

Advisory Panel - Places

Agenda

Date: Tuesday, 16th December, 2008
Time: 2.00 pm
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

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

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

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

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. **Minutes of Previous meeting** (Pages 1 - 10)

To approve the minutes as a correct record.

Please contact Carole Roberts on 01270 529733 or 01270 529644
E-Mail: carole.roberts@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

5. **Task Group Updates** (Pages 11 - 30)

To receive updates and any recommendations from the Places Advisory Panel Task Groups :-

Car Parking – Attached

Waste Collection – Attached

Strategic Development – Attached

Local Development Framework – Attached

Safer Communities – Verbal update

6. **Cheshire Homechoice Common Allocations Policy** (Pages 31 - 32)

To update the Places Advisory Panel on the implementation of Choice Based Lettings and to seek approval for the Cheshire Homechoice common allocations policy to be progressed to Cabinet for adoption.

7. **Aligning Green Waste Collection Services in Cheshire East** (Pages 33 - 38)

To consider a report relating to aligning green waste collection services in Cheshire East and to consider any recommendations which the Panel might wish to make, firstly to the Management Team, to enable them to scrutinise the report, prior to its submission to Cabinet.

8. **Local Transport Plan Progress Report 2008** (Pages 39 - 74)

To consider a report, which has been prepared to allow Members of the Cheshire East Council Places Advisory Panel to consider and comment on Cheshire's Local Transport Plan (LTP) Progress Report for 2008. It also seeks views on emerging issues that may need to be considered during the remainder of the plan period.

9. **Gambling Act 2005 Statement of Principles** (Pages 75 - 100)

The Places Advisory Panel is requested to consider the draft statement and to make any comments prior to submission to Cabinet.

10. **Licensing Act 2003 - Statement of Licensing Policy** (Pages 101 - 120)

The Places Advisory Panel is requested to consider the draft policy and to make any comments prior to submission to Cabinet.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Advisory Panel - Places**
held on Wednesday, 12th November, 2008 at The Tatton Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor G M Walton (Chairman)
Councillor Mrs E Gilliland (Vice-Chairman)

Councillors H Davenport, D Hough, J Macrae, A Martin, A Moran, B Moran,
D Neilson and C Thorley

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Bebbington, D
Brickhill, B Silvester and Mrs J Weatherill

2 DECLARATIONS OF INTEREST

A number of Councillors who were existing County Councillors, Borough
Councillors and Town and Parish Councillors declared a personal interest
in the business of the meeting en bloc.

Councillor Barry Moran declared a personal interest in respect of all the
agenda items, by virtue of the fact that he was the Portfolio Holder for
Planning and Economic Development and in accordance with the Code of
Conduct remained in the meeting during consideration of all the items.

3 PUBLIC SPEAKING TIME/OPEN SESSION

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

4 MINUTES OF PREVIOUS MEETING

The Chairman referred to the successful site visits around districts that
had been arranged for Task Group members, namely the visit to
Congleton on 26 September, Crewe and Nantwich on 1 October and
Macclesfield on 10 October. He formally recorded his thanks to officers for
the arrangements that had been made.

RESOLVED

That the minutes of the meeting held on 22 September 2008 be approved
as a correct record.

5 CHESHIRE EAST LOCAL DEVELOPMENT SCHEME

The Prosperity Block Lead submitted a paper to enable the Panel to reconsider the decision at its last meeting in respect of the Draft Local Development Scheme (LDS) for Cheshire East. It was reported that following the Panel's last meeting, Congleton Borough Council's Executive on 8 October had passed a resolution to make representations to the Cheshire East Shadow Council for inclusion of the following items in the proposed Local Development Scheme:-

- (a) An area action plan for Congleton Town Centre with appropriate resources allocated once the Core Strategy is sufficiently advanced.
- (b) A area action plan for Middlewich Canal Corridor with resources allocated once the Core Strategy is sufficiently advanced.
- (c) A joint Design Statement for Sandbach as a community led approach, with work to start in November 2008 and appropriate resources allocated.

In addition, the Congleton Borough Council Executive had highlighted the urgent need for additional employment land to be allocated for the Congleton town area.

The Local Development Framework (LDF) Member Task Group held on 28 October had considered this matter and had agreed that:

The three additional items requested by Congleton Borough Council for inclusion in the Cheshire East Local Development Scheme (for Congleton town centre, the Middlewich Canal corridor and Sandbach) be agreed and included in the 2008 submission.

The LDS would make it clear that the preparation of the Core Strategy will take priority until it is sufficiently advanced. Once spatial priorities emerge from the Core Strategy across Cheshire East, plans and policies will be prioritised and resources allocated accordingly. This approach to the LDS should be agreed with the Government Office for the North West.

A copy of Section 5: Proposed Cheshire East Local Development Framework (to be inserted into the Draft Local Development Scheme) was tabled and considered at the meeting.

It was noted that Officers had followed guidance from the Government Office Northwest that until information regarding the structure and resources for the LDF team was available the LDS focus on the priority documents, namely the core strategy, site allocations DPD and a generic Development Control/Management Policies DPD. The LDS could always be revised at a future date if further resources become available and good timely progress was being made with the priority documents.

Members were reminded that the Draft Transitional Regulations require Cheshire East Council to submit a Local Development Scheme to the Secretary of State for Communities and Local Government before end of

December 2008. The same Regulations will transfer Local Development Framework powers to the Cheshire East Council.

During the debate members referred to the preparation of the Sandbach Town Design Statement and that it should be included in Paragraph 5.2 of the draft Local Development scheme. Members also noted that any changes would be subject to the allocation of appropriate resources.

RESOLVED – That

- 1 the Prosperity Block Lead Officer in consultation with the Chairman of the Advisory Panel Places approve the wording of the amendment to the Local Development Scheme, to accord with the recommendations of the Task Group, subject to inclusion of a reference to the preparation of the Sandbach Town Design Statement in paragraph 5.2; and
- 2 the amended Draft Local Development Scheme be submitted to Cabinet on 2 December 2008 and full Council on 9 December 2008.

6 NORTH WEST OF ENGLAND PLAN

The Prosperity Block Lead submitted a paper for consideration of the adoption of the Regional Spatial Strategy for the North West, the commencement of the Partial Review of that Strategy and the preparation of a Single Regional Strategy.

It was noted that the Regional Spatial Strategy was called the North West of England Plan and had been published on 30 September 2008. The Plan provided a framework for development and investment in the North West region until 2021. Despite only just being published, a partial review of some items in the Plan had begun earlier in 2008. In particular it was noted that the scope of that review was now limited to Gypsies and Travellers, Travelling Show People and Regional Parking Standards. 4NW (the Regional Planning Body) were responsible for the partial review and a timetable for the review work would be circulated in due course.

Work had also commenced on a Single North West Regional Strategy. An Issues and Principles paper was to be published in December 2008 and a consultation exercise on options and vision development would run between January and March 2009. Further reports updating members on the Consultation would be presented to members in due course.

Given the importance of the North West of England Plan, Members requested the summary of its contents, as appended to the report, be circulated electronically as an Information Item to all members of the Council.

Members noted that Cheshire East would face a huge challenge as currently there were three different affordable housing policies across the County. It was important that a Core Strategy should be developed and any threshold be sensitive to local area needs. It was expected that any guidance in respect of Retail investment or the average rate of housing provision from the Government Officer North West would be shared with the Planning Inspectorate to ensure consistency in decision-making.

RESOLVED – that the contents of the report and attached appendix be noted and all members of the Council be sent an electronic copy of the Summary of the North West Plan as appended to the report.

7 FEEDBACK FROM TASK GROUPS

In addition to the papers submitted with the agenda the following verbal feedback was provided by the Chairman in respect of the current areas of work for the other Task Groups set up by the Advisory Panel: -

Waste Collection and Disposal

- Garden Waste Collections
- Update on Waste Treatment PFI
- Current refuse collection and recycling services
- High level Outcomes
- Visit to Greencycle's materials recycling facility at Durham on 10 November by members

The next meeting would be held on 27 November at Westfields, Sandbach

Car Parking

- Civil Parking Enforcement in Congleton Borough
- Car Park Enforcement powers after vesting day
- Draft Car Park Strategy

The next meeting would be held on 1 December at 10.30am in Pyms Lane Depot Crewe.

Crime and Disorder Reduction Partnership/Community Safety Task Group

- Expansion of Task Group remit to become the Community Safety Task Group
- Community Action Teams
- Offender Management
- Developments in Regulatory Committee Structures
- Visit to Styal Prison

The next meeting would be held on 8 December at 2.00pm in Pyms Lane Depot Crewe.

The reports of the Task Groups were noted.

(a) Strategic Development - 22 October 2008

It was reported that the Task Group meeting on 22 October had considered the following matters:

- Overlap with LDF Task Group
- Regional Spatial Strategy
- South Cheshire Sub Regional Study/ potteries regeneration
- Strategic Housing Market Assessment
- Major Projects update
- Sub Regional Economic Development Partnership

The following recommendations were noted from the Group:

- That the Strategic Development Task Group should remain separate from the LDF Task Group for the time being.
- That David Brown would discuss the role and purpose of the Group with Jamie Macrae and Andrew Knowles and report back.
- That a Development Management Task group would need to be set up in due course.

It was noted that the next meeting would take place at 10.00 a.m. on Wednesday 3 December 2008 at Westfields, Sandbach.

(b) Local Development Framework – 28 October.

It was reported that the Task Group meeting on 28 October had considered the following matters:

- Local Development Scheme progress
- Regional Spatial Strategy
- Core Strategy (Cheshire East) evidence base
- Member training
- other business:-
 - Existing Development Plan policy and other informal guidance: carry forward / adoption by Cheshire East
 - Joint Working on Minerals and Waste

It was noted that the next meeting would take place at 1.00pm on Wednesday 3 December 2008 at Westfields, Sandbach.

8 ESTABLISHMENT OF TWO NEW TASK GROUPS FOR DEVELOPMENT MANAGEMENT AND VISITOR ECONOMY

(a) Development Management Task Group

The Panel considered the setting up of a Development Management Task Group for Cheshire East.

The concept of Development Management had been introduced to members at the Places Induction Day in June 2008. A wide range of

Development Control and related services will comprise the new Development Management block. A copy of the original briefing note for members was attached to the paper

There were now urgent issues requiring wider debate and decisions among members including the Portfolio Holder and Cabinet. Namely:-

- 1) Committee governance arrangements.
- 2) Tiers of decision-making including some area based decision.
- 3) Scheme of officer delegation/member call-in.
- 4) Consistency of customer and front-line services including e-planning and location of services.
- 5) Consistency of charging for a variety of services.

The proposed terms of reference for the Task Group were suggested as follows

- To develop proposals for taking forward the Day 1 Development Management issues of concern to members (as listed above).
- To consider and recommend on continuity of service issues towards the integration of the four authorities into one Cheshire East.
- To oversee and develop a co-ordinated approach to Development Management including member training.
- To support the preparation of a Development Management Service Delivery/Business Plan.

RESOLVED - To set up a Development Management Task Group with the following membership and its terms of reference be as set out above:-

Councillors B Dykes, C Thorley, H Gaddum, G Walton, J Macrae (portfolio Holder) B Moran and S McGory

(b) Visitor Economy Task Group

The Panel noted that tourism was a significant sector of the local economy of Cheshire East, contributing around £600 million directly in 2007. Around two-thirds of revenue was generated from day visitors. A strong sense of place existed in Cheshire East and visitors were attracted by many factors such as natural environment, built heritage, cultural activities, strong local brands (such as Tatton Park and other gardens), and accessibility links to the adjoining conurbations of Merseyside, Manchester and the Potteries.

It was noted that Visitor economy services are delivered in a number of ways at present, but a number of issues had now been identified which required a member input at this stage. These included:-

- 1) How should the importance of the visitor economy be reflected in Cheshire East's organisation and resource?

- 2) How can the visitor economy be supported at the highest executive and political levels within the Authority?
- 3) How can balanced and effective alternative partnership models be achieved?
- 4) Does Cheshire East require a Visitor Economy Strategy to drive forward the key areas of the Authority (such as Planning, Transport, Cultural Services, Economic Development) and co-ordinate delivery with partners?

RESOLVED –

That a Visitor Economy Task group be established with representation from across the existing authorities to ensure continuity of service issues are reflected in the work programme and with the following terms of reference:

- 1 To develop a visitor economy model for both the strategic and delivery interface that could be regarded as an example of good practice in partnership working.
- 2 To consider and recommend on continuity of service issues towards the integration of the four authorities into one Cheshire East.
- 3 To oversee and develop a co-ordinated approach to visitor economy issues and opportunities.
- 4 To consider the need for a Visitor Economy Strategy to co-ordinate efforts within the Authority and with partners.

9 PLACES STRUCTURE

The Prosperity Block Lead presented a paper informing the Panel of the approval of the Places Structure for Cheshire East.

It was noted that the draft Places Structure had been circulated to staff and many comments had been received. These had been reviewed and many of them reflected in the final Structure, which was tabled at the meeting.

In particular it was noted there would be four Heads of Service with responsibility for the following areas of business: -

- Environmental Services
- Safe & Stronger Communities
- Planning & Policy
- Regeneration

Recruitment to these posts was currently underway and the third tier managers were expected to be appointed during November. The structure

also set out fourth tier managers who will report into them (e.g. Refuse and Cleansing Manager, Highway Operations). The Heads of Service, together with the Strategic Director, will take the lead in supporting the work of this Panel, the Portfolio Holders with responsibilities within Places, Cabinet and Council on place making and management matters. Until these posts are filled, interim arrangements have been established by the Chief Executive to provide appropriate support in the short-term including policy and budget development.

The Officer Places Steering Group, which had been co-ordinating the transition to the new Directorate, would be reorganised to align the block work to the functional structure.

RESOLVED – that the Places Structure and arrangements for supporting the Places Advisory Panel be noted.

10 **CHESHIRE SUB-REGIONAL HOUSING STRATEGY**

The Prosperity Block Lead submitted a paper for the Panel to consider the recently published draft Sub-regional Housing Strategy and the implications for Cheshire East. The Strategy had been published on behalf of the Cheshire Housing Alliance, representing Registered Social Landlords and Local Authorities across Cheshire.

The vision of the Strategy was to provide a housing offer that supports the creation of balanced, sustainable communities and the regeneration of the sub-region's most deprived neighbourhoods, through effective lobbying, partnership working and community engagement, to create a sub-region where all residents can achieve independent living in good quality, affordable homes that are appropriate to their needs.

The four priorities listed below have been identified as the key issues for the sub-region:

PRIORITY ONE: To increase the supply of affordable housing to support economic growth and development.

PRIORITY TWO: To make best use of the sub-region's existing housing stock.

PRIORITY THREE: To meet the housing and accommodation-related support needs of the sub-region's most vulnerable residents.

PRIORITY FOUR: To increase the supply of market housing to support continued economic growth and regeneration and to meet local housing needs.

RESOLVED - To endorse the emerging Sub-regional Strategy and the proposed housing priorities and confirm this as part of the consultation process.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor G M Walton (Chairman)

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CHESHIRE EAST

REPORT TO CHESHIRE EAST PLACES ADVISORY GROUP

Date of meeting:**16 Dec 2008****Report of:**

Parking Services Task Group

Title:**Update on Civil Parking Enforcement and Proposals for Pay and Display Charging in Cheshire East**

- 1.0** This report provides an update on the progress towards creating a Cheshire East Parking Services section and highlights issues needing resolution prior to Vesting Day.
- 1.1. Civil Parking Enforcement:** Macclesfield and Crewe and Nantwich Borough authorities now operate a civil parking enforcement service under the terms of the Traffic Management Act 2004. This new service has general support of the public due to reduced parking contraventions which cause traffic congestion and inconvenience. In Congleton Borough, on-street enforcement remains the responsibility of the Police. This poses a dilemma. Following transfer of powers to Cheshire East It is not clear:
- 1.1.1. whether existing on- street enforcement can continue because the law appears not to allow for authorities to have only partial jurisdiction over their area; or
 - 1.1.2. whether the new authority will be able to apply for enforcement of the Congleton area- because Cheshire East is a “non-metropolitan” which puts it outside the terms of the Act.
- 1.2. Clarification is urgently being sought from the Department for Transport by officers as this is now a key issue for the progress of the service.
- 1.3. The County Council – as the existing Highways Authority-has been asked through the Places Steering Group and the Places Members’ Parking Task Group to make an application urgently to the Department for Transport to establish a Special Enforcement Area (SEA) for Congleton. The County Council has been requested by the Members’ Parking Task Group to provide the extra resources needed to help its own local staff to do this.
- 1.4. Steven Jones has appointed Peter Lowe (of consultants RTA Associates) to assist with the SEA application.
- 1.5. For the SEA Application to be successful, support from the existing Congleton Council is required. A report to this effect was written by Paul Burns and Steven Jones, for Congleton Board who have now approved the recommendation to be endorsed by full Council (Dec 10th).

2. Operational Work:

2.1. Officers in Macclesfield and Crewe and Nantwich Borough are working together effectively to make progress to merge their services and maintain service levels at Vesting Day.

3. Car Parking Charges: Off street pay and display charges are currently in place in the majority of Council operated car parks in Macclesfield and Crewe and Nantwich Boroughs. Congleton Borough car parks remain free.

3.1. A Parking Services Strategy has been considered, amended and endorsed by the Members' Parking Task Group (attached). This includes a charging policy and principles to be adopted by Cheshire East.

3.2. Members attending the Places Induction Day at Tatton Park generally supported the principle that the basis for calculating the charge per length of stay should be the same throughout the authority,- following national guidelines. Actual charge levels could differ from one town to the next.

3.3. This meant that charges may be proposed for certain selected town centre car parks in Congleton Borough as this would serve to regulate use and improve availability in central locations requiring short stay. Income earned should cover operating and maintenance costs and allow necessary improvements to the useability, environment and security of a number of these sites.

3.4. Charges in Congleton Borough could be set at levels reflecting local pressures and needs, and not necessarily at the levels of those in Macclesfield and Crewe.

3.5. Officers are reviewing payment methods including "pay on exit" systems and will report progress to the Task Group.

Officer: Paul Burns

Tel No: 01270 537805

Email: Paul.Burns@crewe-nantwich.gov.uk

Cheshire East Car Parking Strategy Draft 2 amended by Members' Task Group

1. STRATEGY OBJECTIVES

- 1.1. The Council's existing parking objectives set out to be consistent with and contribute to the overall aims of the National and Regional transport strategies (refer Appendix 1) which seek to:
 - 1.1.1. Achieve a reduction in overall traffic
 - 1.1.2. To increase use of more sustainable and healthy forms of travel
 - 1.1.3. To achieve a more effective and efficient transport system,
whilst taking into account:
 - 1.1.4. The economic vitality of the town centre
 - 1.1.5. The parking needs of people with disabilities
 - 1.1.6. The parking needs of local residents, shops and businesses

2. PARKING POLICY BENEFITS

- 2.1. An effective parking policy will help to further a wide range of urban policy objectives such as:
 - 2.1.1. Economic vitality of the town centre
 - 2.1.2. Social (accessibility)
 - 2.1.3. Environmental (negative impact of traffic congestion)
 - 2.1.4. Pricing and availability of parking in the town centre is one of the few ways of managing or restraining car use
 - 2.1.5. Compared to major infrastructure changes, parking policies are relatively easy to introduce and cost effective methods of managing demand, which can be easily modified to reflect changing situations.

3. PARKING POLICY LIMITATIONS

- 3.1. Incomplete control of the parking stock can limit the ability to achieve desired objectives
- 3.2. Conflict between the objectives that parking policies are trying to serve e.g. regeneration, traffic restraint and revenue generation.
- 3.3. Parking policies are not a total solution in that other supporting measures will be required to achieve urban policy objectives.
- 3.4. Parking policy interventions can be ineffective without adequate enforcement.

4. LOCAL PARKING POLICY OBJECTIVES

- Ensure that the parking strategies aims and objectives are consistent with national, regional and local policies (refer Appendix1).
- Prioritise the parking needs of disabled people, local residents, suppliers of goods and services, businesses and their customers.
- Promote more sustainable travel choices through availability and pricing of town centre car parking
- Discourage the use of town centre parking spaces for long stay parking and seek to maximise the availability of short stay spaces in prime, central locations for use by shoppers and other short stay users.
- Ensure that parking restrictions both on and off- street are effectively enforced and minimise the impact of town centre parking controls on surrounding residential areas.

5. LOCAL PARKING POLICY

Charging Policy

This Authority will in principle impose charges for parking at levels reflecting local pressures and needs. These may vary :

- as between the different towns and smaller centres
- as between zones within the larger towns

However the scale of charges should conform to a consistent pattern across the stay periods in all towns. These should follow national guidelines. Thus the percentage increase in charge from one time period to the next should be consistent throughout all locations.

Imposition of charges in selected town centre car parks in Congleton will be designed to regulate use and improve availability in central locations requiring short stay. Income earned should cover operating and maintenance costs and allow necessary improvements to the useability, environment and security of a number of these sites.

The new authority has inherited a number of off street car parks for which there is no charge. It is intended that parking charges will be considered only on those sites for which a good case can be made.

Short stay parking

Policy: To give priority to and manage the provision of short stay parking in the town centre

- Short stay visitors to the town centre are less likely to travel at peak periods i.e. reduce congestion, improve efficiency of the road network.
- Short stay parking generates a high turnover of spaces allowing more visitors to be accommodated per space.
- Availability of short stay spaces is essential to maintaining the commercial viability of the town centres.

5.2 Long stay parking

Policy: To manage the provision of long stay parking in the town centres through pricing to encourage the use of more sustainable transport and by a system of differential charging to promote the use of peripheral car parks where such parking is to be accommodated.

- Commuters travel at peak periods and are a major contribution to congestion of the road network.
- Commuter parking monopolises parking spaces for the entire working day
- Transport objectives may be achieved more easily through parking policy interventions aimed at the commuter. It is more practicable for example for the commuter to change their travel patterns than it is to continually expand the road network and parking stock.
- Long stay parking provision in connection with bus or rail commuter travel is supported in order to reduce the level of dependency on the motorcar as a means of commuting to work.

5.3 Disabled Parking Provision

Policy: To prioritise where appropriate the needs of those people who have no choice but to use the car to access essential services

- Continue support of the shopmobility scheme within the town centres
- Improve the quality and provision of disabled parking in off street car parks in accordance with DDA requirements. Local conditions and demand are also considered in determining the number and location of spaces to be provided.

5.4 Parking Enforcement

Policy: To ensure parking policy interventions are implemented effectively and contribute to the wider objectives of transport planning and economic development; within the provisions of the relevant legislation:

- Road Traffic Regulation Act 1984
 - Provides powers under which Councils are able to provide and manage off street car parks. The use of the Council's car parks is regulated by orders permissible under the Act. It also provides powers for the Highway Authority to make traffic regulation orders for the control and regulation of traffic and parking on the highway.
- Road Traffic Act 1991 (Decriminalised Parking Enforcement)
 - Introduced to address the increase in illegal parking (growing car ownership and use) and fears that police resources would not be able to match the demand for enforcement.
 -
- Traffic Management Act 2004 (Civil Parking Enforcement)
 - Statutory duty on Local Authorities to reduce the cause of congestion and disruption by controlling parking and the road network as a whole
 - Part 6 of the TMA provides a single framework to make regulations for the civil enforcement of parking and waiting restrictions, bus lanes and some moving traffic offences. An application has been made to the Department for Transport to adopt powers under this Act.
 - Automatic transition arrangements are in place for Authorities operating under RTA 1991.

5.5 On street parking

Policy: To provide on street, limited waiting parking facilities where it is considered safe to do so without undue interference with moving traffic, residents, businesses and other urban objectives.

Cheshire East Council as local highway authority is responsible for the control and regulation of on street parking.

5.6 Residents' Parking

Policy: To prioritise the parking needs of residents in areas which are affected by non-residential parking, or are likely to be affected as a result of policy interventions in relation to long stay parking in the town centres

The Authority will operate residents' on -street parking schemes which

- aim to balance the conflicting demands for kerb space
- manage the displacement of parking

The Authority will develop robust, fair policies as the available kerb space in many areas will not be sufficient to cater for all demands from residents and other legitimate users.

Appendix 1 - Cross Reference to Planning and Transport Strategies

General

In producing a parking strategy for the Authority, consideration needs to be given to national, regional, county and local policies and guidance which could materially affect parking provision. This section therefore reviews the relevant sections of key documents which could influence any future strategy.

Planning Policy Guidance

In relation to the derivation of a parking strategy, two Planning Policy documents are of particular importance; PPS6: Planning for Town Centres and PPG13: Transport.

One of the Government's objectives for town centres is to improve accessibility, by ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport (PPS6 – Para 1.4). The Government's wider policy objectives seek to promote sustainable transport choices, including reducing the need to travel and providing alternatives to car use (PPS6 – Para 1.5).

Para 3.26 of PPS6 states that local planning authorities should assess the extent to which retail, leisure and office developers have tailored their approach to meet the Government's objectives as set out in Planning Policy Guidance Note 13: Transport (PPG13). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services, and contributions to improve access, traffic management and parking.

Para 4.4 of PPS6 encourages Councils to collect information on a range of indicators in order to assess the vitality and viability of their town centres. One of the indicators deals with accessibility and this seeks to measure the following: ease and convenience of access by a choice of means of travel, including – the quality, quantity and type of car parking; the frequency and quality of public transport services and the range of customer origins served; and, the quality of provision for pedestrians, cyclists and disabled people and the ease of access from main arrival points to the main attractions.

PPG13:Transport sets out a number of issues which local authorities should consider when developing and implementing parking policies, including:

- Ensuring the levels of parking associated with development will promote sustainable transport;
- Not requiring developers to provide more spaces than they wish;
- Encouraging the shared use of parking;
- Avoiding the application of different levels of parking between town centre and peripheral areas which may provide incentives for developers to locate away from the town centre;
- Requiring the provision of designated disabled parking bays;
- The introduction of on street parking controls;

These issues need to be taken on board as part of any parking strategy for the Borough.

Regional Planning Guidance/ Submitted Draft Regional Spatial Strategy (January 2006)

Regional Planning Guidance for the North West (RPG13) states that:

“Local authorities should develop a co-ordinated approach to the use of parking charges, enforcement and provision as a demand management tool in support of wider planning and transport objectives”.

RPG13 then goes on to suggest that:

“The provision and promotion of secure car parks can encourage the use of Park and Ride facilities and public transport. Local highway authorities should also make use of on-street parking controls as a way of encouraging greater use of alternative modes”.

Policy RT6 of the Submitted Draft Regional Spatial Strategy states that:

“Local authorities should develop a co-ordinated approach to the use of parking charges, enforcement (especially in areas where parking has been decriminalised) and provision as part of an all embracing strategy to manage travel demand”.

The policy goes on to state that plans and strategies should:

- Incorporate maximum parking standards that do not exceed the regional ceilings set out in Table 10.1, and define standards for additional land use categories and areas where more restrictive standards should be applied. Parking for disabled people is the only situation where minimum standards will be applicable;
- Manage car use by implementing workplace, education and personal travel plans which should be developed alongside public transport, cycling and pedestrian network improvements;
- Make greater use of on-street parking controls and enforcement where priority or road space is to be provided for specified road users;
- Provide dedicated and secure parking facilities for cycles and two wheel motorised vehicles;
- Identify strategic Park and Ride locations to serve the City Regions and areas attracting large numbers of commuters or visitors to be linked by frequent rail and/or bus services that will reduce car trips within those areas. The location and operation of Park and Ride sites should be safe and accessible to all potential users but should not introduce incentives that encourage car use.

As with the issues raised in PPS6 and PPG13, these guidelines also need to be accommodated within any future parking strategy.

Cheshire 2016: Structure Plan Alteration

Policy T7 deals with car parking. It states that:

“The management of car parking and its provision will be used as part of managing the demand for car travel. Maximum requirements for car parking provision in new development have been defined. Provision which is below the maximum requirement may be acceptable where the site has, or can be provided with, good access by alternative means of transport; in such cases, the developer will be required to make a commuted payment towards the provision of alternative means of transport.

Management of on-street car parking in the surrounding area may also be necessary.

All development should provide sufficient and secure cycle parking”.

The policy goes on to state that within the Primary Town Centres of Crewe, Macclesfield and Northwich, existing car parking spaces will be managed to favour short stay parking.

Due cognisance needs to be given to these policies in any future parking strategy.

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C H E S H I R E E A S T

PLACE MANAGEMENT

WASTE COLLECTION

ADVISORY TASK GROUP MEETING

Notes from the meeting held on 25 November 2008 at Pyms Lane, Crewe.

Attendees: Cllr Mrs L Gilliland; Cllr D Brickhill; Cllr G Walton; Cllr D Neilson; Cllr D Hough; Cllr R West
Steve Jones; Paul Morgan; Alan Longshaw

1. **Apologies:** Cllr A Moran; Cllr D Bebbington; Tracy Baldwin;
Harold Collin

2. **Notes from previous meeting and matters arising**

Cllr Hough re-iterated the need for the breakdown of collection costs for waste and recycle collections. Paul Morgan apologised for the delay in producing these figures but explained that the Group's allocated accountant had been asked to look closely at proposed service structures.

3. **Garden waste collection: a) Report concerning the implications of scrapping charges for existing users in the CNBC area**

Cllr Brickhill started discussions by clarifying that Cabinet had made a suggestion (rather than a decision) that needed to be ratified by full Council as part of the budget setting process.

The report was discussed with queries regarding the financing and staffing of the invoicing process.

The Task Group resolved to present the report to the Places Advisory Panel so that it could make recommendations and comments to Cabinet. The next Advisory Panel meeting is on 16 December 2008.

Garden waste collection: b) Report concerning the implications of charging for bins for the full roll out of garden waste collections in the CNBC area

The capital implications of the purchase of wheeled bins was discussed with charging possibly enabling the recovery of the cost of purchase and delivery of the bins. Cllr Brickhill suggested that CNBC may have capital available to purchase bins with.

There was discussion about other sources of funding for bins – for example from existing district capital reserves or through the use of Waste Implementation Capital Grant – Paul Morgan was asked to speak to Finance to ascertain the allocation of this grant.

Garden waste collection: c) Report concerning the full roll out of free garden waste collections in the CNBC area

The Group reconsidered this report in light of revised costings. The modelled costs of the scenarios are summarised in the table below.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Based on 2008/09 costs	Base scenario – existing subscription service (16,925 homes)	Removal of subscription charges for existing subscribers	Roll out option 1 – 16,925 HH + 8,800 HH	Roll out option 1 – 16,925 HH + 13,200 HH	Roll out option 1 – 16,925 HH + 22,000 HH
Costs additional to those in column 3					
Revenue - £					
Employees	287,140	251,940	82,108	122,412	164,516
Transport	225,400	225,400	68,966	103,449	137,932
Supplies & Services	165,530	165,530	47,635	71,453	117,270
Capital charges	24,620	24,620	0	0	0
Service management & support services	61,565	61,565	0	0	0
Income – recycling credits	(333,130)	(333,130)	(0)	(0)	(0)
Income – subscriptions	(389,275)	(0)	(0)	(0)	(0)
Revenue Budget requirement	41,850	325,305	198,709	297,314	419,718
Capital - £					
Cost of wheeled bins	0	0	197,040	295,560	492,600

Steve Jones highlighted the decision mechanism with the need to have parallel reports covering a range of issues. If a decision was made that resulted in bins being required in early 2009/10 then one of the districts would have to lead on the procurement of these. In addition, any decisions that were taken on the introduction of new services would have to take into account projected financial pressures.

Again a revised version of the report is to be prepared for the Advisory Panel.

4. Contracting out collection services – issues and discussion paper
Paul Morgan presented a report highlighting the issues around the contracting out of services in general and in relation to waste collection.

Discussion took place around the options and issues relating to procurement, TUPE and processes. Members expressed the view that they would like to pursue a tender process but that more investigation is needed on several issues.

5. Approval of Recycling Branding for Cheshire East

The report was briefly outlined and Cheshire West and Chester's approach discussed (ie use the "Recycle for Cheshire" brand for pan-Cheshire

campaigns but for local campaigns and services adopted “Recycle for Cheshire West and Chester”).

Further consideration of this issue to be given at a future meeting.

6. Greencycle depot visit

Paul Morgan had drafted a brief information report for members. Comments were made on the benefits of the trip.

7. Work programme

Reports requested for Advisory Panel on 16 December:

- Garden waste collection: Report concerning the implications of scrapping charges for existing users
- Garden waste collection: Report concerning the full roll out of free garden waste collections

Report on recyclate disposal (see AOB below).

8. Date of next meeting

The date of the next meeting was agreed as 10 December 2008 at Westfields, Sandbach. Lunch would be provided from 1pm with the intention of commencing the meeting soon after.

A date was set for a further meeting – 14 January 2009 also at Westfields.

9. Any other business

- Steve Jones reported that Congelton BC had received an Ombudsman’s report that would have an impact on the future waste collection policies of Cheshire East. He would be tabling a report at a future meeting for discussion.
- Cllr Brickhill had been asked by Cllr Fitzgerald to investigate the issue of the disposal of recyclate in the current market conditions including the development of contingency plans in markets decline further resulting in the inability to dispose of materials. Steve Jones committed to a report for the next meeting.

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Matters arising from the Strategic Development Task Group – 3 December 2008

1. The South Cheshire Sub-regional Study has been completed by ARUPs on behalf of 4NW. Members of the Task Group and Places Advisory Panel will receive a hard copy when available.
2. Strategic Housing Market Assessments have been completed in Macclesfield and commenced in Congleton and Crewe and Nantwich. A paper on the findings of the SHMA's will follow to Places Advisory Panel once completed.
3. Sub-Regional Economic Development Partnership: - discussions have commenced with Cheshire West and Warrington BC and the Chief Executive and Director of Cheshire East to form a view on what will replace the Cheshire and Warrington Economic Alliance. Key issues are the delivery method, funding and links with 4NW and NWDA. Warrington BC will lead the discussions. Progress will be reported back to the Task Group and subsequently the Advisory Panel.
4. Major projects: the definition of major projects has been re-defined and the "long list" of major development proposals will be realised. Funding and partners will be added, the projects prioritised in order of their likelihood to come forward. The list will be kept under review at subsequent Task Group meetings.

Members received updates on the Macclesfield Town Centre scheme (planning applications due to be determined in March 2009, with completion of the project in 2014; and South Macclesfield Development Area (no longer a Regional Economic Strategy priority area and the development of the site is being progressed with English Partnerships to bring forward affordable housing solutions.

Updates on two major projects will follow at each Task Group meeting.

5. Economic Development Services: work has begun on identifying how each of the four authorities delivers these Services. Macclesfield had prepared their "as is" position, the three others will report to the next Task Group. A SWOP analysis and options appraisal will be worked up, potentially by an external consultant.
6. The potential for joint working with Cheshire West on minerals planning policy was supported. This was not explicitly referred to in the LDS and Government Office North West had highlighted the disparity with the LDS of Cheshire West. The matter needs to be discussed at Management Board and Cabinet to allow for reflection in the LDS and submission to Government Office North West by the end of December.
7. Task Group Work Programme: future items will include; major projects update; the way forward for Economic Development Services and progress on Strategic Housing Markets Assessments.
8. Next meeting: 11 February 2009.

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CHESHIRE EAST COUNCIL

PLACES ADVISORY PANEL

Date of meeting: 16 December 2008
Report of: Block Lead
Title: Local Development Framework Task Group

1.0 Purpose of Report

1.1 To inform the Panel of the progress being made by the Local Development Framework (LDF) Task Group for Cheshire East.

2.0 Decision Required

2.1 To note the report from the LDF Task Group, to agree the need for an urgent project plan for the LDF work and to support the proposed joint working with Cheshire West and Chester Councils on minerals and waste policy making

3.0 Financial Implications for Transition Costs

3.1 Officer time to support the Task Group pre-Vesting Day.

4.0 Financial Implications 2009/10 and beyond

4.1 The financial implications will depend on the key decisions made about the Local Development Scheme and the development of the plans and policies therein

5.0 Legal Implications

5.1 The Local Development Framework is a statutory requirement undertaken by all constituent authorities and will be one of the key policy documents for the new authority. Continuity of policies is essential to meet statutory requirements and community expectations.

6.0 Risk Assessment

6.1 Detailed risk assessments will need to be undertaken as various issues requiring member views are developed.

7.0 Background and Options

7.1 The Panel established the LDF Task Group at its first meeting in recognition of the need for early commencement of officer and member work in this area. The group has now met on three occasions, most

recently on 3 December at which the three main items were: a progress report on the Local Development Scheme (LDS), the evidence base for the Core strategy and LDF related minerals and waste policy development through joint working with Cheshire West.

7.2 Local Development Scheme

The Cabinet at its meeting on 2 December reconsidered the Local Development Scheme including the recommendations from the previous meeting of this Panel and the Task Group. Initial comments had been received from the Government Office for the North West (GONW) to whom the Local Development Scheme had to be submitted before the end of December 2008 and these had been reported to Cabinet. The Task Group received an update from the Portfolio Holder and officers on the version of the Scheme to be presented to Council for approval on 9 December 2008 prior to formal submission to GONW.

7.3 Core Strategy

The Task Group received an update on preliminary work towards the preparation of the Core Strategy. The LDS includes a timetable and sequence of work particularly the collection of an evidence base to support the strategy. Work was underway on housing needs assessments, housing land availability assessments and employment land assessments. A project plan needed to be written for this work to provide a detailed implementation plan alongside the LDS.

7.4 Minerals and waste policies

Discussions had been held with Cheshire West and Chester Council about joint working for minerals and waste planning policies. The Portfolio Holder reported on discussions with that Council which would enable officers to work jointly on these matters but with clear reporting arrangements to the two authorities. This joint working would have implications for the LDS which would need to be slightly amended to reflect joint officer arrangements. Members supported the initiative but were concerned that this should not delay Council's approval of the LDS at its meeting on 9 December. Officers were asked to consider a suitable way forward and as verbal update on this will be given to the Panel.

8.0 Reasons for Recommendation

8.1 To provide a summary update on the Tasks Group's work

8.2 To support the preparation of a Project Plan for further LDF work and the proposed joint working on minerals and waste policy development

For further information:

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CHESHIRE EAST

Places Advisory Panel

Date: 16th December 2008

Title: Cheshire Homechoice Common Allocations Policy

1. Purpose of Report: To update the Places Advisory Panel on the implementation of Choice Based Lettings and to seek approval for the Cheshire homechoice common allocations policy to be progressed to Cabinet for adoption.

2. Decision Required: To give permission to progress the Cheshire homechoice common allocations policy to Cabinet for adoption.

3. Financial Implications: Each of the six partners have committed financial resources in order to implement Choice Based Lettings, this includes the procurement of an ICT system. There will be a requirement for an ongoing financial commitment in order to maintain the ICT system and to cover revenue costs, which will be approximately £16,340 per year from each partner.

4. Summary:

Communities and Local Government's (CLG) five year housing plan, *Sustainable Communities: Homes for All*, published in January 2005, set out the Government's plans for taking forward its Choice Based Lettings policy. They have tasked all English local authorities to adopt Choice Based Lettings by 2010 and have regard to include housing association properties, low cost home ownership and privately rented properties.

Choice Based Lettings is different from the traditional way of allocating housing via the waiting list. It allows customers the ability to choose where they want to live. Vacant properties are advertised via a web-based system across the partnership. Customers are given the opportunity to express an interest in any home, which meets their household's needs. Priority will be given to those with the most urgent need and who have waited the longest.

A partnership was formed in June 2005 to look at ways in which authorities could work together to meet the governments target to implement choice by 2010, provide a better service to customers and create efficiency savings. There were originally 9 partners, 3 of which took the strategic decision to leave the partnership, following the announcement of LGR, leaving the following members:-

- Macclesfield Borough Council
- Cheshire Peaks & Plain.
- Congleton Borough Council
- Dane Housing
- Crewe & Nantwich Borough Council
- Wulvern Housing

In September 2006 the Local Authority Partners submitted a bid for CLG funding to develop a Sub Regional Choice Based Lettings scheme, which was successful. A grant of £106,000 was awarded in January 2007 to assist in the development costs of the Cheshire Sub-regional CBL scheme.

The partnership has completed a number of milestones in order to move towards the implementation of the scheme. These include:

- Establishing a name (Cheshire homechoice) and branding for the scheme.
- Signing of the Partnering Agreement.
- The development and consultation of the common allocations policy.
- The development of a specification for the ICT system.

The development of a common allocations policy was agreed with the overall aim to ensure that all social and affordable housing is allocated fairly and objectively to those in the greatest housing need, having regard to any legislative requirements and Codes of Guidance issued by the CLG. The common allocations policy outlines how customers can apply for housing. They are asked to complete a common housing application form in order to correctly identify the housing priority for each customer.

The existing allocations policies operated by the partners currently are all points based. The common allocations policy moves away from this traditional way of assessing priority need to a system of star ratings. Under the new policy applicants are placed into six priority bands ranging from one star for the lowest priority to five stars plus for the most urgent levels of housing need.

The common allocations policy explains how customer's housing need will be assessed and where additional priority may be awarded. Additional priority may be awarded in the following circumstances:

- Homeless.
- Medical grounds.
- Welfare grounds.
- Overcrowding.
- Under occupied.
- Disrepair.
- Insecure Accommodation.
- Lacking of basic facilities.

Consultation on the common allocations policy was undertaken throughout the partnership area between 14th July and 14th October 2008. Approval for the policy is now been requested from the Boards and Executives of all partner organisations.

Implementation of the new Cheshire homechoice scheme is scheduled to take place in May/June 2009 and will therefore be launched after "Vesting Day", approval and adoption of the policy is therefore sought from the Cheshire East Cabinet.

For further information:-

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Places Advisory Panel**16th December 2008****Subject: Aligning green waste collection services in Cheshire East.****Author: Paul Morgan / Steve Jones****Summary:**

Kerbside collection of green waste is current 'free' to residents of Congleton and Macclesfield Boroughs whereas there is a charge levied to those residents that opt to use the service in Crewe. This paper discussed the options available to Cheshire East Council ref this lack of standardisation. There are implications for public satisfaction with the waste services provided by Cheshire East and substantial differences in the financial costs (£1.28M) of the available options.

Recommendation to the Places Advisory Panel from the Waste Collection and Disposal Task Group.

This issue was considered by the Waste Collection and Disposal Group on the 25th November. Based upon a review of the options described below and in the absence of full knowledge and context of the Cheshire East budgeting exercise, the Task group recommends that:

1. That a free of charge green waste kerbside collection service is rolled out to the residents of the former Crewe and Nantwich Borough Council area as soon as practicable following the 1st April 09.
2. That no initial bin purchase charge should be levied to recipients of new bins.
3. That (subject to approval by the existing waste collection authorities) that preparations should be made prior to April 09 to procure the required equipment to roll-out a free of charge green waste in Crewe utilising the existing 08/09 Waste Implementation Capital Grant.
4. That should the Waste Implementation Capital Grant funding for 08/09 be unavailable or insufficient to support this initiative, the new Cheshire East Authority should approve additional funding (following an additional report) to procure bins.

INTRODUCTION

Cheshire East will be formed by amalgamating the 3 existing waste collection authorities of Crewe and Nantwich, Macclesfield and Congleton. Each of these has its own policies with respect to the range of waste and recycling services provided and the methodology by which these service are delivered. The issue of standardisation of all of these methodologies will need to be considered by Cheshire East Councillors. However, the most pressing of these standardisation issues relates to the collection of green waste at the kerbside. The reason for this is that a charge for this service is levied in Crewe and the service is free in Macclesfield and Congleton. Members need to consider what approach should be taken to this lack of standardisation.

AVAILABLE OPTIONS

1. Allow non-alignment of service provision to persist.
2. To remove the charge for green waste collection in Crewe to align with the non-chargeable services in Macclesfield on Congleton.
3. To implement a green waste charging system in Congleton and Macclesfield to align with chargeable policy in Crewe.

Option 1. Non-alignment of services

Implementation issues

This would be the simplest option to implement as it would in principle require 'no change' to existing services. However, the lack of standardisation would complicate the delivery of future service efficiencies. Recycling performance would largely remain unaffected.

Financial implications

There would be a neutral financial impact in year one. However, as quoted above, a lack of standardisation may lead to a reduction in the ability to drive out operational efficiencies in the medium term. The exact financial impact of this risk cannot be accurately quantified but is estimated to be between £100k and £200k.

Public impact

Initially, residents of all areas would see no difference in their level of service and hence there would not be an initial adverse reaction. However, as residents become aware of the differing levels of service in different parts of the Cheshire East area it is likely that there would be pressure from ex-CNBC residents for the service charge to be removed. Adverse publicity would inevitably accompany this growing service level awareness.

Option 2 – remove service charges in Crewe

Implementation issues

Removing the service charge in Crewe would inevitably increase the demand of the service. Approximately 17,000 of the 50,000 residential properties currently receive the chargeable service meaning that a potential 33,000 new properties could require the service. The provision of this additional service would require additional refuse vehicles, crews and wheelie bins. The impact of this could be spread over a period of time by retaining an initial charge to 'buy' the wheelie bin. This would in effect mean an 'opt-in' system rather than 'blanket coverage'. However, initial purchase of the bins was not a feature of either the Macclesfield or Congleton green waste schemes.

The purchase of bins may lead to delays in implementing the expanded scheme in Crewe. Currently the demand for wheeled bins is high as manufacturers attempt to meet the needs of expanding waste collection services in new members of the European Union. From informal discussions with a manufacturer lead in times for delivery on bins is around 5-6 months from placing an order. This will have a bearing on the commencement of the new service. If this option was favoured then consideration of placing bin orders in advance of April 09 may limit any post-April implementation delays.

This option would present the opportunity to increase the recycling performance in Cheshire East by up to 4%.

Financial implications

Financing bins

With the increase in global oil prices in recent months the cost of wheeled bins has increased. Estimates have been made that 240 litre bins could cost around £21 each with a further £1.80 for the insertion of monitoring chips. If all 33,000 properties required a bin there would be an approximate capital cost of £700k. However, given that some properties may not be able to accommodate wheeled bins, a figure of 22,000 additional bins with a cost of £501k is more likely.

There are a number of ways to source the bins but the most likely options would be to either fund them via the authority's capital reserves or lease them.

There may be finance available to some extent through the Waste Implementation Capital Grant paid to local authorities. In the case of the latter there may be some funds remaining for the current year which could be allocated to the purchase of bins prior to 1st April 09. The Government is yet to announce the allocations for 2009/10 – if this were to transpire then this could be used but without knowledge of how much may be available it is not known if there will be enough to cover all the bins required.

Without access to the above funding and subject to a procurement exercise to confirm costs, Cheshire East would need to approve £501k of capital to purchase the bins outright or accept increased revenue charges of maybe £150k per annum.

On-going operational costs

In addition to potential bin leasing costs, there would be other 'collection' costs to fund ie additional vehicles and crews to collect from the additional properties. The high-level estimate of this cost is

- +£300k (vehicles and crew)
- +£110k (additional processing gate fees for 5500 tonnes of green waste at £22 per tonne and assuming the blanket roll-out option discussed above)
- +£10k (general expenses)
- £128k (reduction in landfill/ disposal costs, 2000 tonnes @ £64/tonne)

TOTAL = £292k net cost plus a year 1 implementation cost of £50k = £342k

Loss of income

A decision to remove current charges levied in Crewe would result in a loss of £390k of income.

Net position

Roll-out outright capital purchase of bins:

Annual revenue impact:	£390k+ £ 342k =	£732k
7 yearly capital impact:		£501k

Note that the capital purchase cost could be removed if the 'one-off bin purchase charge' was used.

Roll-out with bin leasing

Annual revenue impact:	£390k + £342k + £200k =	£932k
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Public impact

An introduction of free garden waste collections without an initial bin purchase charge in Crewe would generally be welcomed by the residents of that area. The image of the Cheshire East would be enhanced with those residents affected and would remain neutral in both the Congleton and Macclesfield areas. Introduction with an initial bin purchase charge would obviously attract some concern although as long as it remained optional whether to participate this negative aspect would be limited. On balance the one-off charge scheme would still gain positive feedback.

Option 3 – introduction of charging in Congleton and Macclesfield

Implementation issues

The challenges with this option would be associated with scaling back the current 'comprehensive' service in both Macclesfield and Congleton. There would be a substantial administrative impact for a period following the introduction of the charge – invoicing, dealing with residents who wished to return their bins and chasing residents who fail to engage with the process in the hope of avoiding the charge yet retaining the bins and service. Unwanted bins would need to be retrieved and stored again incurring cost. There would of course be no impact in the former Crewe area.

This option would result in a reduction in the %waste recycling performance measure of between 4% and 8%

Financial implications

Based upon experience in Crewe and in Congleton (where historically a charge was levied) it is estimated that about 30% of households would be prepared to pay a charge for the kerbside collection of green waste. Based upon approximately 110,000 households in Macclesfield and Congleton, 30% uptake and a charge of £20 per bin, an annual income of £660k per annum could be expected.

In addition to this, there may be some efficiency reductions from the refuse collection service associated with servicing fewer properties. However, without detailed scheduling investigation this is not easy to quantify.

There may be year 1 implementation costs of £100k associated with communicating the new service configuration, retrieving bins and managing customer contact.

Net income in year 1 = £660k - £100k = **£550k** (£660k in subsequent years)

Public impact

The residents in Crewe would see no change in policy so although there may be some disappointment from not having seen a service enhancement there would be little other impact. However, there would be a substantial negative public impact in both Macclesfield and Congleton. The residents in this area would perceive that Cheshire East had taken a backwards step. This would result in negative publicity and a dramatic (if short term) increase in complaints and public satisfaction.

CONCLUSION

Although there is a substantial financial disadvantage of implementing a free of charge green waste collection scheme in Crewe as opposed to implementing a charging system in Macclesfield and Congleton (cost of £732k 'v' net income increase of £550k ie this is a £1.28m pa. revenue decision) given the expectations of the public and the commitment of Cheshire

East to becoming a 'flagship authority' it is felt that removal of the charges in Crewe is the correct option to progress.

Note that this discussion above is only a part of the overall process of harmonising the waste and recycling services. There are opportunities available to drive out operational efficiencies by redefining service standards and finding alternate service delivery methodologies. Once all these opportunities have been explored and delivered, it is likely that there would be an overall saving to Cheshire East associated with redefining the way Waste and Recycling services are delivered.

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CHESHIRE EAST COUNCIL

PLACES ADVISORY PANEL

Date of meeting: Tuesday 16th December 2008
Report of: Interim Strategic Director, Places
Title: Local Transport Plan Progress Report 2008

1.0 Purpose of Report

- 1.1 This paper has been prepared to allow Members of the Cheshire East Council Places Advisory Panel to consider and comment on Cheshire's Local Transport Plan (LTP) Progress Report for 2008. It also seeks views on emerging issues that may need to be considered during the remainder of the plan period. A short summary setting out details of the LTP process is attached as Appendix One.

2.0 Decision Required

- 2.1 That the LTP Progress Report be noted;
- 2.2 To seek any comments on the issues contained in the document; and
- 2.3 To identify and comment on any specific issues that may need to be addressed during the last two years of the current LTP strategy.

3.0 Financial Implications for Transition Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The LTP is the basis for allocating significant levels of capital and revenue expenditure on transport priorities. The disaggregation of the current LTP budget will be confirmed shortly.

5.0 Legal Implications

- 5.1 None.

6.0 Risk Assessment

- 6.1 The LTP Progress Report contains a full risk assessment in Section Two.

7.0 Background

- 7.1 Cheshire's current LTP was published in March 2006. It set out the County Council's objectives and plans for taking forward transport priorities between 2006 and 2011 together with an outline delivery programme. It also included a comprehensive set of mandatory and local performance indicators and targets. An accompanying note outlining the LTP process has been prepared and is attached as Appendix One. A summary of the main issues contained in the full Progress Report has also been prepared and will be circulated with this paper.
- 7.2 Performance is normally assessed on an annual basis by the Department for Transport (DfT), assisted by the Government Office for the North West (GONW). Specific reporting requirements vary from year to year. Based on the evidence submitted, an assessment of progress is made by the DfT which is usually published in December each year as part of the annual LTP capital settlement.
- 7.3 This year a detailed progress report was prepared that covered the first two years of the current LTP period. The DfT published guidance in November 2007 which outlined the main themes and a checklist of issues that were required to be addressed in the new progress report.
- 7.4 In a marked difference to previous years the DfT saw the preparation of this new progress report as part of a constructive and open relationship between a local authority and its Government Office. This required work to be taken forward in partnership, involving regular meetings with GONW representatives as the report was compiled.
- 7.5 The Progress Report was approved by the County Council's Executive Member for Highways and Transportation on 7 October. This was then followed by a formal meeting with the GONW on 14 October to discuss the Report and the overall strengths, weaknesses, opportunities and threats to the delivery of the LTP. The outcome of this meeting will be set out in a formal written response from GONW which will summarise the key issues reviewed at the meeting and outline any areas for attention in the future. This will be published in December 2008.

FORMAT OF THE PROGRESS REPORT

- 7.6 Based on the DfT guidance, an initial framework was produced at the start of the year and agreed as the basis for taking forward work with GONW. The key issues addressed include:
- Transport's contribution to wider objectives;
 - Tackling congestion and the network management duty;
 - Delivery accessibility;
 - Safer Roads;
 - Better air quality;
 - Asset Management;
 - Use of resources; and
 - Local priorities.

- 7.7 In addition, the report includes a detailed risk assessment on the further development of the LTP up to 2011. This was required to consider potential changes to the assumptions on which the LTP was based and identify what plans for mitigating risks or exploiting opportunities are being considered for the remainder of the LTP2 period. Additional information set out in the Progress Report included details on the Public Rights of Way Improvement Plan has been incorporated into the LTP and details of overall progress towards mandatory and local performance indicators. This includes commentary on how the LTP has been integrated into the new Local Area Agreement (LAA) performance framework. It also identifies a number of performance indicators that County Council no longer plans to report against due to the new LAA and as a direct result of local government re-organisation.

OVERALL PROGRESS AND OUTCOMES

- 7.8 Over £180 million has been spent on transport activities in Cheshire during the last two years. This represents a major investment in addressing transport priorities and objectives. This includes £39 million of LTP capital funding and £142 million of the Authority's revenue expenditure. Key outcomes include:
- **Tackling congestion** – Levels of traffic growth have been restrained in Cheshire and its main urban areas; the DfT have rated the approach to Network Management Duty as excellent as part of a national assessment; and good progress continues to be made to encourage the use of workplace and school travel plans.
 - **Safer roads** – Road deaths and serious injuries have fallen by over 44% from the national 1994/98 baseline; Over 32 Local Safety Schemes have been completed which are anticipated to save 208 collisions and 289 casualties over the next three years; and a new Cheshire Safer Roads Partnership has been established.
 - **Delivering accessibility** – After a period of decline bus patronage has increased significantly during the last two years; a successful bid for "Kickstart" funding has improved local bus services to Leighton Hospital; and the current Accessibility Strategy has been the subject of a detailed review and consultation exercise to help inform priorities for the new unitary authorities.
 - **Improving air quality** – Air quality has been successfully integrated into the LTP process; and measures to support Air Quality Action Plans have been included in a number of local area delivery programmes.
 - **Improving the condition of our roads** – Over 170 highway maintenance schemes have been completed resulting in over 37 km of Cheshire's highway network being improved; four major and 197 minor bridge maintenance schemes have been completed; and current network condition targets remain on track to be achieved.

- 7.9 As a result:

- Seven out of eight LTP Best Value Performance Indicators are on track. BVPI 104 (satisfaction with bus services) is not on track. This is largely attributed to a change in data collection methodology; and
- Three out of five mandatory LTP indicators have either been achieved or are on track. LTP3 (cycling) and LTP4 (usual mode of travel to school) are not on track.

LOCAL GOVERNMENT REORGANISATION AND EMERGING ISSUES

- 7.10 As part of a detailed risk assessment, the Progress Report has examined the impact of LGR in Cheshire on the LTP process. The Progress Report is seen as an important document to help inform and support early thinking on the future development of the LTP by the new unitary authorities. This will be crucial to provide continuity and a degree of consistency for the ongoing delivery of the current LTP strategy up to 2011.
- 7.11 In parallel to this, it is expected that the DfT will issue guidance next year setting out the format for the new round of LTPs which will need to be introduced by 2011. The Progress Report, therefore, provides a useful starting point to begin the debate that will ultimately lead to the preparation of a new transport strategy for Cheshire East over the next two years.
- 7.12 Other emerging issues are likely to have a significant impact on how future transport priorities will be determined in the years to come. These include the Government's own thinking on transport priorities (Towards a Sustainable Transport System) which is expected to be published in 2009. Full details are set out in Appendix One.

ENGAGING WITH STAKEHOLDERS AND PARTNERS

- 7.13 The guidance stressed that the preparation of the Progress Report offered an opportunity for engagement with key delivery partners and stakeholders not least, the Local Strategic Partnership.
- 7.14 In response, the draft Progress Report was shared with a number of partners in order to seek their views and comments on Cheshire's achievements to date and receive feedback on where possible improvements could be made in the future. Feedback from these sessions is set out as an annex to the main report.

NEXT STEPS

- 7.15 Copies of the Progress Report and the summary document have been distributed to stakeholders and the wider community. The report has also been placed on the County Council's website.
- 7.16 It is expected that the letter setting out GONW's formal response to the progress report will be published by the end of the year. This will be shared with Members of the Shadow Authorities in the early new year. At the same time

draft guidance for the new LTP will be issued for consultation and this will be the subject of a further paper to this Board to begin the debate on the preparation of LTP3.

8.0 Day One, Year One and Term One Issues

- 8.1 The immediate issue for Day One is to ensure that there is a continuity of service delivery.
- 8.2 During 2009/10 LTP performance will need to be monitored and work will begin to prepare a new LTP for Cheshire East. This will require close links to parallel work to prepare a new Local Development Framework.
- 8.3 By Term One a further progress report will need to be prepared for LTP2 and a new transport strategy (LTP3) will need to have been completed and approved.

9.0 Reasons for Recommendations

- 9.1 The LTP is a statutory document. Its continued delivery will have a direct influence on key corporate objectives and will help meet a number of key performance indicators that are included in the Local Area Agreement.

For further information:

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Background Documents:

LTP Progress Report 2008

Local Transport Plan Briefing Note

Local Transport Plan 2006 - 2011

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Appendix One

Local Transport Plan briefing note for Shadow Portfolio holders

Introduction

1 The requirement to produce a Local Transport Plan (LTP) was introduced as a result of the Transport Act (2000). This made it a statutory requirement for local authorities to prepare and implement five year integrated transport strategies to support the delivery of both national, regional and local objectives.

2 They are characterised by:-

- An emphasis that transport is not an end in itself. The LTP needs to demonstrate how it will help meet wider objectives including improving quality of life, supporting economic development and regeneration, tackling poverty and improving the environment;
- A detailed evidence base to inform strategy development;
- Five year funding allocations to provide improved certainty and forward planning for the preparation and implementation of delivery programmes;
- The need to consider the use of both capital and revenue funding to help meet objectives;
- An emphasis on developing integrated transport solutions to encourage more sustainable modes of transport;
- A more inclusive approach encouraging greater dialogue, consultation and joint working with partners and the wider community; and
- Greater emphasis on targets, performance indicators and monitoring.

3 The first round of LTPs covered the period between 2001 to 2006. These were subsequently replaced with new strategies in 2006 that cover the five years to 2011 (LTP2).

4 The Department for Transport (DfT) have now begun to plan the scope and format for the next round of LTPs (LTP3). It is expected that draft guidance will be issued shortly and this will be the subject of a consultation exercise during the first part of 2009. The final guidance is likely to be issued by mid 2009. This will help local authorities make a prompt start on preparing their new LTP strategies. At this stage, it is anticipated that the new LTP3 documents will need to be ready for submission to the DfT by the second half of 2010.

Cheshire's current LTP

5 Cheshire's current LTP was published in March 2006. It was prepared to:-

- Respond to a range of national, regional and local policy issues;
- Set out how Cheshire will address the national shared priority for transport (tackling congestion, improving road safety, delivering accessibility and better air quality);
- Respond to future development, regeneration and housing priorities that will impact on future travel patterns;
- Take into account the various trends, issues and characteristics that make Cheshire the place it is now and in the future;
- Take into account the foundation of Cheshire's first LTP and the lessons learnt from its delivery; and
- Take into account community concerns and the views of stakeholders.

6 Its objectives are to:-

- Enhance the quality of life of those who live in, work or visit Cheshire;
- Promote social inclusion and accessibility to everyday services, especially for those without a car;
- Improve safety for all travellers;
- Promote integration of all forms of transport and land-use planning, leading to a better, more efficient transport system;
- Contribute to an efficient economy and to support sustainable economic growth and regeneration in appropriate locations;
- Protect and enhance the built, natural and historic environment; and
- Manage a well maintained and efficient transport network.

7 These are being delivered by:-

- A series of integrated area programmes for each of the current District areas;
- Countywide programmes for local safety schemes, public transport, tackling congestion, cycling schemes, improving Public Rights of Way and addressing problems caused by the school run;
- A comprehensive programme of highway and bridge maintenance;
- Transport modelling and studies to support development and regeneration projects; and
- Developing and implementing major transport schemes such as Alderley Edge and Nether Alderley Bypass and the Crewe Gateway project.

8 The Department for Transport (DfT) have indicated that they expect to see the existing LTP strategy adopted in its current form by both unitary authorities until this is replaced by LTP3 in 2011. Some amendments will be necessary to disaggregate performance indicators. This issue is explored in more detail below.

Funding

9 Between 2001 and 2006 some £301 million was spent on transport and highway improvements in Cheshire. This included some £100 million secured through the LTP process, £181 million of revenue funding (largely spent on

supporting passenger transport services and highway maintenance) and the remainder secured from partnership funding, developer contributions and challenge bids.

10 During the current LTP2 period a further £35 million of capital funding has already been spent on delivering the LTP. An additional £58 million has been allocated to be spent between 2008/09 and 2010/11. Details are set out below.

Block	2008/09 £000s	2009/10 £000s	2010/11 £000s
Integrated Transport *	8,098	8,251	8,387
Maintenance	9,926	10,919	12,557

* The Integrated Block includes funding for a range of measures including local safety schemes, traffic management projects, bus infrastructure, safer routes to school projects, cycling schemes and local measures delivered through Integrated Area Programmes.

11 The level of capital funding is determined by Department for Transport (DfT) formulae. Provisional revised allocations for Cheshire East and Cheshire West and Chester have been calculated by the DfT and will be confirmed shortly.

12 As noted above, the strategies and policies set out in the LTP also act to inform the allocation and use of revenue expenditure to support the delivery of transport priorities. Between 2006 and 2008 £44 million of revenue funding was spent on highway maintenance and £98 million was used to support the provision of passenger transport services. It is anticipated that the revenue funding allocations for the two new unitary authorities will be confirmed as part of the current budget setting exercise.

Monitoring performance

13 Prior to 2006, performance was assessed on an annual basis by the Department for Transport (DfT). This included a strong emphasis on assessing the progress made towards achieving national and local performance targets which covered all aspects of the LTP strategy.

14 A detailed assessment of the impact and outcomes of the first LTP was published in July 2006. This can be viewed and downloaded from the County Council's LTP website. It concluded that Cheshire had made good progress towards meeting its objectives and targets with the level of resources that it had spent during this period.

15 The introduction of the new LTP (LTP2) has seen the introduction of a more informal process of assessment based on regular meetings and challenge sessions with representatives from the DfT and the regional Government Offices. This has coincided with a move towards a less rigorous examination of LTP delivery with DfT no longer officially marking or grading

individual progress reports. This is partly as a result of overall performance monitoring being incorporated into the new Local Area Agreements – see below.

16 Nevertheless, LTP performance has continued to be monitored by the County Council on a regular basis to ensure that work and expenditure is being undertaken as planned and objectives and targets remain on track to be met.

17 In line with DfT guidance, a detailed progress report covering the first two years of the current LTP period was produced in 2008 and this was formally presented to the Government Office for the North West (GONW) who will also share its contents with the DfT. This report:-

- Assesses overall progress in meeting objectives and targets;
- Considers both opportunities and risks to the continued delivery of the plan up to 2011; and
- Provided the opportunity for engagement with delivery partners and stakeholders and seek feedback on any emerging issues.

18 The preparation of this report has been timely. Its development has coincided with the transition towards the creation of the new Cheshire unitary authorities. It is considered that this report will provide a useful introduction to the LTP process and will help to support the smooth transfer of LTP activities to the new authorities leading up to vesting day and beyond.

19 A letter will be sent to the County Council in December from GONW which will set out their response to the progress report and outline what they consider to be the main challenges for the two new authorities for the remainder of the LTP period.

20 The progress report and a shorter summary document will also be shared with partners, stakeholders and the wider community.

Local Area Agreement

21 The LTP plays a crucial role in supporting the delivery of many of Cheshire's wider corporate objectives and the priorities set out in the Sustainable Community Strategy and the accompanying Local Area Agreement (LAA).

22 As part of the wider changes to monitoring performance, the new LAA includes a set of 198 indicators which are now the only measures used by Government to assess local authorities performance. From these, some 35 targets for improvement have been set based on the outcome of negotiations with partners and the Government.

23 The ongoing delivery of the LTP will have an impact on a total of four of the current top 35 priorities. These are:-

- NI 47 People killed or seriously injured in road traffic accidents;
- NI 168 Principal roads where maintenance should be considered;
- NI 169 Non-principal roads where maintenance should be considered; and
- NI 186 Per capita reduction in CO2 emissions in Local Authority Area.

24 The new unitary authorities will adopt the LAA on a transferable but severable basis with effect from 1 April 2009. However, it must be noted that the creation of new Local Strategic Partnerships and emerging corporate priorities may well lead to changes to the current set of priorities once the new authorities are established.

25 The new LAA data set supersedes all existing performance measures. A total of ten indicators now replace the thirteen mandatory and thirteen local indicators contained in LTP2. Nevertheless, the DfT have indicated that they expect local authorities to keep monitoring a number of the existing mandatory LTP indicators and, where appropriate, local indicators that can be used to assess progress towards objectives and priorities. Local Government Reorganisation has also led to the need to disaggregate and / or delete a number of the current LTP indicators. Options for new or revised indicators are currently being assessed and proposed amendments will be reported to Members of the Shadow Authorities in 2009.

Emerging issues for the future

26 The current LTP2 period comes to an end in 2011. With guidance for LTP3 expected to be published during 2009, it should be noted that there are a number of emerging issues which are likely to have a significant impact on how future transport priorities will be determined. These include:-

27 **Towards a Sustainable Transport Strategy (TaSTS)** – This will set out the Government's future thinking on transport and how it plans to respond to the recommendations of the Eddington and Stern reports relating to competitiveness and productivity and responding to the challenges of climate change. The DfT plan to publish a formal consultation in Autumn 2008 on proposed goals, challenges and the proposed approach to the remainder of the TaSTS process. The publication of a planned White Paper will be delayed until Spring 2009. This is to allow better alignment with the Climate Change Bill. For more details see - <http://www.dft.gov.uk/about/strategy/transportstrategy/tasts/>

28 **Review of Sub-National Economic Development and Regeneration (SNR)** – This will streamline regional responsibilities and give Regional Development Agencies the lead responsibility for regional planning including transport. It is unclear at this stage whether this goes further than the priorities already established in the current Regional Transport Strategy. 2010 is the earliest that work would begin. For more details see - http://www.hm-treasury.gov.uk/media/9/5/subnational_econ_review170707.pdf

29 **Regional Funding Allocation (RFA)** – This provides the basis for prioritising the region’s transport major scheme projects. 25 schemes with a combined budget of £1.35 billion are programmed for implementation between 2006/07 and 2015/16. This is currently being re-freshed. The remit of the RFA is also being expanded and from 2012 it will include the regional LTP funding allocations for the integrated and maintenance blocks. For more details see – <http://www.dft.gov.uk/pgr/regional/strategy/rfa/rfaround2/> and http://www.hm-treasury.gov.uk/consultations_and_legislation/devolving_decision_making/regional_funding_advice.cfm

30 **Local Transport Bill** – The Bill sets out measures that will transform transport at the local level. Apart from options that could act to improve local bus services, the draft Bill it also includes legislation to set up Integrated Transport Authorities and introduce boundary changes for the potential areas that could be covered. This is currently at the Committee Stage and it is expected to be enacted in early 2009. For more details see - <http://www.dft.gov.uk/pgr/regional/localtransportbill/>

31 **Northern Way** – This project aims to close the productivity gap between the three northern regions and the rest of England. Part of the work of the Northern Way is looking into transport needs. They advise on future investments and have fed into the RFA process on projects such as SEMMMS. They are currently undertaking a study, in association with the DfT, to identify problems and potential solutions for what is loosely defined as the Manchester Rail Hub. For more details see - <http://www.thenorthernway.co.uk/>

32 **Greater Manchester Transport Innovation Fund (TIF)** – Greater Manchester’s TIF project is seeking to deliver a potential £2.8 billion investment to improve transport in Manchester in conjunction with the introduction of road user charging from 2013. This was recently the subject of a public consultation exercise and local referendum on the proposals will take place in December 2008. The County Council and the Shadow Authorities made detailed responses as part of the consultation exercise. Further dialogue to ensure that the needs of Cheshire residents are taken into account will take place once the outcome of the referendum is known. For more details see - <http://www.gmfuturetransport.co.uk/>

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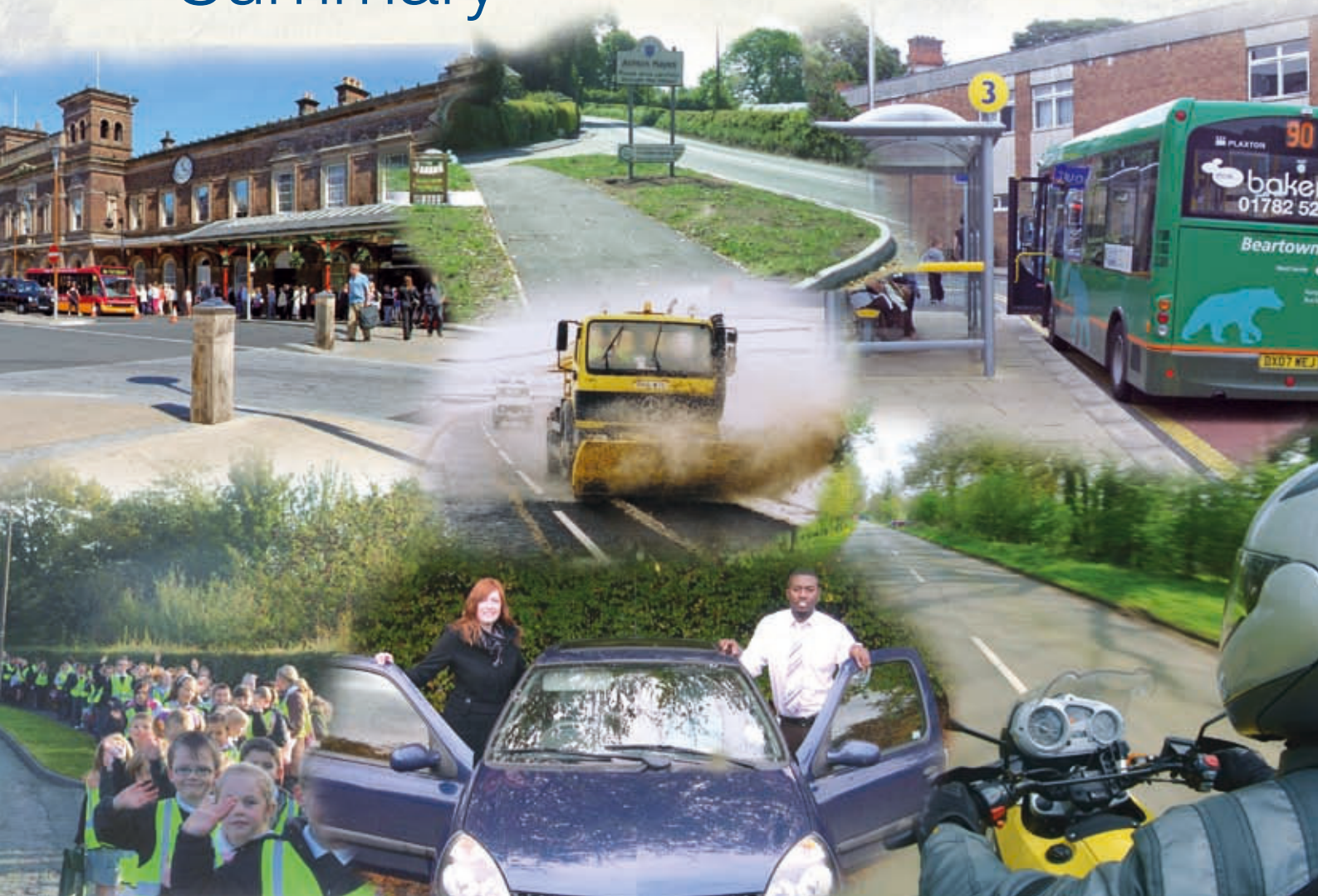
Website: <http://www.cheshire.gov.uk/localtransportplan/home.htm>



Works



Cheshire's Local Transport Plan Progress Report 2006 - 2008 Summary



Making a difference in Cheshire

Foreword

Welcome to Cheshire County Council's Local Transport Plan (LTP) Summary Report for the period 2006 to 2008.

Our LTP, published in April 2006, set out how we propose to deliver the new transport agenda. The objectives and priorities that were set out in the LTP have guided our work over the last two years to help deliver a well maintained, safer and integrated transport network for those who live in, work or visit Cheshire.

This delivery report gives us the opportunity to provide a picture of what we have achieved over the last two years and the difference that this has made in Cheshire. This includes improving the condition of our road network, significantly reducing the level of killed or seriously injured casualties on our roads, and working to improve travel choice. We have also made good progress by providing better public transport, introducing measures to target congestion, improving accessibility to reduce disadvantage in both urban and rural areas and taking steps to address the impact of transport on health and air quality.

Local Government Re-organisation (LGR) in Cheshire will come into force on the 1st April 2009. As such this will be Cheshire County Council's last LTP delivery report and our last opportunity to comment on Cheshire's progress. We consider that our approach and this progress report will support continuity and consistency for the delivery of transport priorities beyond 1 April 2009.

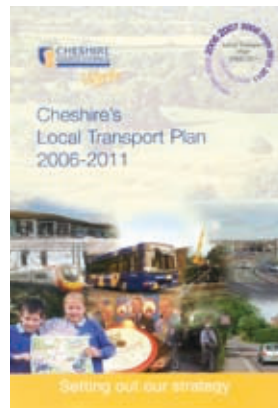
In conclusion, we believe that, taking into account the level of resources provided through the LTP process, we are largely on track to meet the objectives that we set out to achieve. We are immensely proud of the achievements and progress that has been made and we trust that the two new Unitary Authorities will build on the strong foundation Cheshire has built.



Eveleigh Moore-Dutton
Executive Member for Highways
and Transportation

LTP Progress Report 2006 - 2008

This document provides a summary of Cheshire County Council's Local Transport Plan Progress Report for 2006 to 2008. It is hoped that this will provide a concise outline of the key achievements that we secured during the first two years of the current LTP period. The full Progress Report and its supporting annexes can be viewed and downloaded from the County Council's website - www.cheshire.gov.uk. Copies can also be obtained from the LTP Team. Contact details can be found on the back cover of this document.



Cheshire County Council published its current Local Transport Plan strategy (LTP2) in March 2006. This set out the County Council's objectives and plans for taking forward Cheshire's transport priorities between 2006 and 2011. It included an over-arching strategy, an outline of planned delivery programmes and a set of performance indicators and targets which are used to monitor overall progress.

The Department for Transport (DfT) requested that a full review of LTP progress needed to be undertaken in 2008. The preparation of this progress report has been timely for Cheshire. Its development has coincided with parallel work supporting the creation of two new unitary authorities which will replace Cheshire's current two-tier system of local government in April 2009. This document will be crucial to support the smooth transition of LTP activities into the ownership of the new authorities leading up to vesting day and beyond.

Overall Progress

Over £180 million has been spent on transport activities in Cheshire during the last two years. This represents a major investment in addressing our priorities and objectives. It includes £39 million of LTP capital funding and £142 million of the County Council's own revenue expenditure. The majority of this (£98 million) was used for supporting passenger transport activities while £44 million was spent on highway maintenance schemes. As a result:

→ Seven of the eight mandatory Best Value Performance Indicators are on track. BVPI 104 (bus service satisfaction) is not on track. This is largely attributed to a change in data collection methodology;

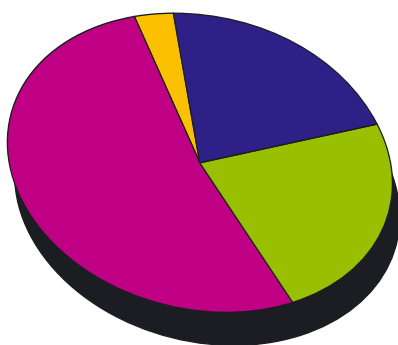
→ Of the five mandatory Local Transport Plan indicators, one has been achieved and two remain on track. LTP3 (Cycling) and LTP4 (Usual mode of travel to school) are currently not on track; and





→ Seven local targets are on track. At this stage data is unavailable for three of these indicators. LT 4 (Cycle usage on Chester/Ellesmere Port multi user path), LT 8 (Park and Ride use) and LT13 (Public Rights of Way) are not on track.

Over the last two years two of our projects have won national awards for Partnership working (Chester Rail Station Partnership) and Road Safety (A41 Safety Scheme).

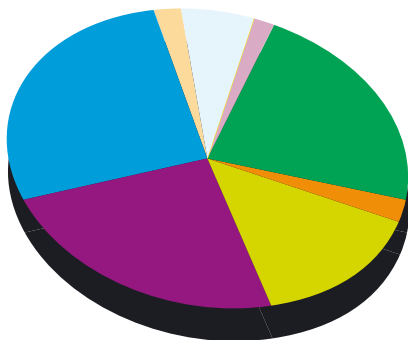
Use of Resources











Total expenditure on transport improvements and services 2006 - 2008



	LTP Capital Expenditure	£39.8 million
	Highways Revenue Expenditure	£44.02 million
	Revenue Expenditure on passenger transport services	£98.8 million
	External Funding	£6.1 million

LTP Capital Expenditure 2006 - 2008



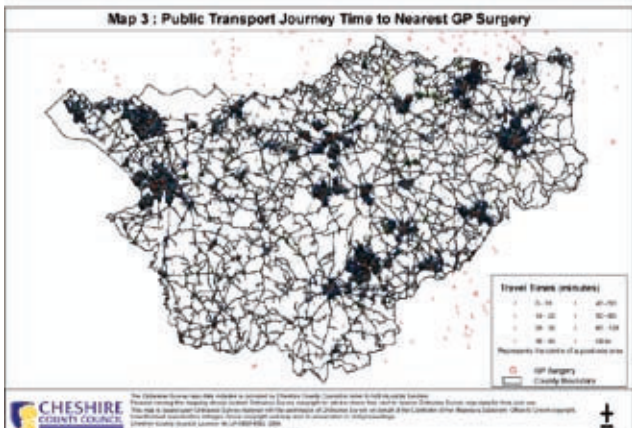
Activity	£000 06/07	£000 07/08	£000 Total
 Bus Quality Partnerships & other Public Transport Improvements	1,091	1,311	2,402
 Cycling Schemes	172	1	173
 Local Safety Schemes	902	362	1,264
 Integrated Area Programme	3,558	4,937	8,495
 Safer Routes to School	474	520	994
 Other schemes	44	0	44
 Carriageway and footway maintenance	3,097	3,376	6,473
 Structural maintenance	5,277	5,250	10,527
 Bridge Assessment Strengthening & Maintenance	2,888	6,049	8,937
 Cheshire Casualty Reduction Partnership	0	474	474
Total	17,503	22,280	39,783

Achievements

Accessibility



- Cheshire continues to deliver a creative assessment of needs and solutions in public transport planning. The programme of "Route & Branch" reviews, the Community Transport Strategy and evolving work aligned with Social Care Redesign typifies this approach;
- A joined up approach continues to define the County's Accessibility Strategy, maximising opportunities for public transport to respond as appropriate, impacting on social inclusion, access to employment and other key services & facilities. A refresh of our Accessibility Strategy is currently underway;



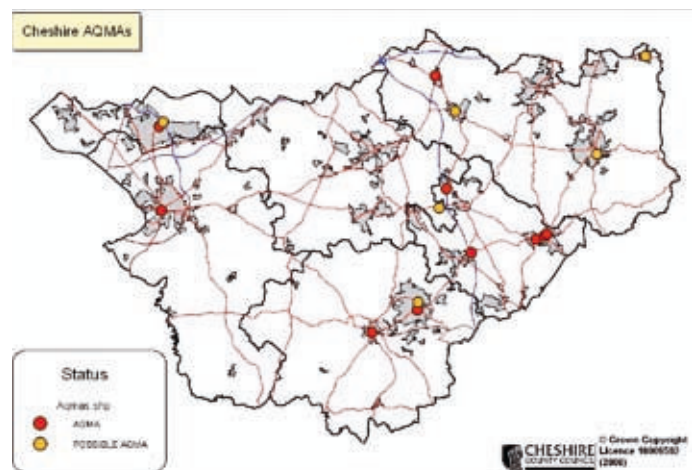
- A successful bid was made for KickStart funding to improve bus services in Mid-Cheshire linking to Leighton Hospital (improving access from Winsford, Northwich & Crewe). Data shows an increase of 28.5% in passenger numbers for the period April 2006 to March 2008;
- In transport service delivery Cheshire continues to benefit from being the first fully Integrated Transport Unit in the country. This has enabled it to achieve significant economies and service improvements by organising home to school, social care and public transport in a coherent system; and

- A successful bid was made in conjunction with the cycling charity Sustrans for Three Connect 2 schemes in Cheshire. This provides the opportunity to make significant steps forward in terms of quality cycling infrastructure provision in Nantwich, Northwich and most notably Chester, which has also secured Cycle Demonstration Town status. These successes will also allow us to invest more in cycle training.



Air Quality

- Air quality action plans are now integrated into the LTP process;
- Cheshire County Council operates two real time air quality monitors at roadside locations. Data is made available to aid the District Councils with their assessments in those areas; and
- Local emissions and concentrations targets have been suggested in the three established AQMAs.



Congestion

- Peak time congestion continues to drive the need to encourage sustainable forms of transport. Making a significant contribution towards achieving that is the fact that 69% of Cheshire schools now have their own Travel Plan;



- With growing car ownership in Cheshire two consecutive years of increased bus patronage has been a key achievement. A combination of passenger transport infrastructure improvements, investment by operators and innovative strategic planning have combined to help achieve this result. Successful roll out of the free concessionary travel scheme played a key role in giving service users a positive and confident experience;
- The May 2007 Halcrow Group assessment of the Network Management Duty within Local Authorities in the North West Region, carried out on behalf of the Department of Transport, reported that the Cheshire Network Management Plan was excellent. Areas where we were considered good in the report have continued to be refined or improved wherever possible;



- Work continues with District Council partners to implement Decriminalised Parking Enforcement across Cheshire on a phased basis. The first scheme was rolled out in January 2008;
- The volume of traffic on Cheshire's principal road network is gradually declining; and
- Cheshire has successfully secured funding for the A34 Alderley Edge Bypass. Work on site commences in January 2009.

Safer Roads

- Death and serious injuries have fallen by over 44%; child death and serious injuries have reduced by more than 58%, and slight casualties are 25% down on the baseline period (1994-1998);
- 32 Local Safety Schemes completed. These are anticipated to save 208 collisions and 289 casualties over the next three years;
- A41 comprehensive safety scheme – the winner of the national Road Safety Traffic Management and Enforcement Award and highly commended by the Institute of Highways and Transportation at its recent Annual Awards event this scheme was designed to treat a route, rather than the usual specific location approach;



- A new Cheshire Safer Roads Partnership (CSRP) was established. Members include the County Council, Halton Borough Council, Warrington Borough Council, Cheshire Police, Cheshire Fire and Rescue Service and the Highways Agency; and
- Continued investment in road condition improvements, with an increased emphasis on surface condition, has also contributed to the improving trend in road safety data.

Maintenance

- Six bridge strengthening schemes have been completed;
- Four major maintenance projects and 177 minor bridge maintenance schemes completed;



- The number of bridges not meeting carrying capacity standards has reduced from 9.26% to 8.98% over the two year period;
- A total of 175 highway maintenance schemes have been completed with LTP funding. This resulted in over 37km of Cheshire's highway network being improved; and
- A new signing and lining best practice guide has been produced to improve our approach to road marking and traffic signing schemes.



Meeting our Objectives

The table below provides evidence of how we are working to meet the objectives of the LTP

Summary of Impact of progress on Cheshire's LTP objectives

LTP Objective	Commentary / evidence
<p>Objective 1 – To enhance the quality of life of those who live in, work or visit Cheshire.</p> <p>Active Progress</p>	<p>All local areas have benefited from schemes delivered as part of the Integrated Area Programme.</p> <p>Local town centre enhancement and streetscape schemes undertaken.</p> <p>Joint working with Chester City Council to extend the city centre CCTV network – including combining the installation of lighting and CCTV columns to reduce street clutter.</p> <p>Strong progress in delivering Safer Routes to School projects – 69% of Cheshire schools now have a travel plan.</p>
<p>Objective 2 – Promote social inclusion and accessibility to everyday services for all, especially those without a car.</p> <p>Active Progress</p>	<p>Completion of detailed independent review of Cheshire's accessibility strategy. New action plan now being developed.</p> <p>Local Area Accessibility projects involving highway improvements to improve access for the mobility impaired. High levels of community engagement to design schemes.</p> <p>Successful roll out of national concessionary fares scheme. Continued development and roll out of Cheshire's pioneering Travelcard initiative.</p> <p>Improvement of the Chester, Ellesmere Port & Neston Dial-a-ride service through a third sector service provider. The number of passenger trips has increased by approximately 35% since introduction.</p> <p>Production of a Community Transport Strategy providing a framework for the modernisation and integration of assisted passenger transport services in Chester.</p> <p>The "Route and Branch" review of all bus routes within the County continues on track with completion of network improvements in the Congleton area.</p> <p>Progress has also been made in integrating the Rights of Way Improvement Plan (ROWIP) into the LTP Strategy ahead of schedule. Significant external funding has been facilitated through a successful funding bid for the Weaver Valley Regional Park - bringing forward the delivery of many accessibility schemes.</p>

LTP Objective	Commentary / evidence
<p>Objective 3 – Improve safety for all travellers.</p> <p>On Target</p>	<p>Road safety casualty targets remain on track.</p> <p>New Cheshire Safer Roads Partnership (CSRP) established.</p> <p>Junior road safety officers appointed in 95% of Cheshire schools.</p> <p>On-going development of countywide speed limit review.</p> <p>Establishment of Speed Awareness Courses in partnership with Cheshire Police.</p> <p>Roll out of the “Red Routes” project – a high profile signing exercise informing drivers of the dangers on Cheshire’s highest accident risk routes.</p>
<p>Objective 4 – Promote the integration of all forms of transport and land use planning, leading to a better, more efficient transport system.</p> <p>On Target</p>	<p>Wide scale partnership working to support improved links between land use and transport planning including work with Mersey Dee Alliance, Cheshire and Warrington Economic Alliance, Northwich Vision and the Crewe Gateway partnership.</p> <p>Work through the Regional Transport Advisory Group (RTAG) to influence finalisation of Regional Spatial Strategy and Regional Transport Strategy.</p> <p>Extensive work with District Councils to integrate transport planning and wider issues to support development of the Local Development Frameworks.</p> <p>Regular liaison with District Councils to support local development control issues and Transport Assessments.</p> <p>Early engagement with LGR process to better integrate transport strategy and forward planning in to emerging structures.</p> <p>Updated travel plan guidance published.</p> <p>www.cheshire.gov.uk/Travelplans/Travel+Plans+in+Cheshire.htm</p>
<p>Objective 5 – Contribute to an efficient economy and to support sustainable economic growth and regeneration in appropriate locations.</p> <p>On Target</p>	<p>On-going progress to deliver the Basford Regional Employment Sites and Crewe Green Link Road. Developer contributions secured and work continues on the Business Case for DfT funding.</p> <p>On-going development of Accessibility Strategy to support improved links to employment, training and tourist attractions. Public Consultation exercise has been completed to further improve our strategy.</p> <p>Mersey Dee Alliance project to better align the development of strategic sites with transport infrastructure priorities.</p> <p>Introduction of new demand responsive, cross-boundary shuttle service network to link West Cheshire and Deeside Industrial Estate as part of the Mersey Dee Alliance partnership project.</p> <p>Approval to construct the Alderley Edge Bypass scheme. Start on site end of 2008. Once complete, this bypass, combined with complementary measures, will improve the economy and environment of Alderley Edge and links to the Alderley Park strategic employment site.</p>

LTP Objective	Commentary / evidence
<p>Objective 6 – Protect and enhance the built, natural and historic environment.</p> <p>On Target</p>	<p>Promotional campaigns to encourage sustainable visits to leisure attractions including 2008 Cheshire Year of Gardens initiative.</p> <p>Development of “Greenway” network in Chester to support pedestrian and cycle use.</p> <p>Our Rights of Way Improvement Plan has been commended by the Countryside Agency (now Natural England).</p> <p>Major opportunity to promote cycling as a leisure activity as a result of successful Connect 2 bid and Chester Cycle Demonstration Town project.</p> <p>In a bid to improve the quality of public spaces and streetscape, work has commenced on an exercise to de-clutter and remove unwanted or unnecessary traffic signs from the highway. Over 3000 signs have been removed.</p> <p>Climate change action plan prepared and endorsed by the County Council.</p> <p>www.cheshire.gov.uk/Environment/Climate+Change+Report.htm</p> <p>Biodiversity issues addressed in maintenance works. For example, hedge cutting, tree management and grass cutting works, are programmed around the nesting and flowering seasons.</p> <p>LTP schemes are designed to incorporate measures to reduce visual impact - such as planting or screening. Additionally, Cheshire has embraced the use of recycling technology in its road maintenance.</p> <p>Progress in developing Action Plans for Air Quality Management Areas (see section 8).</p>
<p>Objective 7 - Manage a well maintained and efficient transport network.</p> <p>On Target</p>	<p>Extensive investment allocated for maintenance activities.</p> <p>Maintenance targets on track.</p> <p>Cheshire’s Network Management plan assessed as “excellent” by the Department for Transport.</p> <p>Successful roll out of de-criminalised parking in Crewe and Macclesfield Districts. Phased introduction to be continued over LTP2 period.</p> <p>Further progress made on the preparation of the Transport Asset Management Plan (TAMP)</p> <p>Implementation of congestion management schemes resulting in a reduction in congestion on County Principal road network.</p>

Local Achievements

Local Integrated Area Programmes

In addition to our broader countywide delivery programmes, Integrated Area Programmes have been used to address local delivery on a District by District basis. Extensive packages of schemes have been completed supporting numerous LTP and Corporate objectives. These can combine individual minor works, wider schemes and contribute towards the outcome of larger individual projects. This includes:

- New pedestrian crossings;
- Highway safety measures;
- Speed management measures;
- Environmental and streetscape improvements;
- Footway and cycleway improvements; and
- Improved public transport infrastructure.

Examples of schemes delivered during the last two years include:-

Chester

- Work has continued to support and complement the City's new Local Development Framework and ensure that there are closer links between transport and land use planning to assist the ongoing regeneration of the City;
- A programme of street lighting improvements has been completed in Blacon as part of a project to address crime and fear of crime;
- Some 700 metres of cycle path was provided in Chester to further extend the local cycle network;
- Public realm improvements were carried out on City Road in Chester funded from the LTP. This scheme is adjacent to, and complements the Chester Rail Gateway project;
- A new minibus was purchased as part of the Job Demand Responsive Transport scheme to help tackle worklessness in the deprived wards of Chester by providing extra journeys to areas of employment including Deeside Industrial Estate. The project is being developed in partnership with Flintshire County Council and the Mersey Dee Alliance; and

- Malpas area integrated community transport initiative. Combining a diverse range of services for the community of Malpas and the surrounding area, taking account of needs through a focussed consultation process. This featured in the recent Department for Transport publication "Meeting Targets through Transport" (DfT 2008).

Case Study - Chester Rail Gateway

Description - A project which remodelled the square outside Chester Railway Station. The focus was on creating greater space for pedestrians and improving access to public transport. Drop off points and short stay parking have been provided at the front of the station and new bus shelters were placed either side of City Road and in the square itself. High quality materials have been used throughout. An innovative part of the design was the use of no road markings, utilising the 'shared space' concept.

Scheme cost - £1.3M.

Outcomes – The accessibility, image and transport interchange of the station has been greatly improved.

Contribution to LTP and wider objectives – This scheme promotes the integration of all forms of transport and supports social inclusion and accessibility to everyday services. It also supports our Corporate priority to promote sustainable communities and transport.

Impact on targets – This scheme will support our target to restrain traffic growth on Cheshire roads.



Case Study – The Ashton Hayes and Mouldsworth footway link

Description - A new length of footway has been constructed between the villages of Ashton Hayes and Mouldsworth. It has been built using recycled materials where possible to support Ashton Hayes' 'Going Carbon Neutral' project. Instead of using new, granular material the footway foundations are recycled road planings and any kerbs are made from recycled plastic typically uPVC window frames and off-cuts or plastic bottle tops.



Scheme cost - £70,000

Outcomes - The project will make the journey between Ashton Hayes and Mouldsworth safer. Given that the railway station is in Mouldsworth and the local primary school in Ashton Hayes the project is anticipated to encourage more walking.

Contribution to LTP and wider objectives - The scheme contributes to the LTP objective to improve safety for all travellers as well as the County Council's Corporate priority to help children and young people to make the most of their lives, promote safer and stronger communities and improving safety for all. The scheme also promotes healthier communities by encouraging participation in more active forms of transport.

Impact on targets - The scheme will support our target to reduce the proportion of journeys to school made by car and our local target to increase the percentage of mainstream schools with a travel plan to 100% by 2010. It will also make a significant contribution to help road safety targets remain on track.

Crewe and Nantwich

- The successful introduction of decriminalised parking management and control;
- Over 2000 passengers a month make use of the Crewe Flexi-Rider service which also hosted the first national trial of the DfT low cost smartcard project;
- As a result of the village speed limit review, new safer speed limits have been introduced in Acton, Weston, Warrington, Engelsea Brook, Haslington and Winterley;
- Work has continued on plans for the redevelopment of Crewe Bus Station as part of the wider town centre redevelopment proposals;
- A new pedestrian and cycling link between Willaston and Brine Leas High School was completed including a new crossing on the busy A500. The scheme was developed in partnership with Sustrans;



- A series of pedestrian and cycling schemes have been completed in Winterley and Haslington as part of a project to reduce the effects of traffic in rural areas. Work included the introduction of a new pedestrian crossing at a local primary school as part of a partnership project with Sustrans;
- The road network in Nantwich has been reclassified to help reduce levels of through traffic. Direction signs in the town are being renewed as part of a joint initiative with the Nantwich Market Town Project;
- A series of walking and cycling route improvements have been completed including schemes in Wellington Road and Park Road in Nantwich. A new pedestrian crossing in North Street, Crewe completes an accessible key routes for disabled users between the residential area to the north and the town centre; and
- Traffic regulation orders have been placed on all 'school keep clear' markings in Crewe.

Congleton

- Completion of work to enhance Congleton Bus Station. This scheme has improved accessibility and the quality of passenger waiting facilities. The scheme also improved the operational layout of the site;
- Traffic calming schemes have been introduced in Congleton, Alsager and Middlewich;
- New pedestrian crossing facilities were provided at the A50 / A54 junction in Holmes Chapel;
- Interactive traffic signing was introduced on the A533 in Betchton;
- Holmes Chapel Village centre environmental improvements were completed in October 2007. Public realm improvements in and around the village conservation area were undertaken including repaving footways, repainting lighting columns and bins, rationalising highway signage, improved pedestrian crossings and the provision of new street furniture. The scheme was delivered in the main by the local Parish Council with assistance from the Borough & County Councils. The scheme attracted funding from the Regional Development Agency; and
- A total of six speed management projects have been implemented across the District following speed review exercises. Locations include, Crewe Road in Sandbach, two schemes on the A50 Newcastle Road in Smallwood, A54 Buxton Road in Congleton, A54 Holmes Chapel Road in Somerford and Reades Lane in Congleton.



Case Study – Environmental improvements Wheelock Street

Description - A series of environmental improvements have been completed on Wheelock Street, Middlewich with work being taken forward in partnership with the local community group, Middlewich Vision. Measures included new raised crossing points, new parking bay locations to assist speed management, the provision of dedicated parking bays for disabled drivers and footway widening. Resurfacing and new street lighting was also installed. Extensive consultation with local residents and businesses was undertaken prior to the commencement of the

scheme. This led to a number of amendments and changes being made to the original proposals;

Scheme cost - £70,000

Outcomes - The Scheme has improved pedestrian safety and the overall streetscape whilst also reducing the speed of traffic.

Contribution to LTP and wider objectives - The scheme contributes to the LTP objectives of enhancing the quality of life of those who live in, work or visit Cheshire and to provide an efficient economy and supporting sustainable economic growth and regeneration in appropriate locations. It also supports our Corporate priority to support sustainable communities.

Impact on targets - The scheme will support the delivery of our road safety targets and our local target to increase levels of walking.

Ellesmere Port and Neston

- A programme of improvements were completed at Hooton railway station. This included resurfacing and relining work at the car park entrance, the provision of additional blue badge parking spaces, new cycle and motor cycle racks and footway improvements between the car park and the station. This work was undertaken in partnership with Merseyrail;



- A pedestrian refuge was provided in Willaston and a vehicle activated speed indicator was installed as part of the Community Speedwatch Scheme to improve safety and reduce speeding problems through the village;
- Further pedestrian facilities were provided in the form of a refuge on Rossmore Road East;
- Vehicle activated speed indicator signs have been installed in the villages of Burton, Ince and Ness to improve safety and reduce speeding problems through these villages;
- Work has continued on a rolling programme to improve street lighting. Individual schemes are prioritised following consultation with Cheshire Police as part of an initiative to address crime and fear of crime;
- £225,000 spent upgrading bus stop infrastructure on the A41 corridor;

- Additional cycle parking facilities have been installed in Ellesmere Port town centre and outside the library and;
- Detailed design and preliminary works for Civic Way/Whitby Road Junction improvements were started. These works will aid pedestrian movements at a major crossing point in the centre of Ellesmere Port town.

Macclesfield

- A scheme to upgrade bus stops along the A523 in Macclesfield was combined with a scheduled maintenance contract. This led to an estimated saving of some £40,000 compared to if the work had been undertaken separately;
- As a result of the speed limit review, new safer limits and associated traffic management have been introduced in Knutsford, Styal, Prestbury, Marton, Mobberley, Adlington, Chelford and Gawsforth;
- A series of pedestrian and cycle improvements were completed in the Oxford Road area which help provide a safer route to local schools;
- Work continued on the development of an Urban Traffic Control system for Macclesfield town centre in the Hibel Road / Beech Lane area; and
- The phased implementation of an Urban Traffic Control (UTC) system is progressing on track and will be completed over the next two years.

A series of schemes have also been completed in Macclesfield as part of the South East Manchester Multi-Modal Study (SEMMMS). These are summarised below and further detail is contained in Annex D.

- Public transport / quality bus corridor improvements along the A6 corridor in Disley and the A523 including the introduction of real time information displays;
- Completion of an improvement scheme in Handforth including environmental and streetscene enhancements along with improved pedestrian links and parking measures;
- Additional local centre improvements have also been completed in the historic centre of Bollington. Carriageway, footway and lighting schemes were part of a package of measures introduced within the central conservation area; and
- Footway and highway maintenance along the B5166 to enhance access between Styal and Manchester Airport.

Case study – The Flowerpot Junction

Description - A series of safety and capacity improvements were completed in February 2008 at the busy A536 / B5088 Flowerpot Junction in Macclesfield. New controlled pedestrian crossings have been provided across all arms of the junction including provision for cycle movements. These pedestrian improvements were critical given the development of the new, enhanced educational centre

nearby at the Macclesfield Learning Zone, which concentrates specialised education facilities, along with both secondary and tertiary level education services, at a single location. The junction will be linked into the Macclesfield Urban Traffic Control (UTC) system and will link to other signal junctions on Park Lane.

Scheme Cost – £990,000

Outcomes - The completion of the scheme was timed to provide pedestrian facilities for access to the Learning Zone for the start of the academic year in September 2007. Funding for the scheme was generated from developer contributions, the sale of adjacent land held for earlier highway improvement plans, general LTP block funding and supplemented from the SEMMMS budget.

Contribution to LTP and wider objectives – The scheme contributes to the LTP objectives of promoting accessibility, improving safety for all travellers and contributing to an efficient economy as well as the County Council's corporate priorities of helping children and young people make the most of their lives, promoting safer and stronger communities and improving safety for all.

Impact on targets - The scheme will support our target to reduce the proportion of journeys to school by car and our local target of making journeys through Macclesfield more reliable.

Vale Royal

- A junction improvement scheme was completed to reduce congestion and improve bus access into Gadbrook Business Park. It is anticipated that the new traffic signal control system will increase capacity at this junction by 10%;
- As a result of the speed limit review new safer limits and associated traffic management have been introduced in Helsby, Alvanley, Marton and Whitegate;
- The upgrade of bus stops on the quality route serving Barnton has been completed;
- A number of local safety schemes have been completed on the A556 in Davenham, on the A559 in Antrobus and at the A54/A5018 Weaver Roundabout in Winsford;
- A series of small scale traffic management measures, including a new footpath link, have been provided to improve safer access to a local school in Tarporley;
- The Winsford Industrial Estate and Station access scheme focused on improving links between the Estate and the Station for pedestrians and cyclists;
- An improved ramped access to the southbound platform has been installed at Winsford Railway Station; and
- A consultant has been appointed to assess junctions along the A559 Chester Road Corridor with a view to improvements where required.



Monitoring Performance





Cheshire's LTP contains a total of 26 targets. Thirteen of these are Best Value Performance Indicators or mandatory LTP indicators set by the DfT. The remainder are local targets set by the County Council to assess progress towards our own objectives and goals.

With effect from April 2008 the Government introduced a new national dataset of performance indicators for all local




authorities. These replace the current best value performance indicators. In addition, the creation of the two new unitary authorities in April 2009 will mean that a number of Cheshire's current countywide indicators will no longer be valid. The following table provides a summary of our overall progress to meet our performance indicators over the last two years:

Best Value Performance Indicators 2006 - 2008

Indicator	Detail	Target 06/07	Actual 06/07	Target 07/08	Actual 06/07	Status and commentary	Indicator monitored in Cheshire's new LAA
BVPI 223 (NI 168)	Condition of principal roads – percentage of network where structural maintenance should be considered.	N/A	7%	7%	4%	On Track. Revised target set following re-calculation of data and introduction of new LAA National Indicators. 	Yes
BVPI 224a (NI 169)	Condition of Non-principal roads – percentage of network where structural maintenance should be considered.	Target revised 20%	6%	Target revised	6%	No Clear evidence - Targets are being revised due to change in data collection methodology. 	No
BVPI 224b	Condition of unclassified roads – percentage of network where structural maintenance should be considered.	13.4%	11%	13.5%	11%	On Track. Revised target to be set for 07/08 onwards following re-calculation and introduction of new LAA National Indicators. 	No
BVPI 187 (LPSA2 9-2)	Percentage of footway network where structural maintenance should be considered.	44%	30%	38%	18%	On Track. 	No
BVPI 187 (LPSA2 9-2)	Percentage of footway network where structural maintenance should be considered.	44%	30%	38%	18%	On Track. 	No
BVPI 99a (NI 47)	Percentage change in the number of people killed or seriously injured in road accidents compared to 1994-98 average.	-38.8%	-27.0%	-39.8%	-34.5%	On Track. (In comparison to baseline) 	Yes

Indicator	Detail	Target 06/07	Actual 06/07	Target 07/08	Actual 06/07	Status and commentary	Indicator monitored in Cheshire's new LAA
BVPI 99b (NI 48)	Percentage change in the number of children killed or seriously injured in road accidents compared to 1994-98 average.	-46.0%	-40.0%	-47.5%	-52.5%	On Track. 	No
BVPI 99c	Percentage change in the no. of the people with slight injuries from the 1994-98 average.	-4.5%	-16.0%	-5.2%	-20.6%	On Track. 	No
BVPI 102 (NI 177)	Increase number of passenger journeys on buses.	20.2m	23.2m	20.3m	24.7m	On Track. Ahead of target: (consideration to be given to re-calibrating target). 	No
BVPI 104	Increase percentage of public satisfied with local bus services.	72%	46%	72.5%	46%	Not on track. New methodology required which only collects information from bus users. 	No

Mandatory Local Transport Plan Indicators




LTP1 (NI 175)	Accessibility Indicator To increase percentage of bus passenger journeys from Leighton Hospital by 18% by 2011 (Index).	107	141	112	165	Target achieved. New indicator to be set in line with new Accessibility Action Plan and requirement to set a new LAA indicator. 	No
LTP2 (NI 167)	Change in area wide road traffic mileage Traffic growth on Cheshire's roads restrained to 10.5% from 2004 to 2011 (1.4% per annum).	5165 Annual M Veh. km	5105 DfT figure	5239 Annual M Veh. km	Data available Sept'08	On track. 2007 data will be published by DfT in September 2008. 	No
LTP3	Cycling trips - To reverse decline in cycling and return to 2001/02 figures by 2010/11 (Index).	98	99	99	96	Not on Track. Initial progress made but number of trips fell in 2007/08. Consideration whether methodology captures true level of cycling. Opportunity to reverse decline as a result of Connect 2 projects and Cycle Demonstration Town bid. 	No

Indicator	Detail	Target 06/07	Actual 06/07	Target 07/08	Actual 06/07	Status and commentary	Indicator monitored in Cheshire's new LAA
LTP4 (NI 198)	Usual mode of travel to school by car - 3% reduction in the proportion of pupil journeys to school by car between 2004 and 2011. (% is travel by car).	35%	32.9%	32.5%	33.6%	Not on Track. Based on local data prior to government data made available. Rise in car journeys due to external influences - e.g. Transforming Schools agenda.	No
LTP5 (NI 178)	Punctuality of registered local bus services Percentage of local bus services operating within defined punctuality window (1 minute early - 5 minutes late).	90%	95.6%	90%	91.3%	On track.	No

Local Indicators

LT 1	Traffic growth in Cheshire - Restrain traffic growth on Cheshire's Principal Road Network to 10.5% between 2004 and 2011 (1.4% per annum - Index applied).	102.9 (3308 Annual M Veh. km)	98.7	104.4 (3356 Annual M Veh. km)	98.0	On Track Between 2004 and 2007 traffic on Principal roads in Cheshire has reduced every year, by an average of 0.7% per annum. This is a reverse in the trend observed between 1995 and 2004 where traffic increased every year by an average of 1.6% per annum. By comparison, road traffic on all roads in Great Britain rose by 1.1% between 2006 and 2007 but traffic on major A roads showed a decline of 0.6%. Traffic on major A roads in Great Britain has only increased by 0.4% between 2004 and 2007. Source: Road Statistics 2007: Traffic, Speeds and Congestion Table 1.2b.	No
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Local Indicators

Indicator	Detail	Target 07/08	Actual 06/07	Target 07/08	Actual 06/07	Status and commentary	Indicator monitored in Cheshire's new LAA
LT 2	Traffic growth in Chester City's urban core - No traffic growth (0% p.a.) from 2004 to 2006, and then 0.5% per annum from 2007 to 2011 (Index).	92	90	92.5	89.2	On Track 	No
LT 3	Traffic growth in other urban areas in Cheshire - Restrain traffic growth to 5% between 2004 and 2011 (0.7% per annum).	102 (101.4 revised)	99.7	102	99.6	On Track 	No
LT 4	Cycle usage on multi-user network in Chester/ Ellesmere Port - Double the number of cycle trips between 2001 and 2011.	165	121	172	116	Not on Track. 61% increase recorded between 2001 and 2005. Decrease in part attributed to rainfall on survey days. Opportunity to reverse decline as a result of Connect 2 projects and Cycle Demonstration Town bid. 	No
LT 5	School Travel Plans - To increase percentage of mainstream schools with a Travel Plan to 100%.	49%	54%	68%	69%	On Track. More stretching targets applied to correspond with National Indicator set. 	No
LT 6	Company travel plans- For 66% of companies with employees greater than 500 to adopt a Travel Plan by 2011 (Number of companies).	12 (29%)	12 (29%)	15 (37%)	15 (37%)	On Track. 	No
LT 7	Journey time reliability in Macclesfield - To make journeys through Macclesfield more reliable, as a result of UTC system.	100	Data not available	101	Data not available	No clear evidence as Urban Traffic Control system not yet fully operational. 	No

Local Indicators

Indicator	Detail	Target 07/08	Actual 06/07	Target 07/08	Actual 06/07	Status and commentary	Indicator monitored in Cheshire's new LAA
LT 8	Park & Ride use in Chester - 13% increase in passenger use by 2011 (Index).	101 (1,093, 533)	99.5 (1,076, 857)	102 (1,104, 360)	99 (1,071, 924)	Not on track. Part attributable to delays in town centre redevelopment & provision of 5th Park & Ride site. 	No
LT 10 (BVPI 103).	Satisfaction with public transport information - For 74% of local bus service passengers to be satisfied with local public transport information in 2011.	72.5%	39%	72.5%	50%	No clear evidence. National Traveline "mystery shopper" survey (see notes below) indicates good progress. 	No
LT 11 .	Patronage on 'quality' bus routes - Average increase of 12% by 2011/12 on 'quality' bus routes * Kickstart Route info used. 'Actuals' report a year-on-year increase.	1%	12%	3%	3.5%	Target achieved. 	No
LT 12	Walking - To reverse the decline in walking and return to 2001/02 figures by 2010/11.	98 (Index)	107 (Index)	99 (Index)	112 (Index)	On track. 	No
LT 13 (BVPI 178)	Public Rights of Way - Increase total length of footpaths and other rights of way that are easy to use, as a percentage of total length of all rights of way.	79%	76.9%	80%	76.5%	Not on track. 	No
LT 16	Road Safety – Total killed or seriously injured casualties on local roads - Reduce total killed or seriously injured casualties on local roads (excluding motorways) by 45% by 2008.	-40.2% (472)	-40.2% (472)	-40.6% (469)	-38.9% (508)	On track. (on track compared to 94/98 baseline projection).  Targets are backward looking by two years. For example, 07/08 target is actual target for 05/06 due to lag in data collection.	No

Progress with our major schemes

The LTP sets out the County Council's proposed major scheme projects that it wants to develop between 2006 and 2011. A major scheme is defined as a large scale transport project that will cost more than £5 million. The Government has made it clear that only limited funding will be available for such schemes during this period. As a result, overall priorities were closely examined and determined as part of a Regional Funding Allocation (RFA) exercise before being confirmed by the Government.

The details of the Cheshire schemes that were assessed as being in the top quartile for implementation are set out below. A lot more detail about these proposals and their links to Cheshire's wider LTP objectives can be found in Chapter Five of the LTP. The Government is conducting a new review of the RFA prioritisation process. This will be finalised in early 2009.

Progress of Cheshire Major Schemes

Alderley Edge and Nether Alderley Bypass	The bypass has now received Final Approval status and a start on site is expected in January 2009. Environmental management works are now in progress.
Crewe Rail Gateway	Work has been undertaken to refine the costs of the scheme – particularly the land and rail risk elements. Network Rail is still in the process of examining options to relocate the current station at Crewe. It is understood that further information will be available early 2009. Work on the rail gateway scheme will proceed once Network Rail have made a decision on the location.
Crewe Green Link (Southern Section)	Considerable progress has been made on the Business Case document to achieve the necessary DfT funding. Programme entry and Conditional Approval is anticipated from late 2009. The link road is a strategic route and access to the proposed Basford Regional Investment Site. It would also improve access to the Crewe Rail Gateway scheme. The decision by Network Rail on the relocation question will influence the progress of this scheme.
A500 Barthomley Link improvements	Work is progressing on the options for improving this corridor to support the major investments planned for the Basford Regional Investment Sites and the Crewe Rail Gateway scheme. This road provides the link to the M6 at Junction 16. The Highways Agency are working on options for improving the operational performance and capacity of this section of the M6. A recent study concluded the need to expand this link on the A500 into a dual carriageway to support the wider economic development aspirations.
South East Manchester Multi-Modal Study major schemes	Detailed preparation and design work has been completed including an examination of whether to progress the project as a PFI project. In June 2007 the Secretary of State (SoS) announced that the scheme was unaffordable from a single funding source (under either conventional or PFI financing routes). The local Highway Authorities have been encouraged by the DfT to examine other ways of taking the scheme forward, including delivering the scheme in smaller sections. Principally, these are a: Northern scheme section (M60 to A523) and a Southern scheme section (M56 Manchester Airport Spur to A6) – assessed both with and without the provision of Poynton Bypass. Given the uncertainty regarding the progress of the scheme, design and traffic work has recently been restricted to that necessary to enable the scheme to be taken to a point where it could be progressed quickly, given the indication from the DfT of a possible window for future funding with a limited timeframe.
A556 and M61 improvements (Highways Agency Scheme)	Update from HA awaited.
Middlewich Eastern Bypass	This is a developer led project with a CCC contribution from its IAP budget in LTP2. The NWDA has given a positive response to CCC's 'gap' funding application and progress is dependent on Cheshire East Shadow Council's support and developer confidence. The detailed design of the scheme is nearing completion and the scheme could go to tender this autumn if the above financial approvals are in place. Congleton BC have approved the planning application from the developer and the planning permission has been issued. Approval in principle to detailed matters has been gained from Network Rail, the Environment Agency and Natural England.

Looking to the Future

Local Government Re-organisation

In December 2007, following an assessment of local governance options in Cheshire, the Government announced that Cheshire County Council and the six District Councils will be abolished on the 31st March 2009 and will be replaced by two new unitary authorities; Cheshire East (covering the former Districts of Congleton, Crewe & Nantwich and Macclesfield) and Cheshire West & Chester (covering the former Districts of Chester, Ellesmere Port and Vale Royal). These two new authorities will be responsible for the future delivery and development of the current LTP.

As highlighted in the LTP risk assessment, LGR will be the single most significant issue that will impact on the delivery of Cheshire's current transport priorities during the remainder of the LTP2 period. However, it is important to recognise that LGR will bring with it opportunities to improve integration and delivery of LTP work. Examples will include closer links to planning and efficiencies from linking streetscene and highways maintenance operational works.

The Government Office for the North West and the DfT have expressed an aspiration that the two new authorities will adopt the current LTP strategy largely unaltered. Current delivery programmes will be disaggregated using the DfT's formulae for allocating the integrated transport and maintenance blocks and, where appropriate, delivery

programmes and targets will be revised with effect from 2009/10.

Significantly, the preparation of the progress report is timely as its preparation has coincided with parallel work on the emerging organisational structures for the new authorities. We recognise that this report itself provides the basis to set out useful evidence and information about the wide ranging nature of the current LTP strategy and delivery programme. This will help support early dialogue with the two new shadow authorities and help inform early thinking on the future management and co-ordination of LTP activities in Cheshire.

In the first instance, the importance of the LTP will be shared with the new shadow councillors as part of their induction. More detailed briefings and discussions will follow once formal reporting structures for Executive decision making and associated policy development panels are established.

This will be crucial to support the smooth transfer of LTP activities into the working of the new authorities leading up to vesting day and will assist the continuity of the on-going delivery of Cheshire's current priorities beyond April 2009.

Looking forward, each new Unitary Authority will need to have a strategy and resource plan in place in readiness for the development work necessary to deliver future aspirations through the LTP3 process from 2012 onwards.

Cheshire West and Chester

Cheshire East



Emerging Issues

The current LTP period comes to an end in 2011. A number of emerging issues are likely to have a significant impact on how future transport priorities will be determined in the years to come. These include:

Towards a Sustainable Transport Strategy (TaSTS) – This discussion document sets out the Government's future thinking on transport and how it plans to respond to the recommendations of the Eddington and Stern reports relating to competitiveness and productivity and responding to the challenges of climate change. The DfT will publish a formal consultation in Autumn 2008 on proposed goals, challenges and the proposed approach to the remainder of the TaSTS process. This will be followed by the publication of a White Paper in Spring 2009. This is to allow better alignment with the Climate Change Bill.

Review of Sub-National Economic Development and Regeneration (SNR) – This proposes to streamline regional responsibilities and give Regional Development Agencies the lead responsibility for regional planning including transport. It is unclear at this stage whether this goes further than the priorities already established in the current Regional Transport Strategy. 2010 is the earliest that work would begin.

Regional Funding Allocation (RFA) – This provides the basis for prioritising the region's transport major scheme projects. 25 schemes with a combined budget of £1.35 billion are programmed for implementation between 2006/07 and 2015/16. It is planned that this will be re-freshed in 2009 and may be expanded to cover a wider range of funding related to economic growth potentially including other aspects of transport funding such as the LTP from 2011/12.

Local Transport Bill – Sets out measures that aim to transform transport at the local level. Apart from options that could act to improve local bus services the draft Bill it also includes legislation to set up Integrated Transport Authorities and introduce boundary changes for the potential areas that could be covered. This is currently at the Committee Stage and may be enacted by Autumn 2008.

Northern Way – Aims to close the productivity gap between the three northern regions and the rest of England. Part of the work of the Northern Way is looking into transport needs. They advise on future investments and have fed into the RFA process on projects such as SEMMMS. They are currently undertaking a study, in association with the DfT, to identify problems and potential solutions for what is loosely defined as the Manchester Rail Hub.

Greater Manchester Transport Innovation Fund (TIF) – A potential £2.8 billion investment to improve transport in Manchester in conjunction with the introduction of road user charging from 2013. This is currently the subject of a public consultation exercise and local referendum.

LTP3 - The DfT have indicated that draft guidance for the preparation of LTP3 will be issued in December 2008. Following a consultation exercise, it is likely that the final guidance will be published by late Spring 2009 allowing for a prompt start to be made on updating LTP strategies, delivery programmes and performance indicators.

**Greater Manchester's
Future Transport.
What it means for Cheshire.**



The ten local authorities of Greater Manchester are currently consulting on proposals for the largest investment in public transport that the UK has seen outside of the south east of England, supported by a limited weekday peak-time only congestion charge.




LTP Progress Report 2006 - 2008

To obtain additional copies of this report or a version of this document in larger print, or any other format, please contact:

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Full details about Cheshire's Local Transport Plan can be found on the
County Council's website -

www.cheshire.gov.uk/localtransportplan/home.htm

Tom McCabe
Director of Environment

November 2008

CHESHIRE EAST COUNCIL

PLACES ADVISORY PANEL

Date of meeting: 16th December 2008
Report of: Tony Potts – Community Safety Manager
Title: Gambling Act 2005 –
Statement of Principles

1.0 Purpose of Report

- 1.1 The Gambling Act 2005 requires local authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act. If practicable the Council is required to produce its Statement of Principles by 1st April 2009.
- 1.2 The Council must undertake a consultation exercise with stakeholders on the content of the Statement before it is determined. The purpose of this report is to seek comments on the Statement of Principles in its draft form prior to its submission to Cabinet.

2.0 Decision Required

- 2.1 The Places Advisory Panel is requested to consider the draft statement and to make any comments prior to submission to Cabinet.

3.0 Financial Implications for Transition Costs

- 3.1 None except for 'one-off' printing and postage costs incurred by the consultation exercise and the advertising costs of the notice of intended publication.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Local Government (Structural Changes)(Transitional Arrangements)(No 2) Regulations 2008 provide that the preparation of a statement of principles by the shadow Council will be taken as satisfying the requirements of the Gambling Act 2005 as regards the three year period commencing on 31st January 2010. For this reason the statement is not required to be reviewed again until January 2013.

5.0 Legal Implications

- 5.1 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. The drafting of the policy statement must take into

account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

- 5.2 The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that, where it is practicable to do so, a statement of principles under the Gambling Act 2005 shall be produced by 1 April 2009. If it has not been possible to prepare the policy by 1 April 2009, the Regulations provide that it must be prepared within twelve months of vesting day.

6.0 Risk Assessment

- 6.1 There is no risk attached to taking the recommended course of action.

7.0 Background and Options

- 7.1 As set out above, the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. Each of the three constituent authorities of Cheshire East has had in place its own Statement of Principles since the Gambling Act 2005 came into force in 2007.

- 7.2.1 Cheshire East must have its own policy document in place in order to perform its role as the licensing authority for applications to licence premises for gambling.

- 7.3 The draft Statement, a copy of which is attached as Appendix 1, largely reflects the existing policy statements of Crewe and Nantwich, Congleton and Macclesfield Borough Councils, which have been approved by their respective Councils. In determining its policy the Council must have regard to the guidance issued by the Gambling Commission and give appropriate weight to the views of those it has consulted. It should also be highlighted that in addition to this Guidance, the form and content of the policy statement is to a degree dictated by The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

- 7.4 Should Cabinet approve the draft statement of principles at its meeting on 17th December, it is proposed that statutory consultation with stakeholders will be undertaken. Consultees include the police, the fire authority and representative groups of licence holders, businesses, residents and Town and Parish councils.

- 7.5 It is proposed to shorten the consultation period from the usual 12 weeks recommended by the Cabinet Office to six weeks because of the limited length of time available to complete the procedure before 1st April 2009. It is suggested that due to the minor nature of the changes to the statement from those originally in place in the three districts, the shortening of the consultation period will not be prejudicial to consultees.

- 7.6 At the conclusion of the consultation period any representations which are received will be considered by the shadow Licensing Committee. The

Committee will then recommend a final draft to Council on 24th February 2009 having taken into account the consultation responses.

- 7.7 As required by secondary legislation at least four weeks before the statement comes into effect (i.e. on 1st April 2009) a notice of intended publication will be issued on the Council's website and published in a local newspaper.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have a Gambling Statement of Policy in place is, where practicable, a Day One requirement.

9.0 Reasons for Recommendation

- 9.1 The Council is required to produce and publish, every three years a statement of the principles which they propose to apply when exercising their functions under the Gambling Act 2005, where practicable this is required to be done by 1 April 2009. Approval of the recommendation will enable the next step to be taken towards achieving that aim.

For further information:

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Email: tony.potts@congleton.gov.uk

Background Documents:

Guidance issued by the Gambling Commission under the Gambling Act 2005

The Gambling Act 2005 Statement of Principles of Macclesfield Borough Council

The Gambling Act 2005 Statement of Principles of Congleton Borough Council

The Gambling Act 2005 Statement of Principles of Crewe & Nantwich Borough Council

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STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

1 Introduction

- 1.1 This Statement of Principles ('the Statement') is published by Cheshire East Council ('the Council') as the Licensing Authority in accordance with section 349 of the Gambling Act 2005.
- 1.2 The Council has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 This Statement of Principles will come into effect on the date of publication by the Council and will be reviewed from time to time as necessary. This statement will be published at least every three years from the date of publication. Statutory consultation shall take place whenever amendments are proposed to the statement of principles, before it is republished.

2 Cheshire East

- 2.1 Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.



3 Licensing Objectives

3.1 The Gambling Act 2005 requires the Council as Licensing Authority to carry out its various licensing functions with a view to promoting the three licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

3.2 The licensing authority shall aim to permit the use of the premises for gambling as set out in section 153 of the Act, that is so far as the Authority think it:

- (a) in accordance with any relevant code of practice under section 24 of the Act;
- (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the Act;
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
- (d) in accordance with this statement of principles (subject to (a) and (c) above).

4 Licensable authority functions

The licensing functions within the Act include the following:

- the grant of premises licences and the issue of provisional statements in respect of premises where gambling activities are to take place;
- to receive notifications from premises licensed for the sale of alcohol (under the Licensing Act 2003) for the use of either one or two Category C or D gaming machines;
- to grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the premises where there are more than two gaming machines;
- to grant club gaming permits and club gaming machine permits for members' clubs;
- to grant club machine permits for commercial clubs;
- to grant permits for unlicensed family entertainment centres for the use of certain lower stake gaming machines;
- to grant permits for prize gaming;
- to receive and endorse notices for the temporary use of premises for gambling;
- to consider occasional use notices for betting at tracks;
- to register small societies' lotteries;
- to provide information and statistics to the Gambling Commission; and
- to maintain registers of licences and permits issued.

5 General Principles

5.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes that place obligations

on employers and operators such as the Health and Safety at Work Act 1974, the Disability Discrimination Act 1995 and the fire safety regime.

- 5.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 5.3 The Licensing Authority makes a commitment to regulating gambling in the public interest.
- 5.4 Nothing in this Statement of Principles will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.
- 5.5 In determining its Statement of Principles, the licensing authority will have regard to the Guidance issued by the Gambling Commission, and will give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account will include:
- who is making the representations (what is their expertise or interest);
 - what their motivation may be for their views;
 - how many other people have expressed the same or similar views;
 - how far the representations relate to matters that the licensing authority should be including in its statement of principles.
- 5.6 The Licensing Authority recognises that unmet demand is not a criterion for it when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.
- 5.7 The Licensing Authority recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and other premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.

Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.

6 Responsible Authorities

- 6.1 A 'Responsible Authority' may make representations about an application for a premises licence or may request a review of a premises licence.
- 6.2 For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in the area of Cheshire East:

- (i) The licensing authority in whose area the premises are wholly or mainly situated (Cheshire East Council)
- (ii) The Gambling Commission
- (iii) Cheshire Constabulary as the police authority
- (iv) Cheshire Fire Service as the fire and rescue authority
- (v) The Local Planning Authority (Cheshire East Council)
- (vi) Environmental Health Service (Cheshire East Council)
- (vii) Local Safeguarding Children Board
- (viii) Her Majesty's Revenue and Customs
- (ix) Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.

- 6.3 In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- 6.4 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose.
- 6.5 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Council's website at: www.cheshireeast.gov.uk or on request from the Licensing Section.

7 Interested Parties

- 7.1 In addition to Responsible Authorities, 'Interested parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b)"

- 7.2.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are as set out below.
- 7.2.2 Each case will be decided upon its merits.
- 7.2.3 This authority will not apply a rigid rule to its decision making, however it will consider the following as per the Gambling Commission's Guidance to local authorities:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults.
- the ‘catchment’ area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

7.2.4 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.

7.2.5 The Gambling Commission has also recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents’ and tenants’ associations. This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

8 Consideration of applications

8.1 The licensing authority is mindful of the Commission’s Guidance which provides that the authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permissions and matters that it will consider relevant when determining whether to review a licence.

8.2 The licensing authority has determined to set out a number of factors, linked to the licensing objectives, which it may consider when considering applications. It should be noted that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, then that will be taken into account.

8.3 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

8.3.1 In considering licence applications, the Licensing Authority will particularly take into account the following:-

- The location of the premises – for example if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime.
- The design and layout of the premises;

- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

8.3.2 This licensing authority notes the Commission's Guidance in relation to the meaning of disorder in the context of gambling premises, namely activity that is more serious and disruptive than mere nuisance, and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

8.3.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Licensing Officers of Cheshire Constabulary before making a formal application.

8.4 Ensuring that gambling is conducted in a fair and open way

8.4.1 This licensing authority has noted that the Commission's Guidance states: *"Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence."*

8.4.2 This licensing authority also notes, however, that the Gambling Commission also states *"in relating to the licensing tracks the licensing authorities' role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable."* It is recognised that because the track operator does not need to have an operating licence (although he may have one), the licensing authority may have to consider placing requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting.

8.5 Protection of children and other vulnerable persons

8.5.1 It is noted that, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

8.5.2 This licensing authority has noted that the Gambling Commission Guidance to local authorities states that "The objective talks of protecting children from being "harmed or exploited by gambling", but in practice that often means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children

8.5.3 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include consideration of issues such as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

8.5.4 The Licensing Authority recognises the Commission's Guidance which states that Licensing authorities should ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.5 It is noted that in relation to casinos, the Act provides for a code of practice on access to casino premises by children and young persons. In accordance with section 176 of the Act, adherence to the code will be a condition of a casino premises licence.

8.5.6 The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that "vulnerable persons" include:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

8.6 Conditions

8.6.1 The Act provides licensing authorities with:

- The ability to exclude from the premises licence any default conditions that have been imposed under section 168; and
- The power to impose conditions on the premises licence

8.6.2 The Licensing Authority recognises its duty to act in accordance with the principles within section 153 of the Act and will not attach conditions which limit the use of premises for gambling except where to do so is necessary as a result of the requirement to act:

- In accordance with the Commission's Guidance, the Commission's Codes of Practice, or this statement of licensing principles; or
- In a way that is reasonably consistent with the licensing objectives.

The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

8.6.3 Any condition imposed by the licensing authority will be proportionate to the circumstances which it seeks to address. In particular, the licensing authority will ensure that premises licence conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

8.6.4 Decisions on individual conditions will be taken on a case-by-case basis, although this will be against the background of general policy set out in the Commission's Guidance and this statement of principles.

8.6.5 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs); and
- conditions in relation to stakes, fees, winning or prizes.

8.6.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered. Door supervisors at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar.

9 Reviews

9.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities (including the Licensing Authority itself). The Licensing Authority will carry out the review unless it determines that a review should not be carried out based on whether the request for the review is relevant to the matters listed below, and with consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of principles

10. Gambling Premises Licences

10.1 Adult Gaming Centres

10.1.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that those under eighteen years of age do not have access to the premises.

10.1.2 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.2 (Licensed) Family Entertainment Centres

10.2.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

10.2.2 Appropriate licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.3 Bingo Premises

10.3.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.

10.3.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to consider measures to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

10.3.3 Further Guidance will be issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises. The Licensing Authority will take account of that Guidance when it is made available.

10.4 Betting Premises

10.4.1 The Licensing Authority will take into account

- the size of the premises;
- the number of counter positions available for person-to-person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people
- when considering the number, nature and circumstances of betting machines an operator wants to offer.

10.4.2 The Licensing Authority will consider making door supervision a requirement in circumstances where there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

10.4.3 The Licensing Authority is mindful of the conditions which may be attached to betting premises licences, which may include those relating to the restriction of the number of betting machines, their nature and the circumstances in which they are made available. The Authority will consider limiting the number of machines in circumstances where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. In these circumstances the Authority may take into account the ability of staff to monitor the use of such machines from the counter.

10.4.4 The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

10.5 Tracks

10.5.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

10.5.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.

10.5.3 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

10.5.4 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.5.6 Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

10.5.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.

10.5.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

10.5.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

10.6 Travelling Fairs

10.6.1 A travelling fair is defined as a fair consisting wholly or principally for the provision of amusements and is provided by persons who travel from place to place and is held at a place which has been used for the provision of fairs on no more than 27 days per calendar year.

10.6.2 Category D gaming machines or equal chance gaming may be provided without a permit provided that facilities for gambling amount to no more than ancillary amusement at the fair.

11 **Provisional Statements**

11.1 An applicant cannot obtain a full premises licence until the premises are ready to be used for gambling. An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.

11.2 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.

11.3 A premises licence will be granted in the same terms as the provisional statement unless:

- representations are received which address matters that could not have been addressed when the provisional statement was considered;
- there has been a change of circumstances; or

the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

12 **Casino resolution**

12.1 The Council may make a resolution to not grant premises licences for casinos. In doing so, it may take into account any principle or matter.

12.2 The Council has not passed a resolution not to grant premises licences for casinos.

13 **Permits**

13.1 (Alcohol) Licensed Premises Gaming Machine Permits

13.1.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:

- the requisite notice has been served on the Licensing Authority;
- the appropriate fee has been paid; and
- any code of practice relating to the location and operation of gaming machines is complied with.

13.1.2 The Licensing Authority can remove the automatic authorisation if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

13.1.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

13.1.4 The Licensing Authority must take account of the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

13.1.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.

13.2 Unlicensed Family Entertainment Centre gaming machine permits

13.2.1 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include CRB checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

13.3 Prize Gaming Permits

13.3.1 Prize gaming is a form of gaming where the size of the prize is determined by the operator and is not based on the number of persons playing or the total value of the stakes raised.

13.3.2 Premises which have a Premises Licence can provide prize gaming without the need for a separate Prize Gaming Permit issued by the Local Authority. Premises licensed as a casino* or a betting shop, or for bingo or for an adult gaming centre or as an FEC do not need a Prize Gaming Permit in order to offer prize gaming. In

addition, an unlicensed FEC may provide prize gaming without a permit provided that a gaming machine permit has been issued and the gaming is equal chance gaming, and, finally a travelling fair may provide prize gaming provided that it is equal chance gaming.

* except for prize bingo which would require a permit/bingo operating licence

13.3.3 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

13.3.4 There are conditions in the Act which a permit holder must comply with which are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

13.3.5 Applicants should set out the types of gaming intended to be offered and should demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

The Licensing Authority will consider these matters when determining the suitability of an applicant for a permit.

13.4 Club Gaming and Club Gaming Machine Permits

13.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit.

13.4.2 The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance in accordance with regulations made under the Act.

13.4.3 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

13.4.4 Members Clubs must:

- have at least 25 members;
- be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. (It is anticipated that this will include bridge and whist clubs.);

- be permanent in nature;
- not be established to make commercial profit;
- be controlled by its members equally.

Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

13.4.5 The Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

13.4.6 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

13.4.7 Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced.

13.4.8 The only grounds upon which an application under the fast-track process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

14 Temporary Use Notices

14.1 A temporary use notice may only be given by the holder of an operator's licence. A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

14.2 A set of premises will be considered to be the subject of a temporary use notice if any part of the premises is the subject of a notice. Consequently, operators cannot extend the limits on temporary use notices in respect of large premises by giving separate notices for different parts of the premises.

- 14.3 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.
- 14.4 In determining whether a place falls within the definition of “a set of premises” the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

15 Occasional Use Notices

- 15.1 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
- 15.2 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

16 Information exchange

- 16.1 Licensing authorities are required to include in their statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 16.2 In fulfilling its functions and obligations under the Gambling Act 2005 the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council’s existing policies. In addition, the Licensing Authority will act in accordance with guidance from the Commission and adopt the principles of better regulation.
- 16.3 Details of those persons making representations will be made available to applicants to allow for negotiation unless the individual notifies the Licensing Authority to the contrary within seven days of a request for confirmation of this. In the event of a hearing being held, the representation will form part of a public document. Anyone making representations will be informed that their details will be disclosed unless they advise to the contrary.
- 16.4 Data subjects may make requests for information held by the Licensing Authority about themselves to the Data Protection Officer, Cheshire East Council.

17 Enforcement

- 17.1 The Act requires licensing authorities to state the principles that they will apply when exercising their functions under Part 15 of the Act (inspection of premises) and the powers under section 346 (power to institute criminal proceedings in respect of offences specified).
- 17.2 The Council is a signatory to the Regulator Compliance Code and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.
- 17.3 The Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities and in accordance with both this Guidance and the Enforcement Concordat will base its approach on the following:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects
- 17.4 The Code (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to a Sub-Committee, the issue of a Formal Caution or a referral for prosecution.
- 17.5 The Licensing Authority will adopt a risk-based programme of inspections; this will include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more efficiently concentrated on problem premises.
- 17.6 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

18 Declaration

In producing this statement of principles the authority has had regard to the licensing objectives of the Gambling Act 2005, guidance issued by the Gambling Commission. In producing the final statement the licensing authority will also have regard to any responses from those consulted on the statement.

19 Scheme of delegation

- 19.1 The Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
- 19.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix A sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

20 Sources of information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Licensing Section
Cheshire East Council
[insert address]

Tel:
Fax:
E-mail:

Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500
Website: www.gamblingcommission.gov.uk

APPENDIX A

TABLE OF DELEGATION OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX B**GLOSSARY OF TERMS**

Licensing Objectives: Council:	As defined in section 1.3 below Cheshire East Council
Borough:	The area of Cheshire administered by Cheshire East Council
Applications:	Applications for licences and permits as defined in section 4 above
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
Responsible Authority:	For the purposes of this Act, the following are responsible authorities in relation to premises: <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated (“Cheshire East Council”); 2. The Gambling Commission; 3. Cheshire Constabulary; 4. Cheshire Fire Service; 5. Local Planning Authority, Cheshire East Council; 6. Environmental Health Department, Cheshire East Council; 7. Local Safeguarding Children Board; 8. HM Customs and Excise.
Interested Party:	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:- <ol style="list-style-type: none"> a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities; c) Represents persons who satisfy a) or b) above.

Schedule of parties consulted

Responsible Authorities

The Gambling Commission;
Cheshire Constabulary;
Cheshire Fire Service;
Local Planning Authority,
Environmental Health Department,
Local Safeguarding Children Board;
HM Revenue and Customs.

Persons representing the interests of persons carrying on gambling businesses in the authority's area

Persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

Parish Councils within the Borough
Schools within the Borough
Tenants Associations?
East Cheshire NHS Primary Care Trust
GamCare
Samaritans
Gamblers Anonymous
Citizens Advice Bureau

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CHESHIRE EAST COUNCIL

PLACES ADVISORY PANEL

Date of meeting: 16th December 2008
Report of: Tony Potts – Community Safety Manager
Title: Licensing Act 2003 –
Statement of Licensing Policy

1.0 Purpose of Report

- 1.1 Licensing Authorities must approve and publish a Statement of Licensing Policy in order to carry out functions relating to the licensing of alcohol and entertainment under the Licensing Act 2003. If practicable the Council is required to produce its Statement of Licensing Policy by 1st April 2009.
- 1.2 The Council must undertake a consultation exercise with stakeholders on the content of the Statement before it is determined. The purpose of this report is to seek comments on the Statement of Licensing Policy in its draft form prior to its submission to Cabinet.

2.0 Decision Required

- 2.1 The Places Advisory Panel is requested to consider the draft policy and to make any comments prior to submission to Cabinet.

3.0 Financial Implications for Transition Costs

- 3.1 None except for 'one-off' printing and postage costs incurred by the consultation exercise.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Local Government (Structural Changes)(Transitional Arrangements)(No 2) Regulations 2008 provide that the preparation of a statement of principles by the shadow Council will be taken as satisfying the requirements of the Licensing Act 2003 as regards the three year period commencing on 7th January 2011. For this reason the statement is not required to be reviewed again until January 2014.

5.0 Legal Implications

- 5.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of policy that it proposes to apply in exercising its functions under the Act.

- 5.2 The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that, where it is practicable to do so, a statement of principles under the Licensing Act 2003 shall be produced by 1 April 2009. If it has not been possible to prepare the policy by 1 April 2009, the Regulations provide that it must be prepared within twelve months of vesting day.

6.0 Risk Assessment

- 6.1 There is no risk attached to taking the recommended course of action.

7.0 Background and Options

- 7.1 As set out above, the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of policy that it proposes to apply in exercising its functions under the Act. Each of the three constituent authorities of Cheshire East has had in place its own Statement of Licensing Policy since the Act came into force in 2005.

- 7.2.1 Cheshire East must have its own policy document in place in order to perform its role as the licensing authority for applications to licence the sale of alcohol, late night refreshment and the provision of regulated entertainment.

- 7.3 The draft Statement, a copy of which is attached as Appendix 1, largely reflects the existing policy statements of Crewe and Nantwich, Congleton and Macclesfield Borough Councils, which have been approved by their respective Councils.

- 7.4 Should Cabinet approve the draft statement of policy at its meeting on 17th December, it is proposed that statutory consultation with stakeholders will be undertaken. Consultees include the police, the fire authority, environmental health and representative groups of licence holders, businesses and residents

- 7.5 It is proposed to shorten the consultation period from the usual 12 weeks recommended by the Cabinet Office to six weeks because of the limited length of time available to complete the procedure before 1st April 2009. It is suggested that due to the minor nature of the changes to the statement from those originally in place in the three districts, the shortening of the consultation period will not be prejudicial to consultees.

- 7.6 At the conclusion of the consultation period any representations which are received will be considered by the shadow Licensing Committee. The Committee will then recommend a final draft to Council on 24th February 2009 having taken into account the consultation responses.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have a Statement of Licensing Policy in place is, where practicable, a Day One requirement.

9.0 Reasons for Recommendation

- 9.1 The Council is required to produce and publish, every three years a statement of the policy which it proposes to apply when exercising its functions under the Licensing Act 2003; where practicable this is required to be done by 1 April 2009. Approval of the recommendation will enable the next step to be taken towards achieving that aim.

For further information:

Portfolio Holder: Councillor Brian Silvester

Officer: T Potts

Tel No: (01270) 529869

Email: tony.potts@congleton.gov.uk

Background Documents:

Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport on 28th June 2007

The Licensing Statement of Macclesfield Borough Council

The Licensing Statement of Congleton Borough Council

The Licensing Statement of Policy of Crewe & Nantwich Borough Council dated 28th November 2007

Documents are available for inspection at:

Macclesfield Borough Council – Legal and Democratic Services, Town Hall, Macclesfield

Congleton Borough Council – Community Safety Dept, Westfields, Middlewich Road, Sandbach

Crewe & Nantwich Borough Council – Licensing Section, Municipal Buildings, Earle Street, Crewe

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CHESHIRE EAST COUNCIL

**STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)**

FOREWORD

Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.

Each of the former district Councils within Cheshire East first produced and published licensing policy statements in January 2005 following the commencement of the Licensing Act 2003.

This Statement of Licensing Policy draws on the original policies of each of the districts and sets down a policy on how Cheshire East Council will deal with applications in order to achieve the four licensing objectives, namely;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

It is intended that this policy will be a guide for both applicants and those other parties who have an interest in these matters. Whilst the policy provides framework guidance, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.

(date)

CHESHIRE EAST COUNCIL

**STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)**

1. INTRODUCTION

- 1.1 This Statement of Licensing Policy ('the Policy') is published by Cheshire East Council ('the Council') as the licensing authority ('the Licensing Authority') in accordance with section 5 of the Licensing Act 2003 ('the Act').
- 1.2 The Policy takes into account the guidance issued under section 182 of the Act by the Department of Culture Media and Sport. The latest guidance was published by the DCMS on 28th June 2007; a copy of the guidance may be accessed via the DCMS website, www.culture.gov.uk

- 1.3 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.

‘Licensable activities’ means:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment

‘Qualifying licensable activities’ means:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The sale by retail of alcohol by or on behalf of a club to a guest or member of the club for consumption on the premises where the sale takes place; and
- The provision of regulated entertainment where that provision is made on behalf of a club for members of the club or members of the club on behalf of their guests,

in accordance with section 1 of the Act and Schedules 1 and 2 to the Act.

The full list of licensable activities is set out at Appendix 1.

- 1.4 In formulating the Policy, the Licensing Authority has consulted interested bodies including the Chief Officer of Police, the Fire Authority, representatives of holders of premises licences, representatives of holders of club premises certificates and representatives of businesses and residents within the Council’s administrative area.
- 1.5 In determining the Policy, the Licensing Authority has given due weight to the views expressed by those who responded to the consultation exercise.

2. OBJECTIVES

- 2.1 The Licensing Authority will exercise its licensing functions with a view to promoting the four licensing objectives set out within section 4 of the Act, namely:
- **The prevention of crime and disorder;**
 - **Public safety;**
 - **The prevention of public nuisance; and**
 - **The protection of children from harm**

3. POLICY CONSIDERATIONS

- 3.1 This policy does not prejudice the requirement for the Licensing Authority to consider each application upon its own individual merits.
- 3.2 Nothing in the Policy will:

3.2.1 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; and

3.2.2 Override the right of a person or a body who is an interested party or responsible authority (as defined within 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.

3.3 Matters within the control of the licence holder

3.3.1 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 the direct control of the licence (or certificate) holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus upon matters, which are within the control of the individual applicant or licence holder.

3.3.2 The Licensing Authority will however expect applicants to consider and make necessary provision 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.

3.3.3 Where appropriate, following receipt of relevant representations, the Licensing Authority may attach conditions to the grant of a licence or certificate which seeks to regulate the behaviour of persons as they leave licensed premises.

3.4 Need for licensed premises

3.4.1 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 any particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

3.5 Anti-social behaviour

3.5.1 The Licensing Authority recognises that in addition to the requirements for it to promote the licensing objectives, the Local Authority 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 administrative area.

3.5.2 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of anti-social behaviour including:

- Planning controls;
- Measures (including closed circuit TV) to create a safer and cleaner environment in partnership with businesses and other agencies;
- 'Alcohol designation orders' also known as "Designated No Drinking Zones" made under the Criminal Justice and Police Act 2001 under which the Police have the power to confiscate alcohol
- The use by Police of powers such as the issue of fixed penalty notices and prosecution for sales to underage drinkers;

- The power of the Police to close down a premises for twenty-four hours on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- Powers under sections 40 and 41 of the Anti-Social Behaviour Act 2003 which provides authorised Environmental Health Officers the power to issue a closure order effective for up to 24 hours in situations where the noise from a licensed premises is causing a public nuisance;
- The powers available to local authorities and the Police contained within the Violent Crime Reduction Act 2006;
- The power available to local authorities to issue fixed penalty notices to licensed premises emitting noise which exceeds the permitted level between 11pm and 7am within the Clean Neighbourhoods and Environment Act 2005;
- The normal enforcement work carried out by the Police; and
- The ability for the Police, or other responsible authority or local residents/businesses to seek a review of a licence or certificate.

4. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION

- 4.1 The Licensing Authority will consider the Local Authority's approved strategies and policies where they are relevant to the exercise of its function as the licensing authority.
- 4.2 The Licensing Authority will provide information in relation to Premises Licences and Club Premises Certificates granted to the Planning Department and the relevant transport agencies in order that the provision of late night transport from entertainment venues may be considered.
- 4.3 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 4.4 The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. Whilst there may be some factors affecting the planning decision, which may also affect the decision of the Licensing Committee, licensing applications will not be a re-run of planning applications.
- 4.5 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 4.6 The Licensing Authority recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of communities. The Licensing Authority recognises the need for a balance the cultural needs with the necessity of promoting the licensing objectives.

5. STEPS TO PROMOTE THE LICENSING OBJECTIVES

Operating schedules

- 5.1 Applications for Premises Licences and Club Premises Certificates must be accompanied by an operating schedule, which is a written description of how the premises and proposed activities will be operated and managed. The operating schedule should address how the applicant proposed to meet the four licensing objectives.
- 5.2 The Licensing Authority takes the view that the applicants should discuss their operating schedules in draft form with the appropriate Responsible Authorities (as set out within Appendix 2) particularly the Police, the Fire and Rescue Service and the Local Authority's Environmental Health Department prior to formal submission of the application. Applicants will thereby have access to expert advice on the steps that may be necessary to promote the licensing objectives.
- 5.3 The Licensing Authority recognises that the number of issues which need to be addressed within an operating schedule will depend on the size of the premises and the type of licensable activity provided. Whilst the following lists are not exhaustive, the Licensing Authority expects applicants to consider the following issues:

5.4.1 Prevention of Crime and Disorder

The means by which crime and disorder will be prevented by the effective management and operation of the licensed activities. The issues may include:

- Crime prevention design, including appropriate lighting of exterior areas;
- Door supervision together with the maintenance of an incident book;
- Use of toughened or plastic glasses;
- Mechanisms for combating drug dealing and abuse;
- The use of CCTV cameras;
- Use of 'Pubwatch' radio system or other means of communication;
- Use of ID scan equipment

5.4.2 Prevention of public nuisance

The means by which nuisances will be prevented by the effective management and operation of the licensed activities. The issues may include:

- Measures to deal with noise emanating from the premises including external areas such as beer gardens;
- Noise and disturbance caused by people leaving the premises;
- Whether there will be a 'drinking up' time
- Whether doors and windows will be kept closed or other methods of noise control operated;

5.4.3 Public safety

The means by which public safety will be promoted by the effective management and operation of the licensed activities. The issues may include:

- Fire/emergency procedures and the training of staff in such procedures;
- Door supervision together with the maintenance of an incident book;

- Assessments in relation to the safety of performers in addition to audience and staff

5.4.4 Protection of children from harm

The means by which children will be protected from harm (including any damaging, detrimental or injurious effects) by the effective management and operation of the licensable activities. The issues may include:

- Restrictions on access by children either to the whole or any part of the premises;
- Provision of adult supervision;
- Use of recognised proof of age schemes

5.5 Every supply of alcohol under a Premises Licence must be made or authorised by the holder of a Personal Licence. The Licensing Authority recommends that in appropriate circumstances, particularly in relation to large premises, a minimum of one member of staff in addition to the Designated Premises Supervisor should hold a Personal Licence.

Large scale events of a temporary nature

5.3 The Licensing Authority expects applications for Premises Licences for temporary events (where the event is too large in scale to be authorised by way of a Temporary Event Notice) to submit their draft operating schedules to the Responsible Authorities (in particular the Police, Environmental Health and Health and Safety) well in advance, and no later than six months before the date of the event, in order that proper consultation and discussion can take place between the Responsible Authorities and the applicant.

5.4 The Licensing Authority recognises that such events can give rise to special considerations in respect of public safety and therefore expects operating schedules to show an awareness of these matters. Applicants are referred to the following documentation:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999);
- Managing Crowds Safety (HSE 2000)
- Five steps to risk assessment: Case Studies (HSE 1998)
- The Guide to Safety at Sports Grounds (The Stationary Office, 1997) etc

Small scale events of a temporary nature – Temporary Event Notices

5.5 Whilst the provisions of the Act require ten working days notice to be given of temporary events (which fulfil the requirements of Part V of the Act), the Licensing Authority strongly recommends that notices should be submitted sufficiently early to enable proper consultation to take place between the Police and the premises user.

5.6 However, it is also recognised that notice should not be given so far in advance of a proposed event that it is difficult for the Police to make a sensible assessment in

relation to the proposals. It is suggested that service of a Temporary Event Notice six months before a proposed event is the maximum period which is appropriate.

6. CONDITIONS

- 6.1 If no relevant representations are received by the Licensing Authority in relation to an application for a licence or certificate, the Licensing Authority will grant the licence/certificate subject only to the applicable mandatory conditions (as set out within the Act) and such conditions as are consistent with the proposals set out within the applicant's operating schedule.
- 6.2 The Licensing Authority may only impose conditions on a licence/certificate where its discretion has been engaged following the receipt of relevant representations and where it is satisfied of the necessity to impose conditions due to the representations received.
- 6.3 Any conditions imposed by the Licensing Authority will be necessary in order to promote the licensing objectives and proportionate to the premises and/or the events to be licensed.
- 6.4 The Licensing Authority will not attach conditions, which, if imposed, would have the effect of duplicating other existing legislative requirements. Conditions, which impose requirements over and above, that contained within other existing legislation may be imposed if relevant representations are received.
- 6.5 The Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 places the onus on applicants and licensees to demonstrate that they have undertaken and recorded a fire safety risk assessment which takes into account risks from fire, measures necessary to control the risks and the identification of safe occupancy levels. It is also recognised that a capacity limit should not be imposed by way of condition on the basis of fire safety grounds as under article 43 of the A 'safe capacity' will only be imposed where necessary for the promotion of public safety or the prevention of crime and disorder and will not be imposed if a capacity has been introduced through other legislation.
- 6.6 Where appropriate, the Licensing Authority will make use of the pool of conditions in Annex D of the guidance published by the Department of Culture Media and Sport (DCMS) in accordance with section 182 of the Act. (The current guidance, issued on 28th June 2008, may be viewed on the DCMS website, www.culture.gov.uk)

7. CUMULATIVE IMPACT

- 7.1 It is recognised that an unusual number, type and density of premises selling alcohol for consumption on the premises within a concentrated area may have a cumulative impact on the promotion of the licensing objectives.
- 7.2 The cumulative effect of the premises may stem from the saturation of the area with such premises making it a focal point for large groups of people to gather and create serious problems of disorder and nuisance.
- 7.3 The nuisance and disorder may be characterised as the cumulative effect of all the premises taken together where the impact on the surrounding areas of the

behaviour of the customers from those premises when taken together is greater than the usual impact from customers of individual premises.

- 7.4 At the present time there is no evidence to suggest that a special policy in relation to cumulative impact is appropriate in respect of any area within Cheshire East, However should evidence become available, then this decision will be reviewed.

8. LICENSING HOURS

- 8.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.
- 8.2 The Licensing Authority recognises that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. It is noted that this can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which lead to disorder and disturbance.
- 8.3 The Licensing Authority further recognises the Government's view that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Whilst providing consumers with greater choice and flexibility is an important consideration, the Licensing Authority takes the view this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 8.4 The Licensing Authority will not seek to impose uniform closure times in relation to alcohol licensed premises and will consider each application on its merits. However, where premises are situated in sensitive areas, in circumstances where the Licensing Authority's discretion has been engaged through the receipt of relevant representations, consideration will be given to the imposition of conditions aimed at limiting the impact of noise and disturbance on residents. Such conditions may, for example, include the use of door supervisors, or measures to prevent the escape of sound from within the premises. Licensees and certificate holders are reminded that they should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance in outside areas such as beer gardens or smoking shelters and in areas such as pavements immediately outside their premises, where and to the extent that these matters are within their control.
- 8.5 The Licensing Authority recommends that applicant's 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.
- 8.6 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.

9. CHILDREN

Access to Licensed Premises

- 9.1 Whilst each application will be considered on its merits, where the Licensing Authority's discretion has been engaged following the receipt of relevant representations, conditions in relation to the admission of persons under the age of eighteen may be imposed if there is evidence to suggest that this is necessary and proportionate in order to prevent physical, moral or psychological harm to them.
- 9.2 Circumstances in which concerns about access of children may lead to such the imposition of such conditions include premises:
- where entertainment or services of an adult or sexual nature are commonly provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises (but not, for instance, the simple presence of a small number of cash prize gaming machines); and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 9.3 Where appropriate to limit access to a licensed premises to children due in order to promote the prevention of harm to children, the Licensing Authority may consider the imposition of the following:
- limitations on the hours when children may be present;
 - limitations excluding the presence of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - age limitations (below 18);
 - requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);
 - full exclusion of all those people under 18 from the premises when any licensable activities are taking place.
- 9.4 The Licensing Authority will not impose a condition on any licence or certificate requiring the admission of children to any premises.
- 9.5 Where a large number of children are likely to be present at an event involving regulated entertainment, the Licensing Authority will expect operating schedules to indicate that consideration has been given to the safety of children. In addition, in such circumstances, where its discretion has been engaged following receipt of relevant representations, the Licensing Authority may impose conditions requiring an appropriate number of adult staff to ensure their safety.
- 9.6 The Licensing Authority recommends that in order to prevent illegal sales to underage persons, licence holders employ a recognised 'proof of age' scheme, for example the 'Challenge 21' scheme.

Children and cinemas

- 9.7 In the case of premises giving film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified by according to the recommendations of the British Board of Film Classification or the Licensing Authority.

Responsible Authority and Children

- 9.8 The Licensing Authority recognises the Local Safeguarding Children Board as the responsible authority for the purposes of notification upon matters relating to the protection of children.

10. ENFORCEMENT

- 10.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 10.2 The Licensing Authority will establish a protocol for enforcement with Cheshire Constabulary to provide for the efficient discharge of this function in conjunction with the enforcement officers of the Licensing Authority, Environmental Health officers, Trading Standards officers, and other agencies as appropriate.
- 10.3 Resources will be deployed in accordance with an assessment of which premises and events manifest the greatest risk to the promotion of the licensing objectives.
- 10.4 The Licensing Authority recognises the importance of co-operation between licence holders, Authorised Persons (as set out within Appendix 2), Responsible Authorities and Interested Parties in order to promote the licensing objectives. The Licensing Authority therefore commends the practice whereby a Responsible Authority or Authorised Person who has concerns about any premises should draw these concerns to the attention of the licence/certificate holder at an early stage with a warning that remedial action should be undertaken.
- 10.5 The Licensing Authority will therefore expect to see evidence from the Responsible Authorities of warnings, and of failure on the part of the licence holder to respond to such warnings, where an application is made to it to conduct a formal review of a licence.

11. ADMINISTRATIONS AND EXERCISE OF FUNCTIONS

- 11.1 The Licensing Authority has delegated certain decisions and functions under the Licensing Act 2003 to its Licensing Committee and, in recognition of the need to provide a speedy, efficient and cost-effective service, where possible to Licensing Sub-Committees and officers.
- 11.2 The table at Appendix 2 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

12. PERIOD IN FORCE

- 12.1 This Statement of Licensing Policy was approved by Cheshire East Council on (date) and will take effect until such time as it is reviewed; a reviewed policy will be published no later than 7 January 2011.

APPENDIX 1: Licensable Activities

The following are 'licensable activities for the purposes of the Licensing Act 2003:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' - to the public, to club members or with a view to profit, which includes:
 - Performance of a play
 - Exhibition of a film
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Performance of live music
 - Playing of recorded music
 - Performance of dance
 - Provision of facilities for making music
 - Provision of facilities for dancing
 - Entertainment of a similar description to the performance of live music, the playing of recorded music or a performance of dance
- Supply of hot food and/or drink from any premises between 11pm and 5am

The Act provides that the following are not to be regarded as regulated entertainment:

- (a) film exhibitions for the purposes of demonstration of a product, advertisement of any goods or services or the provision of information, education or instruction;
- (b) film exhibitions which consist or form part of an exhibit put on show for any purposes of a museum or art gallery;
- (c) the performance of live music or the playing of recorded music that is incidental to some other activity which is not itself regulated entertainment;
- (d) the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990
- (e) the provision of any entertainment or entertainment facilities (a) for the purposes of or for purposes incidental to, a religious meeting or service, or (b) at a place of public religious worship
- (f) the provision of entertainment or entertainment facilities at a garden fete or a function or event of a similar character provided the event concerned is not promoted for purposes of private gain
- (g) a performance of morris dancing or any dancing of a similar nature or a performance of unamplified live music as an integral part of such a performance or facilities enabling persons to take part in such entertainment
- (h) the provision of any entertainment or entertainment facilities (i) on premises consisting or forming part of a vehicle, and (ii) at a time when the vehicle is not permanently or temporarily parked

The Act states that an activity is not a licensable activity if it is carried on: -

- (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey;
- (b) aboard a vessel engaged on an international journey;
- (c) at an approved wharf at a designated port or hoverport;

- (d) at an examination station at a designated airport;
- (e) at a royal palace;
- (f) at premises which at the time when the activity is carried on are permanently or temporarily occupied for the purposes of the armed forces of the Crown;
- (g) at premises in respect of which a certificate issued under section 174 (exemption for national security) has effect or
- (h) at such other place as may be prescribed by the Government in regulations

APPENDIX 2: Authorised Persons, Responsible Authorities and Interested Parties

Authorised Persons

This group is entitled to carry out inspection and enforcement roles and include officers of the Local Authority, Fire Authority inspectors, Health and Safety at Work inspections and Environmental Health Officers.

In addition, the Police have the power to close premises on the grounds of disorder or nuisance caused by noise coming from the premises.

Responsible Authorities

This group must be notified of all applications for a premises licence. They are entitled to make representations to the Licensing Authority and include: -

- The Police
- The Fire Authority
- Health and Safety Authority
- The Environmental Health Department (Cheshire East Council)
- The Local Planning Authority (Cheshire East Council)
- The Local Safeguarding Children Board (?)¹
- Trading Standards (Cheshire East Council)

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These include: the Environment Agency, the British Waterways Board, and the Secretary of State for Transport, who in practice acts through the Maritime and Coastguard Agency.

Interested Parties

This group may make representations to the Licensing Authority on applications for the grant, variation or review of premises licences and includes: -

- A person living in the vicinity of the premises in question
- A body representing persons who live in that vicinity e.g. a residents association
- A person involved in a business in the vicinity of the premises
- A body representing persons involved in such businesses e.g. a trade association.

Any of these persons can have their view represented by for example, a solicitor, MP, friend or a local ward councillor.

¹ NOTE: Determine whether arrangement will still remain in place whereby the Police will deal with applications on behalf of LSCB.

APPENDIX 3: Table of delegations of licensing functions

Functions under the Licensing Act will be dealt with as follows:

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
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.	
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 police objection to a Temporary Event Notice.		All cases.	

