

Council Agenda

Date: Thursday 19th December 2019
Time: 11.00 am
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1EA

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

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

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

1. **Prayers**
2. **Apologies for Absence**
3. **Declarations of Interest**

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

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

To approve as a correct record the minutes of the meeting of Council held on 17 October 2019.

5. **Mayor's Announcements**

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

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

In accordance with paragraph 1.32 of the Council Procedure Rules and Appendix 7 to the rules, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

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.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not a requirement to give notice of the intention to make use of public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

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

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

8. **Recommendation from Cabinet: Domestic Taxbase 2020/21 Report**
(Pages 19 - 28)

To consider the recommendations from Cabinet.

9. **Recommendation from Cabinet: Council Tax Support Scheme for 2020/21**
(Pages 29 - 50)

To consider the recommendations from Cabinet.

10. **Recommendation from Cabinet: Revised Statement of Gambling Principles**
(Pages 51 - 106)

To consider the recommendation from Cabinet.

11. **Recommendation from Constitution Committee: Council Meeting Arrangements**
(Pages 107 - 134)

To consider the recommendations from the Constitution Committee.

12. **Update on Appointment of Chief Executive (Verbal Update)**

13. **Notices of Motion** (Pages 135 - 136)

To consider any Notices of Motion that have been received in accordance with paragraph 1.34 of the Council Procedure Rules

14. **Questions**

In accordance with paragraph 1.18 of the Council Procedure Rules, opportunity is provided for Members of the Council to ask the Mayor, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

At Council meetings, there will be a maximum question time period of 30 minutes. Questions will be selected by the Mayor, using the criteria agreed by Council. Any questions which are accepted, but which cannot be dealt with during the allotted period will be answered in writing. Questions must be brief, clear and focussed.

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

held on Thursday, 17th October, 2019 at The Ballroom, Sandbach Town Hall,
High Street, Sandbach, CW11 1AX

PRESENT

Councillor B Burkhill (Mayor/Chairman)

Councillor S Edgar (Deputy Mayor/Vice-Chairman)

Councillors Q Abel, M Addison, S Akers Smith, M Asquith, R Bailey, J Barber, M Beanland, M Benson, L Braithwaite, J Bratherton, S Brookfield, D Brown, C Browne, J Buckley, C Bulman, P Butterill, S Carter, J Clowes, S Corcoran, L Crane, A Critchley, S Davies, D Edwardes, B Evans, H Faddes, A Farrall, JP Findlow, K Flavell, R Fletcher, T Fox, A Gage, S Gardiner, L Gilbert, M Goldsmith, P Groves, S Handley, G Hayes, S Hogben, S Holland, M Houston, D Jefferay, L Jeuda, A Kolker, C Leach, I Macfarlane, N Mannion, D Marren, A Martin, A Moran, B Murphy, D Murphy, J Nicholas, K Parkinson, J Parry, S Pochin, B Puddicombe, P Redstone, J Rhodes, B Roberts, L Roberts, J Saunders, M Sewart, M Simon, L Smetham, D Stockton, A Stott, R Vernon, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

34 PRAYERS

The Reverend Ralph Kemp said prayers, at the request of the Mayor.

35 APOLOGIES FOR ABSENCE

Apologies were received from Councillors T Dean, D Flude, A Gregory, A Harewood, M Hunter, A Martin, R Moreton and J Smith.

36 DECLARATIONS OF INTEREST

In relation to Item 12 – Appointment of Independent Person for Standard Matters, Councillors A Critchley, JP Findlow and M Warren declared that they were members of the Cheshire Police and Crime Panel.

In relation to Item 8 – Recommendation from Cabinet: Revised Statement of Licensing Policy, Councillor D Murphy declared that he was a Premises Supervisor for two Licenced Premises.

37 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 18 July 2019 be confirmed as a correct record, subject to the following amendment:

Minute 32 – Notices of Motion

3. Cheshire East Independent Person/Independent Member of the Cheshire Police and Crime Panel.

Recorded Vote:

Inclusion of Cllr A Moran in the list of names who voted FOR.

38 MAYOR'S ANNOUNCEMENTS

The Mayor:

1. Announced, with sadness, that former Councillor Honorary Alderman and Freeman Roland Domleo had passed away and also former Councillor Ray Wolstencroft. Council stood in remembrance as a mark of respect to these former Councillors.
2. Drew Members attention to three very important workshops that would focus on how a Committee System would operate and encouraged all Members to attend one of the sessions.
3. Reported that, since the last Council meeting, he and the Deputy Mayor had represented the Council at 60 events, details of which had been circulated around the Chamber.
4. Paid tribute to Council staff, Cheshire Police and Cheshire Fire and Rescue Service for their response to the serious flooding in Poynton and the fire at the Beechmere Extra Care Village in Crewe. He informed Members that Superintendent Peter Crowcroft from Cheshire Police and Neil Griffiths from Cheshire Fire and Rescue were in attendance, along with some of the Council staff involved.

The Mayor invited the Leader and Deputy Leader to speak and they paid tribute to Council staff and the emergency services involved in the aftermath of the two events. The Mayor then invited Superintendent Peter Crowcroft and Neil Griffiths to address Council before inviting Group Leaders – Cllr Janet Clowes, Cllr Rod Fletcher and Cllr Brendan Murphy, to speak.

5. Reported that he had, in July, attended a climate change workshop which he had found a very interesting but sobering experience and felt that Council must do something to combat the environmental and climate change emergency.

39 PUBLIC SPEAKING TIME/OPEN SESSION

Mr John Martin stated that Sandiford Road was the only road in Holmes Chapel which directly connected two A class roads and for this reason was controlled by a Traffic Regulation Order which designated Sandiford as Access Only. Residents of Sandiford Road over the last 3 years had been

campaigning to have the Access Only Order enforced and asked why the Council was refusing to address the issue. Cllr Brian Roberts, Portfolio Holder for Highways and Waste responded that an origin and destination survey had been undertaken, which showed that 66% of vehicles during the period of the survey used the road as a cut through. The report would now be passed to the Police for them to determine the appropriate enforcement solution. The Council did not have the powers to enforce traffic orders and were not able to install ANPR camera. The Council would look at the other potential solutions including closure of the road or one way working.

Mr Andrew Wood spoke on a number of issues. He wished to nominate Sarah Porter for a 'Secretary of the Year' award as she has been helping him out. He asked if the Council would support his aim to rebuild the Market at Chelford for local farmers. He also asked the Council look at putting back the teaching of agriculture, engineering and crafting in schools. Following the floods it had left a hole in the banking by his house and he asked that this flood defence be repaired.

Carol Jones spoke on the importance of communication and asked that Cheshire East get communicating and get talking and all work together to get a better system of communication.

Mrs Sue Helliwell stated that she was fully supportive of the proposal to be considered at Item 11 recommendation 2.4, that a maximum period of two minutes would be allowed for members of the public wish to speak or ask a question during public speaking time. She also asked if the Council would ensure that none of the committees had only one permanent female representative as was the case with the Strategic Planning Board. Cllr J Nicholas, Chairman of Constitution Committee responded that he was unable to give absolute assurance on this and stated the membership of the Strategic Planning Committee was not the norm. The previous and current Cabinets had an equal mix of gender, as it other committees. Committee members were selected for their skills and experience that they bring to committees.

Jane Smith spoke on behalf of Wounded Badger Control Cheshire and stated that they had been out every night for the past six. She wanted to see real action from farmer and Cheshire East on badgers. This was the third year of the cull and bovine TB was not being eradicated in any of the cull zones. Vaccination was now available free of charge to farmers and asked the Council to promote this fact and promote badger vaccinations instead of culling on Council owned farm land. The Leader of the Council responded by stating that culling was banned on Cheshire East land under their control and the Council was unable to change a tenancy agreement on county farms part way through without the agreement of the tenant but could change the tenancy when it came to the end of its term. He also stated that a Cheshire East programme had started training volunteers on how to vaccinate badgers.

Liz Durham, speaking on behalf of Gareth Jones, stated that at the Council meeting on 18 July, Cllr Rob Vernon had made a false unsubstantiated allegation against the previous leader of the Council, Cllr Rachel Bailey, that she was involved in the processes of the investigation and disciplinary committee. He has been told quite firmly by the Monitoring Officer that this assertion was incorrect and Liz Durham asked Cllr Vernon to withdraw the comment. She asked Cllr Corcoran if he had admonished his councillor for casting such a slur and asked if Cllr Bailey had received an apology. Cllr R Vernon responded by apologising for his comment and stated that he had been given incorrect information. He apologized to Cllr Bailey and Council for not withdrawing the comment.

40 **LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS**

The Leader of the Council, in summary:-

- 1 noted that under the new administration no matters had been referred to the police, Cheshire East Council had not been mentioned in Private Eye and no senior officers had been suspended on full pay.
- 2 noted the achievements of the new administration since the election which included
 - the setting up of an administration and Cabinet,
 - making appointments to Outside Bodies,
 - making oppositions councillors chairs of scrutiny committees,
 - instigating a move to the committee system,
 - approving new terms of reference for the Investigation and Disciplinary Committee,
 - arranging a peer review challenge for January 2020,
 - appointing a new Monitoring Officer, a new Director of Financial and Customer Service, a new Executive Director Corporate Services, a Head of Internal Audit and eleven other senior posts and was in the process of appointing a new Chief Executive,
 - launching a Leadership and Management development programme,
 - publishing a draft Environmental Strategy for consultation,
 - a significant improvement in timeliness of SEND assessment
 - closure of the 2018/19 financial statement on time
- 3 Announced that Cllr Ashely Farrell would be the Champion for Armed Forces.

Cllr Farrell spoke in respect of his new role.

The Deputy Leader of the Council, in summary:-

- 1 provided an update on his meeting with Douglas Oakervee at Crewe Station about HS2.
- 2 reported that the 2020/21 budget proposals were being developed and would soon be inviting stakeholders to comment on the approach being taken.
- 3 stated that consultation on the SAPD had concluded and responses would be reviewed before deciding how to go forward.
- 4 commented on the infrastructure investment in Cheshire East and the schemes in progress.
- 5 referred to the work of the Governance Working Group on the emerging committee system proposals and encouraged members to attend the briefing session.
- 4 reported that there were now up to 40 connected community centres and that these paid a vital part in engagement with local communities.

41 RECOMMENDATION FROM CABINET: REVISED STATEMENT OF LICENSING POLICY

Consideration was given to the resolution from Cabinet recommending that Council adopt the Revised Statement of Licensing Policy.

RESOLVED:

That the Revised Statement of Licensing Policy be approved and adopted.

42 RECOMMENDATION FROM CABINET: LOCAL TRANSPORT PLAN

Consideration was given to a recommendation from Cabinet that the Local Transport Plan be adopted.

RESOLVED:

That the Local Transport Plan be adopted.

43 RECOMMENDATION FROM CABINET: MID-YEAR REVIEW (FINANCE) 2019/20 - REQUEST FOR SUPPLEMENTARY CAPITAL ESTIMATES AND VIREMENTS

Consideration was given to a recommendation from Cabinet requesting Council to approve a fully funded supplementary capital estimate above £1,000,000, in accordance with Financial Procedure Rules, as detailed in

Appendix 4, Annex D, of the Cabinet report relating to the Mid-Year Review (Finance) 2019/20.

RESOLVED

That the fully funded supplementary capital estimates above £1,000,00 be approved, in accordance with Financial Procedure Rules, as detailed in Appendix 4 Annex D as:

£5,130,000 increase in the Best4Business budget to recognise the further contribution from Cheshire West and Chester towards this shared project.

44 REVIEW OF COUNCIL AND MEETING ARRANGEMENTS

Consideration was given to a report on changes to the arrangements for Council and on the provision of a specific period of time for public speaking at Council and public and member speaking at Cabinet. These matters had been considered by the Constitution Committee on 19 September 2019

The Mayor indicated that he would take each of the recommendations in the report in turn. The Chairman and Vice Chairman of the Constitution Committee moved and seconded the recommendations.

During the debate on Recommendation 2.1 comments were made that all members of the Council had not been consulted on the proposals to change the arrangements for the Council meetings and all Members should be surveyed to obtain their views on these matters. It was also stated that recommendations 2.1 and 2.3 were connected and should be included in any consultation with Members.

The Mover and Seconder agreed to withdraw the motion relating to Recommendation 2.1 and 2.3.

Consideration was then given to the remaining recommendations and during the debate it was commented that all the recommendations were connected and that the motion before Council should be withdrawn until the December meetings.

The Mover and Seconder agreed to withdraw the motion and take the matter back to the Constitution Committee for further consideration.

RESOLVED:

That consideration of the proposed changes to Council and Meeting Arrangements be withdrawn to allow the Constitution Committee to further consider the issues and report back to the December Council meeting.

45 **APPOINTMENT OF INDEPENDENT PERSON FOR STANDARDS MATTERS**

(Councillor A Martin arrived at the meeting during consideration of this item)

Consideration was given to a report which had been prepared by the Monitoring Officer in response to a Notice of Motion agreed at the last Council meeting.

It was moved and seconded 'That in light of recent events, Council agrees that Mr Fousert continues in his role as Independent Person for Cheshire East Council'. Following debate, a requisition for a named vote was proposed and seconded and duly supported, with the following result:

FOR

Cllrs S Akers Smith, M Asquith, R Bailey, M Beanland, M Benson, D Brown, S Davies, S Edgar, JP Findlow, T Fox, A Gage, L Gilbert, M Goldsmith, G Hayes, S Holland, D Jefferay, A Kolker, J Nicholas, K Parkinson, P Redstone, L Roberts, L Smetham, D Stockton, L Wardlaw, J Weatherill, J Wray and N Wylie.

AGAINST

Cllr Q Abel, J Barber, L Braithwaite, S Brookfield, C Browne, J Buckley, C Bulman, P Butterill, S Carter, S Corcoran, L Crane, B Evans, H Faddes, A Farrall, K Flavell, R Fletcher, S Gardiner, S Hogben, M Houston, L Jeuda, C Leach, N Mannion, D Marren, A Moran, J Parry, S Pochin, B Puddicombe, J Rhodes, B Roberts, M Sewart, A Stott and R Vernon.

NOT VOTING

Cllrs B Burkhill, J Clowes, D Edwardes, P Groves, I Macfarlane, A Martin, D Murphy, J Saunders, M Simon, M Warren and P Williams.

The above motion was declared lost, with 27 for, 32 against and 11 not voting.

It was proposed and seconded "That in the light of recent events Council removes Mr Fousert from his role as Independent Person with immediate effect and asks the Monitoring Officer to undertake a recruitment exercise to replace him."

Upon being put the vote, the motion was declared carried.

RESOLVED:

That Mr Fousert be removed him from his role as Independent Person with immediate effect and the Monitoring Officer undertake a recruitment exercise to replace him.

46 AUDIT AND GOVERNANCE ANNUAL REPORT 2018-19

Cllr Rod Fletcher, Chairman of the Audit and Governance Committee, presented the Audit and Governance Committee Annual Report 2018/19 to Council.

The report provided details of the work undertaken by the Committee and the assurances received during the year.

The Annual Report was received and noted.

47 OVERVIEW AND SCRUTINY ANNUAL REPORT 2018-19

Cllr Margaret Simon, Chairman of Corporate Overview and Scrutiny Committee in 2018/19, presented the Overview and Scrutiny Annual report for the municipal year 2018/19.

The report detailed the work of the Council's four Overview and Scrutiny Committees and development of the overview and scrutiny function.

The Annual Report was received and noted.

48 NOTICES OF MOTION

Consideration was given to the following Notices of Motion, which had been submitted in accordance with paragraph 1.34 of the Council Procedure Rule:-

1 Holmes Chapel Health Centre

Proposed by Councillor L Gilbert and Seconded by Councillor A Kolker

That Council rescinds its requirement for Holmes Chapel Health Centre to pay a fee of £4,320 for access through the Holmes Chapel Library car park for the following reasons:-

1. Access is required to enable the Health Centre to construct an extension in order to meet the needs of a growing local population.
2. The car park produces no income for the Council and there will therefore be no loss of income as a result of the loss of four parking spaces for two months.
3. The charge amounts to profiteering at the expense of the NHS.
4. The charge adds unnecessary cost to a project to improve public services in Cheshire East.

RESOLVED:

That the Motion be referred to the Portfolio Holder for Environment and Regeneration.

2 Fighting fire in our Borough

Proposed by Councillor J Parry and Seconded by Councillor N Mannion

This Council pays tribute to the essential work undertaken by every member of staff at Cheshire Fire and Rescue. We recognise that it is their hard work, every day, that keeps people safe in their homes, in the place that they work, or whilst they are here visiting our County.

This Council believes that government cuts to fire services in the UK have gone too far. We recognise the pressures faced by Cheshire Fire and Rescue and the Fire Authority, which has had to deal with cuts of £12 million over the past nine years.

This Council understands the high levels of public concern about fire cuts and the impact that this could have on the community where they live. We acknowledge the role that the campaign in Crewe played in raising awareness amongst members of the public about fire cover in the area. The level of public interest in both this campaign and campaigns in Chester and Ellesmere Port serves as a reminder to councils and other public services in the sub-region about the need to be innovative in finding ways to involve and communicate with residents in the decisions we take.

This Council believes that all residents in every village and town in Cheshire East and across the County need to feel confident about response times and fire cover where they live. Therefore this Council resolves to ask the Leader of the Council to write to the Policing and Fire Minister to lobby for:

- An urgent government review of the impact of austerity on fire services and response times
- Restoration of the cuts to fire service finances over the last nine years.
- A decent pay rise for Cheshire Firefighters and staff.

And to write to the Chief Fire Officer at Cheshire Fire and Rescue to ask that the Fire Authority considers the following recommendations:

- That as part of ongoing fire service reviews, the current 10 minute target time for fire engines to respond to dwelling fires is expanded to include historic buildings, office buildings, industrial sites, schools, hospitals and other public buildings.

- Other Incident types such as Flooding, water rescue, rescue from Height and Incidents involving Hazardous materials are all included within the Cheshire 10 minute standard.
- That the Cheshire Fire and Rescue 10 minute standard is inclusive of the call handling time – as advised by the home office, formerly department for communities and local government.
- That the design and build of future fire stations adopt the aspirations of our towns Climate Change Emergency motion and that the Fire Authority considers passing their own Climate Change Emergency motion.

AMENDMENT

Following the proposing and seconding of the Motion, an amendment was proposed and seconded that the third bullet point 'A decent pay rise for Cheshire Firefighters and staff' be removed and the following wording be added "write in support of progression of mandatory installation of sprinklers as per Fire Authority wishes'

These amendments were accepted by the mover and seconder.

RESOLVED:

That the Motion as amended be approved.

3. Pavement Parking and Pavement Obstruction

Proposed by Cllr S Akers-Smith and Seconded by Cllr S Brookfield

This Council requests that Cabinet give consideration to developing a borough wide policy on pavement parking and a separate borough wide policy on pavement obstruction, which should be sufficiently flexible to recognise the varied needs and demands within different areas of the Borough. Council further calls on the Cabinet to bring a draft policy on pavement parking to a future meeting of Full Council for debate.

Background:

In September the Department for Transport recommended to Parliament that a ban on pavement parking should be legislated for and enforced across England. The legal process for a country wide ban is currently happening in Scotland and Wales and there has been a ban in London since 1974, 45 years ago.

In 2016 Cheshire East inspirationally were the first borough council to sign up to Cycling UK's Space for Cycling, which is about prioritising and protecting cyclists. A similar move to be the first borough in the UK to ban pavement parking not only sends out the message that we prioritise

pedestrians over vehicles, it will improve the lives of all residents who want to be more active and walk more, pavement parking prevents this from happening and also has a significant effect on the mobility impaired and the partially sighted which causes them to feel even more vulnerable than they already are.

This one single borough wide act will enhance the lives of over 380,000 people especially vulnerable road users including wheelchair users, mobility scooter users, visually impaired, carers, children and families; everybody. If Cheshire East Council are serious about reducing carbon emissions and having a positive impact on climate change, passing this motion would make a significant contribution to making life safer for residents, protecting those that need our protection and encouraging people to use their cars less, which would have an impact on climate change.

Not everybody has a car, can't afford one and doesn't want one, but everybody has to get around, and protecting those who want to actively travel needs to be a priority. Everybody has to walk or be mobile, now more than ever, a ban on pavement parking will give people real choice to be more active.

Pavement obstruction in addition to pavement parking has an impact on the ability of vulnerable pedestrians in particular to navigate and travel safely. Therefore a separate policy to look at pavement obstruction is to be considered

RESOLVED:

That the Motion be referred to Cabinet.

The following two Motions were considered together.

4. Unregulated Supported Accommodation for 16/17 year olds

Proposed by Councillor S Brookfield and seconded by Councillor J Barber

The issues surrounding unregulated children's homes have been in the news headlines recently. These homes have always existed but there is mounting concern over their accelerating growth especially because they often care for the most vulnerable young people.

Children's homes are currently registered with Ofsted and inspected regularly. Unregulated homes are allowed in law and support young people over the age of 16 to live independently. If the child is receiving some form of care rather than support they are required to live in a children's home registered by Ofsted.

Whilst it is recognised there will almost certainly be some excellent unregulated provision equally there may be homes in which vulnerable young people are unsafe and this clearly is not acceptable.

It is not known how many of these homes exist as there is no requirement to register their existence.

This Council calls on all Members of Parliament within Cheshire East to ask that legislation is put forward to ensure that all children's homes in all sectors be registered with Ofsted or other regulatory body.

5. Children's Homes

Proposed by Councillor S Brookfield and Seconded by Councillor J Barber

Background:-

An MP has warned that the children's home market in England is "run in the interests of the providers" rather than for the benefit of children and young people. The chair of the All-Party Parliamentary Group on missing children, told MPs during a debate about that a third of children were placed 20 miles or more from their home areas, and suggested the problem was because homes are being set up in low-cost areas to suit business purposes, rather than what's best for children.

It is concerning that 79% of children's homes are in the private or voluntary sector and large private equity firms are entering the market. Clearly they do not invest in children's homes for altruistic purposes. It is therefore important that their profits should not be at the expense of the needs of the children.

In 2012, children's homes were concentrated in the north-west, the west midlands and the south-east. For example, the north-west has 15% of the children's homes population, but 25% of the children's homes. This means that increasing numbers of cared for children are living at a distance from their family and local community.

One reason for this could be that property prices were so much lower in some areas than others, leading companies to set up in low-cost areas to suit business plans rather than what is best for the children. In Crewe we have seen an increase in private children's homes with no regard for the areas they are located and call-in requests by local ward members have been declined.

It should be noted and commended that this Council, Cheshire East Council commission local children's home provision for our children.

Motion:-

Cheshire East Council asks the Government that the planning regulations nationally be revised so that all applications for Children's homes for change of use are statutorily considered at planning committees rather than under delegated powers or permitted development rights and that the representation of Children's services bodies as to the suitability of the location as a children's home is given significant weight in determining the application.

Furthermore that this Council contacts all Members of Parliaments in Cheshire East that they provide support for this Motion and they also lobby the Government for changes in planning legislation for Children's Homes.

The Mayor proposed that a letter be sent to the Minister reflecting the matters raised in the Notices of Motion.

RESOLVED:

That the Portfolio Holder write to the Minister on the matters raised in the two Notices of Motion.

6. Cheshire East Mayoralty

Proposed by Councillor J Barber

This Council will look to abolish the Cheshire East Mayoralty and asks the Constitution Committee to investigate and report back to full Council on a solution with implementation from 2020/21.

AMENDMENT

Following the proposing and seconding of the above motion, an amendment was proposed and seconded, to the effect that the Motion would read:-

"This Council asks the Constitution Committee to carry out a review of the Cheshire East Mayoralty and report back to full Council with recommendations before the start of the municipal year 2020/21."

The amendment was declared carried.

RESOLVED:

That the Motion, as amended, be referred to the Constitution Committee.

49 QUESTIONS

Cllr S Gardiner asked what was happening with the next round of the new homes bonus scheme and when would the town and parish councils be informed how they can bid. Cllr A Stott, Portfolio Holder for Finance, ICT and Communications undertook to provide a written response.

Cllr L Wardlaw referred to the award of the contract for the One You Cheshire East lifestyle service to a new provider and asked for confirmation that they will be ready to deliver on its commitments by 1 November. Cllr J Rhodes, Portfolio Holder for Public Health and Corporate Services undertook to provide a written response.

Cllr M Simon asked if Wistaston Green Road and Colleys Lane could continue to be on the winter gritting routes. Cllr B Roberts, Portfolio Holder for Highways and Waste undertook to provide a written response.

Cllr S Akers Smith referred to three developments where the developers had not provided the agreed infrastructure and asked what was being done to ensure the infrastructure was provided. Cllr Toni Fox, Portfolio Holder for Planning responded that she was aware of these particular issues and would discuss the matter with officers.

Cllr L Gilbert asked in the interest of climate change would the Leader commit to asking officers to refrain from arranging 9 am meetings that have us sitting in traffic queues belting out emissions. The Leader of the Council responded that given what had happened earlier in the meeting he would refer this to Constitution Committee to consult with all members.

The meeting commenced at 2.00 pm and concluded at 7.46 pm

Councillor B Burkhill
Mayor/Chairman

COUNCIL MEETING – 19TH DECEMBER 2019**DOMESTIC TAXBASE 2020/21 REPORT****RECOMMENDATION**

That

- 1. in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2020/21 is 152,597.84 for the whole area; and**
- 2. the following changes be made in respect of empty property charges:**
 - (a) The period for the award of discount in respect of empty rental property be reduced from 6 weeks to 4 week; and**
 - (b) The premium charged for property that has been empty for 5 years or longer be increased from 100% to 200%.**

Extract from the Minutes of the Cabinet meeting on 3rd December 2019

83 DOMESTIC TAXBASE 2020/21 REPORT

Cabinet considered a report which set out the Council Tax base calculation 2020/21 for recommendation to Council.

RESOLVED

That Cabinet recommends to Council that

- 1. in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2020/21 is 152,597.84 for the whole area; and**
- 2. the following changes be made in respect of empty property charges:**
 - (a) The period for the award of discount in respect of empty rental property be reduced from 6 weeks to 4 week; and**
 - (b) The premium charged for property that has been empty for 5 years or longer be increased from 100% to 200%.**

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Working for a brighter future together

Key Decision N

Date First

Published: N/A

Cabinet

Date of Meeting: 3rd December 2019

Report Title: Domestic Taxbase 2020/21 Report

Portfolio Holder: Cllr Amanda Stott – Finance, ICT and Communications

Senior Officer: Alex Thompson – Director of Finance and Customer Services
(Section 151 Officer)

1. Report Summary

- 1.1. This report sets out the Council Tax base calculation 2020/21 for recommendation from Cabinet to Council.
- 1.2. The calculation sets out the estimates of new homes less the expected level of discounts and the level of Council Tax Support (CTS). This results in a band D equivalent tax base position for each Town and Parish Council.
- 1.3. The tax base reflects growth of £4.6m (2.1%) on the 2019/20 position highlighting the positive changes locally. Additional new homes and more properties brought back into use over the last ten years, have increased the taxbase by 15%.

2. Recommendations

Cabinet recommends to Council that

- 2.1. In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2020/21 as 152,597.84 for the whole area.
- 2.2. The following changes are made in respect of empty property charges:
 - i) The period for the award of discount in respect of empty rental property is reduced from 6 weeks to 4 weeks

- ii) The premium charged for property that has been empty for 5 years or longer be increased from 100% to 200%

3. Reasons for Recommendations

- 3.1. In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 Cheshire East Council is required to agree its tax base before 31st January 2020.

4. Other Options Considered

- 4.1. None.

5. Background

- 5.1. Cheshire East Council is required to approve its tax base before 31st January 2020 so that the information can be provided to the Cheshire Police and Crime Commissioner and Cheshire Fire Authority for their budget processes. It also enables each Town and Parish Council to set their respective budgets. Details for each parish area are set out in **Appendix A**.
- 5.2. The tax base for the area is the estimated number of chargeable dwellings expressed as a number of band D equivalents, adjusted for an estimated number of discounts, exemptions and appeals plus an allowance for non-collection. A reduction of 1% is included in the tax base calculation to allow for anticipated levels of non-collection.
- 5.3. Processes to collect Council Tax locally continue to be effective and collection rates of 99% continue to be achieved over two years. Changes to Council Tax discounts, specifically the introduction and subsequent amendments to the CTS scheme are being managed and the forecast level of non-collection at Cheshire East has been maintained at 1% for 2020/21.
- 5.4. The tax base has been calculated in accordance with the Council's local policy to offer no reduction for empty properties except that Discretionary reductions will continue to be allowed, for landlords, under Section 13A of the Local Government Finance Act 1992. Based on analysis of the locally determined discretionary reduction period for landlords it is recommended that it be reduced from six weeks to four weeks.
- 5.5. Analysis of recent trends in new homes, and homes being brought back into use, suggest an increase of nearly 5,300 homes is likely between the setting of the 2019/20 taxbase in October 2019 and the 31st March 2021. The impact of this growth is affected by when properties may be available for

occupation and the appropriate council tax banding and this is factored into the tax base calculation.

5.6. In common with most Billing Authorities, Cheshire East Council charges a Council Tax premium of 100% on property that has been empty for 2 years or more in order to encourage homes to be brought back into use. The Local Government Finance Act 1992 (amended) enables Councils to charge a premium on empty properties. The Autumn Budget 2017 allows Councils to increase the premium from 100% to 200% with effect from April 2020. It is recommended that Cheshire East Council implements this change with effect from 1st April 2020.

5.7. The tax base also reflects assumptions around CTS payments. The Cheshire East CTS scheme was introduced in 2013/14 and subsequently amended following consultation for 2016/17 and is being reviewed for 2020/21 following a consultation. The history of the scheme including budgets available compared to actual payments made is shown in Table 1 below.

Table 1 – Council Tax Support Budget since the introduction of the Scheme

Taxbase Year	CTS Payments £m	Risk Allowance £m	Resulting CTS Budget £m
2013/14 (original scheme)	18.2	0.7	18.9
2014/15	17.7	1.4	19.1
2015/16	17.7	0.9	18.6
2016/17 (revised scheme)	15.7	1.9	16.7
2017/18	14.2	2.0	16.2
2018/19	14.6	1.6	16.2
2019/20 (estimated)	15.3	0.9	16.2
2020/21 (estimated)	15.3	1.5	16.8

5.8. This level of budget will allow a risk factor of £1.5m to remain within the scheme. The ongoing level of risk reflects a number of possible influences on the scheme such as:

- Challenges over the medium term economic position.
- The risk of a major employer leaving the area.

- The risk of delay in the significant development projects delaying employment opportunities.
- The prospect of a greater number of residents becoming of pensionable age and potentially becoming eligible for CTS.
- The risk of increased non-collection due to the increasing demand on non-protected residents.

5.9. Changes to the Council Tax Support Scheme for 2020/21, as set out in a separate report to Council, are included within the calculations of this tax base report.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and Chapter 4 of the Council's Constitution, the calculation of the Council Tax Base is a matter for full Council following a recommendation by Cabinet.

6.2. Finance Implications

6.2.1. The calculation of the tax base provides an estimate that contributes to the calculation of overall funding for Cheshire East Council in each financial year.

6.3. Policy Implications

6.3.1. None

6.4. Equality Implications

6.4.1. None.

6.5. Human Resources Implications

6.5.1. None

6.6. Risk Management Implications

6.6.1. Consideration and recommendation of the Tax Base for 2020/21 to Council ensures that the statutory requirement to set the taxbase is met.

6.6.2. Estimates contained within the Council Tax Base calculation, such as the loss on collection and caseload for Council Tax Support, will be monitored throughout the year. Any significant variation will be reflected in a surplus or deficit being declared in the Collection Fund which is then shared amongst the major precepting authorities

6.7. Rural Communities Implications

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

6.8. Implications for Children & Young People/Card for Children

6.8.1. None.

6.9. Public Health Implications

6.9.1. None.

6.10. Climate Change Implications

6.10.1. None

7. Ward Members Affected

7.1. All

8. Consultation & Engagement

8.1. Not subject to any specific consultations.

9. Access to Information

9.1. Supporting system reports evidencing current taxbase numbers is available on request.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name:	Alex Thompson
Job Title:	Director of Finance & Customer Services (Section 151 Officer)
Email:	alex.thompson@cheshireeast.gov.uk

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APPENDIX A

COUNCIL TAX - TAXBASE 2020/21

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Acton	137.81	136.43
Adlington	645.72	639.26
Agden	71.75	71.03
Alderley Edge	2,732.54	2,705.21
Alpraham	215.75	213.59
Alsager	4,905.73	4,856.68
Arclid	219.47	217.28
Ashley	160.74	159.13
Aston by Budworth	187.76	185.88
Aston-juxta-Mondrum	90.34	89.44
Audlem	1,006.69	996.63
Austerson	49.06	48.57
Baddiley	136.01	134.65
Baddington	63.56	62.93
Barthomley	104.69	103.64
Basford	91.62	90.70
Batherton	25.70	25.44
Betchton	283.07	280.23
Bickerton	130.85	129.54
Blakenhall	68.80	68.11
Bollington	3,256.52	3,223.95
Bosley	214.53	212.39
Bradwall	88.86	87.97
Brereton	654.94	648.39
Bridgemere	69.29	68.59
Brindley	69.99	69.29
Broomhall	85.40	84.55
Buerton	239.48	237.08
Bulkeley	145.32	143.87
Bunbury	674.66	667.91
Burland	296.52	293.55
Calveley	137.81	136.43
Checkley-cum-Wrinehill	49.37	48.88
Chelford	791.24	783.33
Cholmondeley	90.55	89.64
Cholmondeston	87.64	86.76
Chorley	274.15	271.41
Chorley (Crewe)	71.09	70.38
Chorlton	511.76	506.64
Church Lawton	893.83	884.90
Church Minshull	215.90	213.75
Congleton	10,447.22	10,342.75
Coole Pilate	37.53	37.16
Crnage	681.09	674.28
Crewe	14,182.91	14,041.08
Crewe Green	105.24	104.19
Disley	2,065.59	2,044.93
Dodcott-cum-Wilkesley	216.61	214.44
Doddington	20.97	20.76
Eaton	271.46	268.75
Edleston	308.90	305.81
Egerton	36.34	35.97
Faddiley	79.85	79.06
Gawsworth	825.16	816.91
Goostrey	1,092.97	1,082.04
Great Warford	456.83	452.26
Handforth	2,364.45	2,340.81
Hankelow	223.02	220.79
Haslington	2,743.09	2,715.65
Hassall	114.10	112.96
Hatherton	186.51	184.64
Haughton	109.58	108.48
Henbury	358.27	354.68
Henhull	126.57	125.31
High Legh	908.74	899.65
Higher Hurdfield	338.39	335.01
Holmes Chapel	2,857.81	2,829.23
Hough	345.82	342.37
Hulme Walfield & Somerford Booths	283.15	280.32
Hunsterson	83.36	82.53
Hurleston	36.49	36.13

COUNCIL TAX - TAXBASE 2020/21

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Kettleshulme	169.68	167.98
Knutsford	5,865.44	5,806.79
Lea	22.12	21.90
Leighton	1,880.62	1,861.81
Little Bollington	83.66	82.82
Little Warford	40.34	39.94
Lower Peover	74.75	74.01
Lower Withington	336.22	332.86
Lyme Handley	73.09	72.35
Macclesfield	18,835.28	18,646.96
Macclesfield Forest/Wildboarclough	120.00	118.80
Marbury-cum-Quoisley	131.63	130.32
Marton	113.27	112.14
Mere	470.03	465.33
Middlewich	4,965.94	4,916.28
Millington	104.30	103.26
Minshull Vernon	154.72	153.18
Mobberley	1,487.49	1,472.61
Moston	340.52	337.11
Mottram St Andrew	411.42	407.31
Nantwich	5,542.29	5,486.86
Nether Alderley	598.82	592.83
Newbold Astbury-cum-Moreton	360.47	356.87
Newhall	422.81	418.59
Norbury	104.25	103.20
North Rode	129.29	128.00
Odd Rode	2,017.50	1,997.33
Ollerton with Marthall	322.77	319.54
Over Alderley	217.09	214.91
Peckforton	77.45	76.67
Peover Superior	408.98	404.89
Pickmere	381.85	378.03
Plumley with Toft and Bexton	412.89	408.76
Poole	79.22	78.43
Pott Shrigley	151.70	150.18
Poynton with Worth	5,939.16	5,879.76
Prestbury	2,227.32	2,205.04
Rainow	601.30	595.29
Ridley	88.17	87.28
Rope	892.39	883.46
Rostherne	81.81	80.99
Sandbach	8,175.07	8,093.32
Shavington-cum-Gresty	2,160.15	2,138.55
Siddington	184.63	182.78
Smallwood	325.70	322.44
Snelson	81.01	80.20
Somerford	552.67	547.14
Sound	117.14	115.97
Spurstow	194.14	192.20
Stapeley	1,725.91	1,708.65
Stoke	113.49	112.35
Styal	380.59	376.78
Sutton	1,142.80	1,131.37
Swettenham	177.28	175.51
Tabley	238.28	235.90
Tatton	13.26	13.13
Twemlow	115.09	113.94
Walgherton	67.21	66.54
Wardle	53.73	53.19
Warmingham	115.47	114.32
Weston	949.65	940.16
Wettenhall	120.04	118.84
Willaston	1,423.23	1,409.00
Wilmslow	11,927.20	11,807.93
Wincle	94.76	93.81
Wirswall	42.27	41.85
Wistaston	3,140.69	3,109.28
Woolstanwood	244.47	242.02
Worleston	127.50	126.23
Wrenbury	540.08	534.68
Wybunbury	703.14	696.11
	154,139.23	152,597.84

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COUNCIL MEETING – 19TH DECEMBER 2019**COUNCIL TAX SUPPORT SCHEME FOR 2020/21****RECOMMENDATION**

That Council

1. amend the Council Tax Support scheme for 2020/21 as follows:

- (a) Introduce a ‘banded scheme’, that is reviewed annually in line with the Consumer Price Index for September of the preceding year, with the income initial bands and levels of support set as follows:**

Maximum award	Single	Couple	Couple / lone parent with 1 child	Couple / lone parent with 2 or more children
75%	£0 - £90	£0 - £140	£0 - £200	£0 - £290
60%	£90.01-£115	£140.01-£170	£200.01-£230	£290.01-£320
45%	£115.01-£140	£170.01-£200	£230.01-£270	£320.01-£360
30%	£140.01-£165	£200.01-£230	£270.01-£300	£360.01-£390
15%	£165.01-£190	£230.01-£260	£300.01-£320	£390.01-£410

Table 1 Proposed income bands and support for working age claimants

- (b) Disregard the first £40 weekly income for those customers classed as disabled under the current scheme;**
- (c) Fully disregard Carer’s allowance;**
- (d) Disregard the first £25 of all weekly-earned income;**
- (e) Increase the maximum period that claims for Council Tax Support can be backdated from 13 weeks to 12 months, where customers can show good reasons for the delay;**
- (f) Increase the fixed non-dependent deduction for other adults in the household from £7 to £8 per week;**
- (g) Stop the additional 8 weeks top-up payment for some people who start work, known as extended payments; and**

2. note that, apart from the recommendations listed above, all other elements of the scheme are to remain unchanged.

Extract from the Minutes of the Cabinet meeting on 3rd December 2019

84 COUNCIL TAX SUPPORT SCHEME FOR 2020/21

Cabinet considered a report on the Council Tax Support Scheme for 2020/21, including proposed amendments to the scheme to make it simpler and more efficient.

RESOLVED

That Cabinet recommends that Council

1. amend the Council Tax Support scheme for 2020/21 as follows:
 - (a) Introduce a 'banded scheme', that is reviewed annually in line with the Consumer Price Index for September of the preceding year, with the income initial bands and levels of support set as follows:

Maximum award	Single	Couple	Couple / lone parent with 1 child	Couple / lone parent with 2 or more children
75%	£0 - £90	£0 - £140	£0 - £200	£0 - £290
60%	£90.01-£115	£140.01-£170	£200.01-£230	£290.01-£320
45%	£115.01-£140	£170.01-£200	£230.01-£270	£320.01-£360
30%	£140.01-£165	£200.01-£230	£270.01-£300	£360.01-£390
15%	£165.01-£190	£230.01-£260	£300.01-£320	£390.01-£410

Table 2 Proposed income bands and support for working age claimants

- (b) Disregard the first £40 weekly income for those customers classed as disabled under the current scheme;
- (c) Fully disregard Carer's allowance;
- (d) Disregard the first £25 of all weekly-earned income;

- (e) Increase the maximum period that claims for Council Tax Support can be backdated from 13 weeks to 12 months, where customers can show good reasons for the delay;
 - (f) Increase the fixed non-dependent deduction for other adults in the household from £7 to £8 per week;
 - (g) Stop the additional 8 weeks top-up payment for some people who start work, known as extended payments; and
2. note that, apart from the recommendations listed above, all other elements of the scheme are to remain unchanged.

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Working for a brighter future together

Key Decision N

Date First
Published: N/A

Cabinet

Date of Meeting: 03 December 2019

Report Title: Council Tax Support Scheme for 2020/21

Portfolio Holder: Cllr Amanda Stott - Finance, IT and Communication

Senior Officer: Alex Thompson, Director of Financial and Customer Services

1. Report Summary

- 1.1. Further to Central Government's welfare reform changes, Council Tax Benefit was abolished and from April 2013 has been replaced by a localised Council Tax Support Scheme. Full Council must approve the scheme each year.
- 1.2. The scheme was last fully reviewed in 2015 and changes were made, following a public consultation, for 2016/17. Council approved this on 15 December 2015¹.
- 1.3. The Council's scheme only affects those of working age; pensioners are protected and MHCLG maintain this scheme, which mirrors the former Council Tax Benefit. Details of the Council's current scheme can be found at: https://www.cheshireeast.gov.uk/benefits_housing_council_tax/council-tax-support.aspx.
- 1.4. Under the current means-tested scheme every change of income, no matter how small, results in the claim being reassessed. A new Council Tax demand is issued where this changes the level of the award and revised instalments for the remainder of the financial year.
- 1.5. It is proposed to amend the scheme so that it is based on income bands, removing multiple changes to assessment levels, reducing the number of

¹ <http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=239&MId=5728&Ver=4>

Council Tax demands issued throughout the year, providing the income remains in the same income band. This scheme will also be much simpler than the current complex means-tested calculation, making it easier for customers (existing and potential) to understand.

- 1.6. The changes will also reduce the administration of the scheme improving efficiency, but are not intended to reduce the overall cost of the scheme.

2. Recommendations

That Council:

- 2.1. Amend the Council Tax Support scheme for 2020/21 as follows:

- 2.1.1 Introduce a 'banded scheme', that is reviewed annually in line with the Consumer Price Index for September of the preceding year, with the income initial bands and levels of support set as follows:

Maximum award	Single	Couple	Couple / lone parent with 1 child	Couple / lone parent with 2 or more children
75%	£0 - £90	£0 - £140	£0 - £200	£0 - £290
60%	£90.01-£115	£140.01-£170	£200.01-£230	£290.01-£320
45%	£115.01-£140	£170.01-£200	£230.01-£270	£320.01-£360
30%	£140.01-£165	£200.01-£230	£270.01-£300	£360.01-£390
15%	£165.01-£190	£230.01-£260	£300.01-£320	£390.01-£410

Table 1 Proposed income bands and support for working age claimants

- 2.1.2 Disregard the first £40 weekly income for those customers classed as disabled under the current scheme.
- 2.1.3 Fully disregard Carer's allowance.
- 2.1.4 Disregard the first £25 of all weekly-earned income.
- 2.1.5 Increase the maximum period that claims for Council Tax Support can be backdated from 13 weeks to 12 months, where customers can show good reasons for the delay.
- 2.1.6 Increase the fixed non-dependent deduction for other adults in the household from £7 to £8 per week.
- 2.1.7 Stop the additional 8 weeks top-up payment for some people who start work, known as extended payments.

- 2.2. Note that, apart from the recommendations listed above, all other elements of the scheme are to remain unchanged.

3. Reasons for Recommendations

- 3.1. The current scheme is complex relying on calculations looking at the claimant's household income and make up. Each assessment requires an assessment against categories for different needs and a taper applied to income. A simpler scheme will benefit those claiming, make it easier to identify potential liability and be more efficient to administer.
- 3.2. To cater for those customers with additional needs and responsibilities, changes have been made to provide additional support by:
- Disregarding an additional £40 income from those customers who are classed as disabled under the scheme. Disability Living Allowance, Personal Independence Payment and Attendance Allowance are already fully disregarded.
 - Fully disregard Carer's allowance.
- 3.3. Customers are currently classed as disabled who are:
- blind or have recently regained their sight or
 - in receipt of disability living allowance, personal independence payment, attendance allowance, war pensioner's mobility supplement, disability element or severe disability element of working tax credit, severe disablement allowance, incapacity benefit at the long term rate, or at the short term rate for those terminally ill or
 - treated as long term sick (incapable of work) or
 - in receipt of an invalid vehicle supplied by the NHS or get payments from DWP for car running costs
- 3.4. To encourage those who can work to do so, the first £25 of weekly earnings are to be disregarded. This is in addition to the current disregards of tax, national insurance and half of contributions towards a private pension.
- 3.5. The additional earnings disregard will help those starting work. The current scheme allows some customers starting work to keep their support for the first 8 weeks regardless of their level of earnings. The level of support given is low, compared to the annual liability, and involves manual intervention by officers to identify and administer. The increased earnings

disregard will help all customers who are in work on a low wage and for the whole of their award period. This will be much more efficient to administer.

- 3.6. A flat-rate deduction is made in respect of other adults living in the household, recognising that they should be contributing to household bills. The rate has been at £7 per week since 2016. An increase to £8 per week is proposed; the first increase in 4 years.
- 3.7. Some customers may have good reasons for failing to claim at the correct time. To support those demonstrating good cause for the delay, the maximum period support can be updated is to be increased from 13 weeks to 12 months.
- 3.8. Every change in circumstance requires a reassessment and where this changes the level of award, the claimant receives a Council Tax demand with revised instalments for the remainder of the financial year.
- 3.9. Customers must be given a minimum of 14 days notice of a revised instalment. Depending on the timing of a change in circumstance, if income regularly changes, a customer may not have an instalment collected for one or more months, resulting in increased payments for the rest of the financial year.
- 3.10. Many claimants have numerous changes, making it difficult to budget or to understand what impact a change in income may have.
- 3.11. The proposed banded scheme is much simpler and will reduce the amount of changes resulting in revised demands and instalments. Potential customers can also more easily identify potential entitlement. The scheme will continue to support those in need, protecting those most vulnerable and encourage those who can work, to do so.
- 3.12. Having agreement that the income bands can increase by CPI each year removes the need to undertake annual public consultation. Council can consider the levels within the scheme as part of the wider annual Council Tax base report.
- 3.13. The change in the scheme supports the Council's key outcome to be a responsible, effective and efficient organisation.

4. Other Options Considered

- 4.1. The scheme could remain unchanged. However, this would continue to result in numerous reassessments of claims for small changes in income, issuing of revised Council Tax demands and benefit notifications, with resulting changes in instalments. This would not deliver any efficiency in

the administration and would remain a complex scheme where most customers do not fully understand the calculation.

5. Background

5.1. Further to Section 1, the Council Tax Support Scheme is intended to help those on low income/low earnings meet their Council Tax liability, reducing debt and poverty. The Council's current scheme is designed to:

- Incentivise those who can work to do so
- Reward those who are in work, on a low wage
- Encourage those on a low income to downsize and move to more affordable housing (lower banded)
- Allow those with capital over £6k to meet their liability

5.2. Following the review of the scheme in 2015, the main features of the existing scheme are:

- To restrict the maximum support available to that of a Band B property in the claimant's area
- All working age claimants have a minimum contribution of 25% of their liability (subject to restrictions applied under 5.2.1)
- Minimum award of £2 per week
- Capital limit of £6k
- Fixed non-dependent deduction of £7 per week
- Allowances used in the means tested calculation are increased annually in line with those for Housing Benefit
- Claims can be backdated for up to 13 weeks where a claimant has a good reason for not applying sooner
- Council Tax Support continues at the same level for the 1st 8 weeks when the claimant starts work

5.3. Under the current scheme every change of income, no matter how small, results in the claim for Council Tax Support being reassessed, a new Council Tax demand issued and revised instalments for the rest of the financial year. Many customers who are working, and in receipt of Universal Credit, face reassessments every month where their earnings may fluctuate by only a few pence each week.

- 5.4. A public consultation has been held on the proposed changes (see section 8). A total of 549 responses were received.
- 5.5. With regards to the proposed income bands, categories and level of support, there was clear agreement:

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know / Not sure
Proposed 4 household categories	20.5%	45.6%	15.0%	7.2%	3.8%	8.0%
Proposed weekly income bands	18.4%	45.8%	16.1%	8.0%	3.9%	7.8%
Proposed award bands	18.3%	45.2%	15.2%	8.8%	4.1%	8.4%
Overall support	19.8%	44.1%	16.7%	7.6%	3.4%	8.4%

Table 2 Response on bands, categories and level of support

- 5.6. 61.3% of respondents supported the proposal that the income bands are then revised annually in line with the Consumer Price Index for the September in the preceding financial year.
- 5.7. The responses were in support of the other changes:

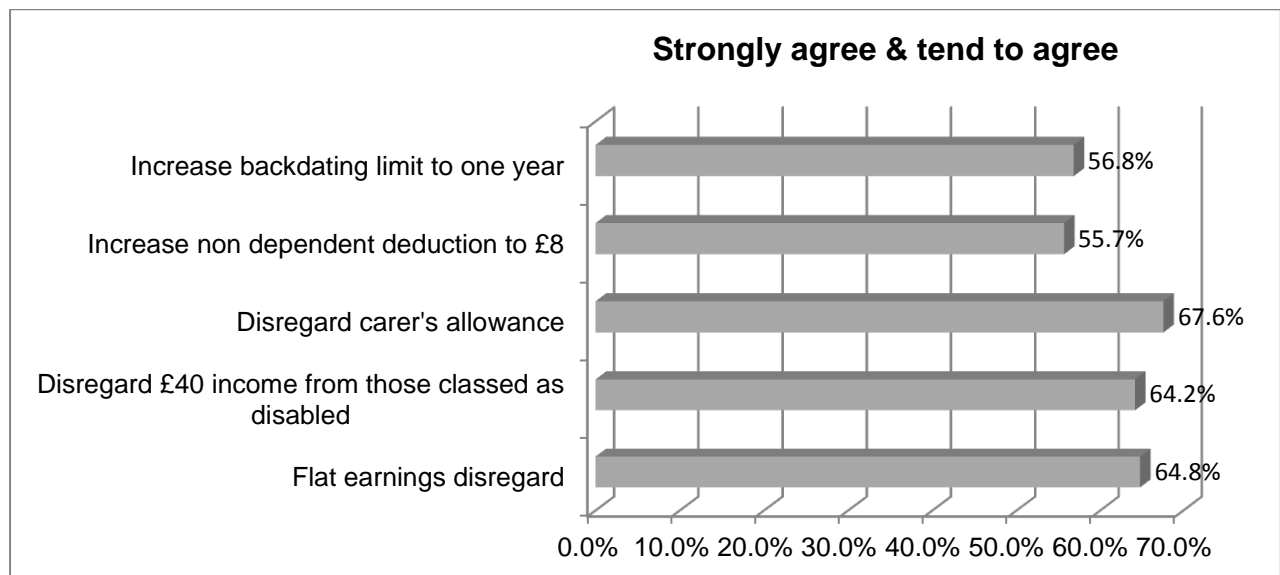


Table 3 Responses in support of the proposals

- 5.8. The proposal receiving the least support is to stop the additional 8 weeks payment for some people who start work. Of those expressing an opinion to agree or disagree, 40.9% strongly agreed/tended to agree with the proposal with 29.9% strongly disagreeing/tending to disagree. However, those starting work will benefit from the proposed change to disregard £25 of their earnings.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1 Section 13A of the Local Government Finance Act 1992 (as amended) places a duty on the Council to make a scheme specifying the reductions to Council Tax for those:

- Persons whom the Council considers to be in financial need, or
- Persons in classes consisting of persons whom the Council consider to be, in general, in financial need

6.1.2 The scheme must be approved by full Council preceding the start of the financial year it relates to.

6.2. Finance Implications

6.2.1 The cost of the Council Tax Support Scheme has an impact on the Council Tax base.

6.2.2 The tax base reflects assumptions around the Council Tax Support Scheme. Since it was introduced, the cost has been monitored and an allowance for risk was added. The risks include uncertainty over the economy and the potential for a major employer to leave the area (with no alternative employment available).

6.2.3 The overall cost of the proposed scheme is in line with the current expenditure c.£15.4m (against a budget in the tax base calculation of £16.2m for 2019/20). This will be revised for 20/21 in line with the Council Tax increase, when approved.

6.3. Policy Implications

6.3.1 The change to the scheme supports the following strategic outcome:

- A responsible, effective and efficient organisation

6.4. Equality Implications

6.4.1 An Equality Impact Assessment is attached as Appendix A.

6.5. Human Resources Implications

6.5.1 The administration for processing the applications is within the Benefits Section. There are no proposals to change this.

6.6. Risk Management Implications

6.6.1 As the Scheme is demand led, there is a risk that a large increase in demand will inflate the cost of the scheme.

6.6.2 To mitigate this, the tax base reflects assumptions around the Council Tax Support Scheme. Since it was introduced the cost has been monitored and an allowance for risk was added. The risks included uncertainty over the economy, the potential for a major employer to leave the area. Regular monitoring is undertaken and the proposed scheme has been modelled against the current caseload.

6.7. Rural Communities Implications

6.7.1 There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1 There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1 There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1 The reduction in assessments generating a change in entitlement will reduce the number of revised Council Tax Demands issued.

6.10.2 In addition the service is digital with customers encouraged to sign up to receive all the information in their on-line portal².

7. Ward Members Affected

7.1. All local Ward Members are affected

² <https://www.cheshireeast.gov.uk/account/cheshire-east-account.aspx>

8. Consultation & Engagement

- 8.1. A public consultation ran from 25 July 2019 to 16 September 2019 to seek views on the proposed changes to the scheme. This was promoted on the Council's web site and drop in sessions were held at Crewe and Macclesfield. It was also promoted at key stakeholder events, forums, by telephone, email and face to face with customers contacting the service during the consultation window.
- 8.2. The findings of the consultation are included within section 5.

9. Access to Information

- 9.1. Details on the Council Tax Support Scheme can be found at:
https://www.cheshireeast.gov.uk/benefits_housing_council_tax/council-tax-support.aspx.

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

Name:	Liz Rimmer
Job Title:	Benefits Manager
Email:	liz.rimmer@cheshireeast.gov.uk

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EQUALITY IMPACT ASSESSMENT

TITLE: Council Tax Support Scheme

VERSION CONTROL

Date	Version	Author	Description of Changes
16.6.19	1	Alison Edwards	

EQUALITY IMPACT ASSESSMENT

CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

Stage 1 Description: Fact finding (about your policy / service /

Department	Corporate		Lead officer responsible for assessment		Alison Edwards	
Service	Benefits		Other members of team undertaking assessment			
Date	16.6.19		Version		1	
Type of document (mark as appropriate)	Strategy	Plan	Function	Policy	Procedure	Service
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	New		Existing		Revision	
Title and subject of the impact assessment (include a brief description of the aims, outcomes , operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service	<p>Council Tax Support Scheme</p> <p>The Cheshire East CTS scheme for working age residents is intended to help those on low income/low earnings meet their Council Tax liability, reducing debt and poverty.</p> <ul style="list-style-type: none"> • To incentivise those who can work to do so • To reward those who are in work, on a low wage • For those with capital to meet the liability • To encourage those on low income to downsize and move to more affordable housing (lower banded) <p>The original scheme was designed as draft and consulted on. The consultation feedback was considered, the scheme reviewed then approved by Cabinet and came into place on 1 April 2013.</p> <p>The proposed changes to the scheme are to enable a simplification of the administration processes rather than any reduction in the cost of the scheme itself.</p>					
Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)	<p>The proposals for the changes to the scheme are to be consulted on with all our stakeholders and partners. General public, Councillors, Welfare Groups, employees, local charities.</p>					

EQUALITY IMPACT ASSESSMENT

What consultation method(s) did you use?	<p>The consultation is to be shared with the community via the Cheshire East website and the Connected Community Centres via the Partnerships Team.</p> <p>Requests will be made to the members of Cheshire East Welfare Rights Forum and Registered Providers Forum. Direct requests will be made to the Cheshire East Digital Panel Consultation.</p> <p>Face to face consultation will take place in both Macclesfield Town Hall and Delamere House</p>
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Stage 2 Initial Screening

Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)	The proposals will only affect those of Working age resident within Cheshire East who have a Council Tax liability. 26% of the CTS caseload (4,810 households) are Working Age and not in receipt of a 'passported' benefit and are therefore affected by the changes proposed.
Who is intended to benefit and how?	The scheme is designed to benefit those of working age who have a low income or low earnings.
Could there be a different impact or outcome for some groups?	Some groups may be affected differently – specific assistance is being targeted towards those in receipt of disability benefits, Carer's allowance and working
Does it include making decisions based on individual characteristics, needs or circumstances?	Each CTS decision is made specifically on the circumstances of the individual claimants.
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)	It is unlikely that this scheme will have any affect on relationships between different groups or communities.
Is there any specific targeted action to promote equality? Is there a history of unequal	<p>The scheme will take into account the household income of those applying for support.</p> <p>Each claim is considered based on it's own merits.</p> <p>There is no history of unequal outcomes</p>

EQUALITY IMPACT ASSESSMENT

outcomes (do you have enough evidence to prove otherwise)?								
Is there an actual or potential negative impact on these specific characteristics? (Please tick)								
Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N
Disability	Y	N	Pregnancy & maternity	Y	N	Sex	Y	N
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N
What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts							Consultation/ involvement carried out	
							Yes	No
Age	The scheme only affects working age residents – pension age applicants are still protected under the original national Council Tax Benefit scheme					Yes		
Disability	The allowances for claimants in receipt of disability benefits are proposed to be altered to a flat rate disregard from the disability income – comments to be sought from relevant groups in respect of this change – DIB etc					Yes		
Gender reassignment	No affect in relation to gender reassignment					Yes		
Marriage & civil partnership	No direct affect in relation to marriage or civil partnership – scheme considers single, lone parents and couples and their specific income					Yes		
Pregnancy & maternity	No affect in relation to pregnancy or maternity					Yes		
Race	No affect in relation to race – decisions not impacted by race					Yes		
Religion & belief	No affect in relation to religion/belief – decisions not impacted by either					Yes		
Sex	No affect in relation to sex – the income of single applicants regardless of sex is used					Yes		
Sexual orientation	No affect in relation to sexual orientation – this information has no impact of an application					Yes		

EQUALITY IMPACT ASSESSMENT

Proceed to full impact assessment? (Please tick)	Yes	No	Date 16.6.19
Lead officer sign off		Date 16.6.19	
Head of service sign off		Date 25.7.19	

If yes, please proceed to Stage 3. If no, please publish the initial screening as part of the suite of documents relating to this issue

EQUALITY IMPACT ASSESSMENT

Stage 3 Identifying impacts and evidence

This section identifies if there are impacts on equality, diversity and cohesion, what evidence there is to support the conclusion and what further action is needed

Protected characteristics	Is the policy (function etc....) likely to have an adverse impact on any of the groups? Please include evidence (qualitative & quantitative) and consultations <i>List what negative impacts were recorded in Stage 1 (Initial Assessment).</i>	Are there any positive impacts of the policy (function etc....) on any of the groups? Please include evidence (qualitative & quantitative) and consultations <i>List what positive impacts were recorded in Stage 1 (Initial Assessment).</i>	Please rate the impact taking into account any measures already in place to reduce the impacts identified <i>High:</i> Significant potential impact; history of complaints; no mitigating measures in place; need for consultation <i>Medium:</i> Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures <i>Low:</i> Little/no identified impacts; heavily legislation-led; limited public facing aspect	Further action (only an outline needs to be included here. A full action plan can be included at Section 4) <i>Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.</i>
Age				
Disability				
Gender reassignment				
Marriage & civil partnership				
Pregnancy and				

EQUALITY IMPACT ASSESSMENT

maternity				
Race				
Religion & belief				
Sex				
Sexual orientation				
Is this change due to be carried out wholly or partly by other providers? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)				

Stage 4 Review and Conclusion
ASSESSMENT

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed			
Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date
Please provide details and link to full action plan for actions			
When will this assessment be reviewed?			
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer sign off		Date	
Head of service sign off		Date	

Please publish this completed EIA form on the relevant section of the Cheshire East website

COUNCIL MEETING – 19TH DECEMBER 2019**REVISED STATEMENT OF GAMBLING PRINCIPLES****RECOMMENDATION**

That the draft revised Statement of Gambling Principles be adopted.

Extract from the Minutes of the Cabinet meeting on 5th November 2019

74 REVISED STATEMENT OF GAMBLING PRINCIPLES

Cabinet considered a report on a revised Statement of Gambling Principles which had been the subject of consultation with stakeholders identified within the Gambling Act 2005.

RESOLVED

That Cabinet

1. notes the changes to the draft revised Statement of Gambling Principles as set out in Appendix 1 to the report; and
2. recommends the draft revised Statement of Gambling Principles to Council for adoption.

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Working for a brighter future together

Key Decision: No
Date First Published: N/A

Cabinet

Date of Meeting: 05 November 2019

Report Title: Revised Statement of Gambling Principles

Portfolio Holder: Cllr Mick Warren - Communities

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

- 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 during the three year period to which the statement applies.
- 1.2. The Council is required to review its existing statement of principles and publish a revised version. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders identified within the Gambling Act 2005.

2. Recommendations

- 2.1. That Cabinet
 - 2.1.1. Notes the changes to the draft revised Statement of Gambling Policy as set out in appendix 1 to the report.
 - 2.1.2. Recommends the draft revised Statement of Gambling Policy to Council for adoption.

3. Reasons for Recommendations

- 3.1. The Statement of Gambling Principles is the policy document used by the Licensing Authority when making decision under the Gambling Act 2005. It forms part of the Council's Budgetary and Policy Framework.

- 3.2. The Council is required to adopt a Statement of Gambling Principles in accordance with section 349 of the Gambling Act 2005.

4. Other Options Considered

- 4.1. No other options have been considered. The Council is required by section 349 of the Gambling Act 2005 to adopt a Statement of Gambling Principles. The route for adopting this document is set out both in legislation and by virtue of the requirements in the Council's Constitution.

5. Background

- 5.1. 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.
- 5.2. The draft statement, a copy of which is attached as Appendix 1, incorporates some amendments (set out in Appendix 2), but in essence remains substantially the same as previous iterations.
- 5.3. The Licensing Team have not received any comments, either positive or negative, on the current statement. Similarly, the Council has not been subject to judicial challenge on the content of the statement
- 5.4. The Statement of Gambling Principles is the policy document that the Licensing Act Sub-Committee will use when determining contested applications under the Gambling Act 2005. Consequently, it needs to adequately guide applicants, objectors, Licensing Authority Officers, and Committee Members.
- 5.5. The statement must reflect that the Council is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives:
- 5.5.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - 5.5.2 Ensuring that gambling is conducted in a fair and open way
 - 5.5.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 5.6. Within the last three years, the period the Council's current Statement of Principles has been in operation, there has been no significant increase or

decrease in the number of premises requiring a gaming permit or a premises licence.

- 5.7. There have been no contested applications and it has not been necessary for the Sub-Committee to use the statement in any decision making process.
- 5.8. In reviewing the statement of principles officers have considered (amongst other things):
 - 5.8.1 The promotion of the three licensing objectives
 - 5.8.2 The guidance issued under Section 25 of the Gambling Act 2005 and any update guidance provided by the Gambling Commission
 - 5.8.3 The Council's current Statement of Gambling Principles
 - 5.8.4 Equality legislation and requirements
- 5.9. The draft statement of principles was considered by the Licensing Committee on the 6th November 2018. The Committee considered the consent of the principles and resolved that it was appropriate for it to be referred to Cabinet for consideration and Council for adoption.
- 5.10. Additionally, the draft revised principles was subject to consultation between 7th December 2018 and 3rd January 2019. The consultation requirements are set out in The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006. These requirements include; consulting various stakeholders, publishing a notice in local newspapers, and making the draft principles available for public inspection. Additionally, the Licensing Team consulted every elected Member of Cheshire East Council by email.
- 5.11. No responses to the consultation were received.
- 5.12. The draft revised policy was considered at the Environment and Regeneration Overview and Scrutiny Committee on 17th June 2019.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. By virtue of section 349 of the Gambling Act 2005 ('the 2005 Act') the Licensing Authority is required to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies.

6.1.2. The drafting of the Statement of Principles must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ('the 2006 Regulations'). In addition, the Gambling Commission's Guidance to Licensing Authorities ('the Guidance') prescribes that in determining its policy, the Licensing Authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted.

6.2. Finance Implications

6.2.1. There are no direct financial implications in relation to the requested decision.

6.3. Policy Implications

6.3.1. The Council is required to revise and adopt a Statement of Gambling Principles every three years.

6.4. Equality Implications

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

6.4.2. As part of the research undertaken when writing the Local Area Profile within the Statement of Policy, it has been identified that white, working class males in the lower age ranges are most at risk from problem gambling. That profile includes characteristics which are protected under the Equality Act 2012.

6.4.3. As part of the Gambling Commissions Operating Licence conditions and the Licence conditions and codes of practice all gambling operators must have a policy setting out how they will ensure that gambling is conducted appropriately and in accordance with the Licensing Objectives. This is usually called a social responsibility policy and would include provisions setting out how an operator would protect those with protected characteristics from the harms caused by problem gambling.

6.4.4. An Equality Impact Assessment has been carried out as part of this process.

6.5. Human Resources Implications

6.5.1. There are no human resource implications

6.6. Risk Management Implications

6.6.1. It should be noted that the Gambling Act 2005 requires the Licensing Authority to have a Statement of Gambling Principles. However, there is no penalty that could be applied if the Licensing Authority did not adopt a Statement. Notwithstanding, any decisions taken where a policy was not in place could be subject to Judicial Review.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People / Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health in relation to the requested decision.

6.9.2. However, gambling as an activity can have significant and devastating affect on problem gamblers and their families and friends. As identified in the Area Profile the number of premises licensed for gambling in Cheshire East is comparatively low. Additionally, we have recently seen a number of betting shops surrender their licences. Statistically, Cheshire East can be looking at either 3,354 or 1,864 (depending on which measure is used). It can therefore be seen that despite the relatively low number of licensed premises there could still be significant harm being caused to residents. What we are not able to identify is by which method problem gamblers are gambling in Cheshire East (eg betting shops, scratch cards, or online gambling etc).

6.9.3. The Government has recently changed the stakes payable in relation to class B2 gaming machines. These types of machines are commonly referred to as Fixed Odds Betting Terminals (FOBTs) and were usually available for play in betting shops. The Council cannot restrict the number of FOBTs in a betting shop or control them through conditions on any licence.

6.9.4. The Council cannot regulate online gambling within Cheshire East. The regulation of these activities is within the remit of the Gambling Commission. The Commission, in their participation in gambling annual report, has recently reported that online gambling activity has increased.

6.10 Climate Change Implications

6.10.1 There are no direct implications for climate change.

7. Ward Members Affected

7.1. The Statement of Gambling Principles is a Borough wide policy and therefore has the potential to impact on all wards.

8. Consultation & Engagement

8.1. The consultation process followed was that laid down by The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006, which is summarised at paragraph 5.10 of this report.

9. Access to Information

9.1. The changes made to the Statement during the revision have been logged and are attached at appendix 2 for ease of reference.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Kim Evans

Job Title: Licensing Team Leader

Email: kim.evans@cheshireeast.gov.uk



Cheshire East Council

Statement of Gambling Principles

Gambling Act 2005

2019 to 2022

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Appendix 1 Cheshire East Area Profile

Appendix 2 Summary of gaming machine categories and entitlements

Appendix 3 Summary of machine provisions by premises

Appendix 4 Summary of gaming entitlements for clubs and alcohol-licensed premises

Appendix 5 Scheme of Delegation

Appendices 1 - 5 are included to provide further information to those interested in these matters. As the information contained within these appendices are subject to change by Central Government, they are not to be considered a part of the Statement of Principles required by section 349 of the Act. They will be subject to reasonable amendment to ensure that they remain accurate and correctly reflect the appropriate entitlements. Any amendment of this nature will not be considered a review of the Statement. As such the requirements for consultation will not apply.

1 Introduction

- 1.1 This Statement of Gambling Principles is published by Cheshire East Council, as the Licensing Authority, in accordance with Section 349 of the Gambling Act 2005. The Act requires the Licensing Authority to prepare and publish a Statement of Principles which sets out the policies that the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.2 The Licensing Authority 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 In exercising most of its functions under the Act, the Licensing Authority must have regard to the 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
- 1.4 As required by the Gambling Act 2005, the draft Statement of Principles was subject to formal consultation with:
 - Cheshire Constabulary
 - Representatives of those carrying on gambling businesses within the Borough of Cheshire East.
 - Representatives of those persons likely to be affected by the exercise of the Licensing Authority's functions under the Act

2 General Principles

- 2.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 2.2 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.
- 2.3 Nothing in this Statement 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.
- 2.4 The Licensing Authority recognises that unmet demand is not a relevant consideration when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.

- 2.5 The Licensing Authority also recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and 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.
- 2.6 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.
- 2.7 In carrying out its licensing functions under the Act the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- In accordance with any relevant Codes of Practice issued by the Gambling Commission
 - In accordance with any relevant Guidance issued by the Gambling Commission in accordance with this Statement of Principles, and
 - Reasonably consistent with the licensing objectives

3 Gambling Prevalence and Problem Gambling

- 3.1 In 2010 NatCen's British Gambling Prevalence Survey showed that 73% of the population, had participated in some form of gambling in the past year with 56% of the population participating in some form of gambling other than the National Lottery.
- 3.2 The most popular gambling activities are:

Type	% of adult population
National Lottery	59%
National Lottery scratch cards	24%
Betting on horse races	16%
Playing slot machines	13%
Online gambling	5%
Placed bets by internet	4%
Fixed Odds Betting Terminals	4%
Gambled in a casino	4%

- 3.3 Men were more likely to gamble than women (75% compared with 71%). People in higher income households were more likely to gamble; 72% in the highest income households; 61% in the lowest income households. Those with higher levels of education were less likely to gamble; 61% of those with a degree gambled compared with 73% who were educated to GCSE/O level equivalent.
- 3.4 Gambling participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.
- 3.5 Gambling prevalence rates were highest among those who were either married or had been married (75%), respondents who were White/White British (76%), those whose highest educational attainment was GCSEs or equivalent (76%) or had other

qualifications (78%), those from lower supervisory/technical households (79%), those in paid work (78%), those with the highest personal income (79% for the 4th income quintile and 76% for the highest income quintile) and those living in the East Midlands (80%).

- 3.6 Two measures of problem gambling showed rates of problem gambling in the general population of 0.9% and 0.5%. A significant association was found between problem gambling and being a young male with parents who gambled. It was also associated with smoking and poor health.
- 3.7 The GamCare Annual Review 2016/2017 showed that 18% more clients accessed their treatment network than the previous year. Similarly, registered forum users rose by 23% based on the previous year's figures. They have significantly expanded their online treatment services and now include weekend appointments. It is unclear from their report if this increase is identifying an increase in problem gambling or an increase of existing problem gamblers now accessing help.
- 3.8 They also commenced a pilot project in Cheshire. This project trained Cheshire Constabulary custody staff to screen for problem gambling, understand the complexities of the issue and, where possible, to signpost to local support services.
- 3.9 Since the pilot project launched in three custody suites across Cheshire, 609 screenings have taken place and 85 (14%) resulted in a brief intervention to minimise gambling-related harm. Of those 17 (20%) have been referred into more structured counselling treatment with local providers.
- 3.10 When gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who access GamCare's services (eg counselling) this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt. It should be acknowledged that the harm caused by problem gambling extends beyond the problem gambler themselves to include their family and friends. And can disproportionately affect the most vulnerable in society.

4 Cheshire East Area Profile

- 4.1 Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.
- 4.2 A full profile of the Borough is set out at Appendix 1.
- 4.3 As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that none is exploited or harmed by gambling.

5 The Gambling Act 2005

- 5.1 Gambling is defined in the Act as either gaming, betting, or taking part in a lottery.
- Gaming means playing a game of chance for a prize
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
 - A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance
- 5.2 The Act provides for three categories of licence:
- Operating licences
 - Personal licences
 - Premises licences
- 5.3 In accordance with the Act, the Gambling Commission has responsibility for issuing operating and personal licenses and the Licensing Authority is responsible for issuing premises licenses.
- 5.4 The main functions of the Licensing Authority, and the functions subject to this Statement, are:
- Licence premises for gambling activities
 - Grant permits for gambling and gaming machines in clubs
 - Regulate gaming and gaming machines in alcohol licensed premises
 - Grant permits to family entertainment centres for the use of certain lower stake gaming machines
 - Grant permits for prize gaming
 - Consider notices given for the temporary use of premises for gaming
 - Consider occasional use notices for betting at tracks
 - Register small societies lotteries
- 5.5 It should be noted that:
- Spread betting is regulated by The Financial Services Authority
 - Remote (on-line) gambling is dealt with by the Gambling Commission
 - The National Lottery is regulated by The National Lottery Commission (which merged with the Gambling Commission in October 2013)
- 5.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:
- Casinos
 - Bingo Premises
 - Betting Premises
 - Tracks
 - Adult Gaming Centres
 - Family Entertainment Centres

- Club Gaming and Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Temporary and Occasional Use Notices
- Registration of small society lotteries

- 5.7 The Categories of Gaming Machine Regulations 2007 (as amended) define four classes of gaming machine, categories A, B, C and D, with category B divided into a further 5 sub-categories. A full list of the categories of Gaming Machine, together with the current maximum stakes and prizes, is set out in Appendix 2.
- 5.8 A breakdown of automatic entitlements in gambling premises is set out appendix 3 and a break down of automatic entitlements in alcohol licensed premises is set out at appendix 4.

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. Sections 157 and 349 of the Gambling Act 2005 set out those bodies classified as Responsible Authorities in terms of the Act.
- 6.2 The Licensing Authority will apply the following principles when designating, in writing, a body which is competent to advise the authority about the protection of children from harm:
- 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
- 6.3 Therefore the Licensing Authority will continue to designate the Cheshire East Local Safeguarding Children Board for the purpose of advising it on the protection of children from harm.
- 6.4 Section 211(4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 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 would include:
- The Environment Agency
 - The British Waterways Board
 - The Secretary of State acting through the Maritime and Coastguard Agency
- 6.5 The contact details of all the Responsible Bodies under the Gambling Act 2005 will be available on the Licensing Authorities website.

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:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
 - Has business interests that might be affected by the authorised activities, or
 - Represents persons in either of the two groups above
- 7.2 In determining whether someone lives sufficiently close to a particular premises so as to be affected the Licensing Authority will take into account, among other things:
- The size of the premises
 - The nature of the premises
 - The distance of the premises from the person making the representation
 - The nature of the complainant
 - The potential impact of the premises
- 7.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:
- The size of the premises
 - The catchment area of the premises, and
 - Whether the person making the representation has business interests in the catchment area that might be affected
- 7.4 Business interests will be given a wide interpretation and could include for example partnerships, faith groups and medical practices.
- 7.5 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.
- 7.6 Trade associations, trade unions, residents' and tenants' associations will not, however, generally be viewed 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.
- 7.7 Representatives of Interested Parties may include MPs, Ward Councillors and Parish Councillors. Residents' and tenants' associations, trade unions and trade associations may also represent interested parties if they have members living sufficiently close to the premises. Except in the case of Councillors or MPs representing the ward or wards likely to be affected, when written evidence will be required that a person or body represents an interested party.
- 7.8 If individuals approach Ward Councillors or Parish Councillors, care should be taken that the Councillor is not a member of the Licensing Committee or Licensing Act Sub-Committee, which will deal with the application, nor has an interest which

would prevent them from addressing the Committee or Sub-Committee. If there is any doubt, advice should be sought from the Legal Team or Licensing Team.

- 7.9 Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document (including publication on the Council's website).

8 Premises Licences

- 8.1 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.
- 8.2 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each type of premises.
- 8.3 A licence to use premises for gambling will normally be issued only in relation to premises that are ready to be used for gambling. Where premises have not yet been constructed, an applicant may apply for a provisional statement – See Section 20.
- 8.4 An application for a premises licence may only be made by persons who have a right to occupy the premises.
- 8.5 Except in the case of a betting track premises licence, an application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 8.6 When considering applications for premises licences the licensing authority cannot take into consideration the expected 'demand' for facilities. It should also be noted that moral objections to gambling are not a valid reason to reject applications.
- 8.7 Applications for the grant, transfer or variation of a Premises Licence should be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives.
- 8.8 Premises licences granted must be reasonably consistent with the licensing objectives as follows:

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

- 8.9 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

- 8.10 The Gambling Commission will deal with Operating Licences and Personal Licences so the Licensing Authority will not be concerned about the suitability of an applicant. If concerns arise about a person's suitability, the Licensing Authority will bring those concerns to the attention of the Commission.
- 8.11 The Licensing Authority will take into consideration the proposed location of gambling premises in terms of this Licensing Objective. Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there.
- 8.12 Where appropriate, conditions may be attached to a premises licence requiring the provision of door supervisors. For example, if the premises cannot be adequately supervised from the counter, door supervision may be necessary.
- 8.13 There is a distinction between disorder and nuisance. The Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in determining that distinction. It should be noted that issues of nuisance cannot be addressed under the Act.

Ensuring that gambling is conducted in a fair and open way

- 8.14 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the Operating and Personal Licensing regime.
- 8.15 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions to ensure that the environment in which betting takes place is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 8.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 8.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling. There may also 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.
- 8.18 The Licensing Authority will not normally grant a premises licence for premises which are located close to schools.
- 8.19 When considering whether to grant a premises licence or permit the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

- 8.20 The Act does not define the term ‘vulnerable persons’ but the Licensing Authority considers that this will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a learning disability, the state of their mental health or the effects of alcohol or drugs.
- 8.21 Licence Holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, National Debtline, local Citizens Advice Bureau and relevant independent advice agencies.
- 8.22 The Licensing Authority is aware of the general concern surrounding betting machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such betting machines are located and monitor use to ensure excessive gambling does not take place. The Licensing Authority is also aware that Central Government is considering this issue.

9 Adult Gaming Centres

- 9.1 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 premises.
- 9.2 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 posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureau and other relevant independent advice agencies.

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

10 Betting Premises (other)

- 10.1 The Licensing Authority must be satisfied that the primary use of the premises is to operate as a betting premises in accordance with the principles outlined in paragraph 16 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting and, unless it does so, should not be making gaming machines available on the premises.
- 10.2 The Licensing Authority will take the following into account when considering the number, nature and circumstances of betting machines an operator wants to offer:

- the size of the premises
- the number of counter positions available for person-to-person transactions
- 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

11 Betting Tracks including other sporting venues

- 11.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.
- 11.2 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.
- 11.3 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.
- 11.4 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.

- 11.6 Where the applicant holds a Pool Betting Operating Licence and is going to use the 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.
- 11.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.
- 11.8 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

- 11.9 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.

12 Bingo Premises

- 12.1 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.
- 12.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that:
- all such machines are located in an area of the premises 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 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
 - 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
- 12.3 The Licensing Authority will take account of any guidance 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 and appropriate conditions will be attached to the premises licence.

13 Casinos

- 13.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this Statement of Principles will be updated. Any such decision must be made by the full Council.
- 13.2 This Licensing Authority is not currently able to issue premises licences for casinos. Should the Government propose that more casinos can be licensed in the future, the Licensing Authority will review its position and this Statement of Principles will be updated.

14 (Licensed) Family Entertainment Centres

- 14.1 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.
- 14.2 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 Bureau.
- 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.

15 Licence Conditions

15.1 There are three types of conditions that can be attached to premises licences:

- Mandatory – Conditions prescribed in regulations made by the Secretary of State which must be attached
- Default – Conditions prescribed in regulations made by the Secretary of State which will be attached unless specifically excluded by the Licensing Authority
- Conditions attached by the Licensing Authority

15.2 Any conditions imposed by the Licensing Authority will be appropriate, proportionate and will be:

- 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
- reasonable in all other respects

15.3 Applicants are encouraged to offer their own suggested conditions to demonstrate how the Licensing Objectives can be met.

15.4 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)
- conditions in relation to stakes, fees, winnings or prizes

- 15.5 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.
- 15.6 Door supervisors employed in house 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. The Licensing Authority will also expect door supervisors employed at casinos or bingo premises to have a clear Disclosure and Barring check over the previous three years prior to their employment at the casino or bingo premises.

16 Primary Gambling Activity

- 16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- Casino premises
 - Bingo premises
 - Betting premises, including tracks and premises used by betting intermediaries
 - Adult gaming centre premises (for category C and D machines)
 - Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the Licensing Authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).
- 16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity. This guidance sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.
- 16.3 The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator licence. The Licensing Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

17 Buildings divided into more than one premises

- 17.1 The Guidance states that a building can, in principle, be divided into more than one premises, and subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be

reasonably regarded as being different premises. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The Licensing Authority will follow this guidance.

- 17.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.
- 17.3 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for the premises
 - whether the premises are owned or operated by the same person
 - whether the premises are operated independently of each other

18 Separation of premises within a single building

- 18.1 When considering proposals to divide a building into genuinely separate premises the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
- 18.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The Licensing Authority would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.
- 18.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

19 Access to premises

- 19.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 19.2 The requirement and restrictions relating to access are set out in paragraph 7.26 of the Commission's Guidance. In certain circumstances customers are restricted from accessing different types of gambling premises directly from other licensed premises.

- 19.3 The Guidance at paragraph 7.25 states ‘There is no definition of “direct access” in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.’
- 19.4 It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 19.5 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- 19.6 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit
 - Customers should be able to participate in the activity named on the premises licence

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

20 Provisional Statements

- 20.1 An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.
- 20.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.
- 20.3 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.
- 20.4 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
- the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

21 Reviews of Licences

21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- any relevant code of practice issued by the Gambling Commission
- any relevant guidance issued by the Gambling Commission
- the Licensing Objectives
- the Licensing Authority's Statement of Principles

21.2 The Licensing Authority may reject an application for review if it thinks that the grounds on which the review is sought:

- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the Licensing Objectives or the Licensing Authority's Statement of Principles
- are frivolous
- are vexatious
- 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence
- are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application)
- are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence

21.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

21.4 The Licensing Authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.

- 21.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 21.6 A responsible authority or interested party may apply to the Licensing Authority to review a premises licence. Such reviews can be made in relation to, amongst other things:
- if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address
 - where incidents that have adversely affected one or more Licensing Objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded
 - if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder
- 21.7 As a review of a premises licence can lead to its revocation the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

22 Permits

- 22.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.
- 22.2 The Licensing Authority is responsible for issuing the following permits:
- alcohol licensed premises gaming machine permits
 - club gaming permits and club machine permit
 - prize gaming permits
 - unlicensed family entertainment centre gaming machine permits
- 22.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

23 (Alcohol) Licensed Premises Gaming Machine Permits

- 23.1 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

- any code of practice relating to the location and operation of gaming machines is complied with

23.2 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
- an offence under the Gambling Act has been committed on the premises

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

23.4 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.

23.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that children and young people 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 that 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, local Citizens Advice Bureau, and any other relevant and independent advice agencies.

23.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

23.7 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached to the permit.

23.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

24 Club Gaming and Club Machines Permits

24.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide

gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

24.2 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations)
- It must be permanent in nature
- It must not be established to make a commercial profit
- It must be controlled by its members equally

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

24.3 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
- an objection has been lodged by the Gambling Commission or the Police

24.4 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). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this 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
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled

24.5 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.

25 Prize Gaming Permits

25.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Prize gaming may take place

without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

25.2 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.

25.3 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act 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)
- participation in the gaming must not entitle the player to take part in any other gambling

25.4 The Licensing Authority cannot attach any other conditions to this type of permit.

25.5 During the application process, the applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- an understanding of the limits to stakes and prizes set out in regulations
- That the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm

25.6 The Licensing Authority will only grant a permit after consultation with the Chief Officer of Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

25.7 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

26 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

26.1 Where Category D gaming machines are to be provided at premises which do not have a premises licence but will be wholly or mainly used for making Category D gaming machines available for use, an application may be made for a permit.

26.2 A uFEC can form a part of larger premises provided it is separate and identifiable.

26.3 In exercising its functions in respect of uFEC 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.

- 26.4 The Licensing Authority cannot attach conditions to this type of permit but will consider the following matters in determining the suitability of an applicant for a permit.
- 26.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. These may include appropriate measures and training for staff in dealing with:
- Suspected truant school children on the premises
 - Unsupervised young children on the premises
 - Children causing problems on or around the premises
- 26.6 Applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 26.7 Applicants will be required to demonstrate that they have no relevant convictions as set out in Schedule 7 of the Act.
- 26.8 The Licensing Authority will not normally grant a uFEC permit for premises that are located close to schools.

27 Temporary Use Notices

- 27.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- 27.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 27.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
- 27.4 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.
- 27.5 A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.
- 27.6 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.

28 Occasional Use Notices

- 28.1 The Licensing Authority has little discretion but to accept occasional use notice at 'tracks'. However the Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a 'track'. The applicant will also need to demonstrate that they are responsible for the administration of the 'track' or is an occupier, and therefore permitted to make use of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Cheshire East. If notices are given for a single track which would permit betting to occur for more than 8 days per year the Licensing Authority has an obligation to issue a counter notice preventing such a breach occurring.
- 28.2 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.
- 28.3 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.

29 Travelling Fairs

- 29.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 29.2 It will fall to the Licensing Authority to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The Licensing Authority notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will monitor any travelling fairs that take place in Cheshire East that offer gambling as an ancillary use to the fair through liaison with the Event Safety Advisory Group. The Licensing Authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

30 Small Society Lotteries

- 30.1 The Licensing Authority is responsible for the registration of small society lotteries.
- 30.2 A society is a non-commercial organisation established and conducted:
- for charitable purposes
 - for the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain and the proceeds of any lottery must be devoted to those purposes
- 30.3 The total value of tickets to be put on sale per single lottery must be £20,000 or less or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If either of these values is exceeded, the society will need to be licensed by the Gambling Commission to operate large lotteries.
- 30.4 Applications for registration must be made in accordance with the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007.
- 30.5 An application may be refused on the following grounds:
- An operating licence held by the applicant for registration has been revoked or an application for an operating licence by the applicant for registration has been refused within the past 5 years
 - The applicant is not a non-commercial society
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
 - Information provided in or with the application for registration is found to be false or misleading
- 30.6 Registrations run for an unlimited period, unless the registration is cancelled or revoked.
- 30.7 The limits placed on small society lotteries are as follows:
- At least 20% of the lottery proceeds must be applied to the purposes of the society
 - No single prize may be worth more than £25,000
 - Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society and the maximum single prize is £25,000
 - Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is allowed
- 30.8 No later than three months after each lottery draw, returns must be sent to the Licensing Authority containing the following information:
- The arrangements for the lottery
 - The total proceeds of the lottery
 - The amounts deducted for prizes
 - The amounts deducted for expenses

- The amount applied to the purposes of the society
- Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of such expenses and the sources from which they were paid

31 Exchange of Information

- 31.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 3.1.2 The Council will at all times ensure compliance with the General Data Protection Regulations and the Data Protection Act 2018. However, information will be shared with anyone provided there is a lawful basis to do so. This may include the sharing of personal and/or special category data.

32 Enforcement

- 32.1 The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:
- Proportionate: only intervening when necessary and remedies will be appropriate to the risk posed, and costs identified and minimised
 - Accountable: able to justify its decisions, and be subject to public scrutiny
 - Consistent: implementing rules and standards fairly in a joined-up way
 - Transparent: open, and keep conditions placed on premises licences simple and user friendly
 - Targeted: focusing on the problems, and aiming to minimise the side effects
- 32.2 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but the Licensing Authority will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.
- 32.3 The Licensing Authority will comply with the Enforcement Policy approved by the Council. This Policy includes provisions for licensing offences and is available on the Council's website.

33 Scheme of Delegation

- 33.1 The Licensing Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

- 33.2 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 5 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.

34 Definitions of Gambling Activities

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed family entertainment centres.

Betting

Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Casino

'An arrangement' whereby people can participate in one or more casino games.

Casino Games

Games of chance not being equal chance gaming ie games in which players stake against a 'bank'.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the ‘bank’ is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as either gaming, betting or participating in a lottery.

Games of chance

Includes games that involve elements of both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize

Gaming machines – Categories

The table at appendix 2 sets out the different categories with the maximum stakes and prizes that apply.

Gaming Machines by Premises Type

The table at appendix 3 sets out the different automatic entitlements at each type of premises.

Fixed Odds Betting Terminals

Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for

amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Act classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

Licensed Family Entertainment Centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Operating Licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence

Premises Licence

A premises licence issued by a Licensing Authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Track

A horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Unlicensed Family Entertainment Centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

35 Glossary of Terms

Act:	The Gambling Act 2005
Adult:	Means an individual who is not a child or young person
Applications:	Applications for licences and permits as defined separately in this Policy and the Guidance.
Borough:	The area of Cheshire administered by Cheshire East Borough Council
Child and Young Person:	<p>The Act includes the definition of a child at S.45 as:</p> <p>Meaning of “child” and “young person”</p> <p>(1) In this Act “child” means an individual who is less than 16 years old</p> <p>(2) In the Act “young person” means an individual who is not a child but who is less than 18 years old.</p>
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Council:	Cheshire East Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
GamCare:	GamCare is a leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. GamCare is a national charity and was founded in 1997.
Guidance:	The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.
Interested Party:	<p>Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:</p> <p>(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,</p> <p>(b) has business interests that might be affected by the authorised activities</p> <p>(c) represents persons in either of these groups.</p> <p>Interested parties can also be a councillor or an MP</p>
Licensing Authority:	Cheshire East Council
Licensing	The Act contains three licensing objectives which underpin the

Objectives:	<p>functions that the licensing authorities will perform</p> <ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime 2. Ensuring that gambling is conducted in a fair and open way 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
NatCen:	National Centre for Social Research. Conducted the British Gambling Prevalence Surveys of 1999, 2007 and 2010 on behalf of the Gambling Commission
Notifications:	Means notification of temporary or occasional use notices
Premises:	Any place, including a vehicle, vessel or moveable structure
Regulations:	Regulations made under the Gambling Act 2005
Representations:	In dealing with applications the Council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.
Responsible Authority:	<p>Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives.</p> <p>Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.</p> <p>They are:</p> <ol style="list-style-type: none"> (a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated (b) the Gambling Commission (c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated (d) the fire and rescue authority for the same area (e) (i) in England and Wales, the local planning authority, or (ii) in Scotland, the planning authority (f) the relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (g) an authority which has functions in relation to pollution to the environment or harm to human health (h) anybody, designated in writing by the licensing authority as competent to advise about the protection of children from harm (i) HM Revenue & Customs (j) any other person prescribed in regulations by the Secretary of

State.

Cheshire East – Area Profile (spring 2015)

Introduction

Cheshire East is the third biggest unitary authority in the North West and the thirteenth largest in the country. It therefore has a wide breadth of social grades, age profiles and ranges of affluence. There is a clear link between these measures and the likelihood of a person gambling. It also needs to be acknowledged that there are clear differences between the type of person who gambles responsibly and the type who is identified as a problem gambler. This profile will therefore concentrate on the measures that can contribute to gambling and problem gambling.



People

Cheshire East has an estimated population of 372,700¹, the population density is 3.2 residents per hectare², making Cheshire East less densely populated than the North West (5.0 per hectare) and England (4.1 per hectare).

Between the 2001 and 2011 Census, the median age of residents has increased from 40.6 years to 43.6 years³. Between the same years, the number of over 65s has increased by 11,700 residents or 26%, which is a greater increase than the North West (15%) and England & Wales (20%).

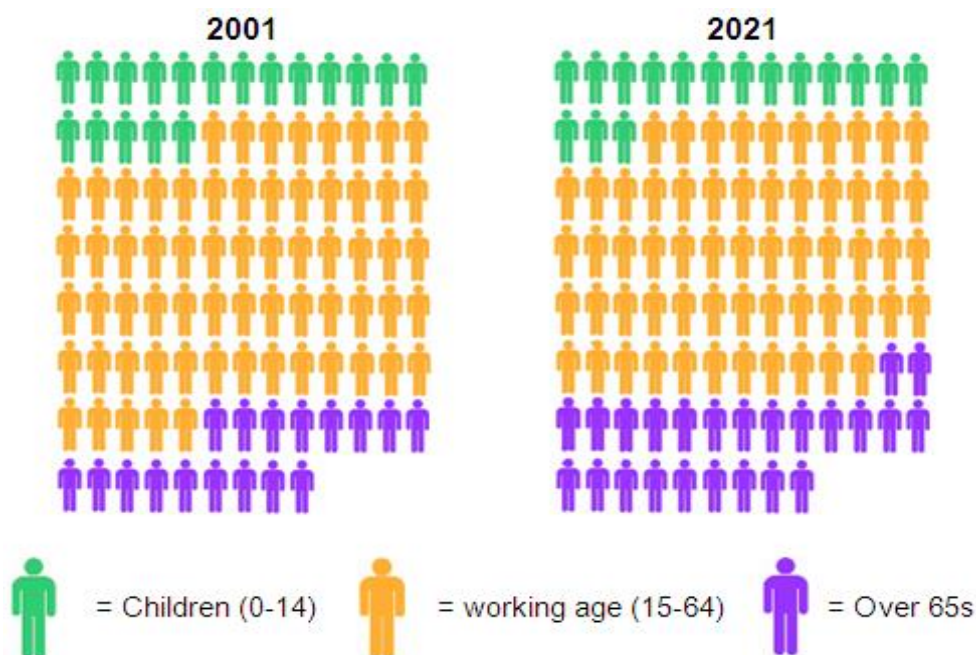
¹ 2013 Mid-year population estimates, Office for National Statistics, NOMIS, Crown Copyright

² 2011 Mid-year population estimates and UK Standard Area Measurements (SAM) 2011, Office for National Statistics, Crown Copyright

³ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

From 2011 to 2021 the population is expected to increase by 15,700 people (4.2%) to 385,800, a greater increase than the North West (3.7%) but less than England (7.5%)⁴. The number of children (aged 0-14) is estimated to increase by 4%, with a slight decrease (-2%) in those of working age (15-64). The number of residents over the age of 65 is expected to increase substantially by 19%, however this increase is similar to England (20% increase). Caution should be exercised when using any predictions about the future population, as they assume trends in recent years will continue into future years.

Figure 1: Proportion of residents by broad age groups – change over 20 years⁵



Economy

Cheshire East contains 5.1% of the North West region's working-age residents⁶, but accounts for an even greater share (5.7%) of the region's employees⁷. In terms of economic output, its contribution is much greater still, at 6.9%⁸.

The proportion of working age residents who are claiming job seekers allowance benefit is low (1.0%) when compared to the North West (2.0%) and England (1.9%) averages⁹. Within Cheshire East there are large disparities – from 0.1% in Adlington & Prestbury to 2.7% in West Coppenhall and Grosvenor. If all out-of-work benefits are included rather than just those actively seeking work, 7.8% of residents of working age receive an out-of-work benefit¹⁰, ranging from 1.4% in

⁴ 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright & 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁶ 2013 Mid-year population estimates, Office for National Statistics, Crown Copyright

⁷ 2013 Business Register and Employment Survey, Office for National Statistics, Crown Copyright

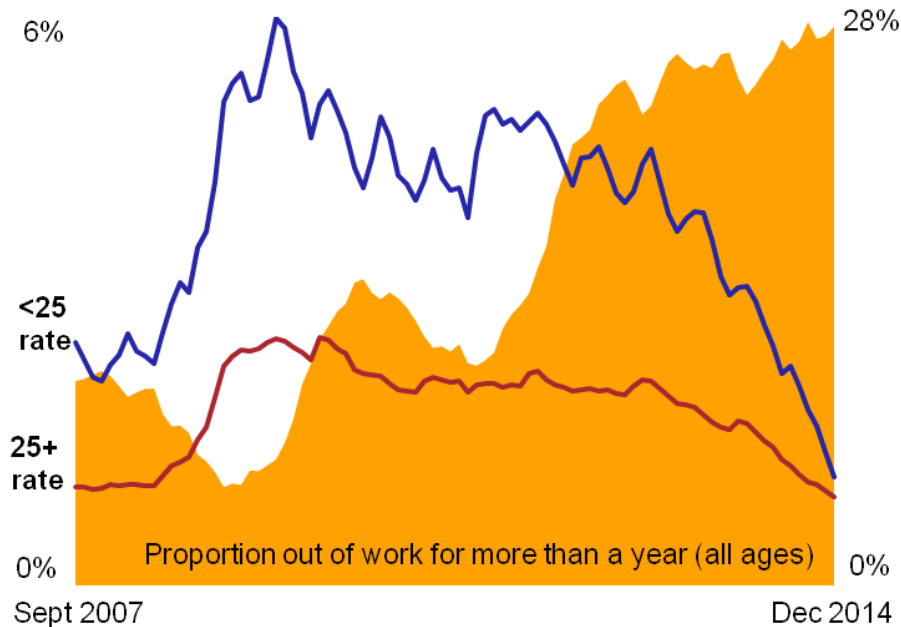
⁸ Regional GVA NUTS3 (1997-2013), Table 3.1, Regional Gross Value Added (Income Approach), Office for National Statistics

⁹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹⁰ Out-of-work benefits, 4 quarter average July 2013 – June 2014, Department for Work and Pensions. Calculations consistent with NI 152/153

Macclesfield Town Tytherington to more than one in four residents of working age (26.5%) in East Coppenhall, Crewe.

Figure 2: Job Seekers Allowance claimants (unemployment) for young people (under 25) and others (over 25), with the proportion of people of all ages claiming for more than one year¹¹



Average (median) household income levels are high (£33,000) compared to Great Britain (£28,500)¹². However, there is a considerable range of average household income levels at ward level, from £18,800 in Crewe St Barnabas ward to £56,900 in Prestbury. Across Cheshire East there are 16 of 231 statistical areas (LSOAs)¹³ which are within the top 20% of most deprived areas in England (figure 3), affecting 28,800 or 7.7% of Cheshire East's population¹⁴. 11 of these areas are in Crewe, with 2 in Wilmslow/Handforth, 2 in Macclesfield and 1 in Congleton. Overall, relative deprivation levels were worse in 2010 than 2007, as only 14 areas were within the top 20% of most deprived areas.

Acorn data is socio-economic data that analyses the residents and places them in classifications, depending on various factors such as demographics, affluence and spending habits. There are seventeen Acorn groups, with the 'Executive Wealth' group being the largest in Cheshire East (27%) a considerably higher proportion than the UK average (12%). There are also approximately five times more residents in the 'lavish lifestyles' groups within Cheshire East compared to the UK, although this group constitutes a small proportion of all Cheshire East's residents (6%).

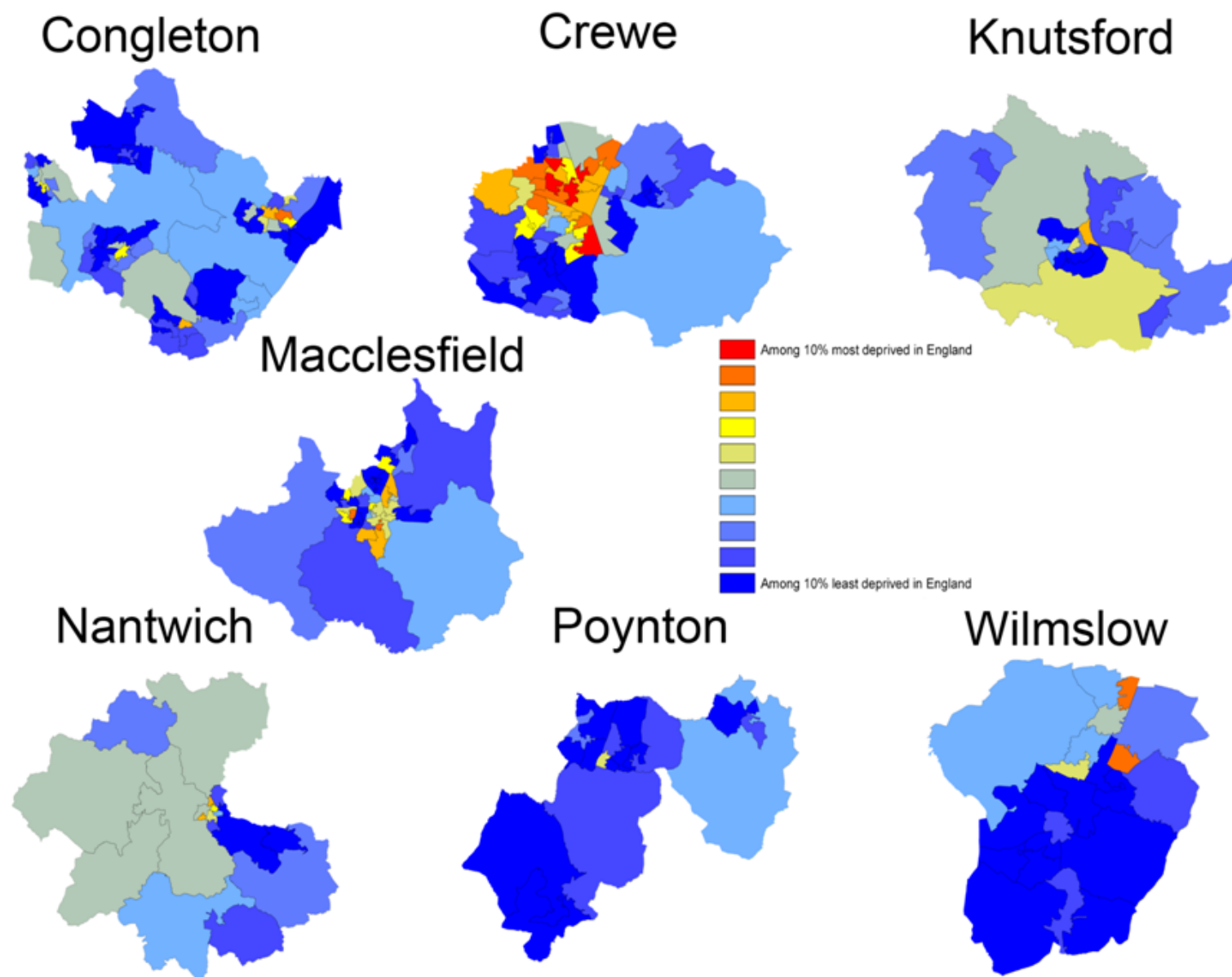
¹¹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹² 2013/14 Paycheck, CACI Ltd. Figures are median values

¹³ Lower Super Output Areas

¹⁴ Indices of Deprivation 2007 and 2010, Department for Communities and Local Government with mid-year population estimates, 2013, Office for National Statistics

Figure 3 Deprivation by LAP, Index of Multiple Deprivation 2010



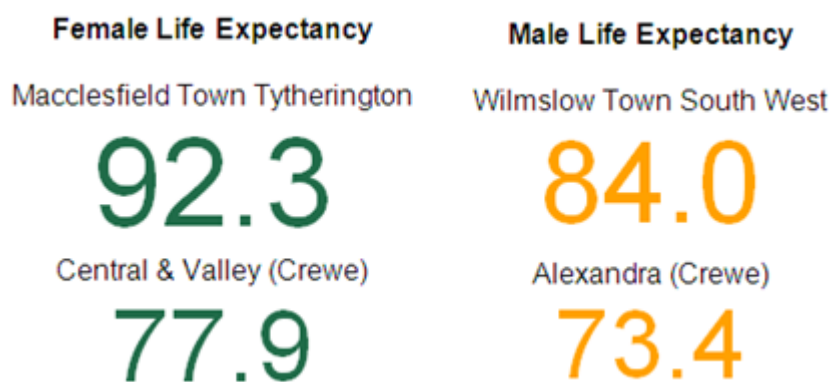
Health

In the 2011 Census, 17.5% of residents reported they had a long term problem or disability which limited their day to day activities, an increase from 16.7% in 2001¹⁵. In a recent survey of the Council's Citizens Panel, 74% of respondents described their general health as 'good or very good' and 5% described it as 'bad or very bad'¹⁶.

Life expectancy (LE) in Cheshire East is higher than regional (North West) and the national (England & Wales) averages. LE at birth for females is 83.6 years, compared to 81.8 years in the North-West and 83.1 years nationally¹⁷. LE at birth for males is 80.4 years, compared to 78.0 in the North West and 79.4 nationally.

There is a noticeable difference within the female population of around 14 years between the lowest rates in Central & Valley (Crewe) and the highest in Macclesfield Town Tytherington¹⁸. For males, there is an 11 year gap between the lowest rates in Alexandra and Crewe and the highest in Wilmslow Town South West.

Figure 4: Male and Female Life Expectancy at birth¹⁹



Smoking rates are generally relatively low. An estimated 16.6% of the adult population are current smokers, which is lower than the North West (23.6%) and England (22.2%). Rates vary from 7.9% in Adlington & Prestbury to 34.3% in St Barnabas²⁰.

Healthy eating rates are relatively high, with an estimated 31.4% regularly consuming their '5 a day', higher than both the North-West average (26.2%) and England (28.7%).

¹⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

¹⁶ Autumn 2011 Survey, InfluenCE, Cheshire East Research and Consultation Team

¹⁷ Life expectancy at birth and at age 65 by local areas in England and Wales, 2011-13, Office for National Statistics. National refers to the figure for England

¹⁸ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

¹⁹ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

²⁰ 2006-08 Estimates of Adults' Health and Lifestyles, Office for National Statistics (ONS)

Education

The qualification levels of working age residents in the Borough (aged 16-64) is high. An estimated 31% have a degree level qualification or equivalent and above, much higher than the North West (21%) and England & Wales (25%)²¹. Conversely, the proportion of residents with no qualifications (9%) is lower than the region (12%) and nationally (11%).

Prevalence of Licensed Gambling Premises

There are a total of 43 licensed gambling premises in Cheshire East, broken down into the following categories:

Town	Type	Number
Betchton (M6 Services)	Adult Gaming Centre	1
Crewe	Adult Gaming Centre	2
Macclesfield	Adult Gaming Centre	1
Total		4

Town	Type	Number
Alderley Edge	Betting Shop	1
Congleton	Betting Shop	3
Crewe	Betting Shop	12
Handforth	Betting Shop	1
Holmes Chapel	Betting Shop	1
Knutsford	Betting Shop	1
Macclesfield	Betting Shop	7
Middlewich	Betting Shop	2
Nantwich	Betting Shop	2
Poynton	Betting Shop	1
Sandbach	Betting Shop	3
Wilmslow	Betting Shop	4
Total		37

Town	Type	Number
Crewe	Bingo	1
Nantwich	Bingo	1
Total		2

There are no casinos and no licensed family entertainment centres.

The largest number of licensed premises are in the towns of Crewe and Macclesfield

²¹ Annual Population Survey January 2011 – December 2011, Office for National Statistics, Crown Copyright

Conclusion

According to NatCen's British Gambling Prevalence Survey of 2010 the rates of problem gambling in the general population are 0.9% and 0.5% (depending on the measures used). This would equate to a problem gambling population in Cheshire East of 33,543 and 18,635.

According to information available from the Gambling Commission there are 13,489 licensed gambling premises in the UK. Cheshire East's licences equate to 0.43% of this total.

Whilst gambling is prevalent across the country this prevalence appears to be concentrated in the main city areas and primarily in the London Boroughs. Compared to our neighbours Cheshire East has fewer licensed gambling premises per head of population:

Local Authority	Population	Number of Premises	Number PH
Cheshire East	372,700	43	0.00012
Cheshire West and Chester	331,000	79	0.00024
Stoke City	250,200	55	0.00022
Manchester	514,400	154	0.00029
Trafford	230,200	43	0.00019
Stockport	285,000	54	0.00019

As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that no one is exploited or harmed by gambling.

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited - No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D - non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

Summary of machine provisions by premises

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but not B3A machines.

Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day. £10 per person per game Other gaming No limit	Poker £100 per premises per day. Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participate on fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

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 (Full Committee)	
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 and occasional use notices			X
Decision to give a counter notice to a temporary use notice		X	

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Summary of logged changes to the Statement of Gambling Principles –

Paragraph	Type of change	Change
2.4	Wording change	The words 'criterion for it' are replaced with 'is not a relevant consideration'
3	Review	The figures provided in this section have been reviewed. The NatCen's British Gambling Prevalence Survey is the most recent survey of this type. It is therefore appropriate that this section is retained as it provides some context for the prevalence of gambling and problem gambling
3.7 & 3.8	Review	Data reviewed and updated to reflect the GamCare Annual Review 2016/2017. Including information on their pilot with Cheshire Police referring people in custody to local support services. Additional paragraphs added.
4 & Appendix 1	Review	The data used to provide this information is approximately 3 years old. It is therefore unlikely that there has been any significant change. The numbers of premises licensed by CEC remain the same. The data will therefore be carried forward to the revised SOGP
6.1	Wording Change	The Responsible Authorities are set out in the legislation, it is therefore unnecessary for them to be duplicated in this section. Consequently, they have been removed,
7.9	Wording change	Words changed from 'prejudicial interest' to 'interest'
8.22	Wording change	Word changed to reflect that Central Government is looking into the issue of FOBTs
31.1 & 31.2	Wording change	Wording updated following GDPR/Data Protection Act 2018
32.3	Wording change	Wording change to reflect that the Council's Enforcement Policy will be followed rather than just the policy of the Licensing Authority

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Working for a brighter future together

Council

Date of Meeting: 19th December 2019

Report Title: Council Meeting Arrangements

Senior Officer: Head of Democratic Services and Governance

1. Report Summary

Council, on 17th October 2019, considered a report on proposed changes to meeting arrangements, following recommendations from the Constitution Committee. During the debate, it was proposed that all Members should be given an opportunity to comment on the proposals in the report before the matter was considered further. Council determined not to progress discussions on the matter and to allow the Constitution Committee to consider the issues further following a survey of all members and report back to the December Council meeting.

A survey of members has since been undertaken to secure members' views on the proposed changes to meeting arrangements. The survey results were considered by the Constitution Committee at its meeting on 21st November 2019. The survey results had indicated broad support for all of the proposals originally recommended to Council by the Committee.

Having considered the results of the survey, the Constitution Committee resolved that the recommendations set out in the Committee's report to Council on 17th October 2019 be recommended to Council for approval.

2. Recommendation

That Council approve

- 2.1. That with effect from the start of the next municipal year, all ordinary meetings of the Council be held on Wednesdays.
- 2.2. That Council meetings other than the Annual Council meeting continue to be held in Sandbach, at Sandbach Town Hall, but where a larger venue is

needed for a particular occasion, a suitable venue in an alternative location be used.

2.3. That with effect from the start of the next municipal year, all ordinary Council meetings start at 11.00 am.

2.4. That at meetings of Council and the Cabinet, a maximum period of two minutes be allowed for each member wishing to ask a question during members' question time, and a maximum period of two minutes be allowed for each member of the public wishing to speak or ask a question during public speaking time, subject to the Chairman having discretion to vary this requirement where he/she considers it appropriate.

2.5. That at meetings of Council, a total period of two minutes be allowed in which the proposer and seconder of a motion under Paragraph 1.34 (a Notice of Motion) may speak in order to explain the purpose of the motion before the motion is dealt with.

2.6. That the Director of Governance and Compliance be authorised to make such amendments to the Constitution as she considers necessary to give effect to the changes recommended above.

3. Background

3.1. On 19th September 2019, the Constitution Committee considered a report which addressed a number of practical issues relating to meeting arrangements.

3.2. The Committee made a series of recommendations to Council on 17th October 2019. The report is attached at Appendix A.

3.3. During the debate at the Council meeting, views were expressed that Members should be given a further opportunity to comment upon the proposals in the report before the matter was considered further.

3.4. Following the meeting of Council, a survey was sent to Members as attached at Appendix B.

3.5. Officers have analysed the survey responses, and a summary of that analysis is attached at Appendix C.

3.6. It can be seen that the survey results indicate broad support for all of the proposals originally recommended to Council by the Committee.

4. Implications of the Recommendations

4.1. Legal Implications

Any changes to the Council's meeting arrangements must be reflected in the Council's Constitution.

4.2. Finance Implications

No direct finance implications would arise from the recommendations of this report.

4.3. Policy Implications

No direct policy implications would arise from the recommendations of this report, other than those matters which would be reflected in the Council's Constitution.

4.4. Equality Implications

The recommendations made by the Committee take account of the needs of those with disabilities, who currently find it difficult to find parking provision in Sandbach Town Centre, as a consequence of meetings taking place on Market Day.

4.5. Human Resources Implications

No direct human resources implications would arise from the recommendations of this report.

4.6. Risk Management Implications

No direct risk management implications would arise from the recommendations of this report.

4.7. Rural Communities Implications

No direct rural communities implications would arise from the recommendations of this report.

4.8. Implications for Children & Young People/Cared for Children

There are no direct implications for children and young people.

4.9. Public Health Implications

There are no direct implications for public health.

4.10. Climate Change Implications

Current difficulties experienced by Members in seeking parking spaces on the day of Council might result in additional driving around Sandbach in order for some

Members to find car parking provision. The proposed change of day of Council meetings, to avoid Market Day, would minimise this.

5. Ward Members Affected

There would appear to be no direct issues relating to particular Wards.

6. Consultation & Engagement

All Members have been given the opportunity to participate in a survey, in order to secure their feedback upon the matters previously considered by the Committee and Council.

7. Access to Information

Other than the documents appended to this report, there are no background documents.

8. Contact Information

8.1. Any questions relating to this report should be directed to the following officer:

Name: Brian Reed

Job Title: Head of Democratic Services and Governance

Email: brian.reed@cheshireeast.gov.uk



Working for a brighter future together

Council

Date of Meeting: 17 October 2019

Report Title: Review of Council and Cabinet Meeting Arrangements

Senior Officer: Brian Reed, Head of Democratic Services and Governance

1. Report Summary

- 1.1. This report raises a number of matters for the Council's consideration regarding the arrangements for Council and other meetings. These matters were considered by the Constitution Committee at its meeting on 19th September 2019. The Committee's views and recommendations are set out in this report.

2. Recommendations

That Council approve

- 2.1. That with effect from the start of the next municipal year, all ordinary meetings of the Council be held on Wednesdays.
- 2.2. That Council meetings other than the Annual Council meeting continue to be held in Sandbach, at Sandbach Town Hall, but where a larger venue is needed for a particular occasion, a suitable venue in an alternative location be used.
- 2.3. That with effect from the start of the next municipal year, all ordinary Council meetings start at 11.00 am.
- 2.4. That at meetings of Council and the Cabinet, a maximum period of two minutes be allowed for each member wishing to ask a question during members' question time, and a maximum period of two minutes be allowed for each member of the public wishing to speak or ask a question during public speaking time, subject to the Chairman having discretion to vary this requirement where he/she considers it appropriate.
- 2.5. That at meetings of Council, a total period of two minutes be allowed in which the proposer and seconder of a motion under Paragraph 1.34 (a

Notice of Motion) may speak in order to explain the purpose of the motion before the motion is dealt with.

- 2.6. That the Director of Governance and Compliance be authorised to make such amendments to the Constitution as she considers necessary to give effect to the changes recommended above.

3. Reasons for Recommendations

- 3.1. To consider a number of issues raised by members in relation to Council and Cabinet meeting arrangements.

4. Other Options Considered

- 4.1. Any other options considered are outlined in the report.

5. Background

Moving the day of Council meetings

- 5.1. At the moment, with the exception of the Annual Council meeting in May, all meetings of the Council are held at the Town Hall in Sandbach on Thursdays.
- 5.2. Thursday in Sandbach is Market Day. This attracts a considerable number of people into the town centre whilst also reducing the amount of public car parking available. This presents difficulties for some of the 82 members of Cheshire East Council, some of whom find it difficult to find a parking space within a reasonable walking distance of the Town Hall. It also presents problems for those members who have mobility issues. The Constitution Committee therefore recommends that Council meetings be held on Wednesdays, given that Cabinet meetings are usually held on Tuesdays, and that members prefer to avoid Mondays and Fridays for meetings where possible.

Alternative venues for Council meetings

- 5.3. The Constitution Committee considered, as a possible alternative solution, whether Council meetings should be held in towns other than Sandbach. In the past, Council meetings have been held at venues in Macclesfield, Crewe and Congleton although this did not prove popular with some members having to travel greater distances. In addition, the meeting rooms available in some locations were less than ideal and the acoustics were quite poor. Sandbach has therefore established itself as the optimal location, given its central geographical position in the Borough. Where a larger venue is needed for a particular occasion, a suitable alternative venue has been used such as Tatton Park for Mayor-making and Crewe Alexandra Football Club for the Local Plan.

- 5.4. The Constitution Committee, having considered the matter, resolved to recommend to Council that Council meetings other than the Annual Council meeting continue to be held in Sandbach but where a larger venue is needed for a particular occasion, a suitable venue in an alternative location be used.

Consistent start time for Council meetings

- 5.5. Members also expressed the view that the start time for Council meetings should be consistent throughout the year. At the moment, the meetings in July and October are held at 2.00 pm, with the remaining meetings starting at 11.00 am. However, some members have now expressed the view that there should be a consistent start time for Council meetings. It is recommended that this should be 11.00 am as currently applies to the majority of Council meetings.
- 5.6. The Constitution Committee, having considered the matter, resolved to recommend to Council that in future, all ordinary Council meetings should start at 11.00 am.

Public and Member speaking time for Council and Cabinet

- 5.7. It has been suggested that a specific period of time should be allowed for each speaker during public and member speaking/question times at Council and Cabinet meetings.

Member questions at Council and Cabinet meetings

- 5.8. Currently, at Council meetings, a period of 30 minutes is allowed for members' questions. There is no specific time allocated to individual members.
- 5.9. At Cabinet meetings, a period of 20 minutes is set aside for questions to be put to Cabinet Members by members of the Council. Again, there is no specific time allocated to individual members. The Leader or person presiding will determine how Cabinet question time will be allocated.

Public Speaking/Questions at Council and Cabinet meetings

- 5.10. At Council meetings, a period of 15 minutes is allocated for members of the public to speak.
- 5.11. At Cabinet meetings, a period of 10 minutes is allocated for public speaking. Members of the public are normally allowed to speak for up to 5 minutes each, but the Leader or person presiding will decide how the public speaking time will be allocated where there are a number of speakers.
- 5.12. The time taken by a Cabinet member or a committee chairman in responding to a question is not counted as part of the time available.

- 5.13. Concern has been expressed about the amount of time allocated to individual public speakers at Council meetings where there are a large number of people wishing to speak; often resulting in other speakers being restricted in terms of time. This has led to calls for a specific period to be allocated to each speaker as of right.
- 5.14. In considering this matter, the Constitution Committee had regard to the need to balance adequate public and member speaking arrangements with the need to allow sufficient time for consideration of the substantive reports on the agenda and the significant decisions that arise from those reports.
- 5.15. The Constitution Committee, having considered the matter, resolved to recommend to Council that at meetings of Council and the Cabinet, a maximum period of two minutes be allowed for each member wishing to ask a question during members' question time, and a maximum period of two minutes be allowed for each member of the public wishing to speak or ask a question during public speaking time, subject to the Chairman having discretion to vary this requirement where he/she considers it appropriate.

Procedure for Dealing with Notices of Motion at Council meetings

- 5.16. Paragraph 1.34 and Appendix 2 of the Council Procedure Rules, relating to Notices of Motion at Council meetings, provide that:
- “When a Motion has been moved and seconded the mover and seconder shall not be entitled to make a speech if the Mayor decides that it shall stand referred without discussion to such of those bodies as the Mayor may determine, for determination. However, if the Mayor considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is initially considered.”
- 5.17. There is a view among some members that this Rule should be amended to allow the proposer and seconder of the motion at the Council meeting to make a brief statement on the purpose of the motion before Council decides whether to refer it to a decision-making body.
- 5.18. Under the current rules, the proposer and seconder of a motion under Paragraph 1.34 may speak first on the motion when it is considered by the decision-making body to which it has been referred by Council. The matter is then opened up for wider discussion. At that meeting, the members considering the motion will have the benefit of a detailed report on the matter.
- 5.19. The Constitution Committee, having considered the matter, resolved to recommend to Council that at meetings of Council, a total period of two minutes should be allowed in which the proposer and seconder of a motion under Paragraph 1.34 (a Notice of Motion) may speak in order to explain the purpose of the motion.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. There are no particular legal implications arising from this report, which concerns the administrative arrangements for the Council and other meetings within the existing legal framework for such meetings.

6.1.2. There may be consequential amendments to the constitution arising from any changes to the current arrangements for meetings.

6.2. Finance Implications

6.2.1. There are no particular financial implications.

6.3. Policy Implications

6.3.1. There are no particular policy implications.

6.4. Equality Implications

6.4.1. There are no particular equality implications.

6.5. Human Resources Implications

6.5.1. There are no particular human resources implications.

6.6. Risk Management Implications

6.6.1. There are no particular risk management implications.

6.7. Rural Communities Implications

6.7.1. There are no particular implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no particular implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no particular implications for public health.

6.10. Climate Change Implications

6.10.1. There are no particular implications for climate change.

7. Ward Members Affected

7.1. There are no particular ward implications.

8. Consultation & Engagement

8.1. No consultation arrangements are envisaged.

9. Access to Information

- 9.1. The constitution can be found on the Council's website.

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

Name: Paul Mountford
Job Title: Executive Democratic Services Officer
Email: paul.mountford@cheshireeast.gov.uk

Council and Meeting Arrangements - 2019

The purpose of this survey

At the meeting of Council on 17th October 2019, Members considered a report on Meeting Arrangements. During the debate, views were expressed that a questionnaire or survey should be sent to all Members in order to secure their feedback upon the proposals which had been considered by the meeting.

The following questions are based upon the relevant recommendations in the report, and provide an opportunity for Members to submit their views, which will be considered by the Constitution Committee on 21st November 2019.

Please provide your response to this survey by **7th November 2019**.

Completing this survey

Please take the opportunity to let us know what you think about the Library service by completing and returning this survey by **Thursday 7th November 2019**. You can return your survey in the following ways:

- By using the freepost return envelope that comes with this questionnaire to return it in the post
- By returning it to us at Research and Consultation, Cheshire East Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ

The survey should take roughly 20 minutes to complete, though you do not have to complete all questions if you do not wish to do so.

Your confidentiality is assured

We comply with all laws concerning the protection of personal information, including the General Data Protection Regulation (GDPR). Any personal information you supply will remain strictly confidential and anonymous and will be held and used in line with the Data Protection Act 2018. The information you provide will only be used by Cheshire East Council to analyse the results of surveys and inform decision making, or to contact you about volunteering opportunities if you indicate in the survey you would like us to do so. We will not pass on your personal information to any other third parties, without your prior consent. Your response will be stored and kept in line with the council's retention schedule. To find out how we use your information see our privacy policy at www.cheshireeast.gov.uk/privacy.

Contact us

For any queries about this survey please contact Brian.reed@cheshireeast.gov.uk

Section 1 – Council and Meeting arrangements

1. The Constitution Committee proposed, that as a consequence of issues associated with Thursday Market Day in Sandbach, Council meetings should take place on Wednesdays with effect from the new Municipal Year. Do you agree or disagree with the change in day of Council meetings from Thursday to Wednesday? Please tick one box only

Agree

☐

Disagree

☐

2. Please use the space below to indicate if you have any alternative suggestion, providing details of this suggestion and any reasons why Please write in below

3. The Committee also proposed that Sandbach Town Hall be used as the default venue for all Council meetings, always accepting that other venues may be needed to respond to specific issues e.g. likely high attendance of members of the public, and Mayor Making at Tatton. Sandbach Town Hall has consistently been suitable in terms of central location in the Borough, and has good acoustics. Do you agree or disagree that Sandbach Town Hall be used as the default venue for all Council meetings? Please tick one box only

Agree

☐

Disagree

☐

4. Please use the space below to indicate if you have any alternative suggestion, providing details of this suggestion and any reasons why Please write in below

5. Whilst it was recognised that there were varying views, the Committee recommended that all Council meetings should commence at 11.00am, except in exceptional circumstances. Currently, meetings commence at 11.00am or 2.00pm, depending upon the time of year. Do you agree or disagree all Council meetings should commence at 11.00am, except in exceptional circumstances?

Please tick one box only

Agree

☐

Disagree

☐

6. Please use the space below to indicate if you have any alternative suggestion, providing details of this suggestion and any reasons why *Please write in below*

7. The Committee also proposed that a maximum period of 2 minutes should be allowed for each Member wishing to ask a question during Members' question time at Cabinet and Council meetings, and that a maximum period of 2 minutes be allowed for each member of the public wishing to ask a question or speak during public speaking time (with the Chair's discretion to extend this period). Do you agree or disagree that a maximum period of 2 minutes should be allowed for each Member wishing to ask a question during Members' question time at Cabinet and Council meetings? *Please tick one box only*

Agree

☐

Disagree

☐

8. Please use the space below to indicate if you have any alternative suggestion, providing details of this suggestion and any reasons why *Please write in below*

9. Do you agree or disagree that a maximum period of 2 minutes should be allowed for each member of the public wishing to ask a question or speak during public speaking time (with the Chair's discretion to extend this period)? Please tick one box only

Agree

☐

Disagree

☐

10. Please use the space below to indicate if you have any alternative suggestion, providing details of this suggestion and any reasons why Please write in below

11. The Committee recommended that new arrangements should apply to the way in which Council deals with Notices of Motion. Currently, there is no provision which allows the mover and seconder to speak. The new arrangements would allow the mover and seconder, jointly, to speak for a maximum period of 2 minutes in support of their Notice of Motion. Do you agree or disagree that the mover and seconder, jointly, to speak for a maximum period of 2 minutes in support of their Notice of Motion)? Please tick one box only

Agree

☐

Disagree

☐

12. Please use the space below to indicate if you have any alternative suggestion, providing details of this suggestion and any reasons why Please write in below

Thank you for completing this survey. Please return it in the freepost envelope provided, or to your local library, by **Thursday 7th November 2019**. This survey is printed mainly in Calibri font size 12. If you require a copy in larger print please contact Brianreed@cheshireeast.gov.uk

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Review of Council and Cabinet Meeting Arrangements

At the meeting of Council on 17th October 2019, Members considered a report on Meeting Arrangements. During the debate, views were expressed that a questionnaire or survey should be sent to all Members in order to secure their feedback upon the proposals which had been considered by the meeting.

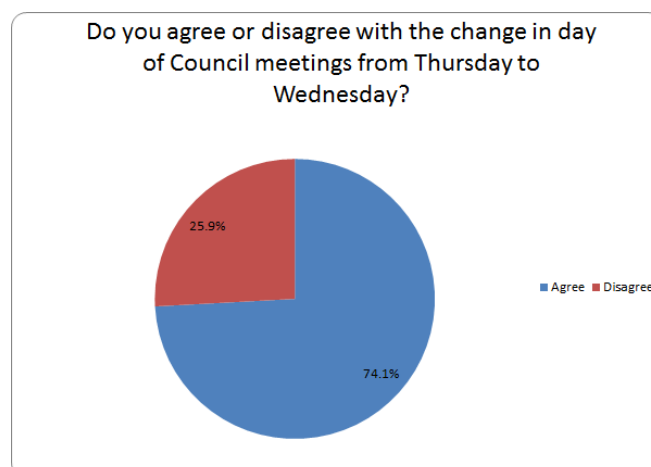
The following questions are based upon the relevant recommendations in the report, and provide an opportunity for Members to submit their views, which will be considered by the Constitution Committee on 21st November 2019.

A total of 63 Responses to this survey were provided by 7th November 2019.

Summary of results

1. The Constitution Committee proposed, that as a consequence of issues associated with Thursday Market Day in Sandbach, Council meetings should take place on Wednesdays with effect from the new Municipal Year.

Do you agree or disagree with the change in day of Council meetings from Thursday to Wednesday?



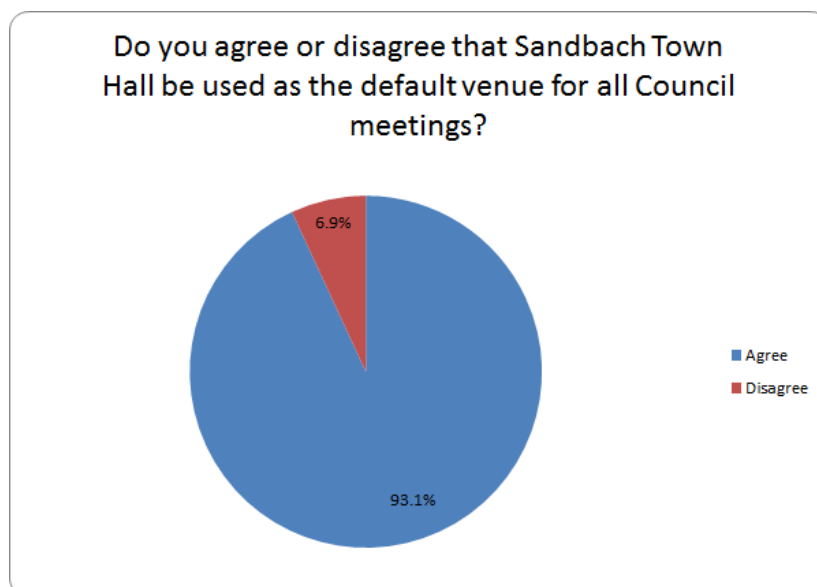
58 responses were made to this question

The below comments were made in response to question 1:

Thursday is more conducive to enable my attendance at meetings and is long set as the day which is used for Council business. I don't believe the Market Day/parking has ever created undue problems.
This would create issues for the Council's Planning Committees. It would be better to leave Council meetings on Thursdays.
Keep things as they are as many people have arranged their working week around Thursday
Saturdays
This is acceptable to me - PROVIDED Planning Committee Days can be avoided.
Monday Tuesday Friday could be considered too
Could also try Monday, Tuesday or Friday
The requirement is that most Scrutiny meetings take place on Thursdays therefore it makes it easier for any working hrs / time off to be established with any employee
I have no preference for either of the days. Wednesday is probably marginally better.
Agreed, market days best avoided. Would personally be open to any other weekday.
I have found it difficult to combine the Council Meeting with Market Day
I prefer Thursday, 2pm, at Sandbach
Disagree - for Council meetings to take place on Wednesdays. There are only 5 a year and parking at the council car park isn't a long distance and works fine, I don't see it as a problem as there isn't really much inconvenience. In fact I think it is good for the public to see councillors meeting makes them think we are doing something.

2. The Committee also proposed that Sandbach Town Hall be used as the default venue for all Council meetings, always accepting that other venues may be needed to respond to specific issues e.g. likely high attendance of members of the public, and Mayor Making at Tatton. Sandbach Town Hall has consistently been suitable in terms of central location in the Borough, and has good acoustics.

Do you agree or disagree that Sandbach Town Hall be used as the default venue for all Council meetings?



58 responses were made to this question

The below comments were made in response to question 2:

neither agree nr disagree
Although I've agreed it would be nice to have one full council meeting a year in Macclesfield
Tatton park is a perfect venue, or joderal bank
I would like us to try a different seating arrangement. At present it is difficult to get in and outer of the rows as they are rather cramped and I would prefer to have us all facing the stage rather than facing across an aisle . It can be very confrontational and unpleasant facing your adversary for such a long time. I realise that public speaking would have to be reorganised also.
This is a central location, closest to the Council's Headquarters and with adequate parking nearby.
In the absence of a proper debating chamber, I think we should move around the borough where we can identify appropriate alternative venues.
Congleton and Macclesfield both suffer from acoustic issues but that does not mean the acoustics should be left as they are. Meetings in Macclesfield would be a good choice
It's the only building with decent acoustics!
Nantwich Civic Hall has been used some years ago
It has very good acoustics and is the right size
Alternate between Sandbach, Macclesfield, Crewe (football club)
Local research might show alternatives at reasonable cost from those companies wishing to provide "social value" to our council. Alderley Park and such venues might be checked for affordability and suitability.
There may be other reasonable cost venues or business premises such as the Conference area at Alderley Park. Those running may be willing to provide "social value" to CEBC?
Disabled parking needs to be reserved close to the venue for councillors and public
As my ward is geographically the most northern ward, my preference would obviously be for a venue closer to home but I have absolutely no problem getting to Sandbach either as I drive.
- use Macc.Town Hall Assembly Room.
Sandbach Town Hall to be used for Council meetings. Tatton Park is good for Mayor Making, makes it feel a little special.
Nantwich Civic Hall - very good acoustics and own sound technicians available

3. Whilst it was recognised that there were varying views, the Committee recommended that all Council meetings should commence at 11.00am, except in exceptional circumstances. Currently, meetings commence at 11.00am or 2.00pm, depending upon the time of year.

Do you agree or disagree all Council meetings should commence at 11.00am, except in exceptional circumstances?



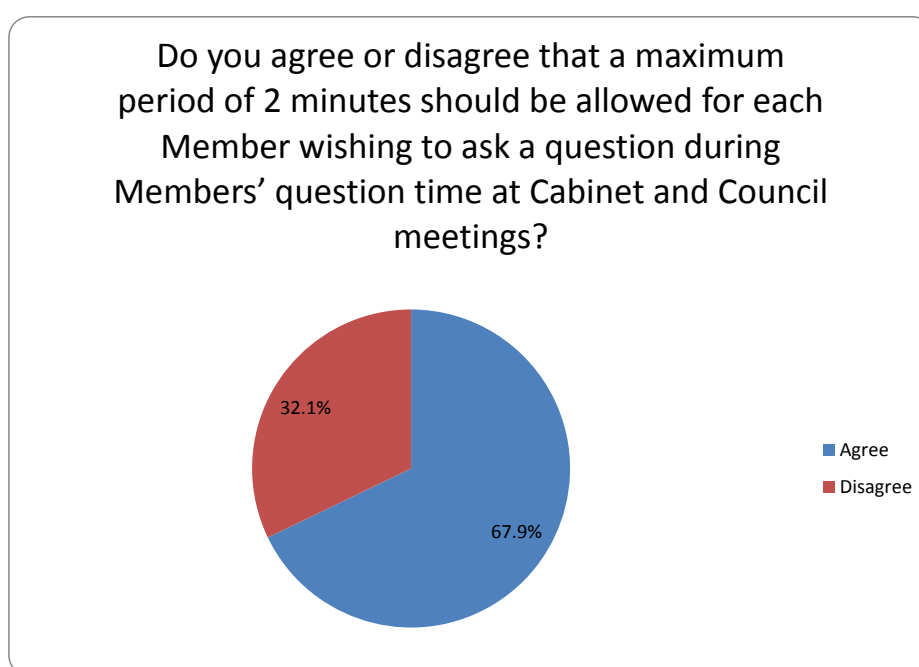
55 responses were made to this question

The below comments were made in response to question 3:

neither agree nr disagree
10am makes a better use of a working day
Meetings at 2.00pm make meeting access easier alongside working commitments, meaning that only half days need to be taken off work.
All meetings of Council should start at 2pm to enable sufficient time for Group Meetings to take place in the hours immediately before.
I think start time should be 13.30 or 14.00 in order to allow working members to only need to take leave, holiday or simply ask for absence for HALF A DAY
Attendance at 11.00am is inconvenient for people who work full time as it requires a full days absence from work
There would have to be a lunch break during any meeting starting at 11am. An 11am start means that many members will lose a full day off work rather than a half-day which may be difficult to organise with employers. Might deter members leaving before the end of meetings! On balance, agree
I'm actually ambivalent about this, so either way.
For working Councillors a 2pm start is better
Provided there is no break for lunch
I agree that more long standing members have difficulty driving at night.
Or at another suitable time 10am - 12 noon?
Due to the hopeful ever improving diversity of the elected Members to reflect the electorate we all have differing commitments so a fixed time say 11:00am suits those retired people and does not take into account working people who would need to be off the morning and afternoon. I personally would like to see the Council go further and consider 3:00pm onward meetings but again on the basis of a varied time. There seems to be an emphasis towards the 'retired' or non working councillors - for example "not driving home in the dark" - "not wanting to sit in peak time traffic" ,,,,,,
Earlier is better. As I work full time it would be more convenient to have evening meetings but I'm aware that's not included as an option above.
I think all Council Meetings should begin at 2pm to enable Councillors who work to attend. Starting at 11am means they have to take a whole day off. 2pm means half a day off
Should remain as 11 winter and 2 summer
Prefer 10am or 2pm. 10am and 2pm would benefit many people who work, then only taking half a day to attend meetings rather than spanning am and pm
Personally, I am available to attend at 11am and 2pm but feel that preference should be given to Councillors with work commitments.
If all meetings start at 11am the business will become protracted as some Councillors will have no regard as to the length of the meeting. A 2pm meeting causes a realisation that evening approaches and business speeds up

4. The Committee also proposed that a maximum period of 2 minutes should be allowed for each Member wishing to ask a question during Members' question time at Cabinet and Council meetings, and that a maximum period of 2 minutes be allowed for each member of the public wishing to ask a question or speak during public speaking time (with the Chair's discretion to extend this period).

Do you agree or disagree that a maximum period of 2 minutes should be allowed for each Member wishing to ask a question during Members' question time at Cabinet and Council meetings?

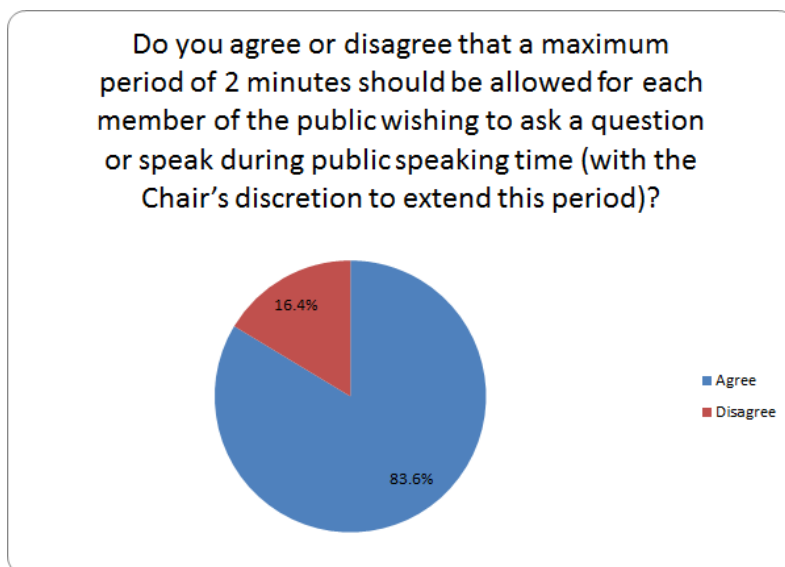


56 responses were made to this question

The below comments were made in response to question 4:

I also think the Leader needs to answer each question
Members should have at least 5 minutes to ask a question at Cabinet and Council meeting.
Two minutes on particularly contentious or detailed issues may not suffice and by making this change it adds more authority to the Chairman. In a culture engendering openness, transparency and public engagement, I believe that this move would be counter intuitive.
2 minutes is too short.
Two minutes is too short a time and it feels as if democratic rights to put questions at Cabinet and Council meetings are being fettered. I suggest 4 minutes limit per question.
In Planning Cttees, Councillors are given more time than members of the public, due to their elected status. I believe it should be the same principle here, so I suggest 3 minutes for Councillors as a minimum.
There should be an advantage to being a Member of the Council, over and above what is offered to an ordinary member of the public. I suggest an additional 1 minute speaking time.
Overall time for discussion should be limited to 20 or 30 minutes. Having 30 people talk for 2 minutes with repetition of the same point is not conducive to an effective meeting
agree PROVIDED the Chair does use their discretion to permit longer when questions relate to complex issues of those of particular public interest. Members have a duty to represent their constituents fully and sometimes two minutes may not be long enough.
With focus applied a question could only need 30 seconds at most. No doubt this would not be popular with those so wish to explain in full.
with the Chair's discretion to extend this period should be added
Most questions can be asked in 30 seconds or less
I believe a 5 minute window should be awarded to all members as we may need to pose a question that is multi faceted and may require longer speaking time to address issues which may require answers from several different departments.
Yes the lengthy statements, bringing up of historical events etc etc etc before even asking a question takes a considerable time.
I'm not certain that 2 minutes is long enough if background information needs to be provided about the matter being raised.
Stifling democracy to quicken up process. Often the background to the question needs to be explained, I see nothing wrong with the present arrangements.
2 Minutes should be plenty to allow a question to be asked or a salient point to be made. If someone wants to make a particularly complex address to Council, the 2 minutes could be extended with the advance permission of the Chair.
I think it is fair. Two minutes helps to focus your content and quite often people will repeat information. Also, if the question/speech is too long I think people stop listening.
Should be a minimum of 3 minutes - extended at discretion. Public 2 minutes.

5. Do you agree or disagree that a maximum period of 2 minutes should be allowed for each member of the public wishing to ask a question or speak during public speaking time (with the Chair's discretion to extend this period)?



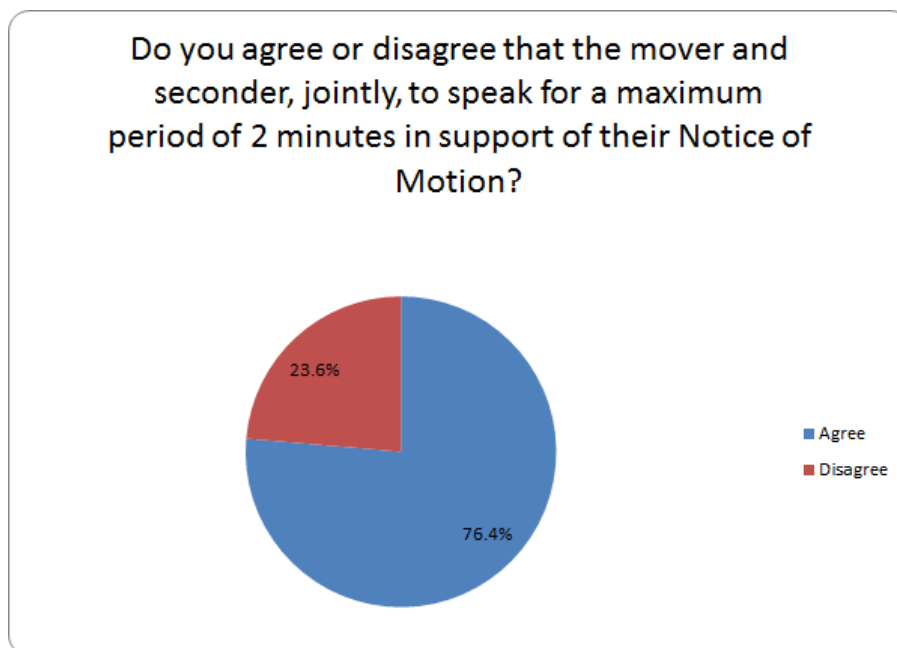
55 responses were made to this question

The below comments were made in response to question 5:

As per response to Question 4
Again too short a time. While council business is pressing and busy, the council should accommodate members of the public and give them ample time to ask a question or speak on a subject.
3 mins.
Same as answer to the question above.
As above
Members of the public generally have one issue that they wish to be addressed and therefore their question may not be as complex as that of a member/councillor and would suggest that less time be required to speak.
I think the Public should have a minimum of 2 minutes
As above
There is nothing wrong with the present arrangements
2 Minutes should be plenty to allow a question to be asked or a salient point to be made. If someone wants to make a particularly complex address to Council, the 2 minutes could be extended with the advance permission of the Chair.
Members of the public to speak for 2 minutes
Should be a minimum of 3 minutes - extended at discretion. Public 2 minutes.

6. The Committee recommended that new arrangements should apply to the way in which Council deals with Notices of Motion. Currently, there is no provision which allows the mover and seconder to speak. The new arrangements would allow the mover and seconder, jointly, to speak for a maximum period of 2 minutes in support of their Notice of Motion.

Do you agree or disagree that the mover and seconder, jointly, to speak for a maximum period of 2 minutes in support of their Notice of Motion)?



55 responses were made to this question

The below comments were made in response to question 6:

Two minutes shared is inadequate. The mover and seconder should be allowed up to 2 minutes each or up to 4 minutes jointly to state their case.
Both should have at least 2 minutes in support of their Notice of Motion.
They need time to put forward their ideas so I would ask for 2 minutes EACH is allowed
Mover and Seconder have time to speak to their proposals at whichever committee they are referred. If more information is considered necessary - this would be best included in the papers and reports.
The whole idea of NoMs is that they are written in advance. This is the chance for proposer and seconder to say all they want, there is no need to extend the process to give them a second go at it in already busy Council meetings.
I have assumed that the motion will be referred and not debated at the Council meeting
Two minutes is inadequate for this purpose.
The mover and seconder jointly should be allowed up to 4 minutes to speak in support of their motion, with the chairman having discretion to extend that period.
It is the decision making body who should hear the proposal
Council Meetings are expensive and the longer they go on for - the more expensive they become
In addition - it is noted that Members start to leave meetings
It depends on the content of the motion. If it is to be referred to a committee, 30 seconds is enough. If it is to be debated as to referral or to be determined there then, there should be a restraint subject to mayoral discretion
Do the basic anything else just tickles around the edges.
both should be permitted 2 mins each to speak ie proposer 2 mins seconder 2 mins
If they need that long, an impassioned lengthy speech is not necessary.
This makes perfect sense.
if adopted a rejoinder opportunity is required.
Should speak to explain fully why they are bringing the Notice of Motion forward, it will help people to understand. Though I think the time could be flexible 2 - 5 minutes maybe. Notice of Motion important and a speaker can help councillors understand why they need to support it, even if they don't necessarily agree with it.
I would like to see an indicative vote at the start of the debate. If everyone agrees, why do we have to talk for an hour whilst everyone says how much they agree (just so they can get their faces in the newspaper)?
Should be a period of 3 minutes allowed
Unless the motion is to be debated on the day the mover and seconder should not be allowed to speak as it is completely pointless and wastes everyone's time. there will be excessive publicity opportunity's created.
I have no need to listen to a proposer and seconder if the debate and decision will ultimately be in a forum where I have no vote.

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COUNCIL – 19 DECEMBER 2019**NOTICES OF MOTION**

Submitted to Council in Accordance with paragraph 1.34 of the Council Procedural Rules

1 Council Tax Protocol**Proposed by Councillor K Flavell**

The Citizens' Advice Bureau, in partnership with the LGA, has developed a 'Council Tax Protocol' which sets out 27 recommendations for dealing with Council Tax collection and debt recovery. Its aim is to offer a fairer system that ensures that residents struggling with payments are not pushed further into debt by poor collection practices. Over 60 Local Authorities have so far signed up to the scheme, including Wolverhampton, whose Cabinet member Cllr Andrew Johnson states:

“There are all sorts of reasons why people might struggle to pay their council tax bills and this protocol is all about how we can work with people to support them so that they can pay their bills without getting into greater financial difficulties.

We have a duty to collect the money owed, but we want to do so in a fair way and only go down the enforcement route when other avenues are exhausted.”

I would like Cheshire East to follow this example and commit to being a more caring Council.

Motion:

That Cheshire East Council adopt the Council Tax Protocol, as recommended by the LGA and Citizens' Advice Bureau.

2 Mitigation of Climate Change in Developments**Proposed by Councillor Q Abel**

Cheshire East Council as part of our commitment to the environment and mitigation of climate change require development of whatever size to incorporate best practice (e.g. passive house) to reduce energy requirements and provide a non-carbon footprint for heating and cooking. Ideally ground source heat pump or equivalents and induction hobs.

Further, the Council to lobby Government to bring the legal requirement forward to the earliest possible date to achieve zero carbon for all new development and conversions.

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