone Scheme, and without the opportunities from an HS2 hub at Crewe, the benefits vs impacts of NPR to Cheshire East are now different. It is therefore considered appropriate that the Council revisits its position on NPR under the current context.
- 10 In addition, following the cancellation of HS2 north of Birmingham, the Greater Manchester and West Midlands mayors (the Mayors) have been working alongside a private sector consortium to look at alternative options to improving rail connectivity between Birmingham and Manchester.
- 11 The Council has previously welcomed this work and advocated that any alternative north-south rail link to HS2 should fully connect through Crewe to capitalise on the stations 360 degree connectivity.
- 12 In September 2024, a report was published by the consortium to summarise the work undertaken and presented a recommended alternative option, referred to as the Midlands – North West Rail Link, which can be found in Appendix 1. The report recommended a new rail line following the alignment of HS2 phases 2a and 2b, which the Mayors will present to Government.
- 13 The recommended option being proposed does not provide the investment and connectivity benefits to Crewe that HS2 offered and does not include any improvements or capacity upgrades to Crewe station. It also proposed a north-south tunnel under central Crewe that could effectively allow new services to bypass the station.
- 14 As the proposed new railway, would follow the alignment of HS2 phases 2a and 2b, there is a possibility that Cheshire East could see the same

impacts in terms of disruption, environmental impacts, community severance and landscape impacts as HS2. However, the exclusion of Crewe station improvements and connectivity enhancements within the recommended option, means it is unlikely to provide the investment, growth and regeneration opportunities for Crewe and the wider borough that HS2 would have unlocked.

## RECOMMENDATIONS

The Corporate Policy Committee agrees to recommend to Full Council that:

1. The Council provisionally support:
  - a. the proposed Liverpool to Manchester Railway section of NPR; and
  - b. the use of the High Speed Rail (Crewe – Manchester) Bill to deliver the Liverpool to Manchester Railwayprovided that the conditions set out in paragraph 31 of this report are met.
2. The Council remains a member of the Liverpool to Manchester Partner Board, acting at all times, under the agreed positions set out above.
3. The Council welcomes the progression of alternative options to HS2, to improve rail connectivity and capacity between the Midlands and the North West, but the Council would only lend its support to schemes that put Crewe at the heart of the solution and deliver:
  - a. Enhanced connectivity from Crewe with improved direct services to key conurbations including London, Birmingham and Manchester;
  - b. Enables, facilitates and delivers the necessary capacity, upgrades and rationalisation at Crewe Station to enable any new services on an alternative north-south link to call at Crewe;
  - c. Supports and enables investment and growth in Crewe including the regeneration of Crewe Town Centre and provision of high quality links to the Crewe Station, and
  - d. Provides appropriate and sufficient mitigation against the negative impacts of the scheme, and its construction, on the borough, its residents and business and on the local environment.

4. The Council only support the use of existing powers secured via the HS2 phase 2a hybrid bill to deliver part of any alternative north-south rail link if the scheme delivers the conditions set out above.
5. The HS2 Member Reference Group be re-established and refocussed to support the Council's strategic rail priorities and positions.
6. Approve the revised Terms of Reference and membership changes for the Member Reference Group as proposed in Appendix 2.

## Background

### *Liverpool - Manchester Railway Board*

- 15 The Liverpool-Manchester Railway Board (LMRB) is a newly established body aimed at transforming rail connectivity between the Liverpool City Region and Greater Manchester and maximising the social and economic benefits linked to the proposed Liverpool to Manchester Railway.
- 16 The LMRB was launched on May 22, 2024, by the Mayors of Greater Manchester and Liverpool City Region with proposed membership from the following organisations:
  - (i) Liverpool City Region Combined Authority
  - (ii) Greater Manchester Combined Authority
  - (iii) Manchester City Council
  - (iv) Liverpool City Council
  - (v) Warrington Borough Council
  - (vi) Cheshire East Council
  - (vii) Cheshire West and Chester Council
  - (viii) St Helens Borough Council
  - (ix) Trafford Metropolitan Borough Council
  - (x) Manchester Airport Group
  - (xi) Port of Liverpool
  - (xii) HMG Rail Minister (invited to be a member)
- 17 It is intended that the Board work collaboratively with Government to help shape the Scheme.
- 18 Given the direct impact of the proposed Scheme on the Borough, it is important that the Council is represented on this Board and the views and considerations for Cheshire East are fairly presented in future discussions on the proposals, especially those with Government.

- 19 Having a clearly defined Cheshire East position on the Liverpool to Manchester Railway will be important for the Cheshire East representative on the Board to ensure the interests of the Borough are fully considered by the Board.

*Liverpool to Manchester Railway*

- 20 The Northern Powerhouse Rail (NPR) project aims to transform the economic landscape of the North by improving connectivity, fostering growth, and enhancing the lives of residents.
- 21 Cheshire East Council has previously expressed conditional support for NPR, contingent on the prior delivery of HS2 Phases 2a and 2b and the necessary investment at Crewe railway station to support 5-7 HS2 trains per hour calling at Crewe, in each direction.
- 22 In October 2023, the then Prime Minister, announced the cancellation of HS2 north of Birmingham and that the funding for the Scheme would be reallocated to fund the Network North programme, identified as local transport schemes across the North and Midlands.
- 23 The Network North proposals, at that point, included a commitment to deliver the Liverpool to Manchester section of the proposed Northern Powerhouse Rail Scheme. This section would be routed via Warrington Bank Quay and Manchester Airport, with several miles of the railway passing through the Borough.
- 24 The Liverpool to Manchester railway, as currently proposed, does not include any direct connectivity benefit for the borough or any of its railway stations, despite Cheshire East expected to accommodate a significant proportion of the proposed railway and associated infrastructure.
- 25 The cancellation of HS2 north of Birmingham has significantly impacted Cheshire East, particularly Crewe, which was poised to benefit from the HS2 project. These benefits are not achievable with the Liverpool to Manchester Railway, as proposed.
- 26 To date the Council has invested substantial resources into supporting HS2 and the Crewe Hub programme, and it is crucial that these efforts are not overlooked in future rail plans.
- 27 Crewe is a critical hub in the national rail network, offering 360-degree connectivity with direct services to London, Birmingham, Manchester, Liverpool, Scotland, and Wales. It is one of the busiest rail junctions in the UK and serves as a key interchange hub for passengers and a strategic location for rail freight movements. Crewe's role is essential in supporting Union Connectivity and it has a rich history as one of the earliest railway towns

- 28 In March 2024, the then Secretary of State for Transport announced Government's intention to continue to promote the High Speed Rail (Crewe-Manchester) Bill as the route to consenting the section between Millington, in Cheshire East, and Manchester where previously, HS2 and NPR would have shared the same infrastructure.
- 29 As Cheshire East will continue to be directly and specifically affected by the Bill, the Council will continue to have the right to petition any future additional provisions to the Bill.
- 30 Given the expected change in scope of the Bill to now promote the Liverpool to Manchester Railway rather than Phase 2b of HS2, it is recommended that the Council looks to re-establish its overarching position and support to the Bill.
- 31 The Council should consider agreeing a set of conditions upon which provisional support to the Liverpool to Manchester Corridor would be based. These should include:
- (a) North-South connectivity: The Liverpool to Manchester Railway and wider Northern Powerhouse Rail programme must support future north-south connectivity improvements via Crewe station, solidifying its role as the Northwest regional hub and enhancing rail connections from Crewe to the North West, Midlands, West and North Wales.
  - (b) Commitment to the delivery of the required investments in Crewe station: Continued government collaboration and funding commitments to secure recommended investments in Crewe prior to, or alongside, the delivery of Liverpool to Manchester Railway, ensuring the town's future development, prosperity and economic growth.
  - (c) Provision of a Mid-Cheshire Line connection: Inclusion of a connection between the Liverpool to Manchester Railway and the Mid-Cheshire Rail Line to allow services on the Mid-Cheshire Line to travel on the Liverpool to Manchester Railway to access Manchester Airport and Manchester Piccadilly. In addition, a commitment to at least doubling services along the Mid-Cheshire Line to improve local transport and connectivity for local stations on the route, in particular with Manchester and Manchester Airport.
  - (d) That an updated Integrated Rail Plan is published ahead of any commitments to major rail improvements: Commitment from the government to collaborate with Local Transport Authorities, including Cheshire East Council, on identifying and understanding the future rail priorities for the North and Midlands. In addition, a commitment publish an updated Integrated Rail Plan ahead of full commitment to the Liverpool

to Manchester Railway, to provide transparency and certainty of long-term rail investments.

- (e) That the benefits growth in the borough linked to the Liverpool Manchester Railway is retained by Cheshire East: A commitment from Government and Partners to a fair and equitable growth sharing mechanism such that returns generated from the Liverpool to Manchester Railway within Cheshire East are retained by the Council for reinvestment in infrastructure enhancements within the borough.
  - (f) Equal treatment: Cheshire East Council should be treated as an equal partner to other Local Authorities and Mayoral Combined Authorities along the Liverpool to Manchester Railway with parity in communication, information sharing and consultation.
  - (g) Environmental and Community Mitigations: Assurance of appropriate mitigations to address environmental and community impacts within Cheshire East and the ability to re-define petitioning points, previously raised on the Hybrid Bill to account for the significant change in benefits vs impacts for Cheshire East.
  - (h) Community Engagement: Commitment to a robust community engagement strategy, including regular consultations with local stakeholders across Cheshire East.
- 32 Establishing a clear position on the proposed Liverpool to Manchester Railway now, along with any conditions required to secure the Council's in principle support for the Scheme, will provide a clear and up to date reference point for members and officers moving forwards.
- 33 The Council should also consider whether it wishes to oppose the use of the former HS2 Phase 2b 'High Speed Rail (Crewe – Manchester) Bill as the consenting route for the section of Liverpool to Manchester Railway between Millington and Manchester.

#### *Midlands-North West Rail Link – HS2 Alternative*

- 34 Following the cancellation of HS2, north of Birmingham, in October 2023, the Greater Manchester Mayor, Andy Burnham, and the then West Midlands Mayor, Andy Street, (the Mayors) teamed up with a private sector consortium, including engineers, construction firms, and finance experts, led by former HS2 chairman Sir David Higgins, to develop alternative options for improved rail connectivity between the West Midlands and Manchester.
- 35 In February 2024, the mayors outlined three potential alternatives to improve rail connectivity between the Midlands and the North West, that the consortium were looking at as part of this work:

- (i) Enhancing the existing West Coast Main Line.
- (ii) Building major bypasses and upgrading the existing line.
- (iii) Constructing a completely new, segregated line at lower speeds than the original HS2

36 In September 2024, the private sector consortium, backed by the Greater Manchester Mayor and the recently elected West Midlands Mayor, Richard Parker, published a report titled ‘Opportunity through connectivity - Catalysing economic growth through a Midlands-North West Rail Link’ which set out the work that had been undertaken by the consortium and the recommendations that they will be putting forward to Government. This is included in Appendix 1 of this report.

37 In summary, the report states that the consortium has “concluded that the best path forward is a new rail line, approximately 80km in length connecting Lichfield to High Legh (and thereby linking HS2 with Northern Powerhouse Rail) – the Midlands-North West Rail Link (MNWRL)”.

38 The report claims that the “MNWRL has the potential to deliver roughly 85% of the benefits of HS2 Phase 2, at a fraction of the costs (c.60-75%)”.

39 The recommended option in the report, and the option being promoted by the consortium and the mayors is Option C.

40 Option C would introduce:

- (i) A new Staffordshire Connector between the HS2 Handsacre Junction at Lichfield and a point to the South of Crewe Station where there would be a connection back to the West Coast Main Line. The Staffordshire Connector would follow the broad alignment of HS2 Phase 2a, with several kilometres of the route passing through the south of the Borough.
- (ii) A new Cheshire Connector between a point to the north of Crewe Station and High Legh, where there would be a new connection between the Cheshire Connector and the proposed NPR Liverpool to Manchester Railway and is expected to follow the broad alignment of the HS2 Phase 2b Scheme. The majority of the proposed Cheshire Connector will be within the Borough, the remaining may fall within the boundaries of Cheshire West and Chester.
- (iii) A north-south tunnel under Crewe which is assumed to connect the northern terminus of the Staffordshire

connector with the southern terminus of the Cheshire Connector.

- 41 Option C does not include any improvements or investment at Crewe Station and the infrastructure proposals outlined above strongly indicate that the proposed route, and services, would bypass Crewe Station, with the borough unlikely to receive any direct connectivity benefit from these proposals, and in turn inhibit the potential opportunities for Cheshire East from the proposed Liverpool to Manchester Railway.
- 42 As such, if Government were to support these proposals as they stand, Cheshire East would likely need to endure most of the pain of these proposals, with negligible or no gain.
- 43 Whilst these proposals only appear to be in early stages of development, it is important for the Council to present a strong and clear stance regarding any HS2 alternative north-south scheme at the outset.
- 44 Similarly, the Council should consider the conditions required for the Council to support any alternative scheme to HS2 phases 2a and 2b and subsequently the use of the former HS2 Phase 2a hybrid bill powers to deliver the proposed Staffordshire Connector.

#### *HS2 Member Reference Group*

- 45 In February 2022, Full Council approved the creation of an HS2 Member Reference Group to act as a sounding board in the preparation and progression of the Council's petition against the HS2 Phase 2b hybrid bill.
- 46 Re-establishing and repurposing the Member Reference Group would provide Member input and provide input into the Council's response to the Liverpool-Manchester Railway and the alternative north-south rail link and continue to ensure the interests of Cheshire East are prioritised.
- 47 The Member Reference Group would provide a steer to officers on the priority issues that on these emerging proposals and any subsequent schemes that may affect the Borough and delivering an appropriate and timely Council response.
- 48 It is proposed that the membership and terms of reference of the Member Reference Group are amended to reflect the updated scope of the Group and the recent changes in roles within the Council administration.
- 49 A revised Terms of Reference for the Group is included in Appendix 2 to this report.

## **Consultation and Engagement**

- 50 Consultation has not been required for the recommendations in this report.
- 51 At this early stage of the Liverpool to Manchester Railway and alternative Midlands-North West Rail Link and it is proposed that engagement relating to the recommendations in this report will primarily be undertaken through the Member Reference Group.
- 52 As further information regarding the details of the schemes and impacts on the borough are published and understood, further engagement with local ward members and town and parish councils, directly impacted by the schemes, will be undertaken which will follow the approach used when petitioning the HS2 Phase 2b hybrid bill.

## **Reasons for Recommendations**

- 53 As was the case with the (now cancelled) HS2 Scheme, a clear Cheshire East position on both the proposed Liverpool to Manchester Railway and the alternative Midlands-North West Rail Link, endorsed by Full Council will be beneficial to the Council by:
- (a) Providing a clear remit for Members or Officers representing the Council on Boards, working groups and meetings relating to these schemes.
  - (b) Providing a basis in which future consultation responses and further potential petitioning will be built upon.
  - (c) Ensures Government, stakeholders and neighbouring authorities are aware of the conditions which must be met before the Council can consider offering its support to the delivery of these Schemes.
  - (d) Provides a commitment to local communities that the Council will not support the borough accepting the pain from these Schemes without a suitable gain.

## **Other Options Considered**

- 54 The Council could not propose setting a clear and up to date position regarding the level of support to the two proposed Schemes.
- 55 In this case, the Council would have a greatly reduced voice in seeking to influence the future development of the Scheme and negotiating any future petitions.

## **Implications and Comments**

*Monitoring Officer/Legal*

- 56 There are no direct legal implications of this report. However, the Council's legal team will be engaged throughout the negotiations and legal advice should be sought where necessary.

*Section 151 Officer/Finance*

- 57 There are no direct financial implications with this report. However, if further work is needed to support the Council's position or promote the investments needed at Crewe Station will be funded from the existing Rail and Transport Integration budget.

*Policy*

- 58 There are no direct policy implications with this report.

*Equality, Diversity and Inclusion*

- 59 There are no direct equality, diversity or inclusion implications with this report.

*Human Resources*

- 60 There are no direct human resource implications with this report with work to support the Member Reference Group will be undertaken using existing resources.

*Risk Management*

- 61 There are no direct risk management implications with this report.

*Rural Communities*

- 62 Having an updated position regarding the two proposed Schemes following the cancellation of HS2 north of Birmingham will ensure the Council is in a much stronger position to seek to minimise the impacts of the Schemes, should they be delivered, on impacted rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 63 There are no direct implications with this report.

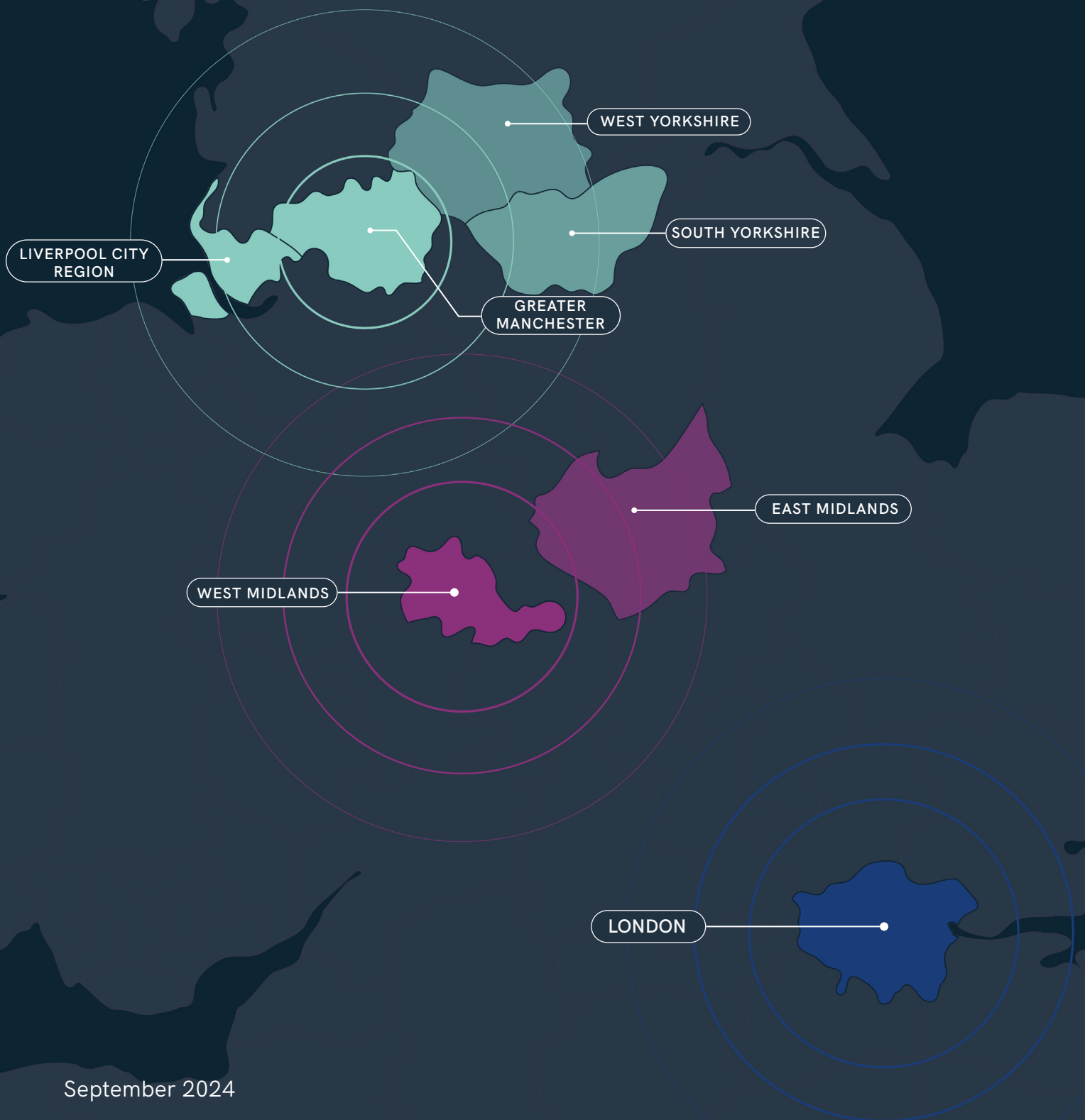
*Public Health*

- 64 There are no direct implications with this report.

*Climate Change*

- 65 There are no direct implications with this report.

<b>Access to Information</b>	
Contact Officer:	Hayley Kirkham, Head of Rail and Transport Integration <a href="mailto:Hayley.kirkham@chehsireeast.gov.uk">Hayley.kirkham@chehsireeast.gov.uk</a>
Appendices:	Appendix 1: Opportunity through connectivity - Catalysing economic growth through a Midlands-North West Rail Link  Appendix 2: Revised Member Reference Group Terms of Reference
Background Papers:	None.



September 2024

# Opportunity through connectivity

Catalysing economic growth through a Midlands-North West Rail Link

ARUP

ADDLESHAW  
GODDARD

ARCADIS

EY

mace

SKANSKA

DRAGADOS



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## Foreword from Sir David Higgins



Sir David Higgins

In October 2023, in the face of escalating costs, the Government took the decision to cancel the second phase of HS2 between Birmingham and Manchester.

The Mayors of the West Midlands and Greater Manchester asked me to support them in reviewing the impacts of this decision and the opportunities for moving forward. This report focuses on the rail link between Handsacre, north of Birmingham, through to Crewe and then onto High Legh near Manchester Airport.

I have overseen a diverse private sector team, led by Arup and supported by Addleshaw Goddard, Arcadis, Dragados, EY, Mace and Skanska, to produce this report with no cost to Government. We strongly recommend that the newly elected Government preserve the existing powers and land safeguarding, and spend the next six months working in partnership with the Metro mayors and the private sector to develop a detailed strategy for delivering critical change.

The Victorians knew how essential transport was for wealth creation across the nation. The West Coast Main Line, built in sections for Queen Victoria's coronation in 1838, was critical to economic growth in the Midlands and the North West of England. The original alignment, gauge, tunnels and embankments designed for the first steam engines are still in use today. The resilience and reliability of this line is now very poor. The May 2024 National Infrastructure Commission's (NIC) infrastructure progress report states, 'The West Coast Main Line is one of the busiest in

Europe already running at a higher intensity of operation than major fast lines in European countries impacting reliability.' This report highlights productivity comparisons between this region and ones in Europe, and draws the link between poor connectivity and the factors that inhibit economic growth.

The design for HS2 was developed as an integral part of the UK's national and international passenger and freight network for the next 50 plus years. The decision to cancel Phase 2 creates a gap in one of the most critical parts of this overall network. As the NIC report states, 'A do nothing scenario north of the proposed termination of HS2 at Handsacre is not sustainable. The existing infrastructure is a constraint on future passenger and freight growth.'

In addition to passenger capacity, Phase 2 of HS2 was planned to release significant freight capacity on the existing West Coast Main Line between Nuneaton (where freight coming to / from Southampton and Felixstowe meets the WCML) and major multimodal freight facilities at Basford Hall. The decision to cancel this section significantly inhibits this plan.

The first section – Phase 2A from Handsacre to Crewe – already has planning powers and a significant proportion of land has been purchased. These complex powers took over four years to approve, and the land acquisition powers will, without intervention, lapse in the next two years (followed by the project's planning consents a few years later, in 2031). This section is the easiest to build and should be by far the cheapest because of limited tunnelling and viaduct construction, and there are no railway stations.



HS2, like many other major projects worldwide, has experienced significant cost pressures in recent years, due to a wide range of factors. When costs escalate in the way they have, it is essential to reconsider both the design specification and also the risk sharing mechanisms with contractors. This report also explores in detail the options for change to the current design and different delivery models.

Finally, the report reviews new models for funding involving both the private and public sector and drawing on examples of major

international rail projects. The August 2024 Rail and Urban Transport Review, led by Juergen Maier, reinforces many of our conclusions about the need for a new way of delivering the infrastructure our nation so clearly needs.

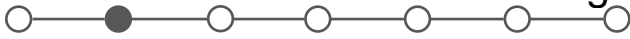
A high-capacity, resilient passenger and freight rail network linking major economic centres in this country will be essential for long-term economic growth in the United Kingdom – enabling new housing, building new skills, driving innovation, and enhancing social mobility.

***Sir David Higgins.***

### Summary of our requests of Government

This private sector coalition has come together at its own cost, with the support of the two Metro Mayors, to form a proposal for a **Midlands-North West Rail Link**. To move this forward, we are asking the Government to undertake the following:

1. Establish a Steering Group between the private sector, Combined Authorities and Central Government to drive forward development of an 'at pace' feasibility study and technical analysis over the next six months:
  - Working with the newly-established British Infrastructure Council to convene global private sector investors to attract investment into this critical link, and use this as an opportunity to re-position the UK as a country open to institutional investment in infrastructure;
  - Undertaking further financial, commercial, and economic analysis to develop an investment prospectus for the private sector, and optimise value for money across all rail investments for the public sector;
  - Working closely with Network Rail, HS2 Limited and other bodies to advance the technical specification further; and
2. Critically we need time to get this right, and support from the Government to work with us on the activities above, building on the work we have done to date. The Government could help the private sector advance technical and commercial solutions by:
  - maintaining ownership of the current landholdings on the former Phase 2A route from Handsacre to Crewe while this work is underway; and
  - reinstituting safeguarding for the land not yet acquired on this route; protecting and prolonging existing planning powers; and maintaining flexibility to reincorporate the Crewe to High Legh segment into the repurposed NPR Hybrid Bill while a new solution is finalised and agreed.
3. Formally consider the network-wide benefits of this proposition alongside proposals for enhancing east-west connectivity in the North and the economic benefits this would bring to the whole of the UK.



## Introduction

The UK stands at an inflection point. We have incredible social and economic assets – vibrant cities, leading global universities, world-class air and seaports, and a thriving life sciences sector. But having been mired in persistently low-growth and low productivity for over a decade, our economy is underperforming many of our peers. We are also one of the most spatially unequal societies in Europe, with a significant gap in economic output and living standards between the South East and the Midlands, the North West, and other regions.<sup>1</sup>

These trends are directly connected: restoring geographical balance to the UK economy is a critical step to driving higher average productivity and sustainable economic growth for the nation.<sup>2</sup> The tangible outcomes from this growth for the people and places of the Midlands and the North are what really matters, beyond the statistics. Better jobs, better prospects, better housing, and better local amenities are the things which ultimately enable a better quality of life.

The question is not whether we need to do this, but how we can best achieve it. On this, the evidence both from across the globe and here in the UK is unambiguous: high quality, affordable infrastructure is the best recipe for stimulating economic activity<sup>3</sup>, and transport is the key ingredient – spanning the movement of both people and goods.

Delivering this connectivity in an effective, affordable way is the central challenge at the heart of this report.

*One of the reasons for this poor economic performance in recent years is low levels of investment in the UK economy... Investment in transport networks can enable sustainable trips within and between cities — the main engines of economic growth.*

— National Infrastructure Commission, Second National Infrastructure Assessment, 2023

More fundamentally, we are acutely aware of the UK's urgent need for a new infrastructure delivery model that addresses persistent challenges around high costs and inefficient delivery. Evidence is mounting that the UK is particularly afflicted by these challenges<sup>4</sup>, which has resulted in the nation spending less on infrastructure than our peers – against a substantial backlog of investment needs.<sup>5</sup>

We all have a role to play in thinking differently to develop this new model – this includes businesses, political leaders (including Metro Mayors), central and local governments, and investors. We must find a better way of bringing together the best of the public and private sectors to deliver the much-needed infrastructure that will power the next century of growth in the UK.

With the election of a new Government, now is the time to take a fresh approach.



## Context and background to this review

The past year has brought significant change in Government transport policy and investment plans, with further change to come following the July 2024 election of a new Labour-led Government.

In October 2023, the previous Government announced the decision to cancel HS2 Phase 2 in response to escalating cost and delivery concerns. This resulted in a programme of high-speed rail (HSR) works focused only on the section between London and Birmingham, with the Birmingham to Manchester leg cancelled. The decision included a commitment to reallocate the Phase 2 funding to a broader package of transport enhancements, including additional funding to continue the NPR project that will improve connections between northern cities.

In late 2023, the Mayors of the West Midlands and Greater Manchester came together to develop a response to these decisions. The Mayors asked a coalition of private sector organisations to undertake an independent evaluation of this new context and to set out a path forward.

This group, chaired by Sir David Higgins and led by Arup, alongside Addleshaw Goddard, Arcadis, Dragados, EY, Mace, and Skanska, brought together world-class expertise in economics, rail planning and engineering, infrastructure finance and planning law, and construction. In addition to our individual strengths, the group was uniquely well-placed to offer a fresh perspective on the development of a new model for UK infrastructure planning and delivery. This report is the product of our work.\*

Our underlying aim has been to take a ‘place-led’ approach to the questions below, one which respond to the particular growth ambitions, economic and social assets, and other characteristics of the West Midlands and Greater Manchester. We wanted to focus on ‘what do the people and businesses in these places need?’, rather than starting from the perspective of ‘what sort of infrastructure can we build?’

\* In keeping with the intent for this work to offer an independent and private sector-led voice, the perspectives contained in this report are solely those of this group, and not the West Midlands Combined Authority, Greater Manchester Combined Authority, or any other public entity. The review is based wholly on publicly available information and professional expertise.

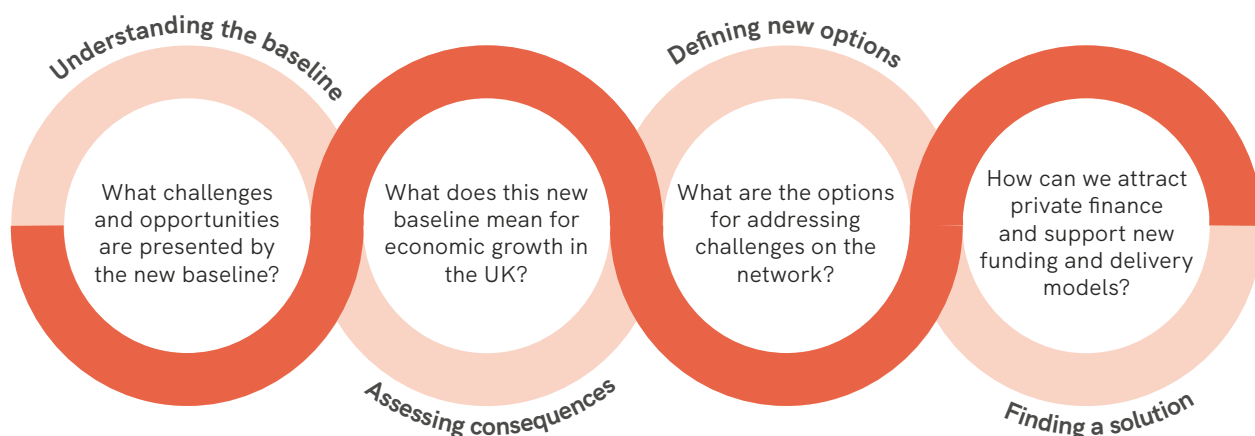


FIGURE 1: Key questions guiding this review



FIGURE 2: Review focus

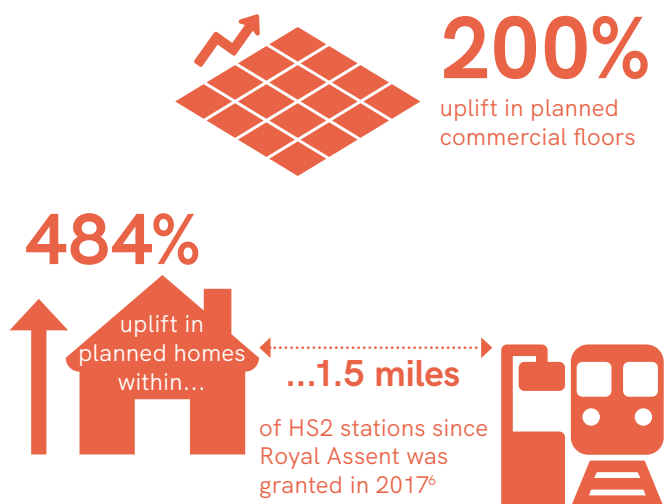
\*The NPR route is a mix of new and upgraded railway lines. The precise route has not yet been confirmed by the Government. The route shown on this map is an indicative assumption.



# City-region connectivity challenges and opportunities

## Emerging blueprint of national connectivity improvements

The package of rail network investments proposed by the previous Government was aimed at boosting both national and local connectivity and economies. Before even opening, the **HS2** connection between London and Birmingham is already accelerating investment in the West Midlands.



Other major projects announced by the previous Government have the potential to deliver similar benefits:

- Across the North West and Yorkshire regions via **Northern Powerhouse Rail**, enhancing connectivity between Liverpool, Manchester, Leeds and Northern cities.

- Across the East and West Midlands via the **Midlands Rail Hub**, enhancing connectivity between Birmingham, Derby, Leicester, Nottingham, Worcester and beyond to the South West and South Wales.
- Within city-regions through investment in urban passenger transport and freight networks as part of the **City Region Sustainable Transport Settlements (CRSTS)**.

These ongoing and planned investments are to be welcomed. They are critical to the economic health of the nation and will greatly improve capacity and connectivity between and within cities.\* The new Labour Government has also started articulating a transport investment strategy focused on growth.

But despite their benefits, the current investment blueprint leaves two key gaps where, following the cancellation of HS2 Phase 2, existing connections are insufficient to accommodate long-term projected growth in demand. The shortfalls are harmful in their own right, but left unaddressed pose a wider problem, threatening to hold back the transformational potential of HS2, NPR, Midlands Rail Hub and CRSTS.

These gaps are the corridor from Birmingham and the West Midlands to Manchester and the North West (western gap), and the corridor from the Midlands to Sheffield and Leeds (eastern gap)."

\* The analysis undertaken for this review makes an assumption that these commitments are delivered in full, including connecting HS2 Phase 1 to Euston Station, and ensuring Euston is appropriately sized to accommodate additional services running north of Birmingham.

\*\* The May 2024 report from the National Infrastructure Commission highlights these two missing links. As an urgent response to the most recent changes in Government policy sponsored by the Mayors of the West Midlands and Greater Manchester, this review is focused on the first of these gaps. However, we recommend that both are considered to be of major strategic importance, and that the Combined Authorities, working with the newly-elected Government, will explore how they can be remedied.

## Assessment of current connectivity

The western gap – and the focus of this review – falls in the centre one of the UK's most important economic corridors. It connects most of the largest population and economic centres in Britain together, including London, Birmingham, Manchester, Liverpool, Glasgow, and Edinburgh. It is also a key freight route to and from major seaports, airports, and the critical logistics hub in and around the West Midlands.

The principal spine for this corridor is the West Coast Main Line (WCML), one of the nation's most important passenger and freight railways. It is also one of the oldest, dating back more than 150 years in many places.

Passenger demand on the line has more than doubled following modernisation works in the 2000s<sup>7</sup>, to roughly 35 million intercity journeys per year, making it one of the busiest rail lines in Europe.<sup>8</sup> More than 40% of all goods moved in the UK use the route.<sup>9</sup>

This rapid growth in demand means that the line is now once again operating close to the limit of its train-carrying capacity, due to a series of major bottlenecks between Birmingham and Manchester, illustrated in Figure 3. These constraints not only limit the WCML's future ability to accommodate more trains – and therefore more passengers and freight – but also place significant pressure on the performance of the railway today. It is currently the least reliable railway in Britain, with fewer than 50% of trains operating on-time.<sup>10</sup>

### SPOTLIGHT

The **Shugborough Tunnel** is one of the key bottlenecks on the WCML. This tunnel dates to 1846 and constrains capacity on the whole line, due to it only being wide enough for two tracks, with no viable means of providing additional tracks through the area.

This is a key example of how design and engineering choices made during the Victorian era are still impacting the capacity and operations of services today. Many of these constraints have no easy solutions as the 'low hanging fruit' has largely already been dealt with.

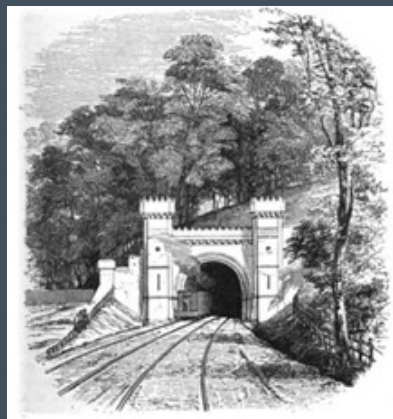


Illustration of Shugborough Tunnel

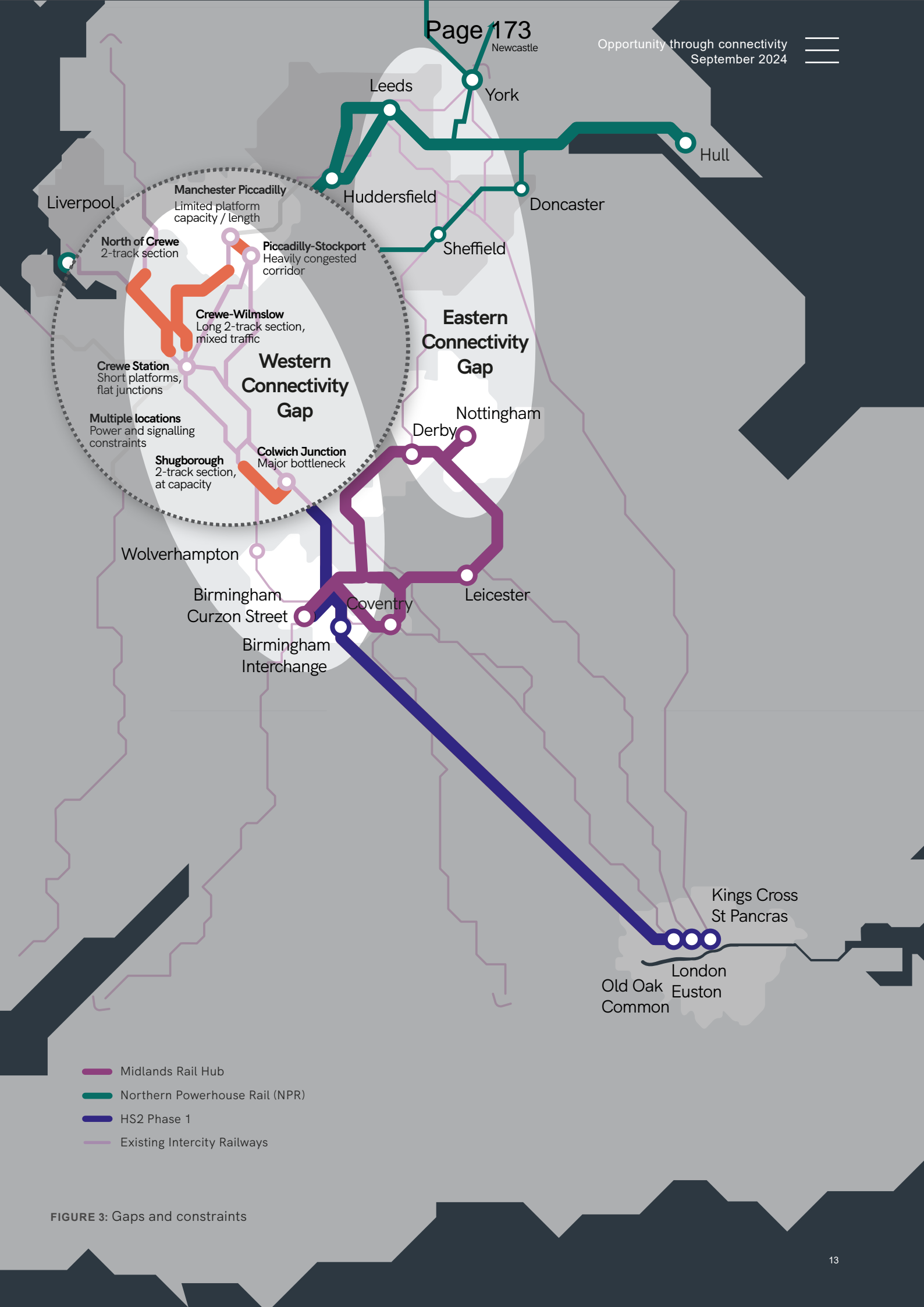
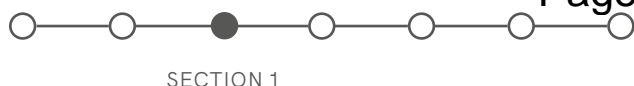


FIGURE 3: Gaps and constraints



## SECTION 1

Prior to the Covid-19 pandemic, passenger volumes were growing by c.6% annually over the previous 13 years. The original HS2 business case projected that growth in demand would continue to be robust, and that significantly greater capacity would be needed on the corridor by the late 2020s.

The pandemic altered this trajectory, and changes to travel patterns have delayed the date when the railway reaches its full capacity. However, we have examined a number of growth scenarios based on an estimate of the current, post-Covid passenger levels, and can state with confidence that **within the next decade, travel demand on the London-Manchester corridor will exceed the maximum capacity of the line.** This is true even in a scenario where growth remains well-below historical averages (essentially just keeping pace with population growth).

The NIC's May 2024 analysis came to similar conclusions. It found that 'by 2045 Birmingham could have between 23 and 61 per cent more passenger arrivals during the morning peak than in 2019, Manchester between 5 and 38 per cent... Without uplifts in capacity, this could lead to significantly worse crowding outcomes.'

It is not just passenger rail services that are facing demand and capacity challenges. Growth in daily freight trains is expected to reach 74%

by 2043/44 and certain route sections on the WCML are forecast to carry over 120 daily freight trains compared to 60 trains today. This potential growth, and the associated carbon benefits of moving more goods by rail, will be unachievable with the current capacity constraints.<sup>11</sup>

The key roads serving this corridor are also under strain. The M6 is one of the most heavily used routes in the nation for both cars and lorries, with some sections carrying upwards of 150,000<sup>12</sup> vehicles per day, and official projections anticipating much higher volumes in coming decades.<sup>13</sup> Even at current traffic levels, congestion and delay is routine.

This means both the strategic road and rail routes connecting the western side of the UK are already operating close to the limits of their capacity, with major infrastructure bottlenecks that cannot easily be resolved. Forecasts predict further growth in demand, which will inevitably cause severe crowding, congestion and unreliability – or simply suppress further growth in travel along with economic activity.

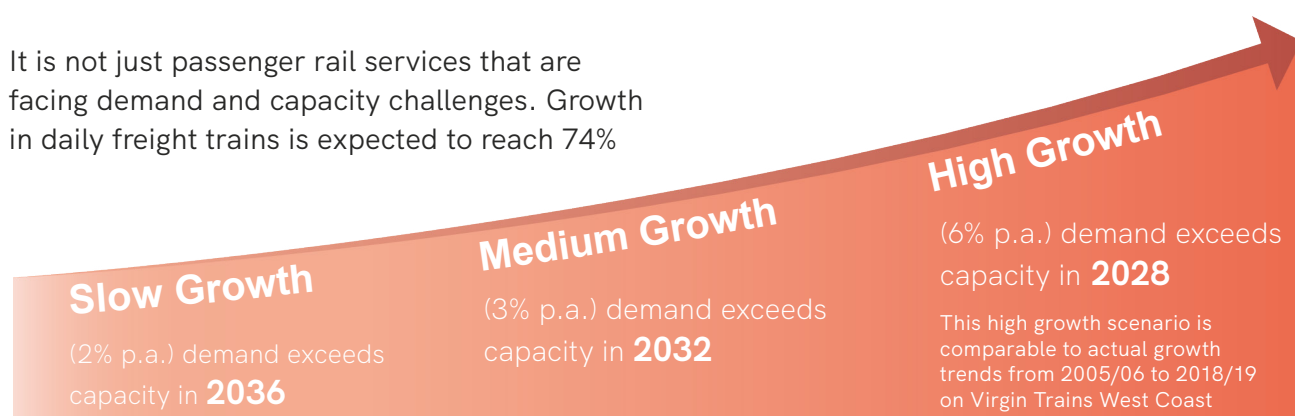


FIGURE 4: Estimated date of demand exceeding capacity under three growth scenarios.

## Conditions following the opening of HS2 Phase 1

The business case for the full HS2 programme was predicated in large part on addressing these challenges; with HS2 Ltd often referencing the 'three C's' underpinning its aims – capacity, connectivity, and carbon. This business case also confirmed that upgrading the WCML would be hugely disruptive and not provide the required capacity to solve these challenges.

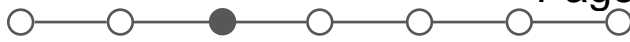
The cancellation of HS2 Phase 2, from Birmingham to Manchester, now means that we have a new line between London and Birmingham and an expectation that HS2 services operating north of Birmingham will use existing tracks and mix with non-high speed services. New HS2 trains operating at 400m length will be able to run between London and Birmingham – but beyond Birmingham to the North West, the WCML infrastructure is only able to accommodate 200m trains.

Furthermore, the new HS2 trains will be limited to lower operating speeds than existing Pendolino trains, creating further complications for timetabling and capacity management on congested sections of the railway.

This means the operating environment for the WCML will soon become incredibly complex. Already constrained by Victorian infrastructure, the route will need to accommodate a mix of rolling stock, drawing on different power and signalling systems. Adding the complexity of interfacing HS2 and WCML infrastructure, and the need to slot high-speed services onto the main line all introduces significant operational challenges and performance risks.



Council House Clock Tower, Birmingham.



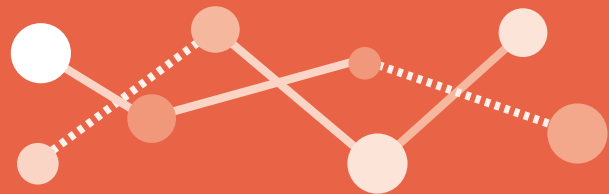
**We have assessed the implications of only building Phase 1 of HS2 (London-Birmingham) and what this now means for service along the full London to Manchester route.\***



While HS2 will significantly boost seat capacity between London and Birmingham, adding over 3,000 seats per hour, it will not increase the number of trains per hour north of Birmingham due to the infrastructure constraints that remain unresolved without the later stages of HS2. In fact, where current 11-car class 390 (Pendolino) trains are due to be replaced by high-speed trains, the number of seats will reduce. High-speed trains can only run north of Birmingham if they replace existing services.

\* Within the rail industry, detailed options are being considered as part of ongoing understanding of how to progress the current situation and address the challenges highlighted here, including potential rolling stock strategies.

\*\* The extent of reduced connectivity depends on the number of existing services that are replaced with HS2 services (this is not yet agreed and depends on trade offs of speed, capacity and connectivity for intermediate stops). The more existing services that are replaced with HS2 services, the worse the connectivity gets for those places no longer served.



Previous plans would have allowed for some existing WCML services between Manchester and London to continue to run alongside new HS2 services. However, as there are no longer plans to provide new platforms at Manchester Piccadilly for HS2 trains, and due to the other capacity constraints on the WCML, this will no longer be possible. This means current intercity services between Milton Keynes, the Trent Valley, and potentially\*\* Stoke-on-Trent will no longer operate, resulting in a **material reduction in regional connectivity** between many fast-growing communities along the current WCML corridor.



With bottlenecks and capacity constraints north of Birmingham left unaddressed, the capacity for increased freight services will remain constrained. Sections of the WCML north of Lichfield will not be able to support any significant increase in freight capacity to the North, Wales and Scotland, impinging on the aims of the national freight strategy and severely limiting the expected freight-related benefits from the HS2 investment.

Finally, although journeys between Birmingham and London will become faster, there will be very limited time savings for journeys north of Birmingham due to the complex operating environment on the WCML and the constraints that exist. Indeed, it is likely that the journey time savings for Scottish services achieved south of Birmingham will be almost entirely offset by journey time increases north of Birmingham, as HS2 trains will not be capable of tilting (and therefore operating at maximum speeds) on the northern part of the WCML.



**Cancellation of HS2 Phase 2 means that the benefits from the Phase 1 investment in major new infrastructure and rolling stock will not be fully realised.** To take one example, Birmingham's new Curzon Street station, which will be comparable in size to London's St. Pancras International Station and which was originally planned to serve journeys between Birmingham and Scotland, Manchester, the East Midlands, and Yorkshire, will now only serve three trains per hour to and from London, using a fraction of its capacity. The Public Accounts Committee has found that the HS2 Phase 1 project therefore now offers poor value for money.<sup>14</sup>

Continued uncertainty regarding the delivery of HS2 into London Euston will further exacerbate the challenges summarised in this report, as well as diminish the potential benefits from Phase 1.

This is on top of the more than £2bn in 'sunk costs' already committed to Phase 2 – taxpayer investments which will realise no benefits at all.



# Implications for economic growth

## Catalysing growth in the West Midlands and Greater Manchester is critical to the UK's economic future

As businesses that operate in multiple markets across the world, we have a clear-eyed view of the UK's economic strengths. The nation – home to the world's sixth largest economy – remains a vital global trading hub and is a leader across many sectors that will drive growth and innovation in the decades ahead, including life sciences, AI, fintech, low-carbon technology, and more.

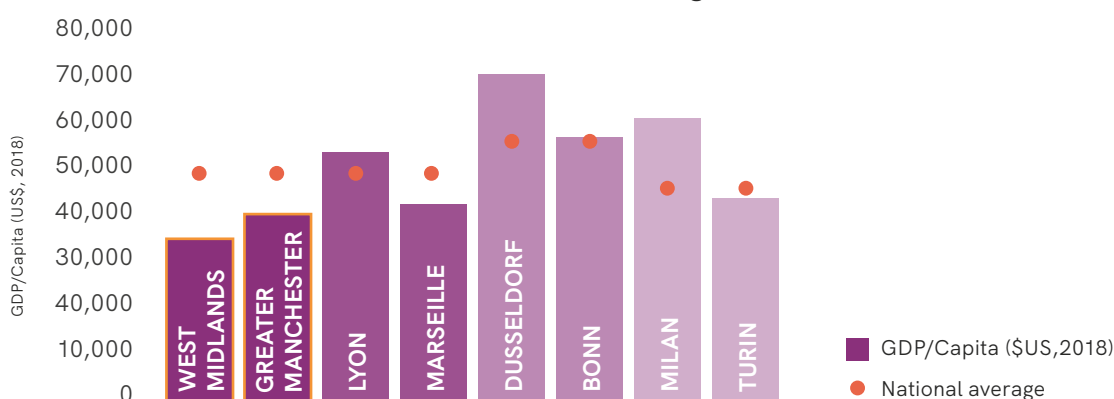
However, in an environment of economic insecurity, low investment and stagnant growth, maintaining and enhancing this position, and increasing economic output, productivity and competitiveness, will require smart policymaking and targeted investment.

The UK has grappled with slow productivity growth for many years. Despite its strong assets, the productivity challenge has been particularly acute in Greater Manchester and the West Midlands. Large urban areas around the world often have productivity levels that equal or exceed their national average but this is not the case with our two second cities.<sup>15</sup>

Productivity in Greater Manchester, measured by GDP/worker, sits 13% below the UK average. In the West Midlands, productivity is 24% below the national average.<sup>16</sup>

High quality, affordable infrastructure is key to stimulating economic activity<sup>17</sup>, and transport sits at the heart of this. Strong connectivity is essential to a prosperous future for our country and its towns and cities, alongside investment in skills, housing, research and innovation, and quality of place.

Well-developed and reliable transport networks enable the spatial redistribution of knowledge-intensive jobs from large capitals to secondary cities, expanding access to labour pools, attracting inward investment, and facilitating better coordination between complementary high-productivity sectors. They allow businesses to thrive by enabling deeper market integration, freight and logistics growth and supply chain expansion. They also allow people to connect better with one another, strengthening community ties and social cohesion, and making city centre regeneration more viable.



**FIGURE 5:** Productivity across comparator European city pairs (OECD data for the Functional Urban Areas of each city-region; note that FUA boundaries do not correspond precisely to the UK Combined Authority boundaries)



City centre accessibility across Britain's secondary cities is currently well below the European average for similar places.<sup>18</sup> To realise the full potential of committed and future investments, improved urban connectivity is needed to make cities like Manchester and Birmingham, and the regions that surround them, more accessible and attractive for employment and investment.

Greater Manchester and the West Midlands have the greatest capacity for economic growth within the UK economy. These urban areas have achieved the fastest population growth in the country over the past decade,

outside of London.<sup>19</sup> Delivering the 'missing link' between them is critical to unlocking higher productivity and helping the nation achieve priorities to rebalance the country and drive green growth.

Bringing the Manchester and Birmingham city regions up to par with the UK average productivity would add £43bn, approximately 2%, to the UK economy annually. But this bonus could rise to £70bn if the regions were to match the performances of their peer European cities relative to their country averages.

## CASE STUDY

### **Inter-regional connectivity has been key to unlocking the competitiveness of secondary city pairs across Europe.**

In France, clusters of new knowledge businesses have moved from Paris to the south-eastern cities of Lyon and Marseille since the introduction of HSR. The region has experienced a 46% increase in knowledge-based activities between 1999-2009.<sup>22</sup>

In Germany's Rhine-Ruhr region, stronger HSR links have supported the transformation of Dusseldorf and Bonn into 'global pipelines' for the wider region, attracting a high concentration of advanced manufacturing firms and knowledge-based companies.<sup>23</sup>

On the Milan-Turin axis in northern Italy, HSR has facilitated coordination between training and research facilities, with growing integration of polytechnic universities and knowledge-intensive business services.<sup>24</sup>

The disaggregation of knowledge and high-skilled labour has enabled secondary cities to outperform their national productivity levels by reducing the cost of transporting skills and capital to non-capital cities.

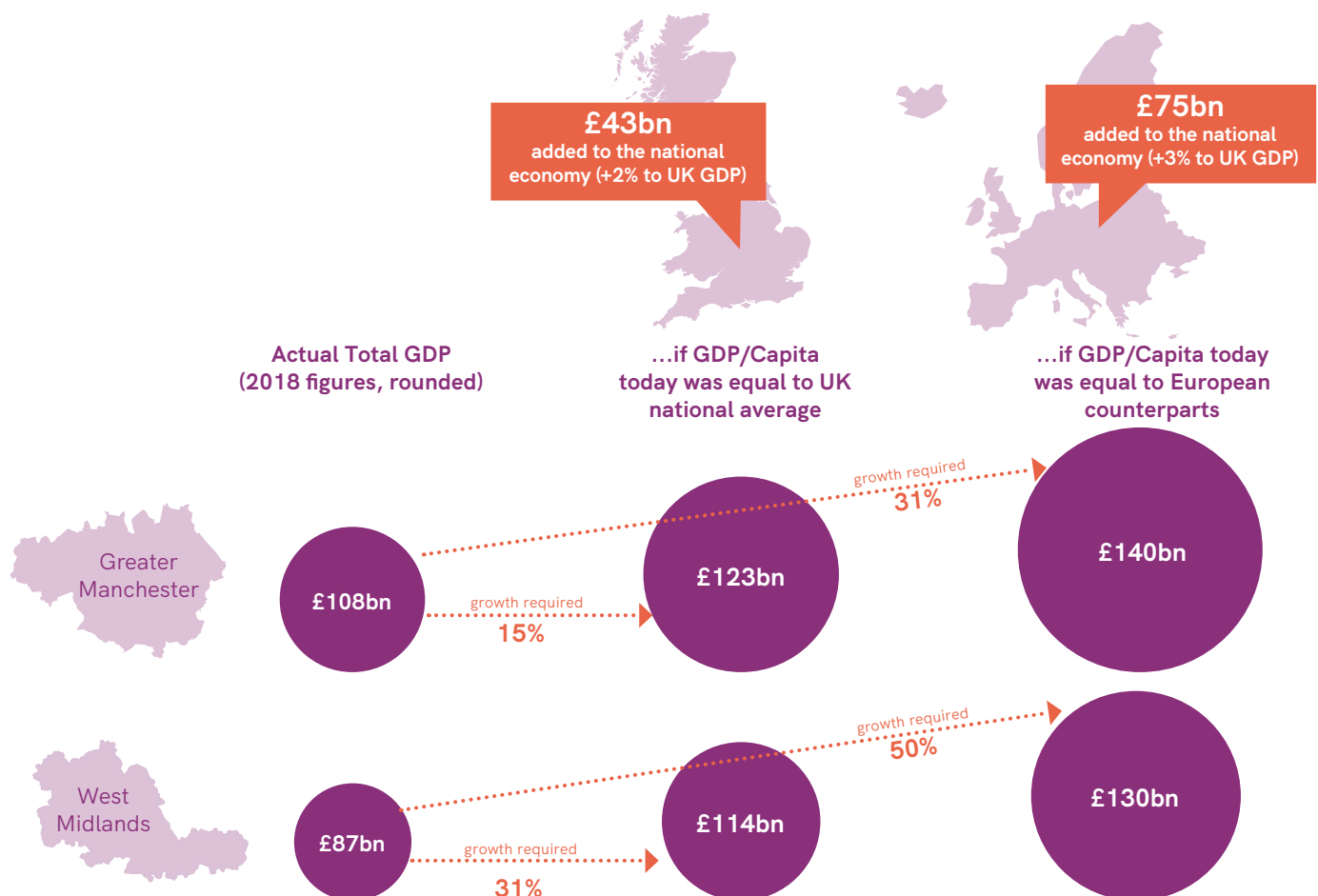
The city pairs described above are on average 14% more productive than their respective national levels, bolstering France, Germany and Italy's position as key global economic players.

Delivering improved intercity connectivity could bring huge opportunity for city-centre regeneration around central stations in Manchester and Birmingham. In Manchester, there is capacity to deliver up to 13,000 new homes and 820,000 square metres of new commercial development in the area surrounding Piccadilly Station, and further development opportunity around Manchester Airport, the UK's largest airport outside London.<sup>20</sup>

In Birmingham, new development in the Curzon Station area could exceed 800,000

square metres and 4,400 homes could be delivered.<sup>21</sup> Investment in strategic urban and intercity transport will provide a focal point for coordinating investment, unlocking land in strategic development areas to make city centre regeneration more viable.

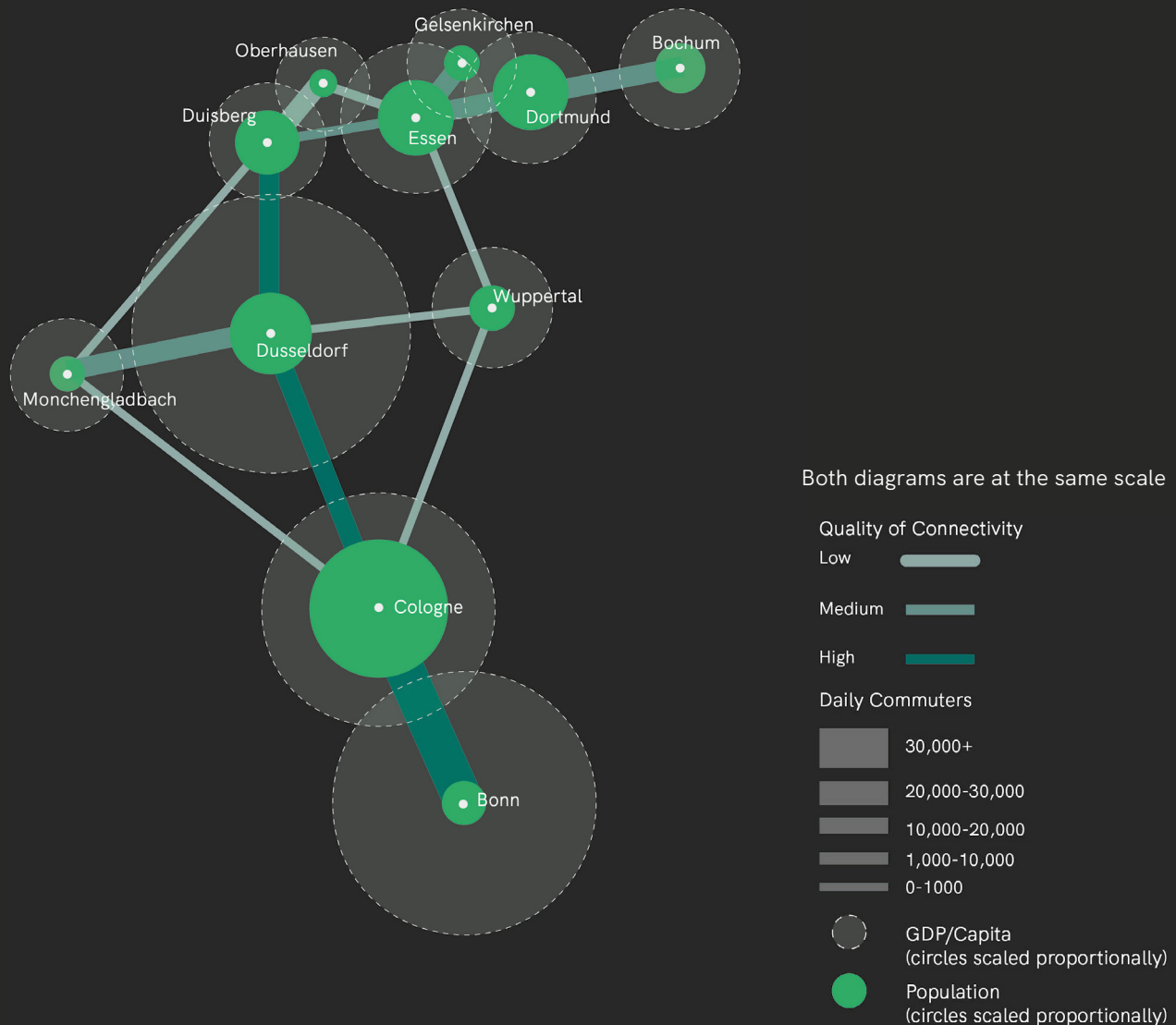
HS2 Phase 1, Midlands Rail Hub, and Northern Powerhouse Rail will all play key roles in unlocking this growth opportunity. If all of these are effectively linked they could deliver a transformation that is greater than the sum of the individual projects.



**FIGURE 6:** Potential value-add of improving productivity in Greater Manchester and the West Midlands. Note: based on OECD data for Functional Urban Areas, which differ slightly from the Combined Authority boundaries. Totals and percentages may not sum due to rounding.

## A tale of two regions...

### Rhine-Ruhr, Germany



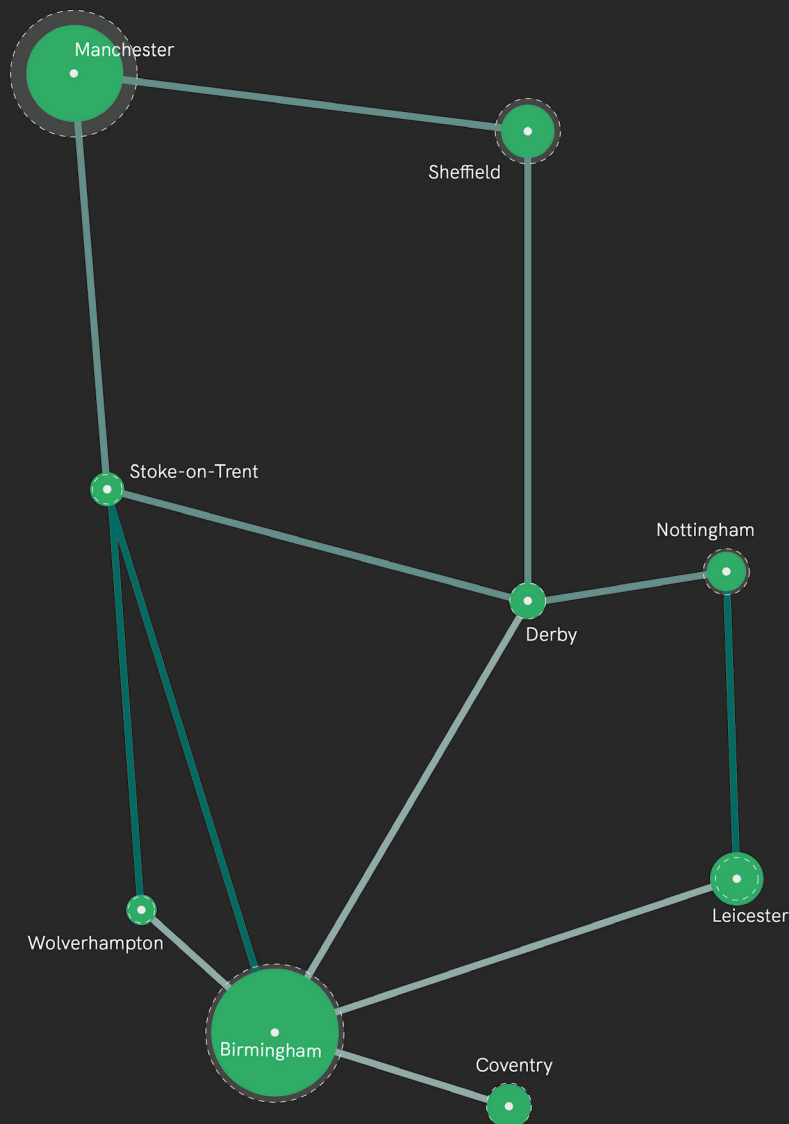
There are many similarities between the UK region centred around the West Midlands and Greater Manchester, and the Rhine-Ruhr region in northwest Germany.

Both are polycentric regions, with multiple nodes of economic and social activity across a series of large towns and cities, each with their own unique identity. Both have roughly equivalent populations (c.11-13 million people). They have similar 'inland' geographies, and are connected by railways, canals, and rivers, with similar distances between the major conurbations. And both

held positions as the industrial heartlands of their respective countries for many decades, before going through a painful deindustrialisation process starting in the mid-20th century.

However, there is one stark difference – the Rhine-Ruhr has become an economic powerhouse, second only to Paris in the EU, with thriving services, exports, technology, energy, logistics and life sciences sectors. Economic output across the region's major cities is roughly 70% larger than across major cities in the corresponding UK region

## Greater Manchester, South Yorkshire and Midlands, UK



(GDP across the Rhine-Ruhr's major cities was approximately £226bn compared to £132bn across the West Midlands and Greater Manchester), with living standards (in terms of GDP per capita) over three times higher.

The Rhine-Ruhr functions as a much more economically integrated place than its UK equivalent, with significant labour flows between towns and cities. Although the places within the Rhine-Ruhr do 'compete' with one another economically, they also have their own complementary specialisms, for example Cologne in the automotive industry, Essen in energy, and Dortmund in technology and digitisation.

This success is due to a wide range of factors, including sustained and consistent policy and investment from the German Government over several decades, spanning skills and education, housing, industrial strategy, and more. But the quality of connectivity between the nodes of this polycentric region has played an essential role in catalysing and sustaining this economic performance. In general, when considering capacity, journey times, and reliability, these German towns and cities are significantly better connected than their UK counterparts.



# Potential design solutions





## Identifying solutions

Having established the serious challenges presented by the new baseline and the corresponding economic consequences and opportunities, our planning and engineering teams turned to investigating potential solutions. We focused this review on improving connections between the principal destinations of Manchester (city centre and airport), Liverpool, Birmingham and London. We have included Crewe in these solutions, given its importance as a rail interchange, role in the regional economy, and regeneration potential.

We thought about how **non-infrastructure interventions** could improve the use of existing infrastructure capacity – such as managing demand through dynamic pricing, or accelerating the deployment of connected/autonomous vehicles (CAVs). Our view is that, although these approaches could certainly play an important role and should be advanced by the transport industry, there are two key limitations. Firstly, the impact is likely to be negligible in the medium-term. Secondly, technological progress and practical deliverability are deeply uncertain. Both of the example measures mentioned above have been discussed for years, but face huge implementation hurdles.

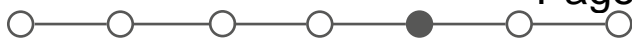
We also considered **road-based options**. The major concern with road expansion, of course, is the impact these solutions could have on our net-zero ambitions, alongside the well-evidenced phenomenon of ‘induced demand’, which simply leads to further congestion. Many major road expansion projects across the UK are currently stalled on environmental grounds. Although road travel is becoming

less carbon-intensive with the growing adoption of electric vehicles and more fuel-efficient conventional vehicles, the carbon impact of travelling by car remains on average ten times as high as travelling by train.<sup>25</sup>

Whether we sought to expand the existing M6 motorway or build new roads, any project would be substantially disruptive and potentially impractical. We considered at a high-level the option of making use of the HS2 corridor for a new road running broadly parallel to the existing M6. A key consideration is that the cross-section of the HS2 corridor varies considerably along its length. At its narrowest, it is roughly 13 to 16m. At most, this could accommodate a single two-lane carriageway, which requires a total of 14.4m. A dual two-lane carriageway requires 26.1m (figures are excluding embankments).

It is also important to note this would be for straight sections of the network; widening is often required for visibility purposes depending on horizontal curvature. Other areas that would particularly need careful consideration to determine how a new road could make use of the HS2 corridor include tunnelled and viaduct sections. There are also specific locations that present greater planning and engineering complexity, for example at Mere Viaduct and the M56 junction 6.

A road-based approach would also do nothing to address the significant rail operational challenges north of Birmingham, set out in the previous section. On balance, our view is that new or expanded roadways are not an attractive approach to solving the connectivity gap between the West Midlands and Greater Manchester.



We therefore focused on a **range of rail-based solutions**, applying three broad approaches: upgrading the existing infrastructure (**Concept A**), a combination of upgrades and some new sections of track (**Concept B**), and an entirely new line (**Concept C**). Within each of these, there are, of course, numerous options in terms of the specific interventions, the ways in which they could be phased or structured, and the service patterns and rolling stock strategy that could be adopted. We have focused this review on identifying the right concept-level approach.

In view of the challenges that the HS2 programme has faced with cost escalation, and with the aim of foregrounding 'affordability' in our analysis, we have developed these concepts with a sharp focus on minimising cost. One aspect of this has been to bear down directly on capital cost through design changes, as detailed below.

Beyond this, acknowledging that risk management between public and private sectors has been a key source of cost escalation, in both designing and evaluating the options we have also sought to maximise and understand their suitability for alternative models of infrastructure delivery that provide a better opportunity to manage these risks. We further explore these new models of infrastructure delivery in Section 4.

**Concept B** and **Concept C** make use of the same route as the former HS2 Phase 2 albeit to different extents.<sup>\*</sup> However, as noted above, we have significantly rethought the design to reduce capital cost. The most impactful changes are the adoption of:



**A lower design speed** – 300kph rather than 360/400kph (still meeting the definition of 'high-speed' and significantly faster than the current WCML, which has maximum speeds of 120-175kph for non-tilting trains such as those procured for HS2).



**A smaller cross-section** – built to British rather than European specifications (requiring smaller works to avoid obstacles and simpler compatibility with the existing and future national network).



**Ballasted track** rather than slab track – we estimate slab track has a capital cost around 70% higher than ballasted track.<sup>\*\*</sup>



**Simplified interfaces** with existing Network Rail infrastructure, particularly around Crewe.

\* Using the route planned for HS2 Phase 2 would enable delivery up to three years faster than otherwise, and make best use of the effort already expended and the impacts already felt which would otherwise be wasted. Our view is that this is still the best route, as it is based on in-depth reviews over many years and offers the best balance across cost, benefit, environmental, deliverability, local impact, and other factors.

\*\* The decision to use slab track for HS2 was based on an analysis of whole-life costs, taking into consideration the long-term maintenance regime required to support the intended frequency, size and speed of HS2 trains. The trade-offs between upfront capital costs and whole-life costs would similarly need to be analysed in detail for this scheme, as part of finalising the delivery and funding model for the project.

Alongside these changes to the design specification, we have also considered enhanced use of repetition in design and modern methods of construction to further drive costs down.

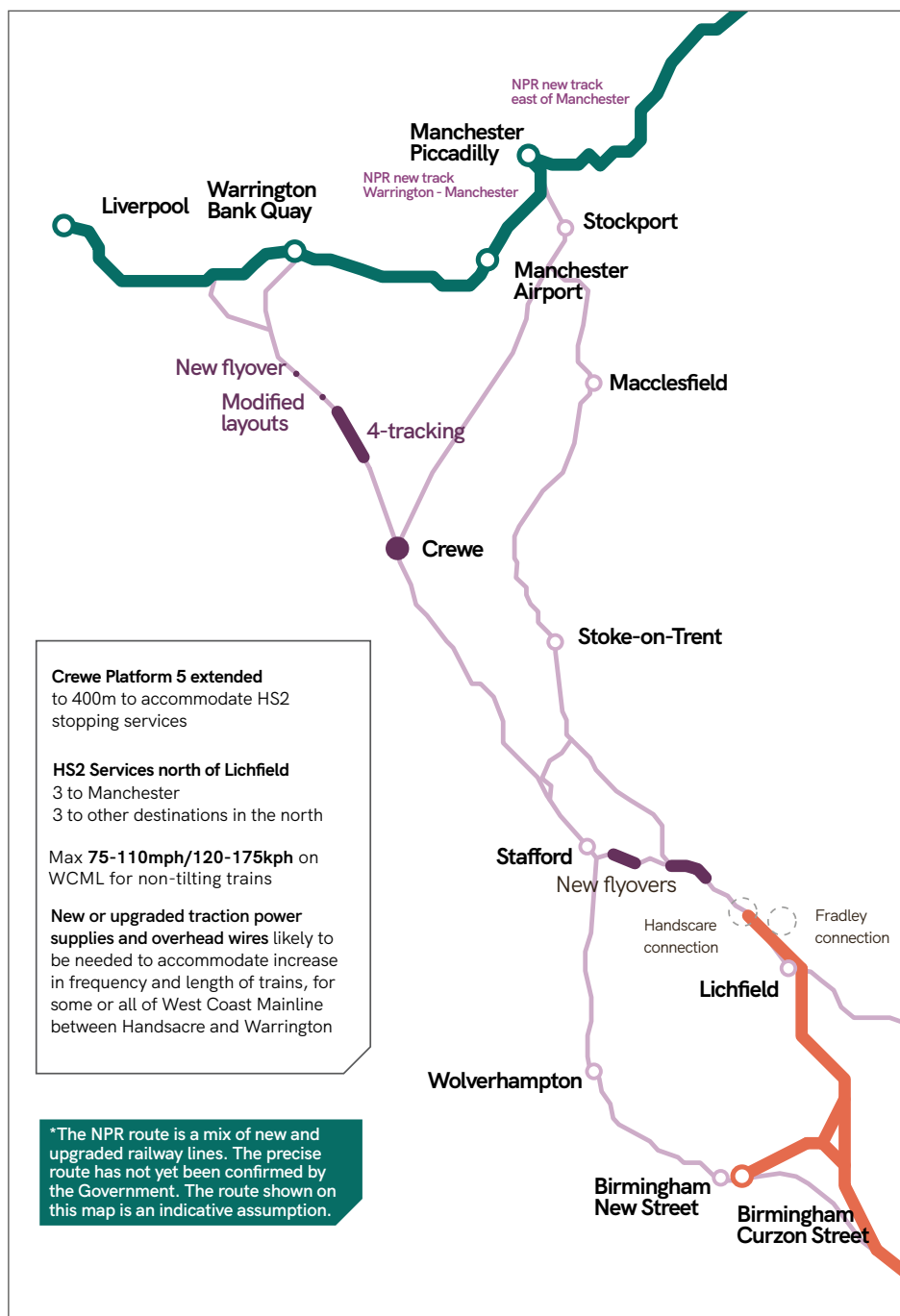
These choices collectively mean less land take, fewer and smaller earthworks, less imported material, fewer and simpler structures, reduced power equipment, less noise mitigation, and simpler tunnel portals, among other factors that reduce cost.

The cumulative impact of these changes may also mean that some of the 'undertakings and assurances' agreed under the previous planning consents may no longer be necessary, which could further lower costs. (Any such changes have not been analysed

in this early-stage review, and nor has the process of amending these undertakings and assurances been assessed in detail.)

It should be noted that we have focused primarily on different infrastructure solutions for solving the connectivity challenge. There are, however, a number of corresponding operational decisions that can then be made in terms of the specific services using this infrastructure – the routes, frequencies, and stopping patterns – as well as how the mix of existing and future rolling stock could be deployed to optimise capacity and journey times. Several industry experts, such as Chris Gibb, have been putting forward creative, credible ideas in recent months, which should be considered in tandem with our proposals.

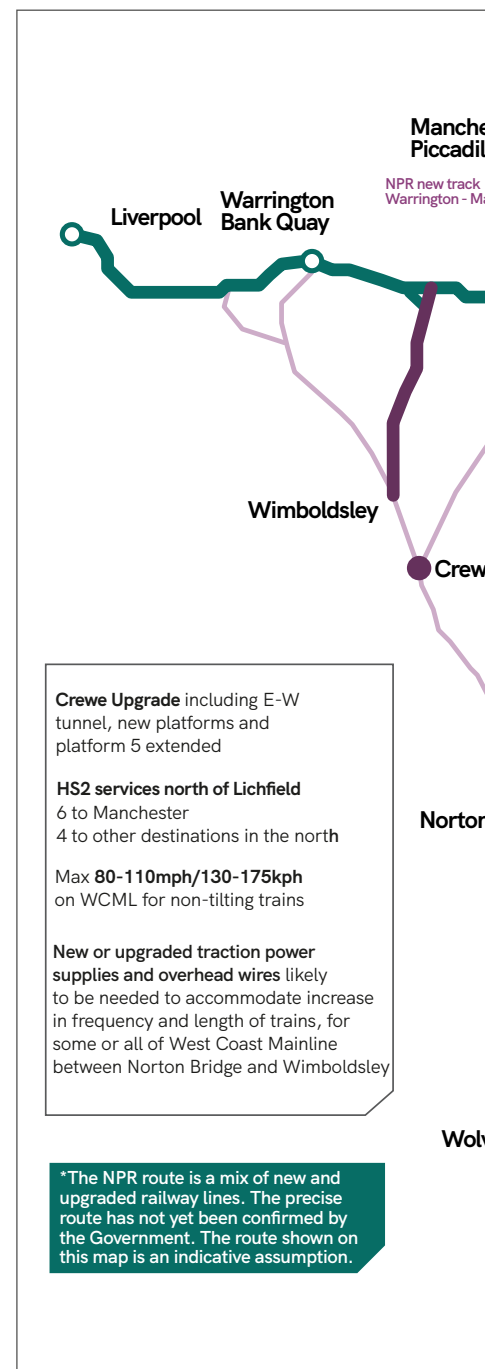




## Concept A

### UPGRADE EXISTING INFRASTRUCTURE

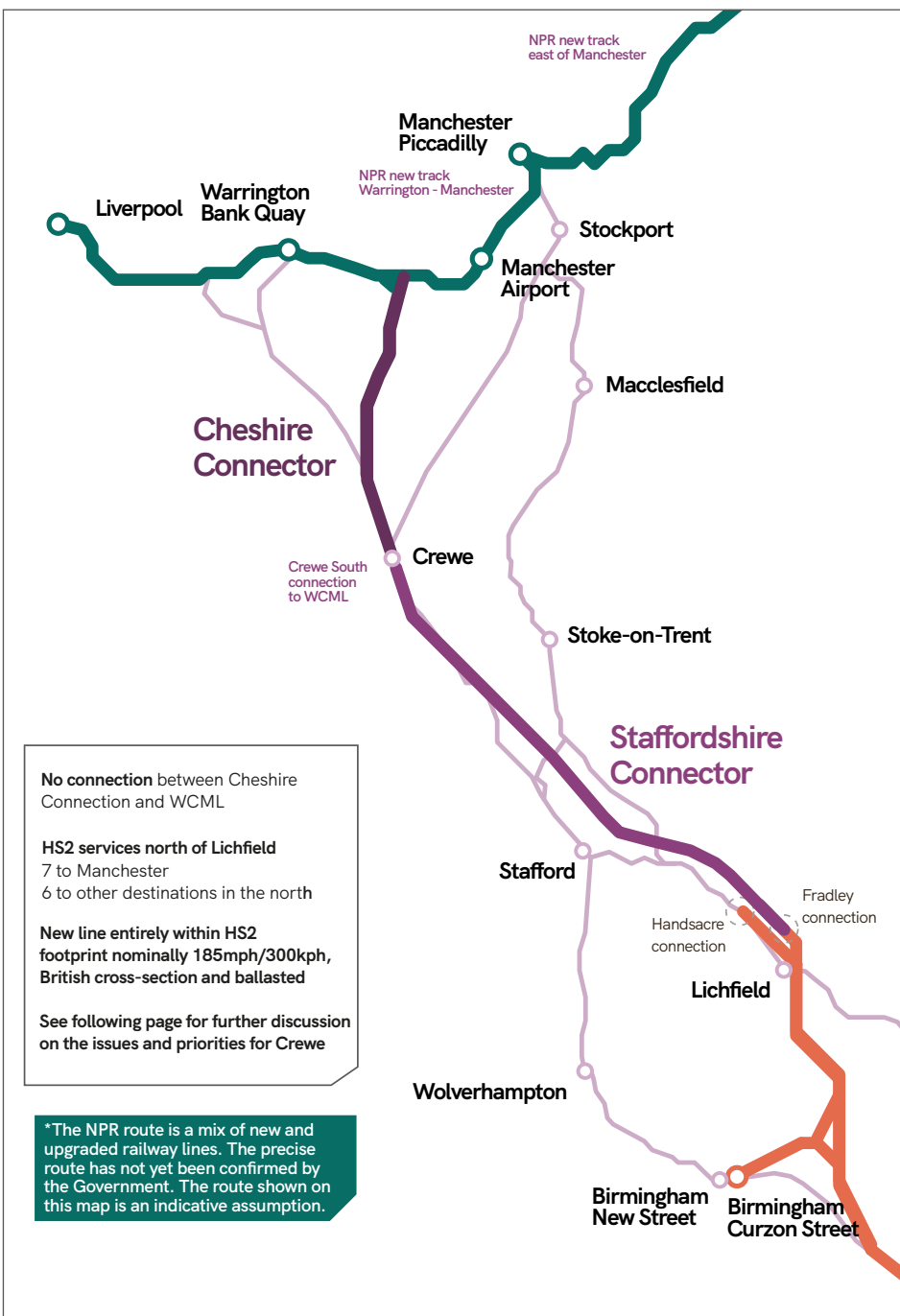
Package of major projects on the existing rail network to address key bottlenecks.



## Concept B

### A MIX OF UPGRADES AND BYPASS

New bypass segments to avoid the and challenging-to-upgrade section Coast Main Line.



### Concept C

#### AN ENTIRELY NEW RAILWAY

Maximise capacity on the corridor through a new railway, utilising a different design specification than HS2.

- Northern Powerhouse Rail (NPR)
- West Coast Main Line
- HS2 Phase 1
- New proposed infrastructure

## ASSESSMENT SUMMARY

We examined the three concepts against a comprehensive set of criteria, making use of both quantitative and qualitative data and analysis. The key conclusions of our assessment are shown below.

- Positive
- Neutral
- Negative


	CONCEPT A Upgrade existing infrastructure	CONCEPT B A mix of upgrades and bypasses	CONCEPT C An entirely new railway
 Benefits	<p>● Delivers marginal additional capacity and service improvements. Limited opportunity for additional local services or freight paths. Would not unlock full NPR/HS2 Phase 1 benefits or catalyse significant levels of economic growth.</p> <p>Potential benefits of c.10-20% of previous HS2 scheme.*</p>	<p>● Significant improvements to capacity and journey times between principal destinations compared to Concept A. To realise similar benefits to Concept C, the WCML would be heavily utilised with lower network reliability and potential disbenefit to non-HS2 services. No released capacity north of Stafford.</p> <p>Potential benefits of c.60-70% of previous HS2 scheme.*</p>	<p>● Greatest impact on overall network capacity and performance as well as services between principal destinations. Maximal catalyst for regional economic growth and realising the full potential benefits from the two projects it connects (NPR and HS2 Phase 1). Releases significant capacity for freight services on the WCML, as well as for additional localised passenger services, benefitting communities not served by the new line.</p> <p>Potential benefits of c.75-85% of previous HS2 scheme.*</p>
 Deliverability	<p>● Complexity of working on existing, heavily-utilised line forces a trade-off between significant disruption (major, sustained and deeply consequential impacts to passenger and freight operations) or a very prolonged implementation programme (several decades). These trade-offs are likely to be unacceptable at a time when the economy urgently needs connectivity improvements, not deterioration.</p>	<p>● The upgrade needed at Crewe (including an east-west tunnel) and the connections to the WCML are likely to be very disruptive to deliver, requiring a 12-week blockade of the WCML. Delivery would be highly complex with associated programme and cost risks. Requires new planning consents and land acquisition powers.</p>	<p>● More deliverable than Concepts A and B with use of planned HS2 Phase 2A route, including significant land already acquired and planning consents in place. Potential options for consenting the northern segment (former Phase 2B) as part of NPR programme, and safeguarding of this land is currently in place. Proposed north-south tunnel at Crewe less disruptive to WCML services.</p>
 Capital Cost	<p>● c. 20-30% of capital costs than previous HS2 scheme.** However, this is likely to have significant operational costs, due to the long-term disruption required to deliver these upgrades. These have not been quantified at this stage but are likely to be substantial.</p>	<p>● c. 50-70% of capital costs of previous HS2 scheme.** As with Concept A, potential for additional unquantified operational costs due to disruption caused to current passenger services on the WCML.</p>	<p>● c. 60-75% of capital costs of previous HS2 scheme.** More expensive than Concepts A or B, but significantly cheaper than HS2 Phase 2 through strategically optimised specification, described on previous pages.</p>
 Commercial Appeal	<p>● Would not be viable or attractive to private investors due to the lack of a revenue stream and risks of on-network works; there are no comparable precedents for this model elsewhere.</p>	<p>● Less suitable for private investment compared to Concept C, given the delivery and access risk of the additional interfaces with Network Rail infrastructure; however, appropriate mitigations could be put in place to make this option more attractive to investment.</p>	<p>● Offers conditions to attract private investment through a fully segregated end-to-end railway, de-risked through existing land and planning consents for the initial phase of the route, and uses a delivery model that brings in wider efficiencies and innovation.</p>

FIGURE 7: Options assessment: key conclusions

## SUMMARY CONCLUSIONS

### ● CONCEPT A

#### Upgrade existing infrastructure

This approach would be unlikely to represent value for money given the high capital and operational costs relative to the small local and wider economic benefits. This approach is likely to be undeliverable in practice, given the required blockades and severe impact on existing services that would be experienced over a long time. Funding for this option could only realistically be in the form of Government capital grants to Network Rail.

Concept C will deliver most of the transformational benefits in capacity and connectivity that the original HS2 line would have delivered (equivalent seat numbers and train frequencies), at a substantially lower cost and only marginally slower journeys (approximately 15 minutes longer on the London to Manchester route, which is still 30 minutes faster than today's services).

### ● CONCEPT B

#### A mix of upgrades and bypasses

Lower benefits compared to Concept C and potentially lower capital costs; however costs may ultimately be quite similar given the complex interfaces with multiple parts of the existing rail network. Issues related to operational reliability remain, and there are significant challenges with deliverability.

This is preferred over Concept B due to the relatively minimal difference in costs between the two, compared to Concept C's greater benefits and much stronger suitability for attracting private finance.

### ● CONCEPT C

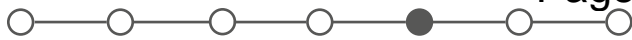
#### An entirely new railway

Offers the highest net benefits, with a step-change in capacity, travel time improvements, and network performance. This would cost less than the previous HS2 scheme and would be attractive to private investors as an 'end-to-end' greenfield scheme that minimises complex interfaces with existing network assets.

Concept C would also save the taxpayer £2bn on costs from the HS2 Phase 2 cancellation by re-using much of the land, powers, and design work already secured through public investment. Concept B would be able to make only minimal use of these 'sunk' costs.

\* Based on pro-rating journey time savings from HS2 Phase 2a and 2b business case, not new economic modelling. Excludes crowding benefits.

\*\* Comparison based on last published HS2 Phase 2 Statements of Expense, adjusted to common base date and optimism bias. The NPR and Golborne Link segments of the HS2 Phase 2 costs have been omitted to enable a more direct comparison for this segment from Handsacre to High Legh. Includes costs for addressing challenges at Crewe, but does not include net additional costs to NPR or London Euston that may be required to accommodate additional north-south services.



## Recommended path forward

Our review has concluded that the best path forward is Concept C: a new rail line, approximately 80km in length connecting Lichfield to High Legh (and thereby linking HS2 with NPR) to create the **Midlands-North West Rail Link** (MNWRL).\*

The MNWRL consists of two major segments – a Staffordshire Connector that runs south of Crewe, and a Cheshire Connector north of Crewe. This new line would connect with the end of the current HS2 network at Fradley and provide a direct link into the proposed NPR alignment at High Legh, thereby connecting directly into Manchester and beyond.

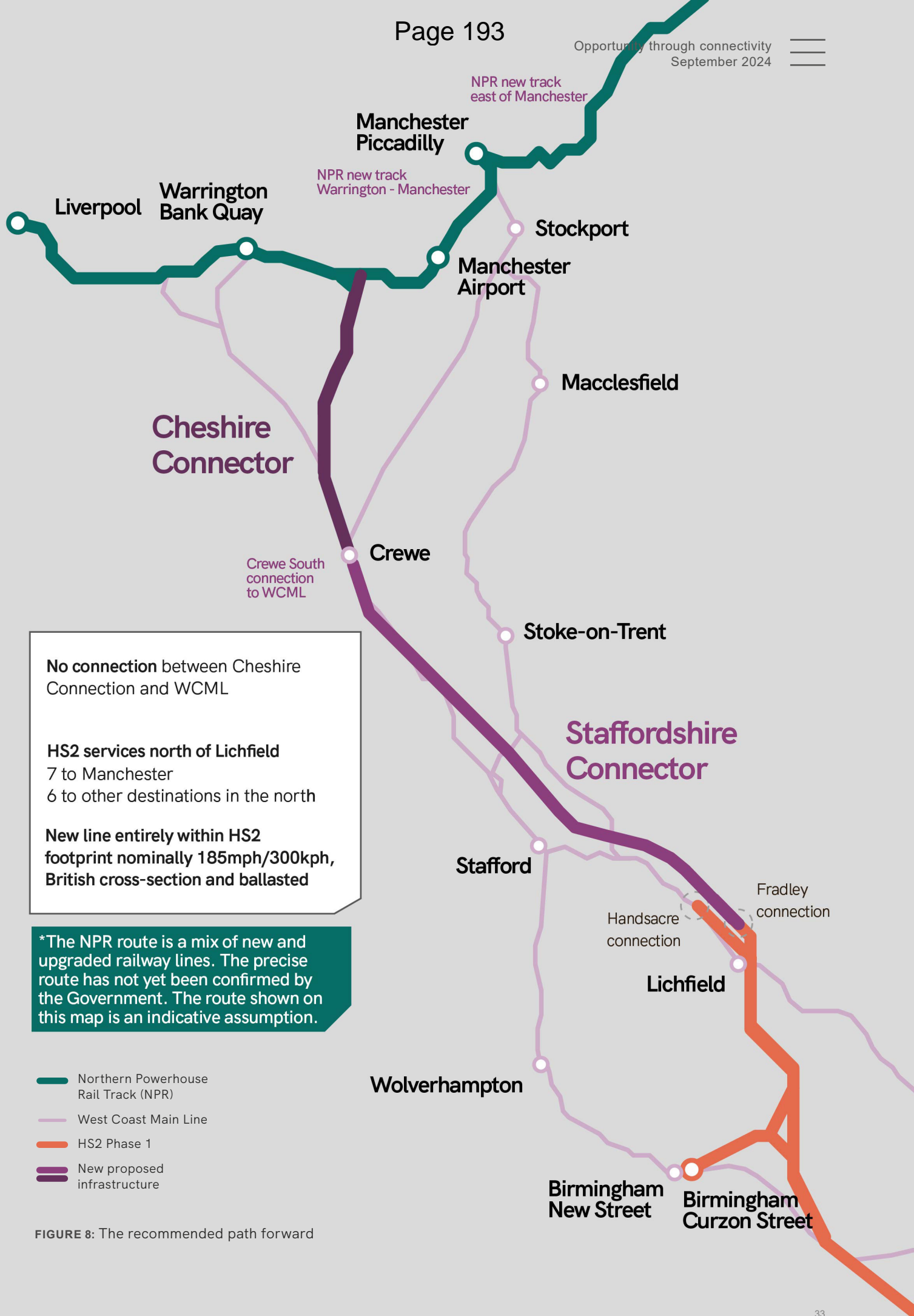
These two segments should be delivered in a staged manner, allowing for the progressive release of benefits (further discussion on this point follows later in this section). It would also make full use of more efficient delivery mechanisms through repetition of design and modern methods of construction.

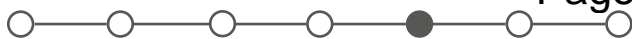
The Staffordshire Connector would make use of land and powers already secured for HS2 Phase 2A, while the Cheshire Connector would require land north of Crewe to be secured through either the NPR Bill(s) or a bespoke consent for this segment only.

These two connectors will need to 'join' in Crewe. Today, Crewe is a complex web of tracks, platforms, freight yards and sidings, with a mix of passenger and freight trains moving in multiple different directions at uneven times.

Any solution to increase north-south capacity through Crewe will be expensive and disruptive, and requires more detailed development work with Network Rail and local stakeholders to resolve the deep-seated challenges in this part of the railway. Our approach leaves open several options, including a dedicated a north-south bypass for through-trains.

\* As noted in the baseline assessment, the analysis undertaken for this review makes an assumption that HS2 Phase 1 is delivered in full, including connecting to London Euston Station, and ensuring Euston is appropriately sized to accommodate additional services running north of Birmingham. We also assume Northern Powerhouse Rail is delivered as per the previous Government's commitments, with Manchester Piccadilly also able to accommodate additional north-south services.





## Opportunities for freight

The West Coast Main Line is a key artery for freight in the UK and is critical to the supply chains of businesses up and down the country.

The Midlands 'Golden Triangle' is the UK's pre-eminent logistics hub, receiving and distributing goods and materials across the country. Because of the WCML's strategic position in relation to the Triangle – connecting it to large urban centres, the main deep-sea container ports in the south of England, and other major ports in Wales, the North-West, and Scotland – this section of the railway is a critical linchpin of the UK's freight strategy.

Over 40% of the UK's rail freight uses the WCML at some point on its journey, making it the busiest rail freight corridor in the UK, and one of the busiest in Europe. There are currently up to 78 freight trains per day in both directions on the busiest section between Stafford and Crewe. Hams Hall, just east of Birmingham, is the UK's busiest rail freight interchange.

Much of the freight on the WCML uses the large marshalling yard at Basford Hall near Crewe, where trains are marshalled or stabled for onward journeys, or simply pass through to avoid lines running through the congested Crewe station.

As discussed earlier in this report, the cancellation of HS2 Phase 2 created a significant capacity problem for the WCML north of Lichfield, resulting in the future inability to provide for increased freight services that will be required to support sustainable economic growth across the North, Wales, and Scotland.

The creation of a new rail link between Birmingham and Manchester will address this major constraint, and by moving some passenger services to the new line, it will open up additional freight paths on the WCML. This will greatly contribute to the Government's target of 75% rail freight growth by 2050, a key pillar in reducing carbon emissions from transport.

An example of the far-reaching freight benefits delivered by the Midlands-North West Rail Link would be to improve access to strategic rail freights sites at Intermodal Logistics Park (ILP) North and Port Salford. This could help support wider ambitions to optimise freight terminal locations across the North West, alongside accommodating future freight growth. Paired with other interventions, this could also support the removal of some freight services from the rail network in central Manchester where they impact on passenger trains.

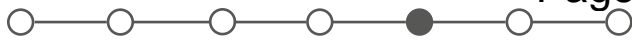
**The Transport for the North Freight Strategy (2022) states that, 'the whole network in central Manchester is severely congested which causes extremely high levels of delays to train services, giving Manchester 20% of the locations with the worst train delays in Britain.'**

Through the provision of additional paths and junctions on the WCML to either or both of ILP North and Port Salford, the centre of Manchester could be bypassed by freight trains, which would improve the performance of the rail network through the city and across the North of England, benefitting passengers through more reliable services.

- West Coast Main Line
- UK Motorway Network
- UK Railway Network
- UK Freight Traffic Flows
- Intermodal Rail Freight Terminal
- UK Golden Logistics Triangle



FIGURE 9: UK Rail Freight Network Traffic Flows



## Incremental delivery of a modern rail network for the North and the Midlands

The **Midlands-North West Rail Link** can be aligned with the wider programme of rail projects to form an integrated programme of delivery for the next two to three decades. There is an opportunity to sequence these programmes, starting with HS2 Birmingham to London and the Midlands Rail Hub being delivered now; our proposed Staffordshire Connector and upgrades to existing NPR lines entering into delivery stages in the next few years; and then the NPR 'new lines' and our proposed Cheshire Connector coming on-line in parallel to 'complete' the network.

This approach will provide benefits by realising some outputs early, delivering surety of pipeline to the construction industry (which in turn will reduce costs), staggering cash outlay, and giving appropriately-sized tranches for private sector investment (see next section).

This approach draws inspiration from the model used on other major rail programmes. For example, the Thameslink Programme of the 2000s and 2010s staggered costs over many years by being separated into a series of infrastructure improvements that each led to key outputs. This allowed progress to be made on platform widening, links between existing lines, new station boxes, and, later, major upgrades at existing stations.

Each time another increment of infrastructure was delivered, a step-up in service was unlocked across the whole network, with the cumulative impact at completion being much greater than the increments. Similar approaches were taken on the WCML upgrade of the early 2000s, Manchester Metrolink expansion, and development of the London Overground network.

Taking account of the current status of plans for the wider rail network, existing consents and planning/design work, and committed investments, our recommendation is that the **Midlands-North West Rail Link** should be a single project, committed to in full, but delivered in two stages:

**Stage 1.** The segment between Lichfield and Crewe (the 'Staffordshire Connector') should be delivered now, utilising the powers contained in the High-Speed Rail Act 2021 (which granted the necessary consents for the prior HS2 Phase 2a). Delivering an early increase in passenger capacity, as well as reducing journey times, this new link would also provide more options for freight south of Crewe and improve reliability in the Stafford area. It would ensure the work completed, land acquired, and trains procured to-date can be used, avoiding loss of value from that investment.

We do not recommend the Staffordshire Connector as an end-state in itself, as the northern section is required to fully unlock transformational capacity and journey time benefits. But as a first step to delivering the MNWRL, this stage would send a powerful message of confidence to the Midlands and North West and the rail industry. It would revive local investment plans, for instance at Crewe. Proceeding quickly with the Staffordshire Connector would also enable more effective delivery of both this line and Northern Powerhouse Rail, as the skills and supply chain from HS2 Phase 1 could be leveraged more readily.

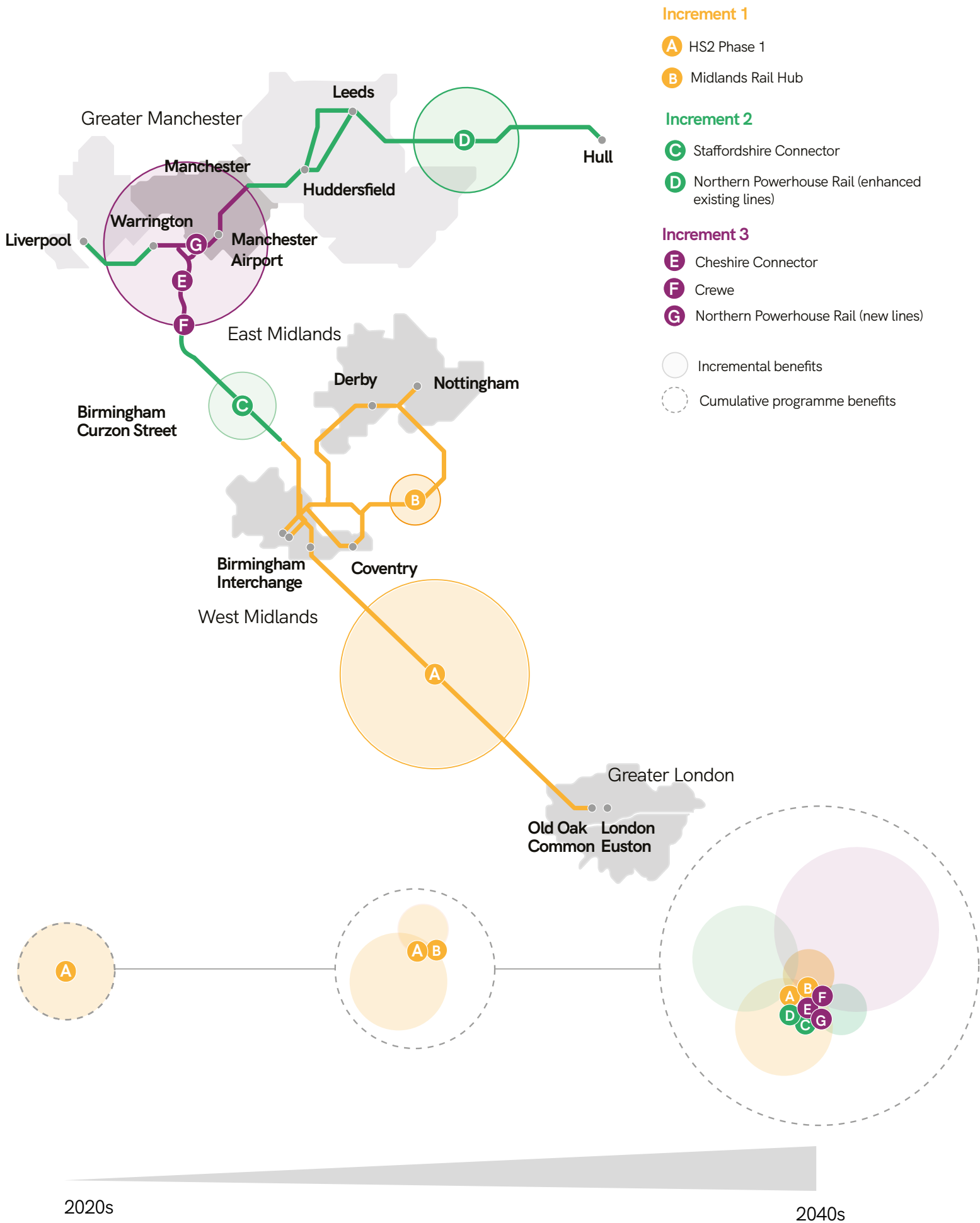


FIGURE 10: Conceptual incremental delivery approach

**Stage 2.** Design and planning for the ‘Cheshire Connector’ – the northern segment of our proposed scheme – should be progressed now so that it can inform key design specifications for the NPR project (see below) and open at the same time. The most efficient and expeditious approach would be for a combined NPR and Cheshire Connector solution to be designed, consented, and delivered as an integrated package.

Sequencing the Staffordshire Connector and the Cheshire Connector in this way will allow both sections to capitalise on the benefits of the other major rail enhancement programmes, and vice versa. In this way, the sum of the benefits as a whole, across all programmes, will be greater than its parts.

It is important to note the full potential of this integrated programme of improvements depends on designing the relevant sections of NPR to accommodate north-south services (i.e. trains coming from London and Birmingham

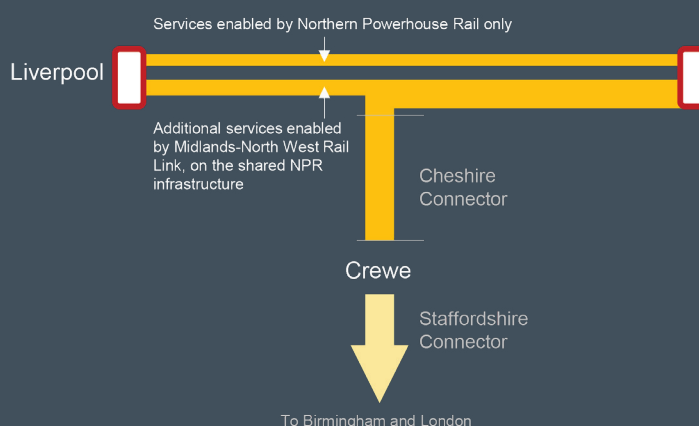
into Manchester Piccadilly using the new NPR lines), alongside the east-west trains from Liverpool and Leeds. The previous Government’s announcements on NPR would not have allowed for this.

However, the infrastructure required to integrate north-south and east-west services in future (such as increasing the number of platforms to accommodate more frequent trains, and lengthening them to accommodate 400m trains) would be substantially more expensive and disruptive to build once NPR moves beyond the design stage. Closing off this opportunity now could risk fixing a sub-optimal solution for generations.

We recommend as a critical priority that the new Government work with the Metro Mayors and other industry stakeholders on an integrated consenting, phasing and delivery plan for rail enhancements across the Midlands and North, building on the staged concept set out in this report.

## NPR +

Aligning NPR with the Cheshire Connector – from a design, delivery, and operational perspective – would substantially enhance the business case and economic impacts for both projects. This would result in potentially significant cost and timescale efficiencies and open up new funding strategies.







# An alternative model for funding and delivery



## We need a new approach to delivering major infrastructure in the UK

The final question we sought to address concerns the appropriate delivery and funding model for the Midlands-North West Rail Link. Our starting point is that a new approach is needed, as it is evident that a 'business as usual' approach is not going to get this project off the ground.

The key challenge that needs to be addressed is the high cost of delivering infrastructure, and particularly transport. According to a recent review by BCG...

*'...the UK performs poorly in terms of unit costs when it comes to rail and road: the UK's absolute unit costs are higher than all other peer countries in our dataset.'*<sup>26</sup>

We have already looked at how we can reduce the cost of this new rail line by reconsidering the scope and design solutions. However, there are wider project and industry-level challenges that also need to be reviewed and addressed (see table below).

While the HS2 project has to some extent typified all of these challenges, many are systemic in nature, and collectively they have contributed to a delivery environment that is no longer meeting the nation's needs. Our economy is hamstrung by a backlog of unmet infrastructure requirements stretching back decades. The Resolution Foundation estimates we need to spend £40bn per year over two decades simply to deal with this backlog.

This analysis leads us to the conclusion that not only is an alternative approach needed for the MNWRL, but that such a model could also serve as a means to unlock the UK's chronic infrastructure investment gap.

PROJECT-LEVEL CHALLENGES	WIDER SECTOR CHALLENGES
<ul style="list-style-type: none"> <li>Sponsors often set highly prescriptive design and output specifications (rather than an approach that is based on delivering specified <b>outcomes</b>) that curtail scope for innovation and efficiency, and limit the ability to mitigate downstream risks as they materialise.</li> <li>Scheme creation typically takes place with the private sector at arms-length, resulting in a solution optimised towards non-commercial outcomes or objectives, which fails to adequately take account of the practicalities of operations and maintenance.</li> <li>Extensive design variations from project sponsors – the inevitable product of the above issues – further push up the cost of delivery.</li> <li>Extensive and bespoke commitments are often made to local stakeholders during the planning consents process, driving up capital costs from original estimates and creating the need for complex and costly administrative structures.</li> </ul>	<ul style="list-style-type: none"> <li>Despite efforts to streamline and build more certainty into the infrastructure planning process, promoters face an environment that can be unpredictable and inefficient. Delays, duplication, and indecision push costs upwards and lead to abortive work.</li> <li>The arms-length bodies that oversee delivery are very often bespoke organisations created (at significant cost) for individual projects, and without a plan to transition to subsequent projects, hard-won experience and institutional knowledge is not effectively carried forward to subsequent programmes.</li> <li>A lack of stability in our public policy environment creates deep uncertainty that stymies investment. In the absence of a clear infrastructure strategy that ensures decisions taken today are not simply reversed a few years down the line, our ability to compete for international investment in infrastructure is undermined.</li> <li>In turn, the absence of a clear long-term pipeline inhibits contractors and manufacturers, along with other crucial links in the supply chain, from investing with clarity and certainty. Inevitably, this drags on efficiency, labour stability, skills development, and institutional memories, which eventually manifest as higher project costs.</li> </ul>

## Harnessing private sector expertise, innovation, and capital to drive efficiency

Above all, we believe the model for the MNWRL must be founded upon greater engagement of private sector expertise and innovation in scheme design and delivery, helping to drive efficiency and lower capital costs. Doing so would also make it easier to effectively optimise the scheme to attract private capital, which can mitigate up-front Government outlays.

Many nations, including the UK and others across Europe and Asia, have relied on significant private capital to deliver major infrastructure projects. We have reviewed 26 precedent projects (the vast majority from the rail sector) to learn from the successes and – importantly – the failures. This analysis informs the conclusions and recommendations throughout this report.



FIGURE 11: International precedents for private investment in infrastructure



The benefits of an enhanced role for the private sector in these projects comes down to four key factors:



### AFFORDABILITY

Reduces pressure on finite Government capital budgets and overall debt, enabling greater quantities of infrastructure to be delivered in less time.



### COST CONTROL

With overrun risk appropriately transferred, the contractor is better incentivised to drive down cost during design and construction. Costly variations and stop-starts can also be avoided.



### TIMELINE

Rail projects with more private sector involvement are typically delivered faster. This not only brings forward benefits but also revenue, and it mitigates cost inflation impacts.

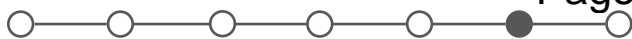


### RISK MANAGEMENT

Carefully structured contracts struck early in design development allow downstream risks to be identified and controlled, incentivising good behaviours around delivery to quality, time and budget.

Despite these benefits, the use of these models has a mixed history in the UK, and has broadly fallen out of policy favour in most sectors as a result. These include concerns about long-term value for money, given that these deals are often more costly to the public sector over the long-run; and the difficulty in both sides understanding, forecasting, and pricing risk effectively, which could lead to either the public sector getting a 'bad deal', or the private sector partner taking on too much risk and ultimately collapsing.

However, there have been important successes (such as the M25 DBFO) alongside the challenges and failures, and we have learned from both to develop a model fit for the changing opportunities and challenges now confronting us. Both the Welsh and Scottish Governments have recognised the need to embrace PPPs again through their use of the Mutual Investment Model. We should be considering similar approaches again in England.



## Attracting private finance to the Midlands-North West Rail Link

Our review of global precedents has enabled us to understand some of the key ingredients for successful partnership with the private sector on major rail projects. Although there are no schemes that offer an exact parallel to the MNWRL, these insights have supported our efforts to design a preferred concept that is well-suited and attractive for private investment. Characteristics of the MNWRL that make it well-suited and attractive for investment include:

- **It makes use of greenfield land and would operate as a clearly segregated asset.** This enables a clear 'definition' of the project, and minimises and simplifies interfaces with other networks. This has proven to be a crucial ingredient for successful privately-financed schemes<sup>27</sup>
- **It occupies a corridor with demonstrated strong levels of travel demand** over sustained time period, connecting major urban centres, which reduces revenue risk and provides confidence over long-term investment repayment.
- **It would be a relatively straightforward project to deliver.** The distance is only c.80km and the engineering is well-understood; our design solution further de-risks and simplifies the engineering compared to the previous scheme. Serious complexities remain at Crewe however, and the interaction between this scheme and those improvements would need further detailed evaluation with Network Rail.
- **The project is split into two proposed tranches.** The Staffordshire Connector first, then the Cheshire Connector – which should reduce debt requirements. The two connectors can be phased sequentially, and the Staffordshire Connector can standalone in the interim period before the Cheshire Connector comes online, with fully viable operations and demonstrable economic benefits.
- **The Government has already substantially de-risked** delivery of the Staffordshire Connector, having acquired significant portions of the required land and secured planning consents via the HS2 Phase 2A Act, mitigating a key source of uncertainty.\* As noted in the following sections, we are proposing a blended funding approach where Government will continue to be a funding partner in the project.

Several of these characteristics are similar to the Tours-Bordeaux high-speed rail project in France, which provides a successful precedent for significant private investment in major new rail schemes (see below). Provided there is political will to create an investable structure, underpinned by clear requirements and balanced risk allocation, we believe there is a clear role on this project for private finance.

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\* The Phase 2A Act also imports some cost risk and complexity through various commitments made to stakeholders through the planning process. Review of these commitments and the extent to which they could be adjusted in light of the new proposed design is beyond the scope of this initial review, but should be undertaken as this process moves forward.



There are broadly two models for private investment in infrastructure:

1. Availability and/or performance payments
2. Track access charges; investment recovery charge; passenger fees etc.

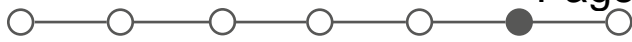
Either of these models could be considered for the MNWRL. The fundamental difference is which party (Government or the private sector) retains farebox revenue risk.

We are not recommending a specific model for the MNWRL at this stage. Determining the optimal approach will require more detailed analysis of the project's financials, and iterative choices across several variables

including capital and whole life costs; public sector funding constraints and priorities; allocation of demand, construction, and interface risk between parties; and project packaging. This will all need to be further assessed as this scheme progresses, including through market soundings with global investors.

However, we are confident that a well-optimised project would attract sizeable investment. There is **investor appetite for well-structured projects** in the rail sector, as our case study review has shown, including several projects which have secured investment in the £3-5bn range.

CATEGORY	WHO HOLDS REVENUE RISK?	DESCRIPTION	EXAMPLES	COMMENTARY
<b>Availability and/or performance payments</b>	Government.	Private investors finance the design and construction of the line (and potentially operations/maintenance). They are paid back over time through regular payments from the public sector based on availability and performance of the infrastructure.	HSL Zuid, Sydney Metro North West, Ontario Line Subway, UK PFI projects.	Although not currently in policy, availability payments would allow a greater amount of private finance to be raised, and this model is broadly preferred by the market. This is effectively moving a short-term capital expenditure pressure to a long-term revenue expenditure commitment. In the long-run, this approach could be more expensive for Government, but it would allow for earlier delivery of critical infrastructure.
<b>Track access charges; investment recovery charge; passenger fees; etc.</b>	Investors (but likely with some form of usage guarantees from Government, which may transfer this risk in-whole or in-part).	As above, but investors are paid back over time by train operators and/or passengers, who pay for use of the privately-financed infrastructure (e.g., through a charge-per-train path, or a surcharge on the ticket fare).	HS1, Tours-Bordeaux TGV.	This approach passes the initial burden to those that receive the most benefit from the project, i.e. the users. The key risk is the level of demand (patronage) that will be realised over time and therefore the scale of the revenue stream. Revenue could also be captured from station operations as part of this approach, for instance through retail leases.



## A blended funding strategy that reflects project benefits

HS2 was to be entirely funded through central Government grants. However, we do not think this approach is plausible for the MNWRL, given the constraints on HM Treasury. The exact proportion of private finance would need to be determined based on the factors set out above, but 100% private sector financing is uncommon for major rail schemes, due to the typical scale of underlying revenue streams and project risk profiles.

This means that, as in the Tours-Bordeaux project, a blended approach will be required to fund and finance the MNWRL.

In recognition of the diverse array of economic benefits these schemes generate, it is now common practice around the world to bring together a broader range of public funders with private funding sources to support delivery of major transport projects.

### PRIVATE SOURCES

In the previous section we have set out why we believe the MNWRL would be attractive to private investors, and how this might be structured. This has been further reinforced through preliminary conversations our consortium has held with the investment community.

We acknowledge the approach we are outlining here would require a review, and potential reconsideration, of existing Government accounting rules pertaining to public-private partnerships (PPPs). Under current rules, most PPPs would likely be considered to be 'on-balance sheet' as public sector borrowing (and 'scored' as capital expenditure), due to the revenue risk carried in whole or in part by the Government.

Given the changing political and fiscal climate in the UK, and the successful application of PPP models for rail projects elsewhere, we believe now is the right time to reopen a dialogue with HM Treasury about the appropriate accounting treatment for partnerships with private investors.

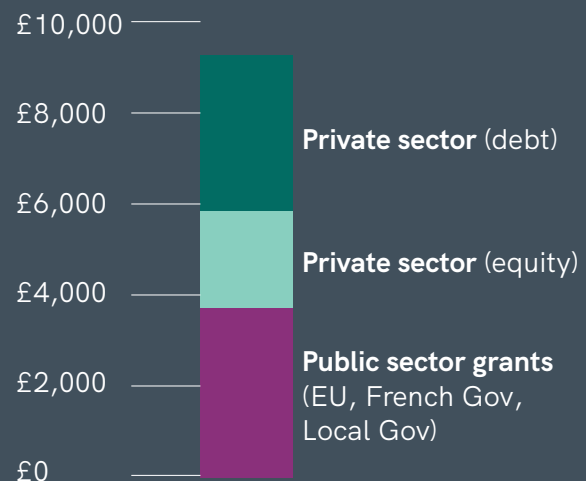
## CASE STUDY

**Tours-Bordeaux TGV (France) funding model**

The Tours-Bordeaux HSR line runs between Paris and Bordeaux alongside an existing conventional railway. The line was constructed by the LISEA consortium (VINCI, CDC Infrastructure, SOJAS, and AXA Private Equity) who is contracted to own, maintain and operate the line over a 50-year concession period.

This project is owned by LISEA which financed c. 49% of the project's total value through equity contributions from shareholders and raising debt from the European Investment Bank (EIB) and commercial banks. The remaining amount was raised through significant contributions from the French Government, EIB and Réseau Ferré de France (later SNCF), local communities and the EU. Significant portions of the private debt are also guaranteed by the French Government.

LISEA bears all risk associated with the infrastructure during the concession period, including financing, construction, maintenance and revenue risk. Critically, the passing of revenue risk to the LISEA entity is supported by a set schedule of SNCF-operated trains (French state operator) over the tracks, providing a perceived reduction in revenue risk associated with this line.



Simplified funding model breakdown



## LOCAL SOURCES

Our review has identified the potential for significant economic benefit to be generated along this corridor. These will flow to local landowners, businesses, and the wider community.

There are various ways in which local funding could be raised to support the project, linked directly to this uplift in economic activity including:

**Business rates:** A portion of the net-increase in business rates that is directly attributable to the project (i.e. which would not have been 'generated' if the project was not delivered) could be ringfenced over time, and used to repay upfront financing to support the capital works.

These types of mechanisms were used successfully for the Northern Line extension to Battersea and London's Crossrail.<sup>28</sup> As Greater Manchester and the West Midlands already retain 100% of their local-raised business rates for ten years under the 'Trailblazer Deals' agreed in 2023, this approach would require careful analysis on the genuine 'uplift' created by this scheme, so as not to impact important local services and investments being funded through the existing deals.

**Property development:** Another potential local funding source could come from property development along the corridor, in particular in station areas and on publicly-owned land. Potential contributions could also be sought from planning contributions and section 106 obligations.

Property development is a major funding source for international rail projects, particularly in Asia and parts of Europe, and development in London (at Old Oak Common and Euston) is contributing to the costs of HS2 Phase 1. The challenge here is that it does not include the major station areas in central Birmingham or Manchester (that are delivered by HS2 Phase 1 and NPR respectively) where the most development value is likely to accrue. Still, this opportunity should be explored in detail along the full length of the route to ensure some portion of the property benefits are captured by the scheme.

Local contributions to the project would likely require new revenue raising powers to be devolved to local and/or Combined Authorities, and we understand the new Government is supportive of these conversations as part of its devolution agenda.

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\* We acknowledge that some of these same sources may also be under consideration for other major rail and urban transport projects. A comprehensive funding strategy should be developed that reflects the holistic needs of the city-regions and secures investment in public transport.



We recognise the significant pressures on local budgets. Alongside other core services, both the West Midlands and Greater Manchester have transformational urban transport plans, focused on both near-term improvements and long-term growth, with significant investment in metros, buses, active travel, and other critical infrastructure. Combined Authorities are already contributing heavily to these projects, a trend which is set to continue: the NIC recommends that ‘the cities that directly benefit from the major [urban] transport projects... should make a significant contribution to the capital costs...of at least 15 to 25%.’<sup>29</sup>

While local contributions should form some proportion of the MNWRL package, this must be balanced against the equally vital investments in urban connectivity, as they are critical to ensuring the benefits from intercity connectivity can be fully realised.

### CENTRAL GOVERNMENT SOURCES

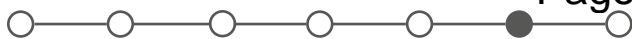
Financial commitment from central Government will be needed to deliver this project. This support could take several forms, including cash (grant), usage guarantees, land, and/or enabling works.

It is important to recognise this is not a ‘zero sum game’. Investing in nationally-significant infrastructure boosts UK productivity overall, which results in net additional tax receipts flowing back to HM Treasury.

In our economic assessment above we identified that the West Midlands and Greater Manchester economies could be £40-70bn larger if they were performing at the UK average or in line with peer cities in Europe. The UK’s ‘tax-to-GDP’ ratio is roughly 35%, which would suggest that c.£14-24bn in additional tax receipts could be generated annually if this growth was achieved, releasing funding for a whole host of vital public services.

Even if only a portion of this is directly attributable to enhanced connectivity, this still equates to sizable sums flowing back to the Exchequer on an annual basis. This is alongside the important national public policy objectives that the scheme would help deliver, for instance as a key enabler for building more homes and driving innovation.

We believe that an openness to blended funding strategies that more effectively capture the nuance of benefit distribution is an important route to unlocking the UK’s infrastructure pipeline.



## Proposed delivery structure

### CO-SPONSORSHIP BETWEEN CENTRAL GOVERNMENT AND METRO MAYORS

The Midlands-North West Rail Link could demonstrate a new way for central Government and the Combined Authorities to come together to co-sponsor and deliver regional-scale (and nationally-important) infrastructure projects. This co-sponsorship approach would better recognise the impact the project will have on the economic growth and place-shaping ambitions of the city-regions, ensuring the places that most directly realise the benefits contribute to the scheme and have a reasonable opportunity to shape the project's direction.

A comparable co-sponsorship model was fundamental to the delivery of the Elizabeth Line in London and should be extended to other Metro Mayors. While this approach introduces complexity given the need to align multiple parties, this can be managed through a shared vision and objectives, effective governance and committed leadership.

Network Rail, HS2 Ltd and local authorities on the route also need to play a key delivery role in this scheme. They should be engaged early in the process and on an ongoing basis so that economic opportunities can be identified and captured into the scheme in the early stages. This will be particularly critical for managing the design and delivery interfaces with existing (Network Rail) and future (HS2 and NPR) rail infrastructure, as well as progressing a unified operations strategy. The details of these arrangements and relationships will need to be worked through in the next stage of this initiative.

### DELIVERY BY A PRIVATE SECTOR-LED SPECIAL PURPOSE VEHICLE (SPV)

Outlined below is a potential commercial structure that could be used in the delivery of this project. This is notional at this early stage; further work is required to confirm the best solution and structure, including through more detailed financial modelling.

Under this structure, a privately-led MNWRL SPV would be responsible for the delivery of the infrastructure, under a concession agreement with Government. The concession agreement should be suitably structured and incentivised to balance control and governance from the public sector, while allowing the private sector to deliver the services unimpeded.

The SPV will require a mixture of debt and equity for the duration of the project, and should receive commensurate funding through, for example, track access charges or availability payments (as defined by the allocation of revenue risk; see above). Project packages outside of the SPV (e.g. enabling works) could be procured by the public sector in support of the project.

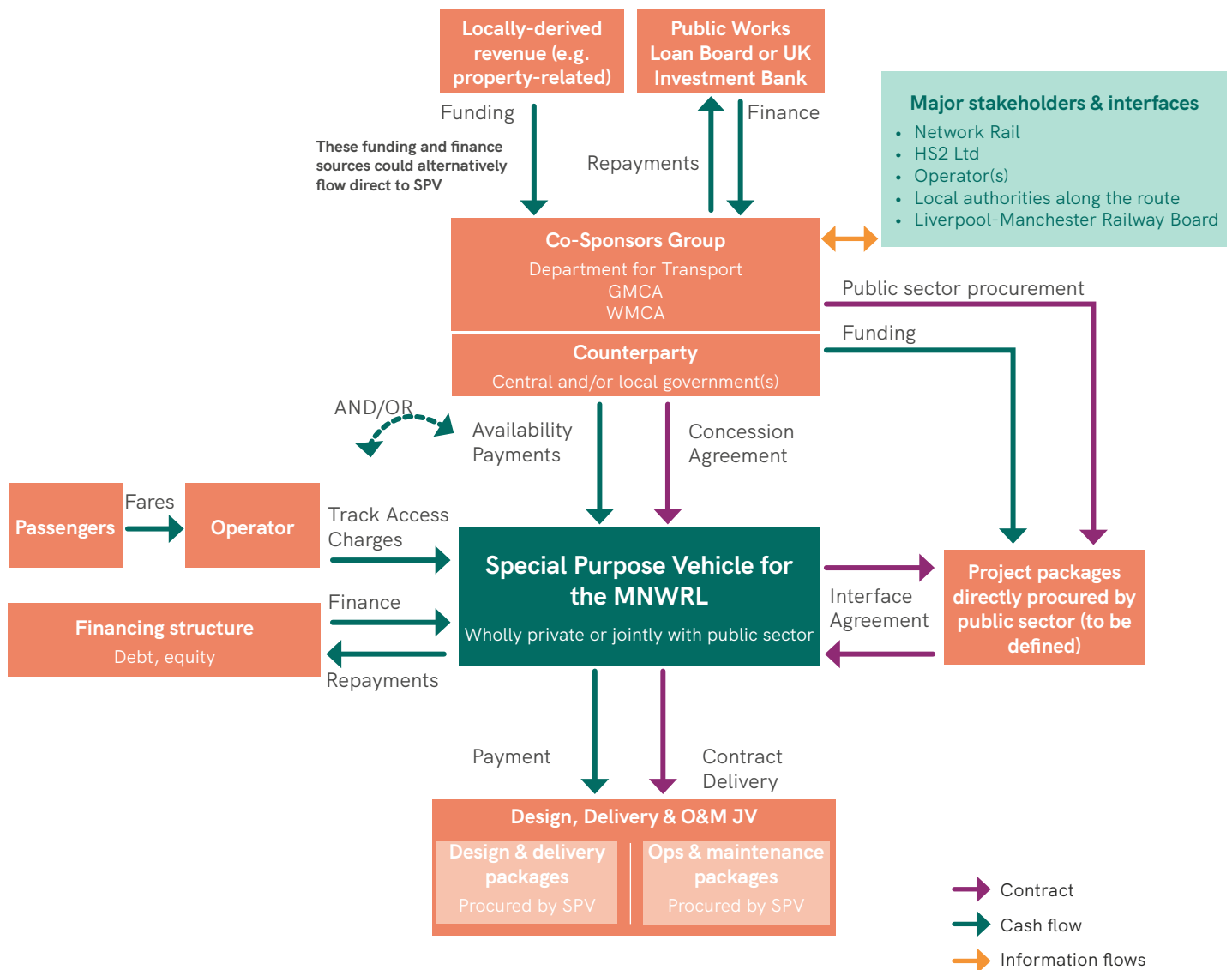


FIGURE 12: Potential contractual structure for scheme delivery

## CASE STUDY

**Tours-Bordeaux (France) - delivery model**

One potential delivery structure shares many similarities with the model employed for the Tours-Bordeaux HSR project, which serves as an exemplary case study of how public sector funding can facilitate private sector involvement through a public-private partnership model. The project aimed to connect two major population centres, Paris and Bordeaux, which were previously linked by a slower rail line. The pre-existing demand significantly reduced the demand risk for the HSR, making it an attractive proposition for private investors.

The contract for designing, financing, and constructing the line was awarded to LISEA, a consortium of VINCI, CDC Infrastructure, Ardian, and Meridiam. LISEA subcontracted the design and build of civil works and systems to the COSEA consortium and the operation and maintenance services to the MESEA consortium. Under this arrangement, LISEA managed the network operations through its contact with MESEA, while SNCF handled passenger fares, with LISEA receiving track access fees.

The financing of the project was a mix of equity contributions, bank debt, and public finance grants. LISEA shareholders contributed approximately \$860mn in equity, with RFF contributing \$1.3bn. LISEA was responsible for raising the following debt facilities

- c. \$1.2bn of bank debt guaranteed by the French Government
- c. \$680mn of non-guaranteed bank debt
- c. \$841mn of debt provided by Fonds d'Épargne

- c. \$450mn of EIB credit guaranteed by the French government
- c. \$225mn of non-guaranteed EIB credit

While LISEA bore overall project responsibility, the public sector played a crucial role by providing significant financial support, including grants and debt guarantees to allow the private sector to secure their own financing instruments. The complexity of the contractual arrangement was effectively managed through the consortium structure, involving VINCI, CDC Infrastructure, Ardian, and Meridiam. This consortium approach created a seamless interface among partners and ensured the provision of equity from consortium members, amounting to approximately \$860mn.

The Tours-Bordeaux HSR project illustrates how a well-structured contractual framework, underpinned by appropriate public sector funding and regulatory measures, can attract and leverage private financing for large infrastructure projects. While in this case the public sector contribution was substantial, similar outcomes can be achieved with a reduced public sector role, provided that appropriate guarantees are in place.

**This case study may be applied to the proposed Midlands-North West Rail Link to demonstrate how the private sector can be incentivised to deliver key infrastructure items under significant risk transfer contractual arrangements, where appropriate support is provided by the public sector (e.g. guarantees for private debt).**



In summary, we believe:

- In recognition of the UK's infrastructure cost and delivery challenges, as well as constrained fiscal environment, a different delivery and funding model will be needed for this project, leaning on domestic and international precedents.
- The project can provide an opportunity to bring together the best of both public and private sectors working in partnership. This will, however, require a renewed openness on the part of the Government (and in particular HM Treasury) to private investment in transport infrastructure.
- We have designed our preferred concept, the MNWRL, to be attractive to private investment: it is a greenfield, segregated line that minimises interfaces with other rail infrastructure, on a corridor that has already demonstrated significant travel demand, and uses a de-risked engineering solution. All of these are demonstrated characteristics of success in other major rail schemes where the private sector has invested its capital.
- Under this approach, financing for the project should be maximised from the private sector, with central and local governments partnering to fund the balance. The revenue streams supporting the private investment could be in the form of either availability/performance payments from Government or a track access charge-type model.
- An agile delivery structure should be established, with the project delivered by a lean and privately-led special purpose vehicle, overseen by a public sector co-sponsors group bringing together central Government and the Metro Mayors.
- This is a pragmatic solution built on a foundation of what has worked in major rail projects across the globe. In particular, the proposal leverages the successes and learns from the challenges of the precedent approach taken by the Tours-Bordeaux Line. Although the public sector contribution was significant in this case, similar results can be achieved with reduced public sector input if appropriate guarantees are provided.



# Where do we go from here?



## A deliverable path forward for the Midlands-North West Rail Link

This review has focused on analysing a key connectivity gap between the West Midlands and Greater Manchester and identifying an affordable, deliverable railway solution for addressing this challenge – a vital ingredient for catalysing growth across these city-regions and beyond. We have sought to take a place-based approach to this process, grounded in the needs and ambitions of the people living and working locally.

### Our proposed **MNWRL**:

- Will be approximately 60-75% of the capital cost of the former HS2 Phase 2 scheme,\* while still maintaining a substantial proportion of the economic and transport benefits for passengers and rail freight – achieved by reconsidering the design, engineering specification and delivery model;
  - Will amplify the benefits of current and committed investments in other major connectivity programmes, for instance by maximising utilisation of the new Curzon Street station in Birmingham;
  - Takes full advantage of the substantial public investment that has already been made in constructing Phase 1, procuring rolling stock, acquiring land, and securing planning consents on a portion of the former Phase 2 route; and
  - Introduces a delivery model for bringing together the private sector, central Government, and local governments to fund and deliver nationally-significant infrastructure.
- While further technical work and economic appraisal is necessary to fully develop this concept solution, this assessment provides the foundation of a credible and robust case. There are opportunities to strengthen the case even further, including:
- Assessing the degree to which capacity and resilience could be further enhanced through optimising the speeds and mix of the available rolling stock on different parts of the network.
  - Exploring a possible interlinked funding and finance strategy with NPR – including the potential for private and local investment as part of a joined-up package, recognising the intertwined nature of the projects (spatially, operationally, and economically).
  - Analysing the potential for the delivery of significant housing, new employment or innovation districts along the corridor, which could play a crucial role in both strengthening the strategic and economic case for the scheme, as well as unlocking potential alternative funding sources.
  - Reviewing the corresponding ‘eastern connectivity gap’ identified by our review and the NIC (Midlands to Leeds), to consider options that follow similar principles to this study.
  - Reviewing the planning framework for major infrastructure projects and bringing this in line with the approach taken in peer countries. We understand this is already a stated objective of the new Government, and we welcome this review.

\* Refer to footnotes on cost in the ‘Potential design solutions’ section.

## Our request of the new Government, and our offer

Our review has highlighted that without urgent action, existing connectivity between the North West and Birmingham will soon reach capacity. This will impact both economic growth and quality of life for people living in these regions, as well as those in Leeds, the North East, London, and elsewhere who rely on this corridor to make connections across the nation.

We believe urgent action to address this challenge is both necessary and achievable. Key strategic decisions will need to be made by early 2025 to take advantage of current planning and land acquisition powers. This will ensure a viable solution is delivered before the quality of connectivity worsens as travel demand grows, creating a major barrier to economic growth and the delivery of housing in this region.

This private sector coalition has come together, with the support of the two Metro Mayors, to form a proposal for a **Midlands-North West Rail Link**. To move this forward, we are asking the Government to undertake the following actions:

1. Establish a Steering Group between the private sector, Combined Authorities and Central Government to drive forward development of an 'at pace' feasibility study and technical analysis over the next six months focused on:
  - Working with the newly-established British Infrastructure Council to convene global private sector investors to attract investment into this critical link, and use this as an opportunity to reposition the UK as a country that is open to institutional investment in infrastructure;
  - Undertaking further financial, commercial, and economic analysis to develop an investment prospectus for the private sector, and optimise value for money across all rail investments for the public sector;
  - Working closely with Network Rail, HS2 Limited and other bodies to advance the technical specification further; and
  - Developing an appropriate governance structure that could be used to take the project forward.
2. Critically we need time to get this right, and support from the Government to work with us on the activities above, building on the work we have done to date. The government could help the private sector advance technical and commercial solutions by:
  - maintaining ownership of the current landholdings on the former Phase 2A route from Handsacre to Crewe while this work is underway; and
  - reinstituting safeguarding for the land not-yet-acquired on this route; protecting and prolonging existing planning powers; and maintaining flexibility to reincorporate the Crewe to High Legh segment into the repurposed NPR Hybrid Bill while a new solution is finalised and agreed.
3. Formally consider the network-wide benefits of this proposition alongside proposals for enhancing east-west connectivity in the North and the economic benefits this would bring to the whole of the UK.



Taking the time now to get these strategic decisions right would come at minimal cost but potentially enormous long-term benefit to the nation. Our future connectivity – and by extension, the economic and social health of our society for generations to come – depends on us making the right choices today.

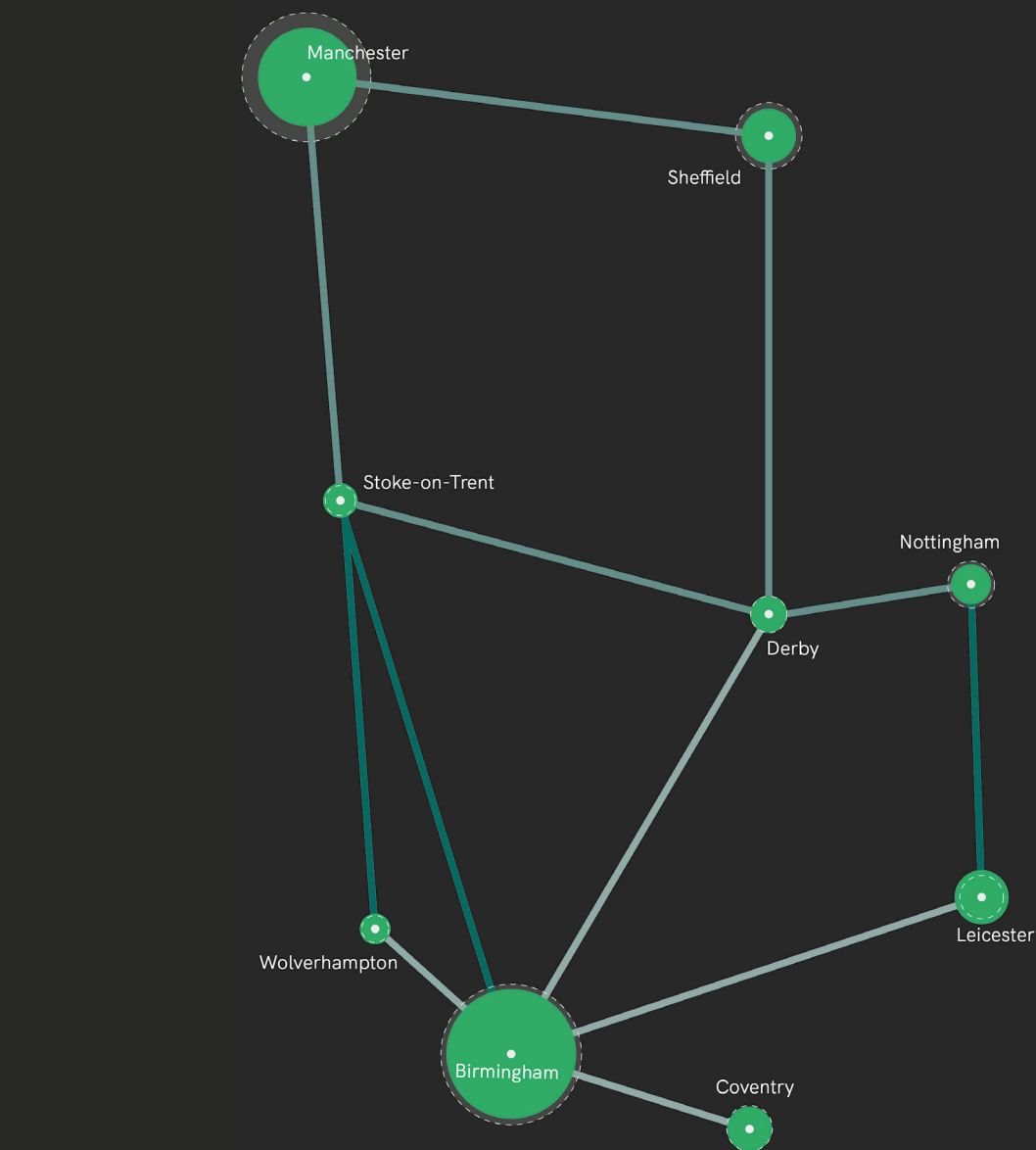
***‘The window...is closing. Ducking the big decisions over the next 12 months will put the major goals of net zero, regional economic growth, and... environmental protection in jeopardy.’***

– Sir John Armitt, Chair of National Infrastructure Commission

### The MNWRL will help achieve several of the new Government's objectives

PRIORITY	HOW OUR PROPOSAL SUPPORTS THIS PRIORITY
Kickstart economic growth	This Government is focused on delivery and driving the sense of urgency that is needed to implement projects that will catalyse growth for regions throughout the UK. The MNWRL is a solution to better connecting the regions of the North of England that have been overlooked due to underinvestment in transport and impacted by the inconsistent decision-making, which was so clearly illustrated by the cancellation of HS2 Phase 2.
New homes	The Government has set out its ambition to build 1.5mn homes, creating the new housing the UK desperately needs to address the shortage of homes for communities in all corners of the UK. The new link will support these ambitions for the benefit of the people of Greater Manchester, the Midlands and the cities and towns beyond.
Devolution	The enhanced connectivity between Birmingham and Manchester, and the important connectivity this MNWRL will bring to northern towns and cities such as Sheffield and Leeds, provides a clear example of Combined Authorities taking an even more active leadership role in shaping and delivering the infrastructure investments they need for their regions and the rest of the UK.
Improving performance on railways and driving rail reform	This priority seeks to improve the UK's railway performance, a key objective of MNWRL in releasing capacity on the existing network and supporting future passenger demand by addressing bottlenecks and constraints. The West Coast Main Line is creaking and has very poor performance across many metrics important to both passengers and freight. This new link provides a solution to address these performance challenges.
Improving bus services across the country	Releasing capacity on the rail network will help reduce crowding and improve the passenger experience on buses, and support higher future bus travel demand.
Transforming infrastructure to work for the whole country, promoting social mobility and tackling regional inequality	Enhanced inter-regional connectivity will unlock access to jobs, education, leisure and housing opportunity across under-served or poorly connected communities.
Delivering greener transport	Better inter-city rail connectivity will encourage a modal shift from passenger vehicles to trains and support a higher rail freight mode share, reducing congestion and vehicle air pollution across the UK's road network, and supporting the Government's transport decarbonisation goals.
Better integrating transport networks	The incremental delivery of MNWRL will connect major current and future UK transport investments together through NPR, providing a better integrated and enhanced national transport network for passengers and freight.

## The region's economic performance and connectivity quality today...



### Quality of Connectivity

Low

Medium

High

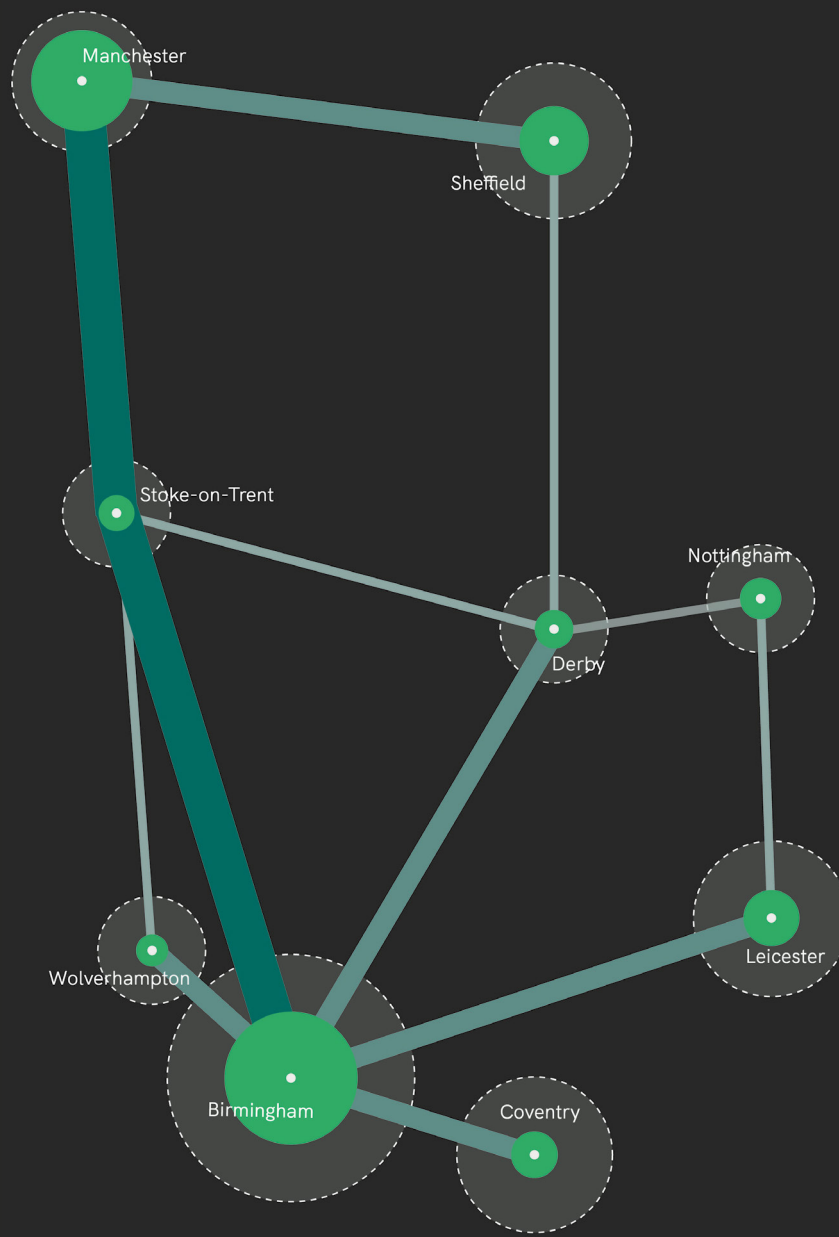
### Daily Commuters

30,000+  
20,000-30,000  
10,000-20,000  
1,000-10,000  
0-1000

GDP/Capita  
(circles scaled proportionally)  
Population  
(circles scaled proportionally)

Both diagrams are at the same scale

...and in a potential future where the region is on par with the Rhine-Ruhr, Germany



Enhancing connectivity between UK towns and cities in the North and Midlands – as set out in this report, and as the NIC recently recommended – is economically vital to the economic growth of this region and the nation.

These connectivity improvements of course need to be paired with consistent policymaking and investment in many other areas, such as skills and housing, over a sustained time period. But as Germany has seen in the Rhine-Ruhr, which shares many of the underlying demographic and geographic traits as this

part of the UK, such a commitment can lead to transformational economic and social outcomes.

If this region became as economically productive as the Rhine-Ruhr, it would mean c.£90-100bn in additional GDP to the UK economy – increasing the current UK GDP by approximately 3%. This growth could mean as many as 30,000 new jobs coming to the region, alongside a massive uplift in living standards.

## Acknowledgements

We would like to express sincere gratitude to Mayors Andy Burnham, Andy Street and Richard Parker. Without the Mayors stepping up and demonstrating crucial leadership on this issue, this review would not have happened, and urgently-needed thinking, conversations, and solutions would be even further delayed. Their shared visions for prosperity and placemaking across Greater Manchester and the West Midlands have been the central tenets guiding this work.

We thank Sir David Higgins for chairing this effort, and Arup's collaborators from Addleshaw Goddard, Arcadis, Dragados, EY, Mace, and Skanska for their invaluable input in shaping the technical and strategic components of this review. The key contributors from each organisation include:

- **Arup:** Paul Addison, Tom Bridges, Sarah Clark, John Collins, Richard de Cani, Matthew Dillon, Josie Drath, Jerome Frost, Stephanie Howell, Owen Jones, Tom King, Andrew Nothstine, Andrew Went, Michael Wilton
- **Addleshaw Goddard:** Paul Hirst, Francis Tyrrell
- **Arcadis:** Daniel Cochlin, Jonathan Sharrock, Helen Murphy

- **Dragados:** Juan Ares
- **EY:** Stephen Church, Megha Garia, Harry Kean, Kamal Patel
- **Mace:** Paul Leighton, Mark Reynolds
- **Skanska:** Martin Leppard, James Richardson

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Lastly, we would like to thank Alex Ford and Devika Parmar (from the Arup visual communications team) and Hornbeam & Co for their work in designing this report.



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ARUP

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## Strategic Rail Member Reference Group – Terms of Reference

### Purpose

This Group was initially established as part of the Council's preparations for petitioning against the HS2 Phase 2b Hybrid Bill in accordance with the proposed approach to member engagement as referenced in the Council resolution of 24th February 2022.

Following the cancellation of HS2, north of Birmingham in October 2023, Government announced its intention to accelerate the delivery of the section of Northern Powerhouse Rail (NPR) between Liverpool and Manchester – the Liverpool to Manchester Railway, of which, several kilometres of the route is proposed to pass through the Borough. In January 2024, Government announced that it intended to utilise the HS2 Phase 2b hybrid bill to seek the consents to deliver the eastern section of the railway, between Millington and Manchester Piccadilly. As such, the Phase 2b hybrid bill was read into the 2024/25 Parliament in the Kings Speech in July 2024.

In addition, following HS2 north's cancellation, the mayors of Greater Manchester and the West Midlands brought together a private sector consortium to look at alternative options for improving rail connectivity between the West Midlands and Manchester. In September 2024, the consortium published this review which proposed a new rail link between Handsacre Junction, where HS2 Phase 1 ends, and High Legh, where the proposed Liverpool to Manchester Railway would connect with the new rail link. It is proposed that the route would follow the alignment of HS2 phases 2a and 2b, much of which would pass through Cheshire East, with the recommended solution passing through a tunnel under Crewe and not through Crewe station.

Given the current and forecast activity around future rail plans for the North and Midlands, of which many would directly impact Cheshire East, a repurposed Member Reference Group is required to provide the necessary steer to officers in responding to the emerging and possible opportunities, challenges and risks for the borough from these proposed investments.

### Members

- Cllr Nick Mannion (Chair) – Leader of the Council
- Cllr Michael Gorman (Deputy Chair) – Deputy Leader of the Council
- Cllr Mark Goldsmith – Chair of Highways and Transport Committee
- Cllr Laura Crane – Deputy Chair of Highways and Transport Committee
- Cllr Janet Clowes – Leader of the Conservative Group
- Cllr Hannah Moss – Cheshire East Rail Champion
- Cllr Alan Coiley - Cheshire East Rail Champion

### Roles and responsibilities

- Provide a steer to officers on the priority issues, opportunities and risks relating to emerging rail plans, policies and projects.
- Provide feedback and endorsement of any Council response to such proposals.
- Supporting officers in seeking to influence and challenge proposals and plans for the betterment of the Borough.
- Receive feedback on the issues raised by local ward members and key stakeholders to gain a full understanding and appreciation of local issues, which could be incorporated into the Council's petition where a position is agreed
- Hear feedback on the areas where the Council is working collaboratively with neighbouring authorities, central government and stakeholders on shared issues

## Key Principles for members of the Group

- Work as an advisory body for the Council
- Have no formal delegated decision making authority from the Council
- Attend on a voluntary basis and receive no remuneration
- Be expected to maintain the confidentiality and integrity of any confidential information that they may receive that is not publicly available

## Periodicity

Frequency as required

## Support

Meetings will be chaired by the Head of Rail and Transport Integration and other attendees will include officers from across the Place Directorate and other technical officers by exception, where the agenda dictates. Meetings will be confidential to maintain the commercial sensitivity and position of the Council.

## Meetings

The primary purpose of the first meeting will be to introduce the Cheshire East officers to the Member Reference group, agree the purpose of the meetings and explain the petitioning process.

The group may need to meet on a more regular basis where there is key activity or deliverables.

Substitutes will be subject to the approval of the Chair prior to the meeting.

The Secretariat for the Board will be provided by Cheshire East Council Officers, preparing agendas and supporting papers.

Meetings will either be held by Teams or a Council venue will be provided for face to face meetings.

**COUNCIL MEETING – 11 December 2024****RECOMMENDATION FROM FINANCE SUB COMMITTEE: APPROVAL OF SUPPLEMENTARY REVENUE ESTIMATES AND SUPPLEMENTARY CAPITAL ESTIMATES****RECOMMENDATION****That Council**

- 1 Approve the Supplementary Revenue Estimate Request for Allocation of Additional Grant Funding over £1,000,000 as per Annex 1, Section 3, Table 1.**
  - 2 Approve the Supplementary Capital Estimate Request for Allocation of Additional Funding over £1,000,000 as per Annex 1, Section 4, Table 5.**
- 

**Extract from the Minutes of the Finance Sub Committee held on 7 November 2024.**

**25 SECOND FINANCIAL REVIEW OF 2024/25**

The Committee considered the report which provided an update on the forecasted outturn position for 2024-25, based on income, expenditure and known commitments as at the end of August 2024. The Committee noted that the Second Financial Review forecast revenue outturn position was an adverse variance of £20.1m which was an improvement of £6.5m from the First Financial Review. The Committee noted the actions being taken to address adverse variances to urgently improve financial sustainability and agreed that whilst there had been some improvement from the First Review, the overspend of £20.1m remained a significant financial challenge for the council. Nationally, many local authorities across the country were facing similar pressures with available financial resources not supporting authorities to keep pace with exceptional levels of inflation, interest rates and increases in cost and demand for services.

The Committee considered the position of the adults, health and integration service, and raised concerns around the direction of travel based on forecast performance in the year to date. It was noted that there was greater confidence in the mitigating actions being taken in the service to control overall spending including a reduction in agency staff and scrutiny of high-cost placements.

The Committee noted the capital programme budget update and queried if there would be any further reduction in commitments going forward. The Committee noted that there was work underway to re-profile capital expenditure and review the capital programme to ensure that capital borrowing remained affordable. An update would be provided to the Corporate Policy Committee in November. The Committee requested a more detailed analysis of agency staff costs and a breakdown of those agency staff covering business

as usual work vs temporary work. The Committee queried the costs of recruiting agency staff as opposed to permanent staff. Officers committed to providing a written response.

The Committee acknowledged the difficult financial challenges facing the authority. It was noted that the forecast did not assume the use of the Exceptional Financial Support (EFS) that was requested in 2023-24 and 2024- 25. The requirements for the EFS borrowing were not yet known however it was anticipated that there would be flexibility in the Council's ability to determine its borrowing and repayment strategy. It was noted that whilst the financial stability of the Council could impact on borrowing from some lenders, the Council would still be able to borrow from the Public Works Loan Board. It was queried if utilising EFS was better than issuing a section 114 notice. Officers committed to providing a written response.

**RESOLVED (unanimously):** The Finance Sub Committee

1. Note the factors leading to a forecast adverse Net Revenue financial pressure of £20.1m against a revised budget of £395.4m (5.1%), including the contents of Annex 1, Section 2 and progress on the delivery of the MTFS approved budget policy change items, the RAG ratings and latest forecasts, and the actions to be taken to address any adverse variances from the approved budget.
2. Note the in-year forecast capital spending of £157.7m against an approved MTFS budget of £215.8m, due to slippage that has been reprofiled into future years.
3. Note the available reserves position as per Annex 1, Section 5.
4. Recommend to Full Council the approval of the Supplementary Revenue Estimate Request for Allocation of Additional Grant Funding over £1,000,000 as per Annex 1, Section 3, Table 1.
5. Recommend to Full Council the approval of the Supplementary Capital Estimate Request for Allocation of Additional Funding over £1,000,000 as per Annex 1, Section 4, Table 5.
6. Note that the Adults and Health Committee will be asked to approve the Supplementary Revenue Estimate Request for Allocation of Additional Grant Funding over £500,000 up to £1,000,000 as per Annex 1, Section 3, Table 2.
7. Note that the Highways and Transport Committee will be asked to approve the Supplementary Capital Estimate above £500,000 up to and including £1,000,000 as per Annex 1, Section 4, Table 4.
8. Note the Capital Virements above £500,000 up to and including £5,000,000 as per Annex 1, Section 4, Table 4 will be approved in accordance with the Council's Constitution.

OPEN

## **Finance Sub-Committee**

**Thursday, 7 November 2024**

### **Second Financial Review of 2024/25 (Finance Sub Committee)**

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**Report of: Adele Taylor, Interim Director of Finance and Customer Services (s151 Officer)**

**Report Reference No: FSC/10/24-25**

**Ward(s) Affected: Not applicable**

#### **Purpose of Report**

- 1 This report provides the current forecast outturn for the financial year 2024/25 based on our income, expenditure and known commitments as at the end of August 2024. It also identifies actions that are being taken to address adverse variances to urgently address our financial sustainability.
- 2 The report provides the forecast outturn for all services, to provide Members with contextual information on the position for the whole Council. Members are asked to focus their scrutiny on the forecasts and supporting information relating to services within the remit of the Committee whilst understanding the overall context as a whole.
- 3 The report highlights any changes and external pressures that are impacting the Council since setting the budget in February 2024. Annex 1, Section 2 of the report highlights what the Council is forecasting to achieve as part of the 2024/25 approved budget changes per line (growth and savings).
- 4 As set out in the First Financial Review, the requirement to continue to identify further actions in order to bring the Council back to a position where we are living within our means remains, and it will be important that these actions are closely monitored, and appropriate action taken to manage our resources. This report includes information on the actions that are currently underway.

- 5 Reporting the financial forecast outturn at this stage, and in this format, supports the Council's vision to be an open Council as set out in the Cheshire East Council Plan 2024/25. In particular, the priorities for an open and enabling organisation, ensure that there is transparency in all aspects of council decision making.
- 6 The report also requests member approval for amendments to the Council's budget in line with authorisation levels within the Constitution.

## Executive Summary

- 7 The Council operates a financial cycle of planning, review, management and reporting. This report ensures that we review where we are and provides a forecast **outturn** position for the 2024/25 financial year whilst also identifying the actions that need to be taken to manage our overall resources. The information in this report also supports planning for next year's budget by identifying issues that may have medium term impacts.
- 8 The Council set its 2024/25 annual budget in February 2024. The budget was balanced, as required by statute, with planned use of reserves of £22m, plus £30m of savings to achieve in year, and included important assumptions about spending in the year. The budget is part of the Medium-Term Financial Strategy (MTFS) 2024 to 2028.
- 9 The Second Financial Review (FR2) forecast revenue outturn is an **adverse variance of £20.1m** (prior to the application of any Exceptional Financial Support), an improvement of £6.5m from FR1, as detailed below in **Table 1**:

Table 1 2024/25 FR2	Revised Budget  (NET) £m	Forecast Outturn £m	Forecast Variance £m	Forecast Variance FR1 £m	Movement from FR1 to FR2 £m
<b>Service Committee</b>					
Adults and Health	138.0	158.7	20.8	20.7	0.0
Children and Families	93.0	98.4	5.4	7.3	(1.9)
Corporate Policy	41.8	44.2	2.4	0.0	2.4
Economy and Growth	28.1	24.8	(3.3)	(2.6)	(0.7)
Environment and Communities	48.4	48.3	(0.1)	0.6	(0.7)
Highways and Transport	16.0	15.4	(0.6)	(0.5)	(0.1)
<b>Sub-Committee</b>					-
<b>Finance Sub:</b>					-
Central Budgets	30.0	25.6	(4.5)	0.9	(5.4)
Funding	(395.4)	(395.4)	0.0	-	0.0
<b>TOTAL</b>	<b>(0.0)</b>	<b>20.1</b>	<b>20.1</b>	<b>26.5</b>	<b>(6.5)</b>

- 10 Whilst an improvement on the First Financial Review of £6.5m (see mitigations in para 29), the forecast overspend of £20.1m remains a significant financial challenge for the Council. The FR2 forecast reserves, after agreed movements budgeted for in the 2024-28 MTFS, are currently

£10.0m, being £0.5m of General Fund Reserves (including the forecast use of £4m for transformation costs) and £9.5m of Earmarked Reserves, as shown below. The Council's level of reserves is therefore insufficient to cover the current forecast revenue outturn for the year without further action.

Reserves & Exceptional Financial Support	
	£m
<b>Reserves</b>	
General Fund	4.5
Earmarked Reserves	9.5
Original Forecast at 31st March 2025	14.0
Forecast Transformation spend	(4.0)
<b>Forecast Total Reserves at 31st March 2025</b>	<b>10.0</b>
<b>Exceptional Financial Support</b>	
	<b>17.6</b>

- 11 This forecast does not assume the use of the Exceptional Finance Support (EFS) that was requested in 2023/24 and 2024/25 that was agreed in principle, subject to a number of conditions being satisfied, including the submission of a transformation plan at the end of August 2024. It also does not assume the cost of accepting that EFS support which would impact on the cost of borrowing over the medium term. A further condition of the EFS was that an independent review was undertaken by CIPFA on behalf of MHCLG to understand the Council's financial management and sustainability. The review was commissioned by and for MHCLG and the Council has not yet had sight of this review to understand any implications or improvements that could be made to existing processes. This was submitted to MHCLG in August 2024.
- 12 The FR2 forecast position indicates that further urgent action to reduce the overspend, and bring spending back in line with budget, is required. Failure to do so would require the Council to use the existing conditional Exceptional Financial Support (£17.6m) which would be the only way for the S151 Officer to avoid having to issue a S114 notice to the Council.
- 13 The level of EFS support would need to be agreed and finalised with the government and the financial impact of this would need to be built into the overall financial modelling for the Council. As reported to members in June 2024 in the 'Medium Term Financial Strategy Assumptions and Reporting Cycle for 2024/25 to 2028/29' the Council faces a significant four-year funding gap, with the shortfall in 2025/26 identified in February 2024 MTFS estimated at £41.9m. There remains a risk that pressures leading to the latest FR2 forecast position may increase that shortfall figure if further rapid action does not take place to stabilise our financial position.
- 14 The FR2 forecast position for capital spending for 2024/25 indicates forecast capital expenditure of £157.7m against the MTFS budget of £215.8m (FR1 £164.5m). The re-profiling of Capital expenditure to future years to match scheme delivery and ongoing capital review to ensure that our capital borrowing remains affordable is continuing.

15 **Table 2** sets out the capital programme profiling changes:

<b>Table 2</b>	2024/25	2025/26	2026/27	2027/28	2024/28
	Estimate	Estimate	Estimate	Estimate	Total
	£000s	£000s	£000s	£000s	£000s
Capital Programme FR1	164,545	141,232	109,679	231,837	647,293
Funded by:					
Borrowing	51,878	53,566	10,180	27,779	143,403
Grants and other contributions	112,667	87,666	99,499	204,058	503,890
	164,545	141,232	109,679	231,837	647,293
Capital Programme FR2	157,661	151,770	115,852	225,173	650,456
Funded by:					
Borrowing	45,101	57,996	14,802	25,044	142,943
Grants and other contributions	112,560	93,774	101,050	200,129	507,513
	157,661	151,770	115,852	225,173	650,456
Movement from FR1	(6,884)	10,538	6,173	(6,664)	3,163

16 **Table 3** sets out the summary revised capital programme:

<b>Table 3</b>	FR1	SCEs	Virements	Budget	Revised
	Budget	in Quarter	in Quarter	Reductions	FR2
	2024/28	2024/25	2024/25	2024/25	Budget
	£m	£m	£m	£m	2024/28
	£m				£m
Adults and Health	0.8				0.8
Children and Families	108.9				108.9
Highways & Transport	287.0	2.7		(0.2)	289.5
Economy & Growth	184.7	0.9			185.6
Environment & Communities	42.0				42.0
Corporate Policy	23.8			(0.2)	23.6
	<b>647.2</b>	<b>3.6</b>	<b>-</b>	<b>(0.4)</b>	<b>650.4</b>

17 **Table 4** sets out the movement from FR1 by committee:

<b>Table 4</b>	Forecast	Forecast	Forecast	Forecast	2024/28
	2024/25	2025/26	2026/27	2027/28	Total
	£000	£000	£000	£000	£000
Adults and Health	-	-	-	-	-
Children and Families	(3,576)	3,571	(1)	-	(6)
Highways & Transport	2,082	3,566	1,001	(4,123)	2,526
Economy & Growth	(2,018)	2,630	2,798	(2,563)	847
Environment & Communities	(3,624)	1,142	2,478	22	18
Corporate Policy	252	(371)	(103)	-	(222)
	(6,884)	10,538	6,173	(6,664)	3,163
Funded by:					
Government Grants	(139)	5,239	3,461	(7,735)	825
External Contributions	(4)	1,086	(969)	2,629	2,742
Revenue Contributions	55	-	-	-	55
Capital Receipts	(19)	(217)	(941)	1,177	(1)
Prudential Borrowing	(6,777)	4,430	4,622	(2,735)	(460)
	(6,884)	10,538	6,173	(6,664)	3,163

- 18 Significant items of slippage/reprofiling from 2024/25 to 2025/26 include:
- £2.3m for Childrens Social Care (Crewe Youth Zone and Childrens Homes Sufficiency),
  - £0.8m in Education (Springfield and Wilmslow),
  - £2.4m for Economy and Growth (Corporate Landlord and Crewe Town Regeneration),
  - £3m for Environment & Neighbourhood (Weekly Food collections and Fleet EV).
- 19 Highways and Infrastructure have increased capital spend in 2024/25 partly due to bringing forward £1.7m for Network North, together with an SCE of £600,000 for Bridge Maintenance.
- 20 As part of the urgent actions required to reduce the Council overspend a full review of the capital programme is being undertaken with a view to removing as much future borrowing as possible. The forecast borrowing included in the capital programme at FR2 will have the following revenue impact:

**Revenue Impact**

<b>Table 5</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2024-28</b>
	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Total</b>
	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
Forecast borrowing to fund capital programme	45,101	57,996	14,802	25,044	142,943
MRP	-	3,857	5,036	6,498	15,391
Interest	2,264	3,712	3,537	4,288	13,801
<b>Total annual revenue impact</b>	<b>2,264</b>	<b>7,569</b>	<b>8,573</b>	<b>10,786</b>	<b>29,192</b>
<b>Movement from FR1</b>					
<b>Increase / (reduction)</b>	<b>(346)</b>	<b>(143)</b>	<b>(288)</b>	<b>(370)</b>	<b>(1,147)</b>

- 21 In order to alleviate the revenue pressure from external borrowing further immediate reductions in capital spend are required. This will reduce the related revenue impact of interest costs and Minimum Revenue Provision (MRP) both of which are charged to revenue through the Capital Financing Budget (CFB). The council must aim to optimise use of all other available sources to fund our capital programme and must minimise the use of borrowing to reduce the pressures on the revenue budget. We have also commissioned an external review of our balance sheet with our Treasury Management advisors to review our borrowing strategy.
- 22 The current forecast for achievable capital receipts in year is £2.5m, with a further £0.6m to £1.5m also achievable in year (to be updated at FR3). These receipts can be used to reduce revenue pressures from borrowing in year or could be used to assist with funding of transformation activity.

- 23 Due to the long-term nature of capital investment the revenue implications of decisions taken by the council now will extend well beyond the term of the current year and into the medium term.
- 24 In the review of the capital programme the long-term capital repayment commitments (MRP) are the initial area of focus. Reducing the annual MRP associated with any new borrowing on a scheme-by-scheme basis is a priority. There will be a secondary impact of reducing forecast interest which will also reduce the effect on the revenue account, but it is the reduction in new borrowing and new commitment to long term capital repayments that will allow the programme to remain affordable and sustainable.
- 25 Reductions in borrowing can be achieved through:
  - (a) Reduce, delay or remove schemes funded by borrowing;
  - (b) Focus on existing contractual commitments, fulfilling statutory services and public safety requirements;
  - (c) Prioritise the capital projects that will have most beneficial impact on the revenue budget in the medium term;
  - (d) Remove forward funding;
  - (e) Reprioritise use of grants and apply appropriate S106 contributions to schemes.
- 26 The Strategic Finance Management Board leads on a number of key tasks to urgently reduce spend and identify additional savings, including:
  - Line-by-line reviews of all budgets to further identify immediately any underspends and/or additional funding;
  - Stop any non-essential spend;
  - Actively manage vacancies, particularly agency usage and reduce any overspends on staffing as soon as possible;
  - Review of Section 106 legacy budgets, the effects of which are partly reflected in the FR2 forecast outturn as a one-off contribution to reserves (to be further updated at FR3);
  - Review of capital receipts available and potential surplus assets that can be sold (for best consideration);
  - Identification of any other areas of discretionary spend including grants awarded, where spend can be reduced or stopped;
  - Review Debt management/overall level of bad debt provision – work undertaken to date, focussing on the Adult Social Care bad debt provision, has identified through adopting a new approach to reviewing and monitoring these debts, an improvement (reduction) of the Council's bad debt provision of £0.8m, further work is ongoing and will be updated at FR3.

## Overall mitigations planned to manage pressures

- 27 The Strategic Finance Management Board is leading on a number of key tasks to urgently reduce spend and identify additional savings as noted above.
- 28 In addition, any directorate that is identified as being off target by more than 5% is now subject to a detailed finance and performance review on a weekly basis through a financial recovery review process. This includes a detailed action plan, identifying what can be done to sustainably reduce the pressure and gaining assurance over the management of those actions to deliver improved financial outturns. This process has been put in place for Adults Services and Children and Families and is being chaired by the S151 Officer.
- 29 As reported in paragraphs 35-57 below, work is underway across all Services to look at mitigating actions which can be taken to reduce the forecast position in-year, some of the actions below having contributed to the £6.5m improvement from FR1 position, including:
- Adults - more certainty about the FR2 projections and the delivery of in-year mitigations, including a reduction in the forecast number of placements in-year.
  - Children & Families – reviewing costs of placements, establishment reviews, Reunification of children, and Work on Edge of Care Service proposals to identify early intervention and cost reduction.
  - Place Services – mitigations in year through further vacancy management, reducing expenditure and maximising funding opportunities.
  - Corporate – Vacancy management and some additional income.
  - Finance Sub – S106 and bad debt reviews generating one-off in year contributions to assist in reducing the in year overspend and review/reset process moving forward.
- 30 Paragraphs 57-59 below provides a summary overview of the forecast against the approved 2024/25 budget change items, including RAG rating. In addition, there is further detail per change item with accompanying commentary, as reviewed by the Council's Corporate Leadership Team, in respect of each item within **Annex 1, Section 2**.
- 31 **Annex 1: Detailed Second Financial Review 2024/25**
- **Section 1** 2024/25 Forecast Outturn
  - **Section 2** 2024/25 Approved Budget Change Items
  - **Section 3** Revenue Grants for approval
  - **Section 4** Capital
  - **Section 5** Reserves
  - **Section 6** Treasury Management

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## RECOMMENDATIONS

The Finance Sub Committee to:

1. Review the factors leading to a forecast adverse Net Revenue financial pressure of £20.1m against a revised budget of £395.4m (5.1%). To scrutinise the contents of **Annex 1, Section 2** and review progress on the delivery of the MTFS approved budget policy change items, the RAG ratings and latest forecasts, and to understand the actions to be taken to address any adverse variances from the approved budget.
2. Review the in-year forecast capital spending of £157.7m against an approved MTFS budget of £215.8m, due to slippage that has been re-profiled into future years.
3. Note the available reserves position as per **Annex 1, Section 5**.
4. Recommend to Council to approve the Supplementary Revenue Estimate Request for Allocation of Additional Grant Funding over £1,000,000 as per **Annex 1, Section 3, Table 1**.
5. Recommend to Council to approve the Supplementary Capital Estimate Request for Allocation of Additional Funding over £1,000,000 as per **Annex 1, Section 4, Table 5**.
6. Note that the Adults and Health Committee will be asked to approve the Supplementary Revenue Estimate Request for Allocation of Additional Grant Funding over £500,000 up to £1,000,000 as per **Annex 1, Section 3, Table 2**.
7. Note that the Highways and Transport Committee will be asked to approve the Supplementary Capital Estimate above £500,000 up to and including £1,000,000 as per **Annex 1, Section 4, Table 4**.
8. Note the Capital Virements above £500,000 up to and including £5,000,000 as per **Annex 1, Section 4, Table 4** will be approved in accordance with the Council's Constitution.

## Background

- 32 This single view of the financial picture of the Council provides the overall financial context.
- 33 The management structure of the Council is organised into four directorates: Adults, Health and Integration; Children's Services; Place; and Corporate Services. The Council's reporting structure provides forecasts of a potential year-end outturn within each directorate during the year, as well as highlighting activity carried out in support of each outcome contained within the Corporate Plan. Budget holders are responsible for ensuring they

manage their resources in line with the objectives of the Council and within the approved budget.

- 34 For the purposes of each committee, these directorate budgets are aligned to a specific committee and the appendices to this report provides information at a level that the committee should have the ability to be able to scrutinise what is causing any variations in budget and appropriate actions to bring the council back into line in terms of managing its resources.

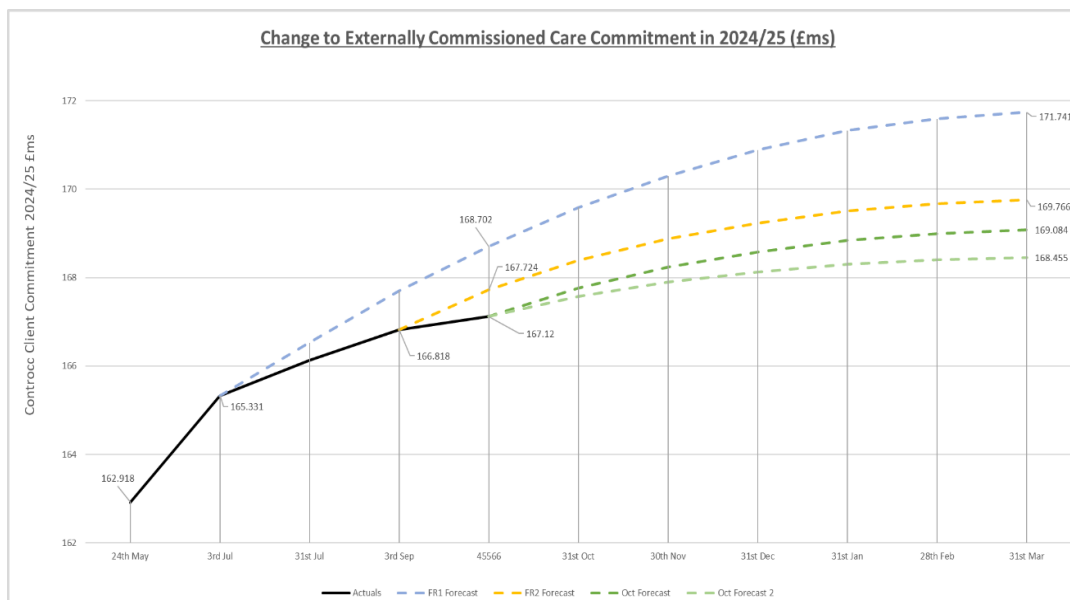
### **Key issues causing the pressures**

- 35 There are a number of key issues causing the forecast revenue overspend, including:
- Ongoing adverse effects of the extended period of high inflation and interest rates;
  - Continued increasing demand and complexity of care beyond the levels that had been previously identified;
  - Increase in staff costs, including use of agency staff and impact of National Living Wage which also impacts on our third party commissioned contracts;
  - Increased borrowing costs associated with the unfunded Dedicated Schools Grant (DSG) deficit;
  - Non delivery of some previously agreed savings and/or income targets;
  - The financial impact of investment in transformation and improvement activity over the medium term.

### **Specific commentary on the forecast outturn position by Committee**

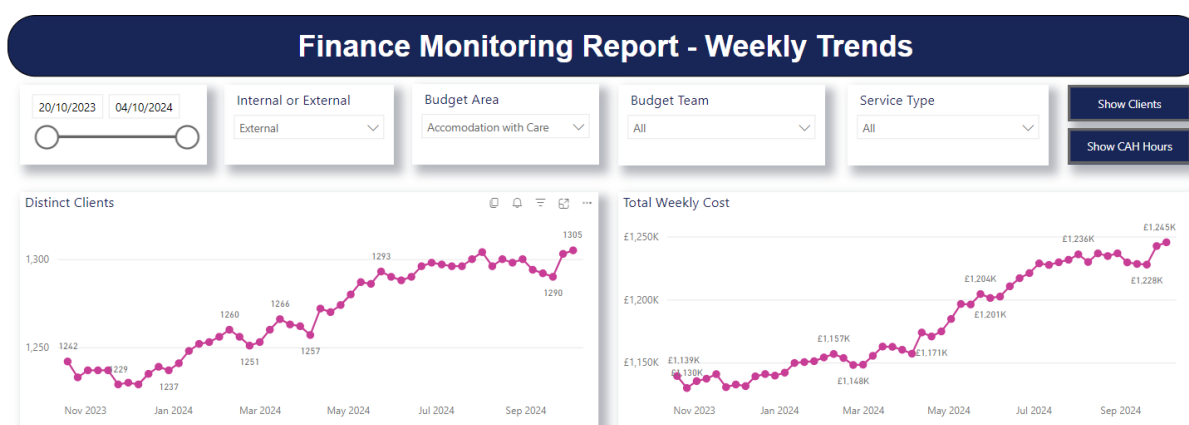
#### **Adults and Health adverse variance of £20.7m**

- 36 The Adults, Health and Integration budget is forecast to overspend by £20.7m. The £20.7m is primarily driven by an overspend of £22.5m linked to care costs and pressures on staffing of £3.1m. These pressures are reduced by a favourable variance in client income of £3.8m, and other mitigations totalling £1.1m. The key drivers of forecast expenditure remain price increases, staff costs and increase in complexity.
- 37 Although the forecast has not changed since FR1 there is more certainty about the projections and the delivery of in-year mitigations, including a reduction in the forecast number of placements in-year as shown in the graph below.

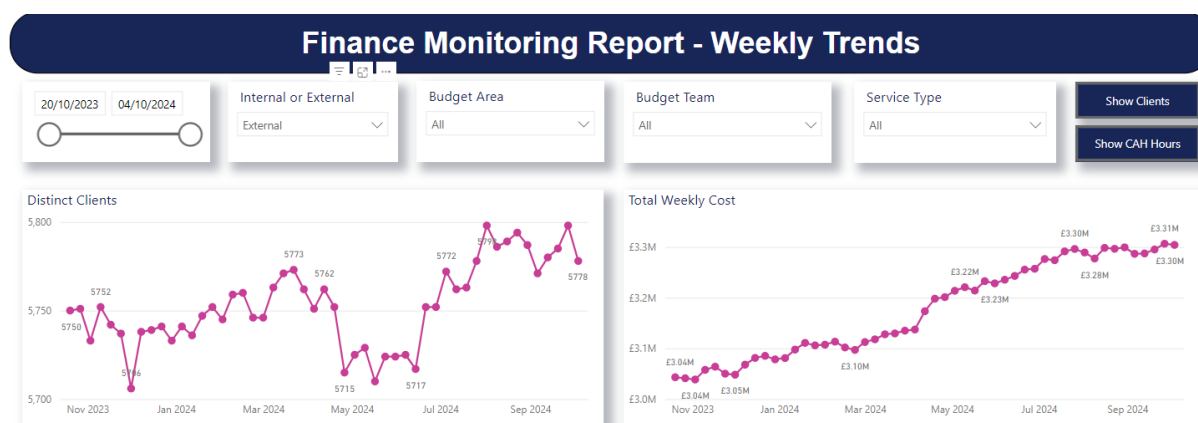


- 38 As noted previously the key driver of expenditure in adult social care is the number of people in receipt of care and the cost of each individual's care. The forecast has stabilised because we believe we will make fewer new placements in the second half of the year than we made in the first half of the year.
- 39 There is close alignment between the work being undertaken to manage budget pressures and the transformation plan. There will be some impact in-year including in respect of pricing, the focus on the review of supported living services, and services to support people at home. However, there are also risks including the reduction in the number of agency staff which has led to an increase in waiting times for services and disputes with providers in respect of price increases.

### Residential and Nursing placements for 65+



## All Service Users in Adults services



### Children and Families adverse variance of £5.4m

- 40 At the end of the last financial year the outturn for Children and Families was an overspend of £8.2m. The Medium-Term Financial Strategy included growth to address the pressures that were emerging throughout 2023/24. The costs of children's social care are a concern for many local authorities and not unique to Cheshire East. The Second Financial Review for 2024/25 reflects a £5.4m in-year pressure.

The key pressure areas for the directorate include:

- 41 Children's social care placements (£2.6m adverse variance) where the complexity of children in care has continued to increase and the number of children in care has increased from 528 at April 2024 to 555 at October 2024 (compared to a decrease from 586 at April 2023 to 573 at June 2023). Placement costs are increasing by significantly more than inflation and more than was projected for growth in-year.
- 42 The use and cost of agency staff in children's social care to cover vacancies, sick absence, and maternity leave.
- 43 The number of staff is greater than the planned establishment to ensure we are able to meet our statutory needs. Work is underway to ensure the staffing structure is suitably funded and factored into the MTFS for 2025/26.
- 44 Home to school transport costs (£0.3m adverse variance) – where a mix of increasing numbers of pupils with an education, health and care plan (EHCP), and increasing fuel costs have seen overall costs rise.
- 45 Schools Catering (£0.5m adverse variance) – where the costs of the service are above the current charged income level and base budget.
- 46 Work is underway in the services to look at mitigating actions which can be taken to reduce this forecast position in-year, and these pressures will be considered as part of the developing MTFS for 2025/26. These include:

- Reviewing costs of placements as more detailed reviews are underway focusing on the expected length that some placements may need to be in place for;
- Staffing establishment reviews now scheduled on a 6 weekly basis including a review of agency staff and alternative working;
- Reunification children to be identified with targeted work in place for individual cases;
- Tracking of similar spend across teams to be held in the same place as residential and supported accommodation spend to increase overall grip and understanding;
- Work on Edge of Care Service proposals to identify early intervention that may reduce admissions and costs.

### **Dedicated School Grant (DSG)**

- 47 The key pressure on DSG relates to the high needs block where the SEND service continues to see a significant increase in the number of pupils with an EHCPs, and the associated school placement costs.
- 48 This has placed pressure on the grant used to provide funding for children with SEND in various settings and led to a £31.7m deficit in 2023/24. This adds on to the brought forward deficit of £46.9m to take the DSG Reserve to a £78.6m deficit position at the end of 2023/24.
- 49 This is an improvement on the budget gap as determined by the Council's DSG Management Plan that was reported to Children and Families Committee in April 2024 and set out the planned expenditure and income on high needs over the medium term.
- 50 The current forecast is showing an in-year deficit of £41.5m which would increase the overall deficit to £120.1m.

### **Corporate Policy adverse variance of £2.4m**

- 51 The Corporate Services Directorate has a net budget of £41.7m. At Second Finance Review (FR2), the budget is forecast to overspend by £2.4m compared to a £23,000 overspend at First Finance Review (FR1). The main reason for this change is that the forecast cost of the Transformation Programme (£2.8m) has now been included within Corporate Services. Without this, the forecast would be a £0.5m underspend. It also must be noted that, following a recent review of staffing establishments, there are pending staffing budgets realignments to be actioned which will change individual service forecasts but not the overall figure for Corporate Services. There is a compensating underspend in central budgets reflecting the way in which this transformation work is being funded.

- Vacancy management in Corporate Services has resulted in the majority of services forecast an underspend on staffing budgets totalling £2.1m (£2m at FR1);
- Vacancy management has been combined with tighter control on non-pay spending across all services which is achieving a forecast underspend of £0.7m; and
- additional income of £0.3m is forecast in the Registrations Service.
- However, these underspends have been offset by the following:
- forecast spend of £2.8m on the Transformation Programme. The cost of the programme will be met from reserves or use of flexible capital receipts, the financial impact of these are shown elsewhere in the accounts;
- a forecast £1.3m under-recovery of Rent Allowances;
- a forecast overspend of £0.4m on the Transactional Service Centre (TSC), hosted by Cheshire West and Chester, mainly due to the additional costs of the stabilisation programme which has been put in place to improve the performance of the service and recognises the need to change the way in which Unit4 is used. This was an issue highlighted in the Corporate Peer Review that needs significant attention;
- a £0.5m shortfall in charging staff time to capital projects within ICT Strategy. This partially offsets savings from vacancy management within ICT Strategy included in the vacancy management figure above, and a forecast balanced position in ICT Shared Service - this is an improvement over the £0.1m overspend due to lower than budgeted project income and schools recharge income reported at FR1;
- There is a forecast overspend of £0.3m (£0.4m at FR1) in Accountancy mainly due to additional costs including Bank Charges and External Audit fees; and
- a staff budget pressure of £0.1m across Corporate Services relating to the estimated impact of the latest pay award offer versus the amount included in the MTFS.

### **Place Directorate favourable variance of £4.0m**

- 52 Overall, the Place Directorate is forecasting an underspend of £4m at the second Financial Review stage against a £92.5m budget. Pressures from reducing planning application income (£0.5m), increased waste collection and disposal costs (£0.7m) and yet to be secured savings against leisure (£0.2m) have been mitigated through further vacancy management, reducing expenditure and maximising funding opportunities.

### **Economy & Growth favourable variance of £3.3m**

- 53 Growth and Enterprise Directorate and Place Directorate are forecasting an underspend of £3.3m against a net budget of £28.1m which is a £0.7m improvement on the FR1 position. The key reasons for the underspend are:
- Facilities Management: there is a £1.9m underspend forecast. This includes pressures against maintenance budgets of £0.5m (additional pressures and delivery of savings), costs of workplace initiatives and equipment of £0.5m, the transfer of underspends to offset Place MTFS targets across the Directorate £0.6m and these have been offset by:
    - Savings against gas and electricity compared to much higher budgeted costs £3.1m.
    - Business rates underspend of £0.1m due to revaluations and appeals.
    - Underspends from vacancy management £0.3m.
  - Economic Development: £0.3m underspend from vacancy management, reduced supplies £0.1m and increased income £0.1m.
  - Housing: £0.5m underspend from vacancies and extra grant funding.
  - Green infrastructure and Cultural Economy £0.4m due to vacancies.

### **Environment & Communities favourable variance of £0.1m**

- 54 Environment and Neighbourhood Services is forecasting an underspend of £0.1m against a net budget of £48.4m. This is a £0.7m improvement from FR1. The key reasons for the forecasting underspend are:
- Development Management: £0.4m overspend reflecting pressures from a shortfall in income from planning applications £0.5m and pressures on supplies and services of £0.1m. These are offset by vacancy management £0.1m and funding the one-off costs of the new planning system £0.1m from reserves.
  - Environmental – Commissioning: ANSA reporting a £0.1m overspend overall including pressures from the ANSA contract of net £0.2m and Cheshire East pressures from recycling costs of £0.4m. These are being offset by the use of the ASDV reserve of £0.5m.
  - Libraries: £0.1m overspend including pressures of £0.5m from the delivery of the MTFS savings which is offset by £0.3m vacancy management and £0.1m underspend from MTFS growth for exploring a charitable trust model. This is an improvement of £0.1m since the FR1 position due to additional vacancies.
  - Leisure Commissioning: £0.2m overspend (delivery of MTFS savings) unchanged from FR1.

- Other service issues: £0.9m underspend, which is an improvement of £0.1m on the FR1 position:
  - Building Control: £0.2m underspend (£0.2m building control offset by £0.4m vacancies).
  - Local Land Charges and Planning Support: £0.2m underspend from vacancies.
  - Strategic Planning: £0.3m (£0.1m vacancy management plus £0.2m delayed Local Plan costs).
  - Regulatory Services: £0.2m (£0.3m vacancies offset by £0.1m CCTV costs).

### **Highways & Transport favourable variance of £0.6m**

55 Highways & Infrastructure are forecasting an underspend of £0.6m against a net budget of £16m. The key reasons for the underspend are:

- Car Parking: £0.4m underspend through vacancies of £0.1m and increased income of £0.3m.
- Strategic Transport: £0.1m underspend from vacancies.
- Rail and Transport Integration: £0.1m underspend from vacancies.

### **Finance Sub favourable variance of £4.5m**

56 Finance Sub Committee are reporting a positive variance of £4.5m against a revised net budget of £30.0m.

- Financing and Investment £0.3m net pressure reflecting £1.4m increased cost of interest payments on borrowing offset by £1.1m increased interest receipts from investments.
- Reserves use of £3.5m (net change from MTFS) reflects £0.5m additional Flexible Capital Receipts offset by £1m reduction in available Capital Financing Reserve at outturn compared to forecast balance reflected in the February 2024 MTFS. There is also an additional £4m use of the General Fund reserve forecast to fund transformation activities.
- There is a further £1.2m positive variance as a result of in year reviews of S106 balances/schemes and bad debt. The S106 Review identifying a one off contribution in year where work has been completed in prior years but has not been reflected in transferring money from S106 into the general fund, £0.5m initially reflected at FR2 with potential for further increased contributions at FR3; £0.8m reduction in the Adult Social Care bad debt provision, as referred to in para 74 below.

## Progress on delivery of the 2024/25 approved budget change items

- 57 Table 5 presents a summary of the progress on the delivery of the 2024/25 approved budget change items. For items rated as Amber these are for items where there are risks and/or mitigating actions in place. For items rated as red these are for items where services are projecting an adverse variance and there is risk of in year non delivery/achievement. New mitigation items have also been included that have come forward since the approval of the MTFS to help the in-year position where identified.
- 58 As the green and blue columns show, £21.5m of the budget change items are either delivered or on track to be delivered or even exceed in some cases. However, there is also a pressure of £59.3m as shown in the red column that has a high risk of not being achieved within this financial year. There are new in year mitigations of £16.8m, unrelated to the change item rows that has been identified to assist the outturn position. The table below summarises the progress by Committee:

**Table 5: Summary of the progress on the delivery of the 2024/25 approved budget change items**

Committee	Approved Change Budget £'000	Forecast Outturn £'000	Completed £'000	Could Exceed £'000	Green £'000	Amber £'000	Red £'000	Mitigations £'000
Adults & Health	1,136	21,900	-2,723	0	-9,482	0	37,468	-3,363
Children & Families	9,909	15,311	922	0	-856	273	15,751	-779
Corporate Policy	489	2,866	-173	0	2,013	0	1,581	-555
Economy & Growth	3,316	41	-61	0	3,861	38	690	-4,487
Environment & Communities	-52	-178	-2,220	-1,480	3,273	-1,523	3,510	-1,738
Finance Sub	-19,667	-24,082	600	0	-19,348	0	0	-5,334
Highways & Transport	4,869	4,267	2,488	0	1,700	305	328	-554
<b>TOTAL</b>	<b>-</b>	<b>20,124</b>	<b>-1,167</b>	<b>-1,480</b>	<b>-18,839</b>	<b>-907</b>	<b>59,328</b>	<b>-16,811</b>

- 59 A complete list of all approved budget change items, with progress noted against each item, can be found in **Annex 1, Section 2**.

## Revenue Grants for Approval

- 60 Approvals for Supplementary Revenue Estimates for allocation of additional grant funding are detailed in **Annex 1, Section 3**.

## Reserves Position

- 61 On 1 April 2024, Earmarked Reserves totalled £32.278m and the General Fund Reserve Balance totalled £5.580m. Of the total earmarked reserves, more than £22m (70.5%) will be spent in 2024/25, on supporting the revenue budget for 2024/25.
- 62 Table 6 and 7 shows the forecast level of Earmarked and General reserves by the end of 2024/25.

**Table 6: Earmarked Reserves**

Earmarked Reserves by Committee	Opening Balance 01 April 2024 £000	Drawdowns to General Fund £000	Approved Movement Forecast £000	Additional Drawdown Requests* £000	Closing Balance Forecast 31 March 2025 £000
Adults and Health	5,226	(2,795)	(110)	0	2,321
Children and Families	1,724	0	(1,593)	(131)	0
Corporate Policy	20,773	(6,551)	(2,830)	(4,545)	6,847
Economy and Growth	2,777	(662)	(1,004)	(765)	346
Environment and Communities	870	(390)	(402)	(78)	0
Highways and Transport	908	(205)	(415)	(288)	0
<b>EARMARKED RESERVES TOTAL</b>	<b>32,278</b>	<b>(10,603)</b>	<b>(6,354)</b>	<b>(5,807)</b>	<b>9,514</b>

\* All 'Additional Drawdown Requests' are subject to approval.

\* Total excludes schools' balances

**Table 7: General Fund Reserve**

General Fund Reserve	Opening Balance 01 April 2024 £000	Drawdowns to General Fund £000	Approved Movement Forecast	Additional Forecast Movement £000	Closing Balance Forecast 31 March 2025 £000
General Fund Reserve	5,580	(1,051)	0	(4,043)	486
<b>GENERAL FUND RESERVE TOTAL</b>	<b>5,580</b>	<b>(1,051)</b>	<b>0</b>	<b>(4,043)</b>	<b>486</b>

- 63 At FR1 stage the closing balance at 31 March 2025 in the Council's General Fund Reserve was forecast to be £4.5m. However, at the FR2 stage, a further £4m transformational spend has been included within the service forecasts which will be funded from General reserves, reducing the forecast balance to £0.5m. If it is possible to identify additional capital receipts these could potentially be used to capitalise this expenditure and this will remain an area that is under review.

- 64 The Council is currently forecast to have £9.534m of earmarked reserves at the end of the financial year 2024/25. Of this £2.279m can be considered ringfenced, with specific conditions limiting their use.
- 65 A full list of all earmarked reserves can be found in **Annex 1, Section 5**.

### **Dedicated Schools Grant Reserve**

- 66 The Dedicated Schools Grant (DSG) is ring-fenced funding received for: schools; high needs / special educational needs; and early years provision. In recent years there has been a pressure on the DSG high needs block where funding has not kept pace with the increasing numbers and cost of children with an Education, Health and Care Plan. This has created a deficit DSG reserve balance which is held in an unusable reserve.
- 67 The on-going pressure is regularly reviewed; at the end of 2023/24 the deficit was £78.6m and this is forecast to increase by £41.5m by the end of 2024/25. This is an improvement on the Council's DSG Management Plan approved in April 2024, which sets out the planned expenditure and income on high needs over the medium term. The DSG Management Plan is currently being updated and will be reported to Committee on completion.

**Table 8: Dedicated Schools Grant**

<b>Dedicated Schools Grant Deficit</b>	<b>£m</b>
Deficit Balance Brought forward	<b>78.6</b>
Additional In-year Pressures	<b>41.5</b>
<b>Deficit Balance at 31 March 2025</b>	<b>120.1</b>

### **Debt**

- 68 Sundry debt includes all invoiced income due to the Council except for statutory taxes (Council Tax and Non-Domestic Rates). The balance of outstanding debt at 30<sup>th</sup> September 2024 has increased by £0.516m since FR1 (end of July 2024).
- 69 Annually, the Council raises invoices with a total value of over £80m. Around a quarter of the Council's overall sundry debt portfolio relates to charges for Adult Social Care, the remainder being spread across a range of functions including Highways, Property Services, Licensing and Building Control.
- 70 The Revenue Recovery team (using their experience gained in collecting Council Tax and Non-Domestic Rates) engage with services to offer advice and assistance in all aspects of debt management, including facilitating access to debt collection services (currently provided by Bristow & Sutor).

- 71 After allowing for debt still within the payment terms, the amount of outstanding service debt at the end of September 2024 was £17.8m.
- 72 The total amount of service debt over six months old is £10.5m; split as £9m of Adult Social Care debt and £1.5m of Sundry Debt. A provision of £6.8m was made at year ended 31st March 2024 to cover doubtful debt in the event that it needs to be written off. There is an ongoing in year review of the Bad Debt provision which has to date focussed on Adult Social Care debt, has identified a forecast £0.8m reduction in the provision in 2024/25, reflected in the FR2 position.
- 73 The level of Adult Social Care debt can fluctuate depending on when in the month the snapshot is taken, for example if it is before or after the Direct Debit income is received and allocated. The debt also has different levels of risk depending on the type of debt. For example, around £3.5m is linked to deferred arrangements which is debt that is secured on property or assets, and therefore carries a low risk. There is also around £5m of debt which is deemed to be lower risk as its linked to areas such as probate, property sales or deputyship. As noted above, the current review of Debt provision for Adult Social Care has identified an £0.8m reduction in the ASC debt provision having reviewed the provision process across the 3 main categories of ASC all of which have distinct provision calculations. Further work is ongoing and will extend to wider Council debt throughout the review.
- 74 The Highways position for outstanding debt is consistent throughout the year. The debt is generally made up of three elements: the movement of funds from Cheshire West and Chester Council and Warrington Borough Council in relation to the Cheshire Road Safety Group (these are settled quickly); third party claims for damage to the highway; and permit fees. The third party claims are often paid in instalments.

The previous outturn positions are:

- 31 March 2024 Outstanding debt £1.6m, over 6 months old £0.7m.
  - 31 March 2023 Outstanding debt £1m, over 6 months old £0.5m
- 74 The Council has robust processes in place to ensure that all outstanding debt is chased up (where commercially viable) and, where necessary, payment plans are put in place with advice from Legal Services.

**Table 9 – Debt Summary as at 30<sup>th</sup> September 2024**

	Outstanding Debt £000			Over 6 months old £000		
	FR1	FR2	Increase / (Decrease)	FR1	FR2	Increase / (Decrease)
<b>Adults and Health Committee</b>						
Adults, Public Health and Communities	14,534	14,967	433	9,091	9,060	(31)
<b>Children and Families Committee</b>						
Children's Social Care (Incl. Directorate)	182	189	8	14	-	(14)
Prevention and Early Help	72	69	(3)	(7)	(7)	-
Schools	22	17	(5)	2	2	0
<b>Highways and Transport Committee</b>						
Highways and Infrastructure	1,189	1,115	(75)	751	760	9
<b>Economy and Growth Committee</b>						
Growth and Enterprise	704	740	37	393	394	0
<b>Environment and Communities Committee</b>						
Environment and Neighbourhood Services	355	398	43	209	215	7
<b>Corporate Policy Committee</b>						
Finance and Customer Services	109	135	25	73	69	(3)
Governance and Compliance	37	(1)	(37)	-	-	-
Human Resources	8	-	(8)	1	-	(1)
ICT	119	217	98	1	2	2
<b>Total</b>	<b>17,331</b>	<b>17,846</b>	<b>516</b>	<b>10,527</b>	<b>10,496</b>	<b>(31)</b>

## Council Tax and Business Rates

### Council Tax

- 75 **Table 10** details each precepting authorities share of the budgeted collectable rates income.

<b>Table 10 Share of Council Tax Collectable Rates</b>	<b>Band D Charge</b>	<b>Collectable Rates £m</b>
<b>Cheshire East Council</b>	<b>1,792.59</b>	<b>287.1</b>
Town and Parish Councils	71.57	11.5
Cheshire Police and Crime Commissioner	262.94	42.1
Cheshire Fire Authority	90.09	14.4
<b>Total</b>	<b>2,217.19</b>	<b>355.1</b>

- 76 The collectable rates valuation is based on the assumption that of the total amount billed, at least 99% will be collected. **Table 11** demonstrates that, excluding a slight reduction during the Covid-19 pandemic, the target to collect at least 99% of Council Tax within three years continues to be achieved.

<b>Table 11 Council Tax Collection Rates</b>	<b>2020/21 %</b>	<b>2021/22 %</b>	<b>2022/23 %</b>	<b>2023/24 %</b>	<b>2024/25 %</b>
After 1 year	97.4	97.8	98.2	98.0	*55.58
After 2 years	98.6	98.5	98.8	**	**
After 3 years	98.9	99.0	**	**	**

\* 2024/25 rate is up to 30<sup>th</sup> September 2024.

\*\* Data is not yet available.

- 77 After accounting adjustments, the Council Tax Collection Fund is forecasting a £0.080m surplus for 2024/25, of which, £0.067m is attributable to Cheshire East Council. This surplus will be paid out in 2025/26 and will be held in the Collection Fund Earmarked Reserve until such time.

### Non-Domestic Rates (NDR)

- 78 Collectable rates are distributed between Cheshire East Council (49%), Cheshire Fire Authority (1%), and Central Government (50%).
- 79 Non-domestic Rates valuations for 2024/25 were set out in the NNDR1 return to Central Government in January 2024. Any variance to this forecast is included in the following years' NNDR1 return and any gain or loss will be recovered in 2025/26. The total Net Rates Payable into the Collection Fund was forecast at £155.7m.
- 80 **Table 12** demonstrates that the target to collect at least 99% of Non-Domestic Rates within three years continues to be achieved.

<b>Table 12 Non-Domestic Collection Rates</b>	<b>2020/21 %</b>	<b>2021/22 %</b>	<b>2022/23 %</b>	<b>2023/24 %</b>	<b>2024/25 %</b>
After 1 year	92.4	95.6	98.2	97.7	*56.43
After 2 years	97.4	98.3	98.8	**	**
After 3 years	99.0	99.2	**	**	**

\* 2024/25 rate is up to 30<sup>th</sup> September 2024.

\*\* Data is not yet available.

- 81 After accounting adjustments, the Non-Domestic Rates Collection Fund is forecasting a £2.1m deficit for 2024/25, of which, £1.0m is attributable to Cheshire East Council. This deficit will be repayable in 2025/26 and will be managed through the Collection Fund Earmarked Reserve.

### Treasury Management Strategy update

- 82 Treasury Management income to 30 September 2024 is £1.5m which is higher than the budgeted £0.9m. However, borrowing costs are also higher than budgeted at £9.2m compared to budget of £8m. This is caused by a combination of increasing interest rates with an increased borrowing requirement. From the projected cash flows for the remainder of 2024/25 the net additional financing costs (borrowing less investment interest) is expected to be £0.7m in excess of that budgeted.
- 83 Interest rates have seen substantial rises over the last two years which has significantly increased the cost of borrowing. The expectation is that borrowing costs will start to fall although market uncertainty and tightening liquidity in the markets suggests we will not benefit from lower rates until 2025/26.

- 84 At the moment, cash shortfalls are generally being met by temporary borrowing from other local authorities which for a number of years has been considerably cheaper than other sources of borrowing and allowed the Council to keep financing costs low. The cost of these loans is currently relatively high compared with longer term loans but interest forecasts suggest it is still the cheaper option in the long term. However, liquidity risk remains an issue as funds become more scarce towards year end and the request to the Government for exceptional financial support has raised credit worthiness concerns with some lenders. To reduce liquidity risk and any potential credit related penalisation on interest costs, consideration is being given to taking more longer term PWLB loans.
- 85 The cost of short term borrowing for the first six months of 2024/25 is 5.45% which is an increase from 4.82% in 2023/24. These costs are now expected to reduce as the outlook is for reducing interest rates.

### **Investment Strategy**

- 86 There have not been any material changes to the Investment Strategy since that reported at Final Outturn 2023/24, see link [Final Outturn 2023-24 Annex 1.pdf \(cheshireeast.gov.uk\)](#)

### **Consultation and Engagement**

- 87 As part of the budget setting process the Pre-Budget Consultation provided an opportunity for interested parties to review and comment on the Council's Budget proposals. The budget proposals described in the consultation document were Council wide proposals and that consultation was invited on the broad budget proposals. Where the implications of individual proposals were much wider for individuals affected by each proposal, further full and proper consultation was undertaken with people who would potentially be affected by individual budget proposals.

### **Reasons for Recommendations**

- 88 The overall process for managing the Council's resources focuses on value for money, good governance and stewardship. The budget and policy framework sets out rules for managing the Council's financial affairs and contains the financial limits that apply in various parts of the Constitution. As part of sound financial management and to comply with the constitution any changes to the budgets agreed by Council in the MTFS require approval in line with the financial limits within the Finance Procedure Rules.
-

- 89 This report provides strong links between the Council's statutory reporting requirements and the in-year monitoring and management processes for financial and non-financial management of resources.

### **Other Options Considered**

- 90 None. This report is important to ensure Members of the Committee are sighted on the financial pressure the Council is facing and the activity to date to try and mitigate this issue and are given an opportunity to scrutinise this activity and identify any further actions that could be taken to learn to live within our means Do nothing. Impact – Members are not updated on the financial position of the Council. Risks – Not abiding by the Constitution to provide regular reports.

### **Implications and Comments**

#### *Monitoring Officer/Legal*

- 91 The Council must set the budget in accordance with the provisions of the Local Government Finance Act 1992 and approval of a balanced budget each year is a statutory responsibility. Sections 25 to 29 of the Local Government Act 2003 impose duties on the Council in relation to how it sets and monitors its budget and require the Council to make prudent allowance for the risk and uncertainties in its budget and regularly monitor its finances during the year. The legislation leaves discretion to the Council about the allowances to be made and action to be taken.
- 92 The provisions of section 25 of the Local Government Act 2003, require that, when the Council is making the calculation of its budget requirement, it must have regard to the report of the chief finance (s.151) officer as to the robustness of the estimates made for the purposes of the calculations and the adequacy of the proposed financial reserves.
- 93 The Council should therefore have robust processes in place so that it can meet statutory requirements and fulfil its fiduciary duty. It must ensure that all available resources are directed towards the delivery of statutory functions, savings and efficiency plans. Local authorities are creatures of statute and are regulated through the legislative regime and whilst they have in more recent times been given a general power of competence, this must operate within that regime. Within the statutory framework there are specific obligations placed upon a local authority to support communities. These duties encompass general and specific duties and there is often significant local discretion in respect of how those services or duties are discharged. These will need to be assessed and advised on as each circumstance is considered.
-

- 94 The financial position of the Council must therefore be closely monitored, and Members must satisfy themselves that sufficient mechanisms are in place to ensure both that savings are delivered and that new expenditure is contained within the available resources. Accordingly, any proposals put forward must identify the realistic measures and mechanisms to produce those savings or alternative mitigations.
- 95 This report provides an update on progress for 2024/25 for all services.
- 96 It also provides updates and comments regarding the Council's request for Exceptional Financial Support under The Levelling-up and Regeneration Act 2023 which inserted an amended Section 12A as a trigger event within the Local Government Act 2003, in relation to capital finance risk management. The legislation also provides for risk mitigation directions to be given to the Council which limit the ability to undertake certain financial action. The limitations are based on identified risk thresholds.

*Section 151 Officer/Finance*

- 97 The Council's financial resources are agreed by Council and aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively, and that business planning and financial decision making are made in the right context.
  - 98 Reserve levels are agreed, by Council, in February each year and are based on a risk assessment that considers the financial challenges facing the Council. If spending associated with in-year delivery of services is not contained within original forecasts for such activity it may be necessary to vire funds from reserves.
  - 99 The unplanned use of financial reserves could require the Council to deliver a greater level of future savings to replenish reserve balances and / or revise the level of risks associated with the development of the Reserves Strategy in future.
  - 100 As part of the process to produce this report, senior officers review expenditure and income across all services to support the development of mitigation plans that will return the outturn to a balanced position at year-end.
  - 101 Forecasts contained within this review provide important information in the process of developing the Medium-Term Financial Strategy. Analysis of variances during the year will identify whether such performance is likely to continue, and this enables more robust estimates to be established.
-

- 102 The risk associated with the scale of these challenges is that the Council could act illegally, triggering the requirement for a s.114 report from the Chief Financial Officer. Illegal behaviour in this context could materialise from two distinct sources:
1. Spending decisions could be made that exceed the available resources of the Council. This would unbalance the budget, which is unlawful.
  2. Spending decisions to restrict or hide pressures could be made that avoid an immediate deficit, but in fact are based on unlawful activity.
- 103 The consequences of the Council undermining a budget with illegal activity, or planned illegal activity, is the requirement to issue a s.114 report. Under these circumstances statutory services will continue and existing contracts and commitments must be honoured. But any spending that is not essential or which can be postponed must not take place.
- 104 Further consequences would be highly likely and could include the appointment of Commissioners from the MHCLG, and potential restrictions on the decision-making powers of local leaders.

#### *Policy*

- 105 This report is a backward look at Council activities and predicts the year-end position. It supports the Corporate Plan aim Open and priority to be an open and enabling organisation.
- 106 The forecast outturn position, ongoing considerations for future years, and the impact on general reserves will be fed into the assumptions underpinning the 2025 to 2029 Medium-Term Financial Strategy.
- 107 The approval of supplementary estimates and virements are governed by the Finance Procedure Rules section of the Constitution.

#### *Equality, Diversity and Inclusion*

- 108 Any equality implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

#### *Human Resources*

- 109 This report is a backward look at Council activities at outturn and states the year end position. Any HR implications that arise from activities funded by the budgets that this report deals with will be dealt within the
-

individual reports to Members or Officer Decision Records to which they relate.

### *Risk Management*

- 110 Financial risks are assessed and reported on a regular basis, and remedial action taken if required. Risks associated with the achievement of the 2023/24 budget and the level of general reserves were factored into the 2024/25 financial scenario, budget, and reserves strategy.

### *Rural Communities*

- 111 The report provides details of service provision across the borough.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 112 The report provides details of service provision across the borough and notes the pressure on Children in Care.

### *Public Health*

- 113 This report is a backward look at Council activities at the first review and provides the forecast year end position. Any public health implications that arise from activities funded by the budgets that this report deals with will be dealt within the individual reports to Members or Officer Decision Records to which they relate.

### *Climate Change*

- 114 There are no direct implications for climate change.

<b>Access to Information</b>	
Contact Officer:	<p>Adele Taylor, Interim Director of Finance and Customer Services (s151 Officer)  <a href="mailto:adele.taylor@cheshireeast.gov.uk">adele.taylor@cheshireeast.gov.uk</a></p> <p>Paul Goodwin, Head of Finance &amp; Deputy Chief Finance Officer  <a href="mailto:paul.goodwin@cheshireeast.gov.uk">paul.goodwin@cheshireeast.gov.uk</a></p>
Appendices:	<p><b>Annex 1 including:</b></p> <ul style="list-style-type: none"> <li>• <b>Section 1</b> 2024/25 Forecast Outturn</li> <li>• <b>Section 2</b> 2024/25 Approved Budget Change Items</li> <li>• <b>Section 3</b> Revenue Grants for approval</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Section 4</b> Capital</li> <li>• <b>Section 5</b> Reserves</li> <li>• <b>Section 6</b> Treasury Management</li> </ul>
Background Papers:	<p>The following are links to key background documents:</p> <p><a href="#">Medium-Term Financial Strategy 2024-2028</a></p> <p><a href="#">First Financial Review 2024/25</a></p>

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**Table 1 – Council Decision**

Supplementary Revenue Estimate Requests for Allocation of Additional Grant Funding (Specific Purpose) over £1,000,000

Committee	Type of Grant	£000	Details
Children and Families – Children’s Services	Household Support Fund  (Specific Purpose)	2,200	This grant is from the Department for Work and Pensions. This is an extension to the Household Support Fund (HSF) and will cover the period from October 2024 to March 2025. The HSF is to provide crisis support to financially vulnerable households most in need.

**Table 2 – Committee Decision**

Supplementary Revenue Estimate Requests for Allocation of Additional Grant Funding (Specific Purpose) over £500,000 up to £1,000,000

Committee	Type of Grant	£000	Details
Adults and Health	Asylum Dispersal Scheme  (Specific Purpose)	770	This grant is from the Home Office (HO). Funding allocated by the Home Office for Cheshire East to support the Asylum Dispersal Scheme.

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**Table 5: Recommendations for Approval for Supplementary Capital Estimates (SCEs) and Virements**

Committee	Amount Requested £	Reason and Funding Source
<b>Finance Sub Committee are asked to recommend to Council the approval of the Supplementary Capital SCEs over £1,000,000</b>		
<b>Highways &amp; Transport</b>		
<b>Infrastructure</b>		
Burford Roundabout Works	1,389,281	To add S106 monies received against planning app 13/2471N plus any subsequently applied interest into the Programme so that initial works can take place.
<b>Total Supplementary Capital Estimates Requested</b>	<b>1,389,281</b>	
<b>Total Supplementary Capital Estimates and Virements</b>	<b>1,389,281</b>	

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**OPEN**

**Council**

**11 December 2024**

**Senior Management Structure – Children’s Services**

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**Report of: Rob Polkinghorne, Chief Executive**

**Report Reference No: C/14/24-25**

**Ward(s) Affected: All Wards**

**Purpose of Report**

1. To seek agreement that Corporate Policy Committee will recommend to full Council the approval, in principle of one new post, subject to consultation on the staffing structure, where the remuneration will be more than £100,000 per year.
2. To set out the amended proposed new senior management structure within the Children’s Services.
3. To outline the business case and rationale for these proposed changes in line with the Children’s Services Improvement Plan.
4. It also sets out the current interim arrangements which have been in place since September 2024. The proposed new structure would replace and formalise these arrangements, subject to formal consultation.

**Executive Summary**

5. Children’s services embarked on a transformation programme approved by Council in February 2023. The need to transform Children’s Services was further highlighted by the recent failed inspection in February 2024 where Ofsted made a judgement that overall services to children in Cheshire East was inadequate.
6. In October 2024, full council approved Phase 1 of the Cheshire East Senior Management restructure, following consultation with recognised trade unions and affected staff in August. This phase was essential to

provide capacity and stability to the senior management structure across the council.

7. In Phase 1, the two-director structure model was formalised within Children's Services. This structure had been in place on a temporary basis following the Director of Education (14-19 Skills) leaving the council in May 2023.
8. However, a review of capacity of the Children's Services senior management structure as part of the work being undertaken to implement the improvement and impact action plan has identified the need for an additional permanent director post to ensure an effective leadership structure. It is therefore proposed to introduce, subject to consultation, the post of Director of Commissioning, Quality Assurance and Partnerships.

Recommendations: -

That full Council: -

- 1 agrees the proposed change to the senior management staffing structure for Children's Services, subject to prior consultation with all parties affected by the decision, including any Trade Unions.
- 2 approves in principle a new post, subject to consultation with staff and trade unions on the staffing structure, where the remuneration will more than £100,000 per year.

## Background

9. In summer/autumn 2024, as part of phase 1 of the Cheshire East council senior management restructure, the permanent structure within Children's Services moved to a two director model creating a Director of Education (0-19), Inclusion, Strong Start and Integration (deputy DCS) and a Director of Social Care (deputy DCS). This formalised the temporary arrangements that had been in place since the postholder of the Director of Education and 14-19 Skills left the council in May 2023.
10. However, a review of capacity of the Children's Services senior management structure as part of the work being undertaken to implement the improvement and impact action plan has identified the need for an additional permanent director post to ensure an effective leadership structure. It is therefore proposed to introduce, subject to consultation, the post of Director of Commissioning, Quality Assurance and

Partnership, reporting to the Executive Director Children's Services. The job description is provided in Appendix 2.

11. Currently, an interim director has been appointed to fulfil these duties as part of the improvement and impact action plan.
12. This role will have key responsibility for providing strategic direction and leadership to ensure that children's services are effectively commissioned, monitored, and improved. It will help align services with the needs of children and families, ensuring that resources are used efficiently and effectively. Furthermore, it will be essential for establishing and maintaining high standards in services provided to children and their families and ensure that services meet regulatory and statutory requirements. Safeguarding children is a paramount concern and with a dedicated director who can oversee safeguarding practices, ensuring that all partnerships and services prioritise the safety and well-being of children will keep the organisation safe. This includes training staff, developing policies, and responding to safeguarding concerns effectively both at a team level but across the partnership and provide strategic alignment to regional and national learning.
13. Current Children's commissioning arrangements have been delivered within adult services commissioning team. Being delivered outside of Children's services, these arrangements have impacted effective commissioning and the quality assurance of providers in relation to suitable placements for our children in care and care leavers. This new dedicated role will oversee budgeting, funding allocations, and workforce development to ensure that services are both sustainable and capable of meeting demand. In addition, it will be well placed to ensure that all services comply with legal and regulatory requirements, as well as internal policies. This accountability is crucial for maintaining public trust and ensuring that children receive safe and effective care.
14. The proposed director for children's commissioning, quality assurance and partnerships will fulfil a vital role in ensuring that services are well-coordinated, high-quality, and focused on the safety and well-being of children creating a comprehensive and effective system of support for children and families.
15. The director post within senior management structure for Adults, Health and Integration which combines both Adults and Children's Commissioning will be reviewed to avoid any overlap in duties and its focus refined. This will be completed prior to the recruitment and selection process commencing.
16. It is anticipated that the salary for this post may exceed £100,000 per annum. Under the constitution, full council must approve posts where the salary exceeds or is likely to exceed £100,000.

## **Financial Implications**

17. The revised costs for the Phase 1 Children's Services Senior Management structure are shown in appendix 3.

## **Recruitment Proposals**

18. Agreement is sought, in principle and subject to consultation, for a new position of Director of Children's Commissioning, Quality Assurance and Partnerships.
19. Subject to consultation with affected staff and the trade unions, the recruitment and selection process will be supported by Starfish, Cheshire East's executive search partner procured to undertake the senior management recruitment campaign.

## **Consultation and Engagement**

20. Subject to the approval of the recommendations laid out in this report, there will be formal consultation on the proposals within Children's Services with affected staff and the trade unions, in accordance with the Council's employment policies.

## **Reasons for Recommendations**

21. The key reasons for the recommendations are linked to the Council's Corporate Plan 2021 – 25, strategic aims and objectives:

An enabling organisation:

- Ensure that there is transparency in all aspects of council decision making.
  - Listen, learn and respond to our residents, promoting opportunities for a two-way conversation.
  - Support a sustainable financial future for the council, through service development, improvement and transformation.
  - Support and develop our workforce to be confident, motivated, innovative, resilient and empowered.
22. The new proposals within Children's Services meet its objectives within the Integrated Children's Strategy and provide for dedicated roles in key areas within the Directorate, to support the delivery of the transformation strategy and improvement plan.

## **Other Options Considered**

23. The option to retain the two director model within Children's Services has been considered. However, since the consultation and finalising phase 1 of the senior management structure for Cheshire East Council, the work of the improvement and impact plan has identified the need for an additional permanent director within Children's Services. This new director post will ensure the dedicated focus on safeguarding and quality assurance as well children's commissioning to ensure that the improvement journey and its positive impact for the children of Cheshire East is delivered and embedded at pace.

## **Implications and Comments**

### *Monitoring Officer/Legal*

24. The proposal for a new Director role will need to be subject to full consultation with affected staff and unions before any final decision is made to implement the senior management structure. Consultation should be in line with the Council's policies regarding organisational change and restructures.
25. It is noted that, subject to consultation, the post will be added to the new Children's Services senior management structure.
26. Any new posts with a proposed salary of £100,000 or more will need to be approved by Full Council, in accordance with the Constitution and the Council's Pay Policy Statement.
27. Recruitment must be undertaken in accordance with the Constitution. The recruitment must also comply with the Employment Procedure Rules as well as appropriate HR policies and Procedures.
28. All appointments as part of the senior management restructure must be in accordance with the budget and pay policy statement.

### *Section 151 Officer/Finance*

29. There is an additional cost to the introduction of this additional director post as outlined in Appendix 3. The additional costs of this post will be built into the Medium-Term financial planning to reflect the needs of the service.

### *Policy*

30. There are no direct equality implications.

*Equality, Diversity, and Inclusion*

- 31. There are no direct equality implications.
- 32. An equality impact assessment will be conducted as part of the preparation for the restructure consultation in line with HR policy.

*Human Resources*

- 33. Actions will be undertaken in accordance with the Constitution and appropriate HR policies and procedures.

*Risk Management*

- 34. All recruitment and structure changes will be undertaken in accordance with the Council's approved employment policies.

*Rural Communities*

- 35. There are no direct implications for rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 36. The proposals are to re-shape and re-focus the support to children, families, schools and settings to drive improved outcomes for our children. The proposed introduction of strategic expertise to commissioning, quality and partnerships will provide dedicated focus on this work. This will improve the experience for children and families.

*Public Health*

- 37. There are no direct implications for public health.

*Climate Change*

- 38. There are no direct implications for climate change.

<b>Access to Information</b>	
Contact Officer:	Sara Duncalf, Head of HR  sara.duncalf@ cheshireeast.gov.uk
Appendices:	Appendix 1 – Children’s Services Senior Management Structure Chart  Appendix 2 – Job description for the post of Director of Commmissioning, Quality Assurance and Partnerships.  Appendix 3 – Financial Information
Background Papers:	None

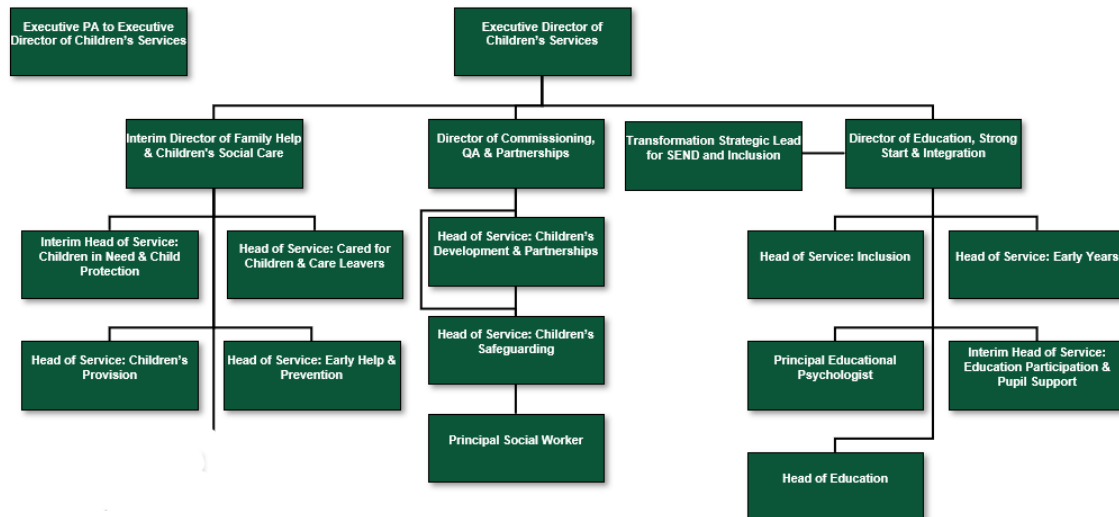
## Children's Services

## Appendix 1

## Proposed Senior Management Structure

## Children and Families Senior Leadership Team

6 November 24



## Job Description and Specification



Working for a brighter future together

<b>Job Title:</b>	Director of Children's Commissioning, Quality Assurance and Partnerships
<b>Reference:</b>	CEDR2007
<b>Service:</b>	Children & Families Directorate
<b>Grade:</b>	D
<b>Reports to:</b>	Executive Director – Children & Families
<b>Location:</b>	Delamere House, Crewe with travel to Macclesfield Town Hall and other locations within Cheshire East.
<b>DBS Check:</b>	Enhanced with Child Barred List

### Your job

The main purpose of this post is to strategically lead, develop, influence and deliver high quality early years, education and skills services and opportunities across the borough to achieve good or better outcomes for children and young people, promoting an inclusive and aspirational culture.

This role is a member of the children and families' senior leadership team contributing proactively to directorate strategy and playing a key role in improving outcomes for children, young people and their families through the strategic leadership and delivery of integrated commissioning, Quality Assurance and Children's development and Partnerships. It will work collaboratively with internal and external partners and will lead the strategy for resident's involvement and drive innovation in the provision of services that meet resident's needs using data and evidence to drive commissioning and transformation activity.

It will use clear and visible leadership skills to develop the vision for modern, cost-effective child-focused children's services, with a focus on supporting those most in need of support, to ensure that children, young people, and their families receive the highest quality of provision at the optimum cost.

### **In this job you will**

1. Lead an integrated commissioning service for children in partnership with key agencies to improve outcomes and experiences of children, young people and their families in the most efficient and cost-effective way possible.
2. Provide strategic leadership to the multi-agency children's safeguarding partnership driving the delivery of high-quality safeguarding and quality assurance services to children and families in Cheshire East.
3. To provide strategic leadership on arrangements for statutory inspection, inspections events and external challenge and scrutiny, including liaison with inspectors, partner agencies and service users.
4. To provide strategic leadership on service improvement initiatives within Children and Families, including managing, supporting and coordinating the activities of the Council's Children's Improvement Board.
5. Strategic lead for the research, co-ordination, development and implementation of Children and Families policies, procedures, practices and guidance, (consulting and negotiating as appropriate) to meet organisational and legislative requirements and improve practice.
6. Lead for children's services on cross directorate transformational ambitions and activities.
7. Work to align practice in service commissioning, in support of delivery of ambitious health and social care arrangements, with strong integration of care and health service.
8. Ensure that all directorate commissioned and contracted services are procured and delivered within budget, council and national policies and frameworks, and that the council's statutory duties regarding education and children's services delivered through commissioned services are effectively met.
9. Deliver innovative approaches to the development of directorate service commissioning, market shaping and quality assurance, and develop productive relationships with partners, providers and the local community, to deliver services focused on resident's assessed needs.
10. Lead on directorate supplier relationship management and market development, working in collaboration with service leads to ensure the fit between needs, outcomes and provision, to develop a comprehensive insight into the key markets to inform market development and supplier relationship management.
11. Work closely with the council's and ICB's information, data and performance and public health teams to develop commissioning priorities for the directorate using information and data to develop innovative approaches to managing demand and preparing for future needs.

12. Drive the use of integrated and preventative commissioned and contracted services that demonstrate a measurable decrease in the number of people accessing intensive, high cost, long-term services and institutional care.
13. Work with the council's procurement team to establish robust and sustainable arrangements for the tendering and performance management for suppliers and contracts and ensure that providers are challenged to deliver year on year improvements to quality and outcomes. Champion the interests of parents, families and vulnerable children and young people across all related services. Across the directorate, lead, and coordinate user involvement to increase opportunities for the voice and views of parents, carers, children and young people to inform and shape services and support.
14. Drive a customer service ethos which delivers high standards of customer care in responding to customer comments and complaints, and the use of this information to inform and improve service delivery.
15. Build capacity and flexibility in the services managed to respond to the findings of service inspections, legislative changes and national policy developments to support improvement.
16. Work closely with the Executive Director of Children and Families (DCS) and the 2 other directors to ensure that the statutory obligations of the DCS and the service in relation to children's services are fully discharged.
17. Lead a professional team providing effective management and development of staff and a clear vision and direction for all.
18. Evidence of developing and delivering innovation within challenging environments. Able to build a shared vision, develop partnerships, resolve complex problems and facilitate change sensitively.

**From time to time you may be asked to undertake work as may be determined by the Chief Executive and/or an Executive Director. This will be up to or at a level that is consistent with your job role. This supports our joint commitment in our employee deal to work together as one team and one council to deliver the best service for our customers and communities.**

## **In this job you will need**

### **Education, training, and work qualifications:**

- High calibre degree or equivalent level qualification or ability to demonstrate intellectual ability of a significant level.
- A relevant professional qualification
- Evidence of continued professional, managerial, and personal development in relevant professional area.

### **Knowledge:**

- Knowledge of the issues facing local government and the wider economy and how they impact relevant service areas.
- Up to date professional knowledge base of the key areas relevant to the role and deep insight into the relationship between different fields.
- Awareness of the legislation and guidance relevant to the role and the implications that changes to legislation may have, including Inspection Regulations and what it means to be Inspection ready.

### **Skills and abilities:**

- Ability to balance strategic leadership and direction with effective operational management.
- Ability to foster an open and trusting culture with the ability to lead change through others and inspire high levels of performance.
- Outstanding relationship management and networking skills, and the ability to foster joint working across service boundaries.
- Excellent analytical thinker able to apply a significant degree of evaluative judgement and provide practical and creative solutions.

- Able to identify economic, market and customer issues and use these to promote innovative business models, commercial partnerships and agreements to deliver greatest value.
- Political sensitivity with an ability to make progress in complex policy areas and a strong belief in the value of local democracy and accountability.
- Commitment to Cheshire East Council's values and behaviours and equal opportunity policy, with an ability to demonstrate personal leadership on the importance of diversity.

**Relevant experience:**

- Substantial experience, evidenced by a solid track record of success, leading a significant organisational function or service in a complex environment. Evidence of experience as a senior manager of social work services with a broad background in children's services and a track record of successfully delivering service improvement.
- Strong track record of partnership building and driving value for money.

## Our culture

For us, it is not just about our achievements as an organisation, but about how we do it. At Cheshire East Council we are working for a brighter future together –

- **We have a shared purpose**
- **We are supported and well led**
- **We are treated fairly and highly valued**
- **We succeed together**

This is all underpinned in our employee deal and everyone is expected to uphold their commitments by living by our values and demonstrating our behaviours.

## Our values

**Flexibility:** adaptable, open to learning and resilient

**Innovation:** creative, challenges convention and always looks to improve

**Responsibility:** delivers on promises, efficient and has integrity

**Service:** listens, delivers quality, is reliable and enables others

**Teamwork:** respectful, inclusive and contributes at all levels

## Employee deal

### Our COMMITMENT

#### Shared purpose

- Provide a safe and positive working environment
- Setting clear performance objectives with realistic timescales for delivery
- Having fair and efficient policies and procedures in place and applying them consistently
- Listen, respond and act appropriately when you tell us about something that is inappropriate or wrong

#### Well led

- Provide honest, respectful and responsible leadership
- Be fair, consistent and timely in our decision making
- Work with you, enabling you to do your best work every day with the right resources, tools and technology

#### Valued people

- Have regular, useful team meetings, keep you informed and provide an opportunity for everyone to share their views
- Treat you as individuals, be respectful, flexible and supportive
- Care for your health and well-being
- Provide you with regular, meaningful and constructive feedback on your performance through one-to-ones and performance review meetings

#### Succeeding together

### Your COMMITMENT

#### Shared purpose

- Bring a positive and can-do attitude into work
- Be proactive and always responsive to our customers and communities
- Work responsibly and ask for help if you need it
- Tell us if you see or experience anything that is inappropriate or wrong

#### Well led

- Be honest and reliable
- Get involved, keep informed, make suggestions and share your ideas
- Embrace technology and new ways of working

#### Valued people

- Participate fully and make helpful contributions to team meetings
- Be respectful of others and work flexibly and collaboratively with colleagues and partners
- Care for your health and well-being enabling you to maximise your attendance at work
- Value helpful constructive feedback and act upon it

#### Succeeding together

- Offer you opportunities for learning and developing
- Recognise and value your hard work and contribution
- Work together as one team and one council to deliver the best service for our customers and communities
- Take the opportunity to learn and develop
- Be supportive and appreciate others
- Work together as one team and one council to deliver the best service for our customers and communities

# Working for a brighter future together



## APPENDIX 3

### CHILDREN'S SERVICES SENIOR MANAGER STRUCTURE COSTS – CURRENT AND PROPOSED

Job Title	Budgeted Structure (2024/25)	Assumed grade	Cost of Current Structure with on-costs (24/25)	Cost of Proposed Structure with on-costs (24/25)
Executive Director Children's Services <b>(Existing)</b>	£198,161.00	CX3	£198,161.00	£198,161.00
Director for Education, Strong Start & Integration <b>(Existing)</b>	£135,260.00	D1a	£160,321.00	£160,321.00
Director of Family Help & Children's Social Care <b>(Existing)</b>	£135,260.00	D3	£135,260.00	£135,260.00
Director of Commissioning, Quality Assurance and Partnerships <b>(Proposed new role)</b>	£0.00	D3	£0.00	£135,260.00
<b>Total Amount</b>	<b>£468,681.00</b>		<b>£493,742.00</b>	<b>£629,002.00</b>



OPEN

## COUNCIL

11 December 2024

### Cheshire and Warrington Joint Committee: Amendment to Terms of Reference

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**Report of: Janet Witkowski Acting Governance, Compliance and Monitoring Officer**

**Report Reference No: C/12/24-25**

**Ward(s) Affected: N/A**

#### **Purpose of Report**

- 1 To approve amendments to the Terms of Reference for the Cheshire and Warrington Joint Committee to:
  - (a) Include oversight and strategic direction for potential devolution to Cheshire and Warrington.
  - (b) Include the ability to approve expenditure regarding subregional government and other funding.

#### **Executive Summary**

- 2 This report sets out proposed amendments to the existing Terms of Reference of the Cheshire and Warrington Joint Committee to enable effective strategic leadership in the development of any devolution proposition for Cheshire and Warrington. This will allow the Joint Committee to advance a potential devolution agreement with HM Government to such a stage as it can make specific recommendations to this Council.
- 3 In addition, since the functions of Local Enterprise Partnerships became the responsibility of local authorities in April 2024, government funding for subregional matters is now left with the respective local authorities to determine. The current Terms of Reference do not specifically refer to this and the proposal is to amend them to clarify this.

## **RECOMMENDATIONS**

The Council is recommended to:-

1. Approve the amendments to Part 2 of the Cheshire and Warrington Joint Committee Terms of Reference as set out in red at Appendix A.
2. Agree that the final decisions related to the establishment of a Combined Authority and a devolution agreement are matters that will be brought back to this Council.

## **Background**

- 4 In February 2024 it was agreed that the partnership approach between Warrington Borough Council, Cheshire West and Chester Council and Cheshire East Council in respect of sub-regional functions should be retained following the 2023 decision of the Government to end Local Enterprise Partnerships.
- 5 It was agreed that a Joint Committee, comprised of Elected Members from each Council, would provide strategic sub-regional leadership. The Council was enabled to set up a Joint Committee under Part VI of the Local Government Act 1972 and Part I Chapter 2 of the Local Government Act 2000. Terms of Reference were agreed via an aligned report that went to each Council for decision in February 2024.
- 6 The Joint Committee meeting on 29 November 2024 considered a report (attached at Appendix 1) asking them to consider each of the three Council's position on devolution. The Joint Committee resolved to ask each of the three Councils to amend the Joint Committee Terms of Reference as per the appendix to that report, to facilitate it to provide strategic direction and oversight across potential devolution for Cheshire and Warrington (see attached minute at Appendix 2).
- 7 In addition, since the functions of Local Enterprise Partnerships became the responsibility of local authorities in April 2024 government funding for sub regional matters is now left with the respective local authorities to determine. The current Terms of Reference do not specifically refer to this and the proposal is to amend them to clarify this.
- 8 The request is that Council approve amendments to the Terms of Reference to provide clarity that this is delegated to the Joint Committee. This will mean that separate decisions will not be required of each of the Councils and will facilitate ease of decision making, supporting strategic economic

## **Consultation and Engagement**

- 9 Cheshire East Council has reported updates to its Corporate Policy Committee on 13th June 2024 and 21<sup>st</sup> August 2024, and, in September 2024, set up a small cross party Member Reference Group which has subsequently met on three occasions to discuss key issues and progress.
- 10 Early engagement has commenced with the Cheshire and Warrington Leaders Board (including representatives from the voluntary and community sector, health, fire and police) as well as the Cheshire and Warrington Business Advisory Board (representing the private sector and business representative organisations such as the Chambers of Commerce).
- 11 Engagement has also commenced with all local MPs.
- 12 A comprehensive communications and engagement plan will be developed to ensure that stakeholders, business and residents are fully engaged in exploring the impacts of devolution. A statutory consultation with residents and businesses across Cheshire and Warrington will form part of any decision-making process.

## **Reasons for Recommendations**

- 13 Enabling the Cheshire and Warrington Joint Committee to lead on the strategic direction for potential devolution will provide clear subregional leadership with a shared ambition to ensure that business and residents have the opportunity to seek maximum benefit from possible devolution.
- 14 Representation from all Cheshire and Warrington Councils, will provide a 'whole place' response - ensuring that all the many differences across the subregion are considered, including rural and urban issues as well as areas where subregional scale will be important, such as business sectors and transport viability. It is expected that 'sub-groups' will be formed with wider Council representation to explore detailed elements of potential devolution, such as skills, transport and regeneration.
- 15 It will also ensure that Cheshire and Warrington can move 'at pace' when required, supported by this single point of contact for the subregion - for example, maximising any investment opportunity via the Spring 2025 Spending Review and supporting strategic economic development opportunities..
- 16 This option also still ensures that each Council in Cheshire and Warrington will make the final decisions on devolution.

## Other Options Considered

- 17 It is considered that the Joint Committee provides the best option to explore and review opportunities via devolution.
- 18 It would take too much time and resource to create a new Joint Committee.
- 19 It would be very difficult, costly and time intensive to try to secure a 'single voice' for the sub region by trying to take direction separately via each of the three Councils.

## Implications and Comments

### *Monitoring Officer/Legal*

- 20 The legal implications are as set out in this report and the report to the Joint Committee. Further advice and support will be required in due course as the devolution agenda moves forward.

### *Section 151 Officer/Finance*

- 21 There are no financial implications as a consequence of this report, as relating to the Terms of Reference of the Joint Committee. Any financial implications relating to potential devolution will be reported and considered at a later time, to respective councils and the Joint Committee.
- 22 Importantly, the amendments to the Terms of Reference bring clarity to the Joint Committee's role, as a sub-regional body of the three councils, in ensuring effective utilisation of Government funding streams, where they specifically relate to opportunities for supporting sub-regional strategic economic development.

### *Policy*

<b>An open and enabling organisation</b> <i>Ensure there is transparency in our decision making</i>	<b>A thriving and sustainable place</b> <i>A great place for people to live, work and visit</i> <i>Thriving urban and rural economies</i>
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### *Equality, Diversity and Inclusion*

- 23 There are no direct equality implications as a result of this report.

*Human Resources*

24 There are no direct HR implications as a result of this report.

*Risk Management*

25 A full risk register will be established if the decision is taken to move towards devolution.

*Rural Communities*

26 There are no direct implications for rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

27 There are no direct implications for children and young people as a result of this report.

*Public Health*

28 There are no direct public health implications.

*Climate Change*

29 There are no direct climate change implications as a result of this report.

<b>Access to Information</b>	
Contact Officer:	Janet Witkowski Acting Governance, Compliance and Monitoring Officer  <a href="mailto:Janet.witkowski@cheshireeast.gov.uk">Janet.witkowski@cheshireeast.gov.uk</a>
Appendices:	Appendix 1 – Report to the Joint Committee  Appendix 2 – Minutes Extract from the Joint Committee Meeting 29 November 2024
Background Papers:	Reports to Corporate Policy Committee; <ul style="list-style-type: none"> <li>• 13 February 2024</li> <li>• 3 June 2024</li> <li>• 21 August 2024</li> </ul>

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# Cheshire+ Warrington Joint Committee

OPEN

29 November 2024

## Amendment to Joint Committee Terms of Reference

**Report of: Growth Directors of Cheshire West and Chester Council, Warrington Borough Council and Cheshire East Council**

**Report Reference No: CWJC/08/24-25**

Significant/Key Decision?	Yes/No
Cheshire West and Chester	No
Warrington	No
Cheshire East	No

### Purpose of Report

- 1 To request the amendment of the Terms of Reference for the Cheshire and Warrington Joint Committee to:
  - (a) Include oversight and strategic direction for potential devolution to Cheshire and Warrington.
  - (b) Include the ability to approve expenditure regarding subregional government and other funding.
- 2 This change will be subject to agreement by the three Councils of Cheshire East, Cheshire West and Chester and Warrington (the Council's).

### Executive Summary

- 3 This report sets out a proposed amendment to the existing Terms of Reference of the Cheshire and Warrington Joint Committee to enable effective strategic leadership in the development of any devolution proposition for Cheshire and Warrington. This will allow the Joint Committee to advance

a potential devolution agreement with HM Government to such a stage as it can make specific recommendations to each of the Council's .

- 4 Working on devolution via the Joint Committee will help ensure that the opportunities provided by devolution of powers and investment to Cheshire and Warrington are maximised for the benefit of all residents and businesses. The Committee already acts as the strategic body across economic growth priorities for the subregion of Cheshire and Warrington (C&W), providing a coherent single position on the major economic strategic issues for the subregion. There is likely to be a challenging timeline if we are to fully explore, review and assess the opportunities of devolution as well as maximise any investment opportunities in the Spring 2025 Spending Review. It is proposed that the Joint Committee will drive a programme of development around devolution - working alongside Government, the Councils, stakeholders, business and ensuring residents are fully engaged.
- 5 We expect the Government to publish a Devolution White Paper by December 2024 - ahead of the English Devolution Bill going through Parliament during 2025 and into 2026. Depending on final decisions to proceed - which would be taken by the three Councils in Cheshire and Warrington - the subregion could be in a position to secure devolved investment and additional powers by late 2025/early 2026.
- 6 A comprehensive communications and engagement plan will be developed to ensure that stakeholders, business and residents are fully engaged in exploring the impacts of devolution. A statutory consultation with residents and businesses across C&W will form part of any decision-making process.
- 7 Final decisions related to the establishment of a Combined Authority and a devolution agreement are matters that will be brought back to the three Councils in Cheshire and Warrington.
- 8 In addition, since the functions of Local Enterprise Partnerships became the responsibility of local authorities in April 2024, government funding for subregional matters is now left with the respective local authorities to determine. The current Terms of Reference do not specifically refer to this and the proposal is to amend them to clarify this.

## RECOMMENDATIONS

The Joint Committee is recommended to:

1. Agree to ask that each of the Councils of Cheshire East, Cheshire West and Chester and Warrington amend Part 2 of the Cheshire and Warrington Joint Committee Terms of Reference as set out in red at Appendix A
2. Agree that the final decisions related to the establishment of a Combined Authority and a devolution agreement are matters that will be brought back to the three Councils in Cheshire and Warrington.

## Report Detail

- 9 Following the 2024 July General Election, the King's Speech outlined that 'greater devolution of decision making [would be]... at the heart of a modern dynamic economy and is a key driver of economic growth'. The Speech highlighted the introduction of an English Devolution Bill, including legislation to give new powers to metro mayors and combined authorities. A new Council of Nations and Regions was also introduced, bringing together the Prime Minister, heads of devolved governments and mayors of combined authorities.
- 10 In Summer 2024, the Deputy Prime Minister wrote to all non-devolved areas in England outlining 'next steps to devolution' and inviting proposals for devolution by end of September 2024. An 'expression of interest' outlining the well-established and strong track record of successful subregional collaboration in C&W was shared with officials. This highlighted that to achieve the full potential of the subregion, we require maximum freedom and flexibility of funding with associated powers. It was noted that there are specific governance arrangements that would need to be adopted to get the optimum devolution agreement for the communities and businesses of C&W.
- 11 In the October 2024 budget, Government outlined an additional £100 billion capital investment over the next five years. It specifically referenced the government's strategy for regional growth, with the government working in partnership with local leaders in city regions and with the Council of Nations and Regions and the recently formed Council of Mayors. The budget also introduced the first integrated settlements for Greater Manchester and the West Midlands with single flexible pot funding to support Mayoral Combined Authorities (MCAs) from 2025. Other MCAs will receive integrated settlements from 2026, including the Liverpool City Region Combined Authority.
- 12 Ahead of the English Devolution Bill going through Parliament in 2025/6, we expect the publication of a devolution White Paper by December 2024 outlining the detail of devolution opportunities for England.
- 13 In addition, since the functions of Local Enterprise Partnerships became the responsibility of local authorities in April 2024 government funding for sub regional matters is now left with the respective local authorities to determine. The current Terms of Reference do not specifically refer to this and the proposal is to amend them to clarify this.
- 14 The proposal is that the Terms of Reference are amended to provide clarity that this is delegated to the Joint Committee. This will mean that separate decisions will not be required of each of the Councils and will facilitate ease of decision making, supporting strategic economic development.

## Comments from the Business Advisory Board

- 15 The Cheshire and Warrington Business Advisory Board (BAB) supports an approach which would deliver the benefits of devolution at the earliest opportunity. Empowering the Joint Committee to drive an 'at pace' programme which makes recommendations around devolution to the Cheshire and Warrington Councils in 2025 would be the preference of the business community.

### **Reasons for Recommendations**

- 16 Enabling the Cheshire and Warrington Joint Committee to lead on the strategic direction for potential devolution will provide clear subregional leadership with a shared ambition to ensure that business and residents have the opportunity to seek maximum benefit from possible devolution.
- 17 The Joint Committee, via its cross-Council representation, provides a 'whole place' response - ensuring that all the many differences across the subregion are considered, including rural and urban issues as well as areas where subregional scale will be important, such as business sectors and transport viability. It is expected that 'sub-groups' will be formed with wider Council representation to explore detailed elements of potential devolution, such as skills, transport and regeneration.
- 18 It will also ensure that C&W can move 'at pace' when required, supported by this single point of contact for the subregion - for example, maximising any investment opportunity via the Spring 2025 Spending Review and supporting strategic economic development opportunities.
- 19 The recommendations also confirm that each Council in Cheshire and Warrington will make the final decisions on devolution.

### **Other Consultation and Engagement**

- 20 Cheshire East Council has reported updates to its Corporate Policy Committee on 13th June 2024 and 21<sup>st</sup> August 2024, and, in September 2024, set up a small cross party Member Reference Group which has subsequently met on three occasions to discuss key issues and progress.
- 21 Cheshire West and Chester Council's Cabinet established a Cheshire and Warrington subregional working and devolution working group at its meeting on 31<sup>st</sup> July 2024. The group has met three times since then and has agreed its terms of reference with the remit to support and advise Cabinet through evidence, engagement and leading practice on opportunities from greater subregional working and potential devolution. The group have spent time discussing and understanding the direction of devolution under the new Government, the emerging policy areas for any agreement and the approach to communications and engagement. The group will continue to play a critical role in ensuring any devolution is credible, deliverable and optimal for Cheshire West and Chester residents and businesses.
- 22 Warrington Borough Council established a cross-party devolution task group in 2024 which has met on two occasions and will continue to be engaged with throughout 2025. Warrington's Council passed a motion in September 2024

at which it resolved that the Council ‘endorses the decision to open negotiations with the Government to secure a devolution deal for Warrington’.

- 23 Early engagement has commenced with the Cheshire and Warrington Leaders Board (including representatives from the voluntary and community sector, health, fire and police).
- 24 Engagement has also commenced with all local MPs across Cheshire and Warrington.
- 25 A comprehensive communications and engagement plan will be developed to ensure that stakeholders, business and residents are fully engaged in exploring the impacts of devolution. A statutory consultation with residents and businesses across C&W will form part of any decision-making process.

## **Implications and Comments**

### *Legal implications*

- 26 The Terms of Reference for the Joint Committee and the relevant delegations within them have previously been formally approved by each respective Council. It is appropriate therefore that the same request is made of each and each approves them. All three Council’s will need to approve the amendments requested for them to take effect.
- 27 Any steps to create a combined authority will be subject to separate legal obligations and such a step would need to be authorised by Full Council approval for each authority in due course, if such a proposals are brought forward.

### *Finance implications*

- 28 There are no financial implications as a consequence of this report, as relating to the Terms of Reference of the Joint Committee. Any financial implications relating to potential devolution will be reported and considered at a later time, to respective councils and the Joint Committee.
- 29 Importantly, the amendments to the Terms of Reference bring clarity to the Joint Committee’s role, as a sub-regional body of the three councils, in ensuring effective utilisation of Government funding streams, where they specifically relate to opportunities for supporting sub-regional strategic economic development.

### *Risk Management*

- 30
- 31 A full risk register will be established if the decision is taken to move towards devolution.

### *Equality, Diversity and Inclusion*

- 32 There are no immediate ED&I impacts.

*Policy*

- 33 Any devolution agreement would support the Cheshire and Warrington vision to be the healthiest, most sustainable, inclusive and growing economy in the UK.

<b>Access to Information</b>	
Contact Officer:	Janet Witkowski, Acting Governance, Compliance and Monitoring Officer  Janet.Witkowski@cheshireeast.gov.uk
Appendices:	Appendix A: Terms of Reference proposed changes
Background Papers:	NA

## Appendix A

### Part Two - Other Functions of the Committee

1. To receive reports from the Business Advisory Board, any Sub Committee of the Joint Committee and the Growth Directors (management) Group.
2. Any time review and agree proposed changes to the Functions of the Committee and seek approval of the same from the three Councils.
3. To agree and approve any proposed governance and or reporting structure that the Committee sees fit.
4. To act as a **sub-regional** strategic body; setting and reviewing objectives **and approving expenditure on revenue and capital projects** for strategic economic development across Cheshire and Warrington, including;
  - a. Providing a coherent single position on major strategic issues;
  - b. agreeing major economic priorities across Cheshire and Warrington;
  - c. considering recommendations made by any Sub Committee, the Business Advisory Board or Growth Directors (management) Group;
  - d. agreeing Lead and/or Accountable Body status for LEPCo/ECW and any projects undertaken;
  - e. influencing and aligning government investment in order to boost economic growth across Cheshire & Warrington;
  - f. having regard to the duty to cooperate and the Joint Committee's overall function as set out above;
  - g. to ensure alignment between decision making on areas of policy such as land use, transportation, economic development and wider regeneration;
  - h. co-ordinating and aligning decision making on transport across Cheshire and Warrington ensuring that business views are taken on board and that the Councils' adopted plans are reflected in strategic priorities;
  - i. deciding on capital expenditure programmes which are delivered across Cheshire & Warrington and ensuring policy and programmes are delivered effectively through LEPCo/ECW
  - j. Providing strategic direction and oversight across potential devolution for Cheshire and Warrington.**

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**APPENDIX 2**

**Extract from the minutes of a meeting of the Cheshire and Warrington Joint Committee held on 29 November 2024.**

**19 AMENDMENTS TO THE JOINT COMMITTEE TERMS OF REFERENCE**

Members considered a report which requested amendments to the Terms of Reference of the Cheshire and Warrington Joint Committee to extend the statutory leadership role around devolution and expenditure for government funding coming into sub-region, from Councillor Louise Gittins, Leader, Cheshire West and Chester Council.

It was noted that the final decision on devolution would be made by each individual Council at their Council meetings:

- Cheshire East Council – December 2024
- Cheshire West and Chester Council – December 2024
- Warrington Borough Council – January 2025

It was noted that there were several small grammatical changes to the report, which did not change the context, in points A – H which were not shown in red on the published Term Of Reference but would be included in the final version.

**RESOLVED:**

That the Cheshire and Warrington Joint Committee:

1. Agree to ask that each of the Councils of Cheshire East, Cheshire West and Chester and Warrington amend Part 2 of the Cheshire and Warrington Joint Committee Terms of Reference as set out in red at Appendix A.
2. Agree that the final decisions related to the establishment of a Combined Authority and a devolution agreement are matters that will be brought back to the three Councils in Cheshire and Warrington.

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OPEN

**Council**

**11 December 2024**

**Approval of Absence from Council meetings**

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**Report of: Acting Governance, Compliance and Monitoring Officer**

**Report Reference No: C/13/24-25**

**Ward(s) Affected: All**

**For Decision or Scrutiny: Decision**

### **Purpose of Report**

- 1 To seek approval from Council to extend the “six-month” rule with regard to Councillors’ attendance at meetings.

### **Executive Summary**

- 2 If a Council member fails to attend a meeting of the authority in a period of six consecutive months, they cease to be a member of the authority, unless approval for the absence is approved by full Council. This report provides an opportunity for Council to approve any absence which might be required by the date of the Council meeting.

#### **RECOMMENDATIONS**

That, should the need arise, Council approve any Councillor’s absence from Council meetings for a period of over 6 months due to circumstances in which they find themselves unable to attend; such approval to apply until February Council meeting.

### **Background**

- 3 Legislation states that, if a Council Member fails to attend council meetings throughout a period of six consecutive months, they shall cease

to become a member of the authority in question, unless such failure was due to some reason approved by the authority before the expiry of the six-month period.

### **Consultation and Engagement**

4 Not applicable.

### **Reasons for Recommendations**

5 The authority of the Council is required to ensure that an individual's membership of the authority does not inadvertently cease, in circumstances where they find themselves unable to attend a meeting for the period in question due to a reason beyond the individual's control.

### **Other Options Considered**

6 To do nothing – an individual's membership of the local authority would cease, as no approval would be in place to extend the six-month attendance period.

### **Implications and Comments**

#### *Monitoring Officer/Legal*

7 Section 85 of the Local Government Act 1972 states that, if a member of a local authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority. If necessary, the authority may grant further approvals if the reason for non-attendance continues beyond the initially approved period.

#### *Section 151 Officer/Finance*

8 No implications have been identified.

#### *Policy*

9 There are no direct implications for policy

<b>An open and enabling organisation</b>
Ensure that there is transparency in all aspects of council decision making

*Equality, Diversity and Inclusion*

10 There are no direct implications for equality.

*Human Resources*

11 There are no direct implications for Human Resources.

*Risk Management*

12 There are no direct risk management implications.

*Rural Communities*

13 There are no direct implications for rural communities.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

14 There are no direct implications for children and young people.

*Public Health*

15 There are no direct implications for public health.

*Climate Change*

16 There are no direct implications for climate change.

<b>Access to Information</b>	
Contact Officer:	Brian Reed, Head of Democratic Services <a href="mailto:brian.reed@cheshireeast.gov.uk">brian.reed@cheshireeast.gov.uk</a>
Appendices:	None
Background Papers:	None

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**COUNCIL – 11 DECEMBER 2024****NOTICES OF MOTION****Submitted to Council in Accordance with the Council Procedural Rules****1 Fossil Fuel Non-Proliferation Treaty****Proposed by Councillor S Corcoran****This Council notes that:**

1. The scientific consensus is clear that fossil fuels are primarily responsible for accelerating global climate change, and that the climate crisis now represents one of the preeminent threats to global lives and livelihoods.
2. The Intergovernmental Panel on Climate Change Sixth Assessment Report states that it is unequivocal that climate change has already disrupted human and natural systems and that societal choices and actions implemented in the next decade determine the extent to which medium- and long-term pathways will deliver higher or lower climate resilient development.
3. The International Energy Agency stated in its May 2021 report “Net Zero by 2050” that in order to reach that goal there should be no new oil or gas fields, or new coal mines, as of that moment.
4. The Paris Climate Agreement is silent on coal, oil and gas, an omission with respect to the supply and production of fossil fuels (the largest source of GHGs) that needs to be collectively addressed by other means; and that global governments and the fossil fuel industry are currently planning to produce more than double the amount of coal, oil and gas by 2030 than can be burned if the world is to limit warming to 1.5°C and avert catastrophic climate disruption, and such plans risk undoing the work of our Council to reduce GHG emissions.
5. A new global initiative is underway calling for a Fossil Fuel Non-Proliferation Treaty that would plan the end of new fossil fuel exploration and expansion, phase out existing production in line with the global commitment to limit warming to 1.5°C and accelerate equitable transition plans globally.
6. Our entire global community will be impacted by the climate crisis. Vulnerable communities, and those who have contributed the least to climate change, however, will often be impacted most acutely.

**This Council believes that:**

7. New fossil fuel infrastructure and expanded reliance on fossil fuels exposes communities to untenable risks to public health and safety at the local and global levels; and that the economic opportunities presented by a clean energy transition far outweigh the opportunities presented by an economy supported by expanding fossil fuel use and extraction.

**This Council resolves to:**

8. Formally endorse the call for a Fossil Fuel Non-Proliferation Treaty and make that endorsement public.
9. Call on the UK government to also endorse the call for a Fossil Fuel Non-Proliferation Treaty
10. Reaffirm our commitment to rapidly decarbonising our economy at a local and national level.
11. Write to the Local Government Association and raise the need for a planned phase out of fossil fuels, and to call on it to promote the Fossil Fuel Non-Proliferation Treaty among its members.

**2 Protecting Family Farms and Preserving Rural Communities across Cheshire East**

**Proposed by Councillor J Clowes and Seconded by Councillor A Heler**

This Council notes with concern, the proposed changes to inheritance tax announced by the Labour Government in the recent Autumn budget, which would scrap Agricultural Property Relief (APR) and Business Property Relief (BPR) on farmland and business assets.

This means an effective tax rate of 20% on agricultural assets valued over £1 million.

Whilst the government claims that the new £1m threshold will mean three-quarters of farms will not be impacted by the change, the NFU believes this is an underestimate and that at least 50% of all working farms may be impacted by the new tax rules.

Secretary of State for the Department of Environment, Food and Rural Affairs Steve Reed has stated that already struggling farmers will have to “do more with less”. At a time when many farmers in Cheshire are struggling with soaring costs and energy prices, this tax rise will threaten the future of their farms and destroy confidence in the agricultural community.

APR and BPR have been pivotal in allowing British family farms to remain intact across generations, supporting food security, sustaining rural communities, and aiding environmental stewardship.

The Family Farm is an important feature of the Cheshire countryside and this form of agricultural unit is recognised in Cheshire East Council's own Rural Strategy (2022 – 2027) that states;

*“There is real economic value in the area’s natural capital and landscape character, and the contribution of farming and land management should not be underestimated or forgotten. It is after all, what underpins our rural character, environment and communities, contributing to our ‘quality of place’, which is accepted as an economic attribute, supporting locational decisions and investment in the area”<sup>(1)</sup>*

Unfortunately, despite government assurances that “small farms” won’t be affected, recent analysis identifies that this tax is estimated to impact over 70,000<sup>(2)</sup> family farms, leaving the average farming family with a tax bill of at least £240,000<sup>(3)</sup>.

Whilst family farms may be asset-rich in terms of workable land and/or buildings, annual profits are modest.

A typical 200-acre arable farm owned by an individual with an annual profit of £27,300 would face a £370,000 IHT liability. If spread over 10 years, this represents 136% of their profit each year to cover the tax bill. At current land prices, successors would have to sell 16% of their land.<sup>(4)</sup>

In short, this policy compromises the viability of family farms, will force many to sell portions of their land, or close entirely, paving the way for corporate ownership over family ownership.

**The Council believes that this tax will have severe impacts on:**

1. **Food Security:** Selling off land or closing farms will put our national food independence at risk, at a time when global stability is already fragile. British family farms are critical to ensuring a steady supply of homegrown food.
2. **Rural Community Stability:** Family farms are the foundation of rural Britain and represent the majority of farms across the borough of Cheshire East. They contribute to local jobs, schools, and essential services. Labour’s proposed tax risks destabilising communities, eroding the rural way of life, and causing a negative ripple effect across the countryside.
3. **Environmental Stewardship:** Farms cover 70% of the UK’s land, with family farms playing a leading role in nature recovery, biodiversity, and sustainable land management. The sale and fragmentation of these lands would hinder conservation efforts and undermine environmental initiatives.

**This Council resolves to:**

- Oppose the Labour Government’s changes to inheritance tax affecting family farms.

- Advocate for the exemption of family farms to preserve the UK's food security, rural communities, and environmental initiatives.
- That the appropriate service committee(s) proactively engage with local farmers and community representatives, to consider what support this Council may reasonably provide to this essential part of the Cheshire East economy.

This Council urges all Councillors to stand with Britain's family farms, to support our rural communities, the Cheshire East "Quality of Place" and to protect the environment by formally rejecting this proposed "family farm tax."

**References:**

1. Cheshire East Rural Action Plan (2022-2026):  
<https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s97674/Rural%20Action%20Plan%202022.pdf>
2. CLA 12.11.2024 '[Family farm tax' could leave hard-pressed farmers paying tax bills that wipe out their annual profits • CLA](#)
3. CLA 2024 October <https://www.cla.org.uk/news/help-the-cla-save-your-family-business/>
4. AHDB 2024 October <https://ahdb.org.uk/news/ahdb-response-to-budget-2024>