

Cabinet Agenda

Date: Tuesday, 10th September, 2019
Time: 1.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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

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

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

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

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

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

In accordance with paragraph 3.33 of the Cabinet Procedure Rules, a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the Cabinet. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding 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 are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

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.

4. **Questions to Cabinet Members**

A period of 20 minutes is allocated for questions to be put to Cabinet Members by members of the Council. Notice of questions need not be given in advance of the meeting. Questions must relate to the powers, duties or responsibilities of the Cabinet. Questions put to Cabinet Members must relate to their portfolio responsibilities.

The Leader will determine how Cabinet question time should be allocated where there are a number of Members wishing to ask questions. Where a question relates to a matter which appears on the agenda, the Leader may allow the question to be asked at the beginning of consideration of that item.

5. **Minutes of Previous Meeting** (Pages 5 - 12)

To approve the minutes of the meeting held on 6th August 2019.

6. **Environmental Strategy** (Pages 13 - 32)

To consider a report on the draft Environmental Strategy for 2019-24.

7. **Early Help and Asset Based Community Development Grants Policy 2019-22**
(Pages 33 - 62)

To consider a report on a revised 'Policy for the Allocation of Early Help and Asset Based Community Development Grants Scheme'.

8. **Improved Better Care Fund 2019/20** (Pages 63 - 70)

To consider a report on the areas of activity and proposed expenditure for the grant money being received directly by Cheshire East Council in 2019/20 through the Improved Better Care Fund.

9. **Procurement of Major Housing Adaptations Works** (Pages 71 - 80)

To consider a report on the procurement of major housing adaptations works on behalf of disabled residents.

10. **Commissioning of Community Equipment Services** (Pages 81 - 90)

To consider a report on the procurement of a contract for Community Equipment Services.

11. **North West Special Educational Needs and Disabilities (SEND) Flexible Purchasing System** (Pages 91 - 100)

To consider a report on a proposal for Cheshire East Council to be the lead organisation in establishing a bespoke North West SEND Flexible Purchasing System for the future procurement of Special Educational Needs and Disabilities provision for children and young people across the North West.

12. **Re-commission of Supported Accommodation / Independent Living for Cared for Children** (Pages 101 - 110)

To consider a report on the procurement of a Supported Accommodation and Independent Living service for cared for children and care leavers.

13. **Managed Provision for Consultancy** (Pages 111 - 118)

To consider a report on the awarding of a contract for the provision of consultancy services.

14. **Agency Worker Contract Procurement** (Pages 119 - 126)

To consider a report on the procurement of a contract for the supply of temporary agency staff.

15. **Revised Statement of Licensing Policy** (Pages 127 - 186)

To consider a report on a Revised Statement of Licensing Policy.

16. **Poynton Relief Road, Final Approval to Underwrite Funding Gap, Appoint Winning Contractor and Submit Final Business Case** (Pages 187 - 200)

To consider a report which seeks approval to submit the final funding application to the Department of Transport to release funding towards the construction of the Poynton Relief Road. The report also seeks approval to award a contract to deliver the scheme, and seeks confirmation of the Council's previous commitment to underwrite any shortfall in funding.

The appendices to this report will be considered under Part 2 of the agenda.

17. **Exclusion of the Press and Public**

The report or a part thereof relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter may be determined with the press and public excluded.

The Cabinet may decide that the press and public be excluded from the meeting during consideration of the item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

18. **Poynton Relief Road, Final Approval to Underwrite Funding Gap, Appoint Winning Contractor and Submit Final Business Case** (Pages 201 - 286)

To consider the appendices to the report.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 6th August, 2019 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor S Corcoran (Chairman)
Councillor C Browne (Vice-Chairman)

Councillors D Flude, T Fox, L Jeuda, N Mannion, J Rhodes, A Stott and
M Warren

Councillors in attendance

Councillors J Barber, M Beanland, M Benson, J Buckley, C Bulman, J Clowes,
L Crane, A Critchley, T Dean, S Edgar, B Evans, J P Findlow, K Flavell,
S Gardiner, P Groves, A Moran, B Murphy, J Nicholas, J Parry, J Saunders,
R Vernon and L Wardlaw

Officers in Attendance

Kath O'Dwyer, Acting Chief Executive
Mark Palethorpe, Acting Executive Director of People
Catherine Parkinson, Interim Director of Governance and Compliance
Alex Thompson, Director of Financial and Customer Services
Paul Bayley, Director of Environment and Neighbourhood Services
Paul Mountford, Executive Democratic Services Officer

Apologies

Councillor B Roberts

29 DECLARATIONS OF INTEREST

There were no declarations of interest.

30 PUBLIC SPEAKING TIME/OPEN SESSION

Ted Wall referred to the recent flooding in the area of Poynton, Bollington and Macclesfield. He paid tribute to Council staff and the emergency services and in particular to those local residents who had helped those affected by the flooding.

The Portfolio Holder for Environment and Regeneration echoed Mr Wall's remarks and advised that the incident was now in the recovery stage and that a full debriefing involving all relevant agencies and local residents would be held to consider the learning from the incident and what preventative measures could be taken for the future.

Sarah Anderson, on behalf of the Alsager Neighbourhood Plan Steering Group, asked what was the national policy or guidance which was making

Cheshire East Council reduce the area covered by the town centre boundaries against the wishes of local communities, and why did the Council persist in determining its town centre boundaries by reference to retail outlets, and insist on having a primary shopping area within the town centre against recognised trends.

The Portfolio Holder for Planning replied that the Council's approach to town centre boundaries was derived from guidance in the National Planning Policy Framework which highlighted the need to define primary shopping areas reflecting where retail development was concentrated and town centre boundaries which should include the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. The forthcoming consultation afforded the opportunity to make further comments on the town centre boundary should that be necessary.

Danielle Bassi, on behalf of Keyworker Homes, stated that the settlement boundary of Shavington should revert to its previous boundary and she asked why the Council would discount the opportunity to bring forward affordable housing. (Further details of this matter had previously been emailed to members of the Cabinet on behalf of Keyworker Homes.)

The Portfolio Holder for Planning undertook to provide a written reply.

Sue Helliwell referred to the fact that the membership of the Cabinet had increased from eight to ten and asked if there had been any increase in allowances paid to councillors who sat on Cabinet.

The Leader responded that the allowance per Cabinet member had not increased but the number of Cabinet members had increased to ten. He had also noted that some outside organisations paid remuneration to the Council representatives on those bodies and he had asked for the details to be made available along with the allowances paid to Directors of the Council's ASDVs so that the full picture could be made publicly available. The Deputy Leader added that in addition to being a Cabinet member he was also Chairman of the Northern Planning Committee and Leader of the Independent Group, both of which positions, under the Council's scheme of member allowances, attracted a special responsibility allowance. However, the Council's scheme provided that no member may receive more than one special responsibility allowance. Therefore, if the allowances paid to those other positions were offset, the actual cost of the Deputy Leader of the Council was currently £3,523, rather than £16,792 as it had been in the past. In addition, the Portfolio Holder for Finance, ICT and Communication was also the Independent Group administrator, which attracted an allowance, but under the Council's scheme she could not claim both allowances, and therefore, discounting the allowance paid to Group administrators, the cost of that Cabinet member was also less than it would otherwise have been.

Jeremy Herbert, speaking on behalf of Nantwich Mill Hydro Electric Generation Company, a not-for-profit company aimed at delivering electricity from a water turbine slotted into the weir on the River Weaver in Nantwich town centre, asked for the Council's support for the scheme as the owner of the site in question.

The Leader indicated that the Council was developing an Environmental Strategy for the Borough which would be submitted to the Cabinet's next meeting in September. The Portfolio Holder for Environment and Regeneration asked Mr Herbert to provide a summary of the scheme, following which he would provide a written response.

Rachel Wright, representing the Friends of Barony Park, referred to a number of recent encampments at the Park and sought assurances that the Council would have an enforcement order in place by the weekend. She also asked why the Council was not seeking an injunction to address the issue as had been done by Thurrock and Reigate Councils.

The Leader replied that the best long term solution would be for the Council to provide a transit site in the Borough. He also asked for details of the Thurrock and Reigate injunctions and said that the Council would consider target hardening. The Portfolio Holder for Communities added that he was working with the police behind the scenes and that a summons would be served tomorrow morning.

Ken Edwards expressed concern that the Site Allocations and Development Policies Document to be considered later in the meeting required green belt to be taken out of Bollington for housing provision. He outlined four grounds on which the proposal was flawed.

The Portfolio Holder for Planning acknowledged that this was a contentious issue and noted that Mr Edwards was to have a further meeting with officers to discuss the matter. She urged him to submit representations during the consultation.

31 QUESTIONS TO CABINET MEMBERS

Councillor A Moran referred to three recent incursions by travellers onto the Barony Park, Nantwich, all of which had been dealt with differently. He referred to the anti-social behaviour that had resulted and asked that urgent action be taken to resolve the matter.

The Portfolio Holder for Communities reiterated the comments he had made on the matter during public speaking.

Councillor P Groves welcomed the Council's commitment to providing a transit site somewhere in the Borough but expressed disappointment that there had been local opposition to a transit site at Cledford.

The Leader replied that he was committed to consultation on the provision of a transit site and would await the outcome of that consultation. The Portfolio Holder for Environment and Regeneration added that any planning proposals for a transit site would be dealt with by the appropriate planning committee.

Councillor J Saunders referred to the recent flooding in Poynton which had affected approximately 100 homes and she praised the emergency services and local town council staff and members for their work in addressing the problem. She asked if the Clerk to Poynton Town Council could attend the forthcoming multi-agency debriefing.

The Portfolio Holder for Communities agreed to the request. (Note: later in the meeting, the Portfolio Holder agreed to a similar request by Councillor J Nicholas in respect of the Clerk to Bollington Town Council.)

Councillor M Beanland also referred to the flooding in Poynton and expressed concern about communication problems with the Cheshire East Emergency Planning Team and a delay in their responding.

The Leader undertook to provide a written reply.

Councillor T Dean referred to a proposal in the Site Allocations and Development Policies Document for a site for travelling showmen in the centre of Knutsford. He felt that it was important to give priority to existing local businesses and to find an alternative site.

The Portfolio Holder for Environment and Regeneration undertook to meet Councillor Dean in the next few days to discuss the matter.

Councillor J Parry circulated information regarding Cledford Hall Farm, Middlewich which had been identified in the Site Allocations and Development Policies Document as a possible transit site. He felt that there were numerous planning reasons why this site was unsuitable for this purpose and he urged the Council to undertake a thorough review of the process involved and a re-evaluation of all sites identified for a transit site, with all local councillors being kept informed and allowed to provide input. He also asked if a sustainable urban drainage report had been produced for the Cledford Lane site and, if so, whether he could receive a copy.

The Leader and the Portfolio Holder for Planning urged Councillor Parry to ensure that representations were made in response to the consultation on the SADPD document.

Councillor Parry also asked, on behalf of Councillor S Brookfield who was unable to attend the meeting, if the Portfolio Holder for Children and Families had any concerns about the number of planning applications for children's homes in the Borough.

The Portfolio Holder for Children and Families responded that she had expressed concerns for many years at the number of children's homes provided in unsuitable areas. The Portfolio Holder for Planning undertook to provide a written response.

Councillor J Buckley expressed concern at a proposal to restrict the boundary of Alsager town centre and asked Cabinet to look at policy RET9 in the SADPD document. She commented that retail was not the only factor in identifying a vibrant high street and that services and local meeting places were also important, the high street being a communal place for public health and wellbeing.

The Portfolio Holder for Planning had already held meetings with Alsager Town Council and she suggested that the way forward was to make appropriate representations in response to the public consultation.

32 MINUTES OF PREVIOUS MEETING

The Chairman reported a proposed amendment to minute 18 (Questions to Cabinet Members) of the minutes of the previous meeting as shown in italics below:

"Cllr Phil Williams referred to a response given to a question asked at the last Cabinet meeting on the badger vaccination programme and asked about badger culling on tenanted farm land. The Leader replied that he had previously asked a similar question and the answer he was given then was the Council could not in many cases dictate to tenant farmers what they allowed to happen on their land. *However, as tenancy agreements were renewed they would be amended to provide that badger culling would not be allowed on the land.*"

The Chairman added that the significance of what he had said at the previous meeting was that the new administration would look into amending leases as they were renewed to provide that badger culling would not be allowed. He also stressed that the Council would follow the proper procedures in doing this.

There were also a number of minor typing errors in the minutes which would be corrected.

RESOLVED

That subject to the amendment above, the minutes of the meeting held on 9th July 2019 be approved as a correct record.

33 SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT - PUBLIC CONSULTATION

Cabinet considered a report on the Site Allocations and Development Policies Document which formed the second part of the Council's Local

Plan. The report sought Cabinet approval of the publication draft version of the document and its publication for consultation purposes.

The Leader drew attention to the recommendations of the Strategic Planning Board on 24th July 2019 as follows:

That for the reasons set out in the report:

- 1. Cabinet approve for consultation the Publication Draft version of the Site Allocations and Development Policies Document (Appendix 1), its Sustainability Appraisal (Appendices 2 and 2a) and Habitats Regulation Assessment (Appendix 3) for public consultation with the consultation period to commence Monday 19 August 2019 and end Sunday 13 October 2019. In addition it is recommended that the consultation process take fully on board engagement with the settled Gypsy and Traveller communities across the Borough in areas of proposed residential and transit sites with the purpose of community cohesion for both settled and transient Travellers/Gypsy communities;*
- 2. Cabinet approve and publish alongside the documents listed in (i), the draft Plan's supporting evidence base (Appendix 6) and the draft Statement of Common Ground (Appendix 8).*

With regard to the consultation period of eight weeks recommended by the Strategic Planning Board, the Acting Chief Executive advised that whilst the national guidance on the SADPD required a minimum consultation period of six weeks, the Council's Statement of Community Involvement required a consultation period of six weeks and that therefore, to ensure that the process was followed legally and correctly, a six week consultation period would apply.

The Leader advised that the Strategic Planning Board's recommendation that the consultation take fully on board engagement with the Gypsy and Traveller communities across the Borough did not require a formal resolution of Cabinet.

The Leader further advised that following the consultation period, a further report would be submitted to Cabinet on the outcome of that consultation and Cabinet would have the opportunity, if it wished, to make any amendments to the SADPD in light of the consultation feedback. Any amendments made by Cabinet at that stage could require a further consultation period.

Councillor S Gardiner spoke on this matter as Vice-Chairman of the Strategic Planning Board and as the Council's Equality and Diversity Champion.

RESOLVED

That, having considered the recommendations of the Strategic Planning Board, Cabinet

1. approves the Publication Draft version of the Site Allocations and Development Policies Document (Appendix 1), its Sustainability Appraisal (Appendices 2 and 2a) and Habitats Regulation Assessment (Appendix 3) for public consultation, and approves for publication the draft Plan's supporting evidence base (listed in Appendix 6);
2. approves for publication the draft Statement of Common Ground (Appendix 8); and
3. authorises the Head of Strategic Planning to make any additional non-material changes to the consultation documents or supporting information ahead of the consultation and prepare any additional explanatory information to support the consultation.

34 EXCLUSION OF THE PRESS AND PUBLIC

The Chairman made a brief statement about the subject matter of the next item and the reason for its being considered in private.

The Best for Business programme related to the implementation of a new computer system for the Council. It was not uncommon for computer systems to be delayed in implementation. A full update on the Best for Business programme was reported to the Shared Services Joint Committee on 2nd August 2019. The item before Cabinet today concerned not the whole programme but a settlement agreement. Cabinet approval was required for claims that exceeded £100,000. A payment was made in February 2019 that exceeded £100,000 and which was not approved by Cabinet. This Cabinet was now being asked to approve the payment retrospectively. The Leader's view of the rules was that they were there to help you, particularly in difficult times, and should be followed. It was disappointing that the rules had not been followed in relation to the payment made in February 2019. He reluctantly agreed that discussion of the item on the agenda needed to be confidential because the Best for Business programme was ongoing and was commercially sensitive.

Members of the Council had been given an opportunity to attend a briefing with officers at 1.00 pm on the day of the Cabinet meeting to consider and comment on the report.

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of

Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

35 **BEST FOR BUSINESS - FINANCIAL APPROVALS**

Cabinet considered the report on this matter.

It was noted that a further report would be submitted to the Cabinet and the Corporate Overview and Scrutiny Committee in due course.

RESOLVED

That the recommendation in the report be approved.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

Councillor S Corcoran (Chairman)



Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: Environmental Strategy

Portfolio Holder: Cllr Nick Mannion, Environment and Regeneration

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

- 1.1. The purpose of this report is to present the draft Environmental Strategy for 2019-24.
- 1.2. A Notice of Motion was proposed and unanimously carried by Council on 22 May 2019 requesting that a Cheshire East Environment Strategy is brought forward as a matter of urgency and that the Council commits to being carbon neutral by 2025.
- 1.3. The Council has developed its first Environmental Strategy to take action to respond to the global threat of climate change and protect and improve the health and resilience of the environment within our borough.

2. Recommendations

- 2.1. That Cabinet:
 - 2.1.1. Approve the draft Environmental Strategy.
 - 2.1.2. Authorise the Executive Director Place, in consultation with the Portfolio Holder for Environment and Regeneration, to undertake a public consultation seeking views on the draft Environmental Strategy.
 - 2.1.3. Note that, following the outcome of the consultation and any resultant changes, the Strategy will be presented to Cabinet for adoption.

3. Reasons for Recommendations

- 3.1. The Council has developed its first Environmental Strategy to set out the strategic goals and priority actions the Council will take to respond to the global challenge of climate change and protect and enhance our local environment.

- 3.2. A Notice of Motion was proposed and unanimously carried by Council on 22 May 2019 requesting that a Cheshire East Environmental Strategy is brought forward as a matter of urgency and that the Council commits to being carbon neutral by 2025. The Notice of Motion also proposed that the Council will work to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint by reducing energy consumption and promoting healthy lifestyles. It will ensure that the Council provides strong environmental leadership and stewardship.
- 3.3. The goals of the draft Environmental Strategy are that:
- 3.3.1. Cheshire East will be a Carbon Neutral Council by 2025
 - 3.3.2. Waste and pollution will be reduced
 - 3.3.3. Air quality will improve
 - 3.3.4. The availability and use of sustainable transport and travel will increase
 - 3.3.5. New development will be sensitive and sustainable
 - 3.3.6. We will manage the environment to restore nature, conserve heritage and enhance the beauty of landscapes
- 3.4. This Environmental Strategy complements the Cheshire East Economic Strategy and Health and Wellbeing Strategy. An attractive and sustainable natural environment is inextricably linked to quality of place and supports a healthy economy. High quality and accessible green spaces support and enable people to access outdoor space for the mental and physical health benefits.
- 3.5. The strategy will ensure that the Council provides strong environmental leadership and stewardship. The strategy also provides a policy framework for the Council to evaluate and connect policies, projects and service delivery to consider the environmental and climate change impact and how they can contribute positively to the goals of this strategy. Everything we do as a council should consider the implications on climate change and the natural environment.
- 3.6. Alongside the direct impact the council will have through the way we operate, the services and projects we deliver, and the investments we make, we will also seek to educate and encourage businesses, residents, visitors and organisations across Cheshire East to commit to do things differently in order to reduce their carbon footprint and to protect and enhance our natural environment. We will also promote access to our natural environments and inspire more people to use green spaces for the mental and physical health benefits.
- 3.7. Following consideration of the consultation response, the final Environmental Strategy will be presented to Cabinet to approve and adopt.

4. Other Options Considered

- 4.1. The Council could do nothing, but that would mean that the Council will take no action to protect, sustain and improve the environment in support of local, national and global priorities.
- 4.2. The Council could focus on climate change and issue a Climate Emergency declaration. Many local authorities have issued a Climate Emergency declaration to galvanise support for the climate change agenda and set a target by which the council and/or locality will be carbon neutral. Our draft Environment Strategy responds to the threat of climate change and includes an aim to be a Carbon Neutral Council and by 2024 to deliver against an Environmental Strategy action plan for the borough that will include a target for the borough to be carbon neutral. It also includes aims and actions that contribute to the Council's strategic outcomes that Cheshire East is a green and sustainable place and that People live well and for longer.

5. Background

- 5.1. The UK Government published its 25-Year Environment Plan in 2018. Central to this plan is climate change and it sets out its goals to leave our environment in a better state than we found it with cleaner air and water, thriving plants and animals, and a cleaner, greener country for us all. The Government's Plan acknowledges that it will require work across society - citizens, businesses, local councils, charities and other non-profit organisations - to make sure that responsible attitudes towards the environment become the norm to secure lasting change.
- 5.2. At the Council meeting on 22 May 2019 the Elected Members of Cheshire East Council approved the following Notice of Motion relating to Climate Change.

"This Council notes that on 1 May Parliament declared an environment and climate emergency and

 - a) Requests that a Cheshire East Environmental Strategy is brought forward as a matter of urgency;
 - b) Commits to the target of Cheshire East Council being carbon neutral by 2025 and asks that details of how to meet this commitment are included in the Environmental Strategy;
 - c) Will work to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint by reducing energy consumptions and promoting healthy lifestyles."
- 5.3. This report presents the draft Cheshire East Environmental Strategy in response to the notice of motion.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. There is no legal obligation to publish an Environmental Strategy, but doing so resonates with the approach taken by government in respect of its 25 Year Plan and the draft Environment (Principles and Governance) Bill 2018. It ensures the Council is well positioned in respect of the direction of travel at national and international level.

6.1.2. There are no direct implications from consulting on the Environmental Strategy, as its purpose is to guide the formulation of other strategies and plans with a focus on environmental matters. There may well be legal implications that arise from the formulation or implementation of those other strategies and plans, but those will be addressed on a case by case basis.

6.2. Finance Implications

6.2.1. There are no direct financial implications on the current Medium Term Financial Strategy from undertaking a public consultation on the draft strategy. Any costs associated with undertaking the consultation will be funded by the Place Directorate budget.

6.2.2. There will be financial implications from adopting the strategy and implementing the resulting actions. These will be addressed through the 2020/21 Medium Term Financial Strategy planning process.

6.3. Policy Implications

6.3.1. The Environmental Strategy sets out priorities and actions that will contribute to priorities at a borough, national and global level. The strategy contributes to two of the Council's strategic outcomes: that Cheshire East is a green and sustainable place and that People live well and for longer.

6.3.2. The Government published its 25 Year Environment Plan in 2018 calling for action across society – citizens, businesses, local authorities, charities and other non-profit organisations – to secure lasting change for our country and for our planet. The strategy sets out how the Council will contribute to the national policy.

6.4. Equality Implications

6.4.1. A draft Equality Impact Assessment has been conducted and concluded that there are no direct equality implications. The assessment will be reviewed following the consultation.

6.5. Human Resources Implications

- 6.5.1. There are no direct implications for human resources from the strategy. Any projects that are initiated as a result of this strategy will assess HR implications in their business case.

6.6. Risk Management Implications

- 6.6.1. The Environment Strategy has been developed to help mitigate the risk of further harm to our environment.
- 6.6.2. The key risk to the delivery of the strategy will be competing priorities within the council that prevent or delay the delivery of the action plan.

6.7. Rural Communities Implications

- 6.7.1. The Environment Strategy will help to protect and enhance the character of our rural areas and support rural communities.

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

- 6.8.1. Improving our environment benefits all people, but taking action on climate change will help to leave the environment in a better state for the next generation. Young people in many parts of the world have been actively protesting that their environment is being destroyed and calling on governments to take urgent action on climate change. This has led to the UK Government to announcing that a group of young people will advise the government on priorities for environmental action.

6.9. Public Health Implications

- 6.9.1. Spending time in the natural environment improves mental health and feelings of wellbeing. The Environmental Strategy seeks to protect, develop and enhance our green spaces and in so doing help people of all ages access and benefit from their use.
- 6.9.2. The strategy also recognises the impact air quality can have on public health and reinforces our commitment to improve the air quality environment in Cheshire East.

6.10. Climate Change Implications

- 6.10.1. The key purpose of the Environmental Strategy to set out the strategic goals and priority actions the Council will take to respond to the global challenge of climate change. It includes the commitment that Cheshire East Council will be carbon neutral by 2025.

7. Ward Members Affected

- 7.1. All wards.

8. Consultation & Engagement

- 8.1. Subject to Cabinet agreement, the draft Environmental Strategy will be published for public consultation for a period of 8 weeks. The consultation will seek feedback from residents, businesses, public service partners and other non-government agencies on the following themes:

- Agreement / disagreement with the aims identified in the Environmental Strategy;
- Views on the proposed priority actions;
- Views on how progress against the strategic goals should be measured and what targets should be included;
- Whether respondents think the Environmental Strategy should be cost neutral to the council or whether it should be subsidised from local taxation;
- How respondents can support the Council in the delivery of the strategy.

- 8.2. The outcomes of the consultation and any resultant changes to the Strategy will be reported to Environment and Regeneration Overview and Scrutiny Committee.

9. Access to Information

- 9.1. The Council's draft Environment Strategy is provided as an appendix to this report.

- 9.2. Government's 25 Year Environment Plan is available at:

<https://www.gov.uk/government/publications/25-year-environment-plan>

10. Contact Information

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

Name: Paul Bayley

Job Title: Director of Environment and Neighbourhood Services

Email: paul.bayley@cheshireeast.gov.uk

Cheshire East Council

Environmental Strategy 2019-24 - Draft

1. INTRODUCTION

At the Council meeting on 22 May 2019 the Elected Members of Cheshire East Council approved the following Notice of Motion relating to Climate Change.

“This Council notes that on 1 May Parliament declared an environment and climate emergency and

- a) Requests that a Cheshire East Environmental Strategy is brought forward as a matter of urgency;
- b) Commits to the target of Cheshire East Council being carbon neutral by 2025 and asks that details of how to meet this commitment are included in the Environmental Strategy;
- c) Will work to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint by reducing energy consumptions and promoting healthy lifestyles.”

It is widely accepted that climate change is happening as a result of human activity, as is the fact that we need to do things differently, both to adapt to the impact and reduce the extent of change in the long term. The effects are being felt at a global level with higher land and sea temperatures, rising sea levels and extreme weather patterns. The impact of extreme weather is being felt at a local level also, whether it be the impact on homes and businesses from increased incidents of flooding or the impact on the elderly and vulnerable from extreme heat.

The Climate Change Act 2008 introduced a legally binding target for the UK to reduce greenhouse gases by 80% by 2050 against a 1990 baseline. In June 2019 the UK Prime Minister announced a revised target - the UK will cut emissions to net zero by 2050.

The UK Government published its [25-Year Environment Plan](#) in 2018. Central to this plan is climate change and it sets out its goals to leave our environment in a better state than we found it with cleaner air and water, thriving plants and animals, and a cleaner, greener country for us all. The Government's Plan acknowledges that it will require work across society - citizens, businesses, local councils, charities and other non-profit organisations - to make sure that responsible attitudes towards the environment become the norm to secure lasting change.

As well as responding to climate change, the Council is committed to protecting and enhancing the built and natural environment of the borough and how this relates to

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residents, visitors and business. This is reflected in our strategic outcome: Cheshire East is a green and sustainable place. Spending time in the natural environment has a positive impact on people's mental and physical health and wellbeing, contributing to another of the Council's strategic outcomes – People live well and for longer.

The goals of this Environmental Strategy are that:

- 1. Cheshire East will be a Carbon Neutral Council by 2025**
- 2. Waste and pollution will be reduced**
- 3. Air quality will improve**
- 4. The availability and use of sustainable transport and travel will increase**
- 5. New development will be sensitive and sustainable**
- 6. We will manage the environment to restore nature, conserve heritage and enhance the beauty of our landscapes**

This is the first Environmental Strategy that the Council has published. It will ensure that the Council provides strong environmental leadership and stewardship. It sets out the strategic goals and priority actions the Council will take to respond to the global challenge of climate change and protect and enhance our local environment. It is important to recognise the relationships with other key strategies and plans of the council, such as the Local Transport Plan, and how this Environmental Strategy influences and informs those strategies. Consequently, further priority actions that will contribute to the goals of this Environment Strategy will emerge from the development of those complimentary strategies. The priority actions will also evolve and develop through the life of the strategy as we learn and develop our understanding. We will review the Environmental Strategy action plan annually.

The strategy also provides a policy framework for the Council to evaluate and connect policies, projects and service delivery to consider the environmental and climate change impact and how they can contribute positively to the goals of this strategy. Everything we do as a council should consider the implications on climate change and the natural environment.

Alongside the direct impact the council will have through the way we operate, the services and projects we deliver, and the investments we make, we will also seek to educate and encourage businesses, residents, visitors and organisations across Cheshire East to commit to do things differently in order to reduce their carbon footprint and to protect and enhance our natural environment. We will also promote access to our natural environments and inspire more people to use green spaces for the mental and physical health benefits.

This Environmental Strategy complements the Council's Economic Strategy as an attractive and sustainable environment is inextricably linked to quality of place. It helps to

maintain or enhance qualities that differentiate us from other areas and underpins our image and our attractiveness to live, work or invest here. A healthy environment supports a healthy economy. It also complements the Cheshire East Health and Wellbeing Strategy as attractive and accessible green spaces will support and enable people to access outdoor space for the mental and physical health benefits.

2. A CARBON NEUTRAL COUNCIL BY 2025

Climate change is a global issue, threatening unpredictable and potentially irreversible damage to our planet. It is in everyone's interest to be part of the solution and the Council will lead by example locally by taking action to reduce our carbon emissions and become a Carbon Neutral Council by 2025.

Much has already been done through initiatives to reduce carbon and introduce renewal energy sources to our buildings estate. As a major user of energy, the Council spends over £6m on energy per annum across its school and non-school estate. The Council's Carbon Management Plan for 2009 – 2016 aimed to reduce the Council's CO² emissions by 25%. The 25% target was achieved two years early and at the end of the programme, the reduction stood at 42% or 7,000 tCO².

The Council has also undertaken a programme to upgrade the conventional street lighting assets across the borough to the new LED (Light Emitting Diode) energy efficient street lighting. The programme commenced in November 2014 and concluded in September 2018, upgrading 38,420 conventional street lights to the new LED technology and also replacing 10,375 aged street lighting columns. The programme has delivered both significant environmental benefits with a 72% carbon reduction and financial savings from energy consumption in excess of £1m per annum.

We will build on this work to develop further strategies that will reduce our carbon emissions further. We will look to use 100% renewable electricity tariffs, identify and support the delivery of investments in energy efficiency, heat and power networks, solar, and battery storage to decarbonise the council's infrastructure and develop alternative power and heat sources.

We will review our transport fleet and journeys by staff to and during work to promote low carbon alternatives such as public transport, cycling and walking infrastructure. We will also consider incentives such as a workplace parking levy for staff to provide funding for sustainable transport investment.

We will audit the resources we use and the waste we produce in undertaking Council business to prioritise sustainable purchasing, waste reduction, and reuse.

The Council will also look to offset carbon and improve air quality through the development of our green infrastructure, the way we manage our farms estates, and ways we can

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contribute to improving soil health. We will also examine the potential for woodland creation and tree planting in suitable road side, hedge row and urban locations and engage communities in tree planting initiatives.

To ensure we have a clear carbon reduction roadmap, we will produce an over-arching Carbon Strategy that establishes the baseline carbon footprint for the Council in 2019 and the pipeline of projects and initiatives we will progress to achieve our goal to be carbon neutral by 2025.

PRIORITY ACTIONS	WHEN
<ul style="list-style-type: none"> Develop an over-arching Carbon Strategy for the Council to achieve its carbon neutral aims by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint 	Apr 2020
<ul style="list-style-type: none"> Trial alternative fuel vehicles for our fleet vehicles to reduce transport related carbon emissions 	Apr 2020
<ul style="list-style-type: none"> Embed carbon reduction into Council procurement, purchasing and facilities management 	Apr 2020

3. REDUCE WASTE AND POLLUTION

A key objective of sustainable development is to produce less waste and as far as possible use it as a resource. In Cheshire East the waste produced in our community needs to be sustainably managed in order to protect the environment and help to achieve the Government's key aim of moving towards a 'zero waste economy'. This means making adequate provision for a range of waste management facilities which enable waste to be re-used, recycled or recovered wherever possible, and only disposed of as the last option in accordance with the overarching principle of the 'Waste Hierarchy'.

3.1 Waste Reduction, Reuse, Recycling, and Disposal

Cheshire East residents are generally good at recycling the waste that they produce. With a recycling rate of 54.4% we were 41st out of 355 English Authorities in 2017-18. However, the total amount of household waste Cheshire East residents produce per person is very high, at 488kg per person in 2017-18 ranked 347th out of the 355 English authorities.

A key focus of the Council's strategy for waste is to help households think about the whole life cycle of products and packaging in accordance with the overarching principle of the 'Waste Hierarchy'.

- We will focus on waste prevention to prevent material entering the waste stream in the first place.

- We will promote the reuse of waste through our charitable bulky waste scheme and reuse of waste at household waste centres.
- We will continue to deliver a programme of community engagement to make waste prevention, reduction and reuse a priority over recycling and disposal, expanding our team of Waste Prevention Volunteers.
- We will increase recycling by providing food waste recycling and ensuring waste that cannot be recycled is disposed of as a resource to create heat and power with landfill only being used as a last resort.

The waste management needs of the authority need to be strategically planned for alongside all other environmental, social and economic considerations to ensure an appropriate level of provision. The Municipal Waste Management Strategy for Cheshire East Council establishes key aims and objectives for the management of municipal waste and identifies important steps that will be undertaken to deliver these aims and objectives. The actions are targeted to improve the sustainability of waste management practices, make increased use of waste as a resource and ensure legislative compliance moving forward. These objectives collectively contribute to waste prevention and reduction, increased reuse and recycling, the recovery of energy from residual waste, substantially reduced dependence on increasingly expensive and unsustainable landfill, the support of local third sector organisations, the protection of the environment and the improved efficiency of waste services delivered by the Council.

3.2 Litter and Street Cleansing

We will work to keep our Borough clean and a pleasant place to live and work. To achieve this street cleansing needs to be more than simply collecting litter. Through education and engagement of our communities we seek to change behaviours and foster local community pride in our towns and villages.

We aim to encourage community action through innovative volunteer based schemes engaging key partners and working with national initiatives. We are assisting communities through providing educational material such as our *Life with Less Plastic* campaign and in engaging with national initiatives such as *The Big Spring Clean*. We will continue to support and equip local *Clean Teams* who come together as volunteers to organise litter picks and clean their local areas.

In street cleansing we are seeking to take an evidenced approach to ensure we have the right bins in the right locations balancing the need to encourage the public to take responsibility in taking litter home while providing where needed bins to allow the disposal of dog mess and litter, including recycling on the go, at strategic locations.

We continue to be frustrated by pockets of fly tipping in our towns and countryside. We are committed to identifying and prosecuting those responsible. We provide a simple to use reporting mechanism for fly tipping to support timely clean up but ensuring there is

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sufficient time for enforcement teams to assess evidence to enable prosecution. We have also opened our household waste recycling centres to small trader construction waste to provide a new disposal route for small quantities of trade waste, the main source of rural fly tipping.

PRIORITY ACTIONS	WHEN
• Launch food waste recycling	Jan 2020
• Introduce Recycling on the Go street litter bins in key town centres	Oct 2020
• Review and update the Council's Municipal Waste Management Strategy	Mar 2020

4. IMPROVE AIR QUALITY

Pollution by particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂) can impact public health and cause short and long term health effects. These pollutants also contribute to climate change by affecting sunlight reflection and absorption.

The protection and improvement of the air quality environment is both a national and local priority. Part IV of the Environment Act 1995 requires local authorities to review air quality in their area and designate air quality management areas (AQMA) if improvements are necessary. Where an AQMA is designated an air quality action plan (AQAP) describing the pollution reduction measures must then be put in place to contribute to the achievement of air quality objectives at local level. Local Authorities are required to produce an Annual Status Report describing the strategies employed to improve air quality, the progress made in implementing actions, and to review the planned actions to ensure they reflect the latest understanding of effective air quality mitigation measures. The Air Quality Action Plan and Annual Status Report must be submitted to Defra for assessment and feedback.

On the whole the air quality across the majority of the borough is relatively good; however there are a number of small areas where, due to vehicular emissions and traffic flow, there are concerns about nitrogen dioxide and particulate matter.

The Cheshire East Air Quality Strategy (AQS) was updated in 2018. It provides an overarching strategic framework to deliver air quality improvements within the borough. Its purpose is to support the achievement of the national air quality objectives and raise air quality as an issue for consideration within a wide range of local and regional frameworks including transport and strategic planning. The strategy also acknowledges the need to raise awareness of air quality and its impact upon health within the local community to help residents understand the role that they can play in reducing pollutant concentrations.

Underpinning the Air Quality Strategy is up to date knowledge of the air quality environment within Cheshire East. The Council actively monitors pollutant concentrations at relevant sites across the Borough. There are currently 17 Air Quality Management Areas declared within the borough, although the Council intends to declare two additional Areas during 2019.

The Council adopted an updated Air Quality Action Plan in 2018. This contains general measures that will help improve air quality across the borough and specific measures for each Air Quality Management Area. The measures target traffic management, development control, alternative and active travel, low emission technology and public awareness and education. The actions required to improve air quality in an area requires the active cooperation and commitment of a wide range of council services, partners and the local community.

PRIORITY ACTIONS	WHEN
<ul style="list-style-type: none"> Review the Air Quality Action Plan and publish the 2019 Air Quality Annual Status Report 	Sep 2019

5. INCREASE SUSTAINABLE TRANSPORT AND TRAVEL

In Cheshire East our transport infrastructure and services are vital to meet our community needs for connectivity to employment, education, health care, shopping and leisure. A significant contributor to air pollution within Cheshire East is road transport. This impact is indicative of relatively high car ownership in Cheshire East with 40% of households having two or more cars against a UK average of 29%. Greater use of sustainable transport will help improve air quality and contribute to the decarbonisation of the borough. This means making adequate provision for a range of sustainable transport opportunities to enable travel on foot, by cycle or by public transport wherever possible, thereby reducing reliance on private cars – especially single-occupancy cars.

The Council's Local Transport Plan, due to be published in October 2019 following consultation, establishes aims and objectives for the maintenance, management and improvement of our local transport infrastructure. These objectives collectively contribute to maximise opportunities for residents of Cheshire East to make informed and sustainable travel choices, increase use of more sustainable means of transport, support commercial, voluntary and local third sector transport providers, protect the environment and improve the efficiency of transport services delivered by the Council.

The Plan identifies what transport success against each of the Corporate Outcomes will look like. To support delivery of the outcome: 'Cheshire East is a green and sustainable place' success will look like:

- All residents have access to places of recreation, leisure and the countryside;

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- The negative impact of the transport network on the natural and built environment is minimised;
- Air quality is improved;
- Residents have the option to travel by walking, cycling and public transport;
- The transport network is resilient to the impacts of weather events and a changing climate.

The Local Transport Plan identifies the transport goals, challenges and actions for the Council and partners across Cheshire East.

The Plan acknowledges that with the recent government announcement to ban the sale of conventional internal combustion engine vehicles from 2040 there is a significant opportunity to move to low carbon transport initiatives. Electric vehicles provide an excellent opportunity to reduce carbon emissions and other vehicle emissions. Electric Vehicles are becoming ever more popular, therefore it is important that there is the necessary infrastructure to cope with this increase. The Council has already provided six 50kW rapid charging units in car parks in Congleton, Wilmslow and Nantwich (Love Lane). The sites have been chosen as they are close to destination points such as supermarkets and coffee shops, where drivers can pass 20 minutes or so while waiting for their vehicle to charge.

The Council will produce an Electric Vehicle Infrastructure Strategy which will outline the ambition to increase electric charging infrastructure provision, and seek funding opportunities and initiatives which encourage the uptake of electric vehicle usage. The Strategy will also determine the most appropriate locations across the borough depending on the need, land availability, power provision and types of charging points to be installed.

As the Local Planning Authority, the Council is able to request charging points are installed where appropriate as part of the approval process for both domestic and commercial planning applications.

PRIORITY ACTIONS	WHEN
• Review and publish the Local Transport Plan	Oct 2019
• Produce an Electric Vehicle Infrastructure Strategy to increase electric charging infrastructure provision and encourage the uptake of electric vehicle usage	Mar 2020

6. SENSITIVE AND SUSTAINABLE NEW DEVELOPMENT

New development needs to respond to the character of the area and provide for sustainable, high quality design that minimises its environmental impact, with a focus on delivering quality buildings and the spaces that surround them.

6.1 Local Plan

The Local Plan is the Council's plan to manage growth and development over future years. It governs all new development, including the change of use of land, and allocates land for new developments such as housing, employment, retailing, infrastructure and community facilities. However, the plan also has a range of policies designed to control or manage development where necessary and appropriate – in order to safeguard areas or features of heritage, landscape, ecological or natural resource importance.

The Local Plan is in three parts:

- The Local Plan Strategy (adopted July 2017) – this provides the overall framework for growth up to 2030 and includes the key strategic policies necessary to achieve sustainable development.
- The Site Allocations and Development Policies Document (SADPD) - this plan provides further detailed planning policies and site Allocations to support the strategic policies and sites contained in the Local Plan Strategy.
- The Minerals & Waste Plan - this is a plan to govern and manage natural resources. It plans for the extraction and exploitation of earth minerals in all their forms: sand, aggregate, hard rock, salt, coal, shale gas and peat. It also plans for how waste resources will be managed, treated and processed.

The Local Plan and related documents is a powerful tool for protecting and enhancing the environment of the Borough – by setting clear policies and proposals, the system of development management is enabled and empowered to ensure they are implemented and that the planning system should provide biodiversity net gains where possible. The Site Allocations and Development Policies Document includes a range of policies to show resilience to climate change and manage the impact of new development on the natural environment. For example:

- The design of new development should take account of the effects of and adapt to the impacts of climate change through the implementation of appropriate design measures, e.g. optimise energy efficiency measures including the use of decentralised energy; minimise the generation of waste and energy consumption in the design, construction, use and life of buildings.
- New development should seek proportionate opportunities to protect, conserve, restore and enhance the ecological network for the borough.
- Major developments and developments affecting semi-natural habitats must be supported by a biodiversity metric calculation to ensure the delivery of a biodiversity measurable net gain.
- Development proposals should seek to retain and protect trees, woodlands and hedgerows. Where the loss of significant trees is unavoidable it must be

compensated for on the basis of at least three replacement trees for every tree removed.

6.2 Development Management

The delivery of sustainable development is central to the determination of planning applications ensuring that any new developments comply with appropriate National and Local Plan policies. New developments are required to have regard to all relevant material planning considerations which includes key environmental factors such as air quality, access to sustainable transport, and protection and enhancement of the natural and built environment. The Cheshire East Design Guide is now embedded within our Development Management practices, recognising our distinct towns and villages add to the character and quality of place.

New developments are required to achieve no 'net loss' of biodiversity and deliver a positive net gain for the borough. This can be achieved through financial contribution secured through s106 legal agreements and/or the provision of land to deliver off-site habitat creation. For example, the widening of the A500 near Crewe has required the removal of some hedgerows which cannot be mitigated on site so an off-site contribution has been secured which will result in a net gain for biodiversity.

Development Management also ensures that the existing natural and built heritage is protected against harmful and unlawful activities through effective planning enforcement.

6.3 Council Led Development

The Council has a large infrastructure programme to support the delivery of the growth ambitions in the Local Plan Strategy. Local Plan schemes such as Congleton Link Road, Middlewich Eastern Bypass, Poynton Relief Road, A500 Dualling and the North West Crewe highway package, which all facilitate housing and jobs growth, are either in preparation for delivery or are under construction. As promoter of these schemes, the Council will ensure that any environmental harm is effectively and proportionately mitigated in line with the appropriate planning policies; being mindful at all times of the need to balance the costs of such mitigation against the desire to ensure the schemes are affordable and deliver the desired benefits.

PRIORITY ACTIONS	WHEN
<ul style="list-style-type: none"> Adopt the Site Allocations and development Policies Document of the Local Plan (Part 2) 	July 2020
<ul style="list-style-type: none"> Adopt the Minerals and Waste Development Plan (Local Plan Part 3) 	Oct 2020

7. PROTECT AND ENHANCE OUR NATURAL ENVIRONMENT

Our natural environment provides us with multiple benefits including improving air quality, conserving biodiversity, reducing flood risk and storing CO₂. It is also contributes to our Quality of Place and is important to our physical and mental wellbeing.

We aim to deliver a high quality and accessible network of green spaces for people to enjoy, providing a range of social, environmental, economic and health benefits. We will seek to protect the health of existing ecosystems, encourage the restoration of degraded ecosystems and enhance the biodiversity of the borough. In doing so we will improve people's health and wellbeing by encouraging people of all ages use and have access to green spaces.

We will take a coordinated approach to the management of the green infrastructure the Council is responsible for (such as open space, countryside sites, public rights of way, parks, playing pitches, water bodies, highways and our farm estates) to protect, develop and enhance these green spaces for all. We will work closely with partners that share common purpose to connect and improve the green infrastructure and natural environment. We will also coordinate with designated landscapes and other managed green spaces, which in Cheshire East include part of the Peak District National Park.

PRIORITY ACTIONS	WHEN
<ul style="list-style-type: none"> Produce a Green Infrastructure Plan that guides the approach to Green Infrastructure management and investment in Cheshire East 	Oct 2019

8. MEASURING PROGRESS

We will measure progress through monitoring the actions that we take and reporting the impact through key outcome indicators such as carbon emissions, recycling rates, the biodiversity impact of new development, and air quality. We will produce an Annual Status Report to report key outcome indicators, update on the progress made in implementing actions, and review the action plan to ensure they reflect our broader strategic planning and learning.

9. ENCOURAGING BEHAVIOUR CHANGE THROUGH COMMUNICATIONS ACTIVITY

Supporting and encouraging changes in day to day behaviour, habits and expectations of residents, Council staff, council customers and other stakeholders will be an important part of the council's activities to deliver the priorities of this strategy.

The council has a number of platforms and opportunities to engage and educate different audiences about climate change and the environmental impacts of their day to day lives.

This includes access to local media through media releases and feature articles, social media activity, (the council has significant followings in key social media,) web content, internal communications activity etc.

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A programme of campaigns is being developed to raise awareness of issues and nudge people towards simple changes that they can make to day-to-day behaviour that will help achieve the objectives of this strategy. This programme will be coordinated with the work of partners, commissioned services and national and international awareness days / weeks, to maximise reach and traction.

This will include content and opportunities to engage around issues such as sustainable travel, recycling, household energy, making space for wildlife, reducing energy consumption in the workplace among others.

10. SUMMARY ACTION PLAN

Priority Actions	When
1. Develop an over-arching Carbon Strategy for the Council to achieve its carbon neutral aims by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint	Apr 2020
2. Trial alternative fuel vehicles for our fleet vehicles to reduce transport related carbon emissions	Apr 2020
3. Embed carbon reduction into Council procurement, purchasing and facilities management	Apr 2020
4. Launch food waste recycling	Jan 2020
5. Introduce Recycling on the Go street litter bin recycling in key town centres	Oct 2020
6. Review and update the Council's Municipal Waste Management Strategy	Mar 2020
7. Publish the 2019 Air Quality Annual Status Report	Sep 2019
8. Publish the Local Transport Plan	Oct 2019
9. Produce an Electric Vehicle Infrastructure Strategy to increase electric charging infrastructure provision and encourage the uptake of electric vehicle usage	Mar 2020
10. Adopt the Site Allocations and development Policies Document of the Local Plan (Part 2)	July 2020
11. Adopt the Minerals and Waste Development Plan (Local Plan Part 3)	Oct 2020
12. Produce a Green Infrastructure Plan that guides the approach to Green Infrastructure management and investment in Cheshire East	Oct 2019

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Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: Early Help and Asset Based Community Development Grants Policy 2019-22

Portfolio Holder: Cllr Mick Warren Cabinet Member for Communities

Senior Officer: Mark Palethorpe – Acting Executive Director People

1. Report Summary

- 1.1. The Council's Early Help and Community Grants Scheme has been refreshed. In order to provide guidance for the operation of the grants scheme the revised Policy for the Allocation of Early Help and Asset Based Community Development Grants Scheme requires approval from Cabinet.

2. Recommendations

That Cabinet

- 2.1. Approve the revised 'Policy for the Allocation of Early Help and Asset Based Community Development Grants Scheme' set out in Appendix 1.
- 2.2. Delegate authority to the People Executive Director to make decisions on grant applications for funding up to the budgeted £200k pa value, and any in-year minor policy changes for the 'Early Help and Asset Based Community Development Grants Scheme'.

3. Reasons for Recommendations

- 3.1. The Policy for the Allocation Community Grants Scheme required annual revision. As recommended by the internal audit, improvements to the scoring of applications have been considered in the proposed changes.
- 3.2. The Policy has been reviewed and amended to fit more closely with the Early Help Framework and to target the money to ensure that a greater impact is made on individuals and their wellbeing by empowering local residents and community groups to initiative local projects to target local needs. The idea of inspiring and empowering local people to implement local solutions is at the heart of the proposed changes.

- 3.3. Early Help and Asset Based Community Development Grant applications are considered at quarterly intervals with recommendations being considered by the Executive Director for People. Approval of this policy to enable decisions to be made on applications made going forwards.
- 3.4. The changes to the Policy are to better meet the needs of our communities by providing grant opportunities to local people and the Voluntary, Community and Faith sector. The changes and the re-launch of this Community Grants can be done borough wide and a local level using Community Networks and Connected Communities Centres to support the process and encourage social innovation.

4. Other Options Considered

- 4.1. Other options considered would be to continue to use the previous policy to manage the Community Grants scheme which would be ignoring the reasons for the 50% allocated to the scheme was underspend from the previous financial year and the ongoing informal feedback from the Voluntary Community and Faith Sector of the required changes.
- 4.2. Another option would be to end the Community Grants scheme. The ongoing dialogue with local residents people and the VCF sector would indicate that the Community Grants scheme is a crucial resource to keep community activities and local services thriving with focus on the early intervention and prevention agenda.

5. Background

- 5.1. The Integrated Commissioning Team has developed an Early Help Framework to offer a single contractual mechanism for relevant commissioning activity for early help services. The Early Help Framework Specification and the Early Help and Asset Based Community Development Grants Policy together can form the Council's strategic vision for early help and prevention which is a key focus of the Cheshire East Health and Wellbeing Strategy, thus orientating Cheshire East Council to reduce or delay the need for people to access statutory health or social care services. This is because their needs will have been addressed 'upstream', before their health deteriorates.
- 5.2. Cheshire East Council has operated a grants scheme since 2009. The aim of this scheme is to support individuals to initiate community activity and to support the voluntary, community and faith sector with developmental projects and activities that improve the quality of life for local communities. This scheme is operated under the Policy for the Allocation of Early Help

and Community Grants, and grants awarded meet the Council's Corporate Outcomes.

- 5.3. Grants being awarded under the Policy for the allocation of Early Help and Asset Based Community Development Grants will result in local people being helped to 'live well and for longer', promoting social innovation and building community resilience so that residents are empowered to recognise and address their own health and wellbeing needs. This includes making the most of assets within communities.
- 5.4. The Early Help and Community Grants Scheme previously had one category:
- Start up grants and community activity – up to a maximum award of £5,000
Organisations could apply for:
 - Equipment, materials or specialist kit to help the organisation develop;
 - Volunteer training courses such as food hygiene, health and safety, first aid, sports coaching;
 - Specialist coaching or teaching sessions from outside organisations;
 - Contributions towards running costs, excluding salaries, for organisations that have been established for less than 6 months only;
 - Publicity / advertising / promotions / establishing a new website.

The Community Grants budget is currently £200k. It is important to focus this limited grant funding on activities and initiatives where clearly defined outcomes can be achieved.

The proposed changes to the Policy will replace the above with two new categories for funding:

Asset Based Community Development Grants - up to a maximum award of £250

- The Council wishes to support new community activities, promoting social innovation in local residents recognising local solutions are often found by local communities.

Early Help and Community Development Grants - up to a maximum award of £10,000

- The Council wishes to support the continuation and development of existing not-for-profit organisations with community activity which will target grant money to ensure

that a greater impact is made on individuals and their wellbeing.

- 5.5. The refreshed outcomes are inline with Cheshire East Corporate Outcomes also using the nationally recognised Themes, Outcomes and Measures created by the Sustainable Development Unit as part of the Social Value work. A number of proposed projects have set alongside those outcomes to provide the applicants additional information. With the refreshed criteria for funding, along with the introduction of a multi-agency evaluation panel a more collaborative systematic place based approach to the allocation of this Community Fund which will maximise it's potential to achieving the desired outcomes set out within the Policy.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The Council has the power to award grants to organisations using its general power of competence in section 1 of the Localism Act 2011. In exercising the power the Council must satisfy its public law duties. In essence this means that in making the decision the Council must have taken into account only relevant considerations, followed procedural requirements, acted for proper motives and not acted unreasonably. A grant policy is a clear statement of the criteria that the Council is applying and is essential if the Council is to defend any challenge to its decision making process. An overarching Corporate Grants Policy provides a consistent basis upon which policies are created and reviewed regularly.
- 6.1.2. The Policy for the Allocation of Early Help and Asset Based Community Development Grants 2019 - 2022 deals with the allocation of grants which are awarded to defined organisations following an application process and against set criteria. There are conditions requiring that organisations report back to the Council upon expenditure of the grant and to enable further appropriate conditions to be imposed. The decision making process is delegated to the Executive Director for People in accordance with the financial limits set out in the Corporate Grants Policy.
- 6.1.3. Grant funding to organisations based on the application of the Council's Early Help and Asset Based Community Development Grants policy satisfies the Council's public law duties. A competitive grants process is an open, transparent and fair means to afford all eligible organisations the opportunity to compete for and obtain grant funding from the Council. It is a means to distribute limited resources

amongst such organisations and to support and encourage the introduction of new community initiatives.

6.2. Finance Implications

6.2.1. The base budget for the Early Help and Asset Based Community Development Grants is £200k pa.

6.2.2. This paper recommends a policy change to grant allocation criteria and evaluation. There are no financial implications from recommendations 2.1, 2.2 and in this report.

6.3. Policy Implications

6.3.1. This is a revised policy and does not conflict with other Council policies

6.4. Equality Implications

6.4.1. An Equality Impact Assessment is underway and will be completed before a proposed go live date of the 1st October to ensure all processes have taken all equality characteristics in to consideration

6.5. Human Resources Implications

6.5.1. The Early Help and Community Development Grants Scheme will be managed through existing resources within the Communities Team.

6.6. Risk Management Implications

6.6.1. The risk of not agreeing an approach to provide funding opportunities to the voluntary, community and faith sector is that some organisations may be unable to continue to undertake activities which the Council would wish to see in place and which support the Council's aims and objectives, resulting in a loss of community benefit.

6.7. Rural Communities Implications

6.7.1. There are no negative implications on the rural community as the Council's Early Help and Asset Based Community Development Grants scheme is open to anybody to apply, as long as they meet the schemes criteria.

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

6.8.1. Moving towards an outcome focussed approach gives greater opportunity for organisations to meet the needs of children and young people.

6.9. Public Health Implications

6.9.1. The Early Help and Asset Based Community Development Grants scheme gives a positive health outcome as people are coming together in community groups and meeting other, like-minded, community members, which reduces social isolation.

6.10. Climate Change Implications

6.10.1. The changes to the expected outcomes have included initiatives to reduce energy consumption, reduce single use plastics, minimising waste and promoting sustainable clean air travel alternatives. This can also be used to act as match funding to release existing, external grant funding.

7. Ward Members Affected

7.1. All wards and members.

8. Consultation & Engagement

8.1. Engagement took place with the Voluntary, Community and Faith Sector during the development of the Early Help Framework.

8.2. Informal feedback with the Voluntary, Community and Faith Sector during 2018/2019 has led to the proposed recommended changes to the Policy.

9. Access to Information

9.1. Appendix 1 - Early Help and Asset Based Community Development Grant Policy

10. Contact Information

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

Name: Dan Coyne

Job Title: Community Development Manager

Email: Daniel.coyne@cheshireeast.gov.uk

POLICY FOR THE
ALLOCATION OF
EARLY HELP AND ASSET BASED
COMMUNITY DEVELOPMENT GRANTS

2019 – 2022

July 2019



Working for a brighter future together

1. **BACKGROUND**

- 1.1. Cheshire East Council operates an Early Help and Asset Based Community Development Grants Scheme within the boundaries of Cheshire East as we believe that a vibrant voluntary, community and faith sector is vital to our communities. Funding awarded to local people and the voluntary, community and faith sector (VCFS) can generate a significant amount of community activity and positive impact. This Policy addresses the governance arrangements, procedures and monitoring process to facilitate the scheme.
- 1.2. The Early Help and Asset Based Community Development Grants Scheme is a key enabler to the delivery of our Connected Communities Strategy which aims to connect communities across Cheshire East, where people and community organisations are embedded within local networks, providing mutual help and support.
- 1.3. The Early Help and Asset Based Community Development Grants Scheme align to the Council's Commissioning Framework – People live well for longer which has been developed to achieve improved outcomes for local people. This means anticipating and responding to health and wellbeing needs as early as possible to ensure that local people are helped to 'live well and for longer' building resilience, so that people are empowered to recognise and address their own health and wellbeing needs and to make the most of assets within communities (such as by connecting people with local groups / voluntary services), which is a core part of this approach.
- 1.4. The aim of the Early Help and Asset Based Community Development Grants Scheme is to support not for profit organisations (which for the purposes of this Policy shall include voluntary and community groups and registered charities) and inspire local people through social innovation to develop or enhance local projects that will improve the quality of life for local communities. Grants will be awarded which meet the Council's Corporate Outcomes (*see "3.10 Expected outcomes and proposed projects"*)
- 1.5. Funding will only be allocated where organisations and local people can demonstrate a required need, and demonstrate that a defined impact will be made through their project or activity and that clear outcomes can be achieved.
- 1.6. When using the term grants in this Policy it refers to the giving of a fixed amount of Council funds to organisations through an application and assessment process which takes place 4 times each financial year.

2. **LEGAL AND BUDGETARY FRAMEWORK**

- 2.1. The Executive Director - People has responsibility for Early Help and Asset Based Community Development Grants Scheme and has delegated authority to approve grant applications from local people and organisations to assist in developing community based activities and projects.
- 2.2. The Early Help and Asset Based Community Development Grants Scheme budget is fixed each year and so there is a limited amount of money from which to pay grants under this policy.

- 2.3. All grant decisions will be made based on the set of principles, set out in this Policy, and within the agreed budget approved by Council each year. The budget for the grants is managed carefully and flexibly to ensure that the Council has money available throughout the year.
- 2.4. Given the fixed budget and the Council's aim to benefit as many organisations as possible, the Council cannot guarantee to fund the maximum amount applied for; therefore organisations must ensure that they have procedures in place to cover the balance of funding required. The Council will not pay a grant unless the organisation can demonstrate that the balance of the funding is available.
- 2.5. The Executive Director for People will be responsible for setting aside a proportion of the available budget for promotion and publicity purposes, as required.

3. APPLICATION PROCESS

- 3.1. The Early Help and Asset Based Community Development Grants Scheme operates within set criteria, which is approved by Cabinet, the final decision making on approving each round of grants will be delegated to the Executive Director of People and the relevant Council Officers in line with the Council's Corporate Outcomes:

How to apply

- 3.2. Applications for Early Help and Asset Based Community Development Grants Scheme must be made using the Council's Early Help Community and Asset Based Community Development Grant Application Form (See *Appendix 1*) and associated guidance notes that are available online on the Council's website and as a paper version on request.
- 3.3. The application form must be completed in full. Incomplete application forms will not be considered and will be returned to the applicant, which could cause a delay or deferral of the application. If applying from an organisation, a copy of the organisations up-to-date signed Governing Document and Safeguarding Policies and any other applicable supporting documents must be sent with the application form. If this is not received the application will be deferred to the next round of evaluation and may result in the application being declined. Further supporting documentation (listed under section 8 of the application form) may also be requested prior to the application being fully considered. Failure to supply all required documentation will result in the application being treated as incomplete.
- 3.4. Applicants can only apply for funding for one project per financial year.
- 3.5. The closing dates for receipt and acceptance of complete applications are the last Friday of March, June, September and December each year.
- 3.6. Grants cannot be paid retrospectively therefore any work commenced prior to acceptance of the grant offer will not be eligible for funding.
- 3.7. All successful applicants will be required to complete a post grant monitoring report as per section 5.0 of this Policy, this will be proportionate to the amount of funding allocated.

Who can apply?

3.8. Asset Based Community Development Grants – up to a maximum award of £250

The Council wishes to provide an opportunity for local residents of Cheshire East who wish to share their skills, interest and passions through volunteering to promote or deliver projects or events that will improve the health and wellbeing of their community. Residents will be able to apply for up to £250 for projects which will be delivered **BY** local people, be locally owned, and be locally attended.



By = Projects done by us for us. (Asset-based Community Development).

To apply for this you must:

- ✓ Achieve one or more of the expected outcomes outlined in 3.10 of this document
- ✓ Live within the Cheshire East area
- ✓ Be passionate to make a difference within your local community
- ✓ Complete the application form in full, providing all required information
- ✓ Have not already received an Asset Based Community Development Grant within the current financial year

3.9. Early Help Community Development Grants – up to a maximum award of £10,000

The Council wishes to support the continuation and development of not-for-profit organisations and local projects that are created **WITH** the local community, this will target grant money to ensure that a greater impact is made on local communities **WITH** local communities.



With = nothing for us without us. (Social Model/Coproduction/Co-design, Asset-based approaches)

To apply for this you must:

- ✓ Achieve one or more of the expected outcomes outlined in 3.10 of this document
- ✓ Be a voluntary or community organisation, registered charity or other not for profit organisation

- ✓ Have a set of audited accounts, or as a minimum an organisation bank statement, and are able to provide such information as the Council reasonably requires in order to satisfy the Council as to the organisations financial position and its need for the assistance requested
- ✓ Have a management committee with an up-to-date Governing Document which must be signed by at least two members of the committee who are unrelated to each other;
- ✓ Have appropriate safeguarding policies relevant to their organisation, which must include a requirement that staff / volunteers are cleared with the Disclosure and Barring Service where appropriate;
- ✓ Have a bank or building society account in the name of the organisation applying with at least two signatories who are unrelated to each other;
- ✓ Provide value for money
- ✓ Be passionate to make a difference within your local community
- ✓ Complete the application form in full, providing all required information
- ✓ Have not already received an Early Help Community Development Grant within the current financial year
- ✓ Be based in Cheshire East

3.10. **Expected outcomes and proposed projects**

The list below highlights Cheshire East Corporate Outcomes, with a number of key outcomes that the Early Help and Asset Based Community Development Grants will be expected to achieve. These outcomes are inline with Cheshire East Corporate Outcomes also using the nationally recognised Themes, Outcomes and Measures created by the Sustainable Development Unit as part of the Social Value work. A number of proposed projects have set alongside those outcomes to provide the applicants additional information.

Outcomes	Proposed Projects
1. Our local communities are strong and supportive	
Health literacy is improved and community health services are promoted	Initiatives to connect communities through projects around health awareness (including wider determinants of health), promoting community safety (workshops, training)
Community asset building	Initiatives to connect communities through building community networks by providing space and opportunities to bring people together reducing loneliness and isolation and enhancing community cohesion (community transport schemes, enhancing community facilities, community events)
2. Cheshire East has a strong & resilient economy	
More local people in employment	Initiatives to support people in to employment with disabilities, who have been long term unemployed, young offenders (job clubs, training programmes, volunteer opportunities)
Encourage businesses to play an active role within their communities	Initiatives that attract businesses to use Social Corporate Responsibility to benefit local communities (volunteering, local apprenticeship schemes, sharing community knowledge)
3. People have the life skills and education they need in order to thrive	
Children are given the best start in life	Initiatives to promote positive behavior change in young people (anti bullying, change4-life, start for life projects)

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Young people are given the best opportunities	Initiatives around summer play schemes, youth projects in particular considering young people in vulnerable groups and initiatives that reduce anti-social or disruptive behaviors
4. Cheshire East is a green & sustainable place	
Environmental Impacts are reduced	Initiatives to provide advice to local residents to reduce energy consumption, reduce or replace the use of single use plastics, promote recycling and minimising waste (love food hate waste).
Sustainable travel is promoted	Initiatives to promote walking and cycling routes alternative to car journeys
Creating better places to live	Maximising the use of the natural built environment such as open green spaces developing initiatives that will connect people to these areas. Protecting and sustaining the natural built environment such as open green spaces developing initiatives such as friends of the park schemes and planting schemes.
5. People Live well for Longer	
People are supported to have control over their lives	Initiatives to promote independent living (money advice, befriending schemes, practical healthy lifestyles advice, digital inclusion support)
The role and impact of ill-health prevention is strengthened	Initiatives that tackle homelessness, alcohol abuse, drug misuse, smoking, promote healthy eating, drinking and exercise (projects that will engage target audiences)
Mental health is promoted	Initiatives to promote good mental health or increase access to mental health support (peer support groups, dementia friendly communities, mental health first aid)
Non clinical treatment promoted	Initiatives that offer social prescribing schemes as treatment
Carers' quality of life is improved	Initiatives to support carers to feel less isolated and develop new social and peer support networks

3.11. ***What this grant will fund***

- Capital costs (equipment, building repairs)
- Revenue costs (staffing, expenses)
- Events (refreshments, advertisement etc.)
- Project start up/short term ongoing costs (volunteers expenses, room hire, insurances etc.)

3.12. ***What this grant will not fund***

- Organisations which hold substantial free reserves, including local branches of national or regional organisations which hold free reserves that could be utilised
- Applications from Town and Parish Councils or departments within Cheshire East Council

- Applications made by an individual below the age of 18.
- Work which has already taken place and been paid for.
- Sponsorship for individuals taking part in foreign trips or sporting/musical programmes
- Activities that are for the sole relief or benefit of animals
- Activities that are of sole benefit to an individual
- General appeals, sponsorship or fundraising for your own organisation or others
- Activities of a mainly political or religious nature
- Refurbishments or equipment where there is no considerable benefit to individuals attending the facility
- Projects taking place abroad
- Projects that do not meet the intended outcomes
- Projects from schools or colleges that do not take place outside of normal school hours or in the holidays or do not include a wide proportion of the community who do not attend that establishment
- Events which do not involve members of the local community participating
- Repair costs where deterioration is due to neglect
- Loan against loss or repaying debt;
- Paying someone to write your application or applications to other grant funders
- Land purchase
- Items that are purchased on behalf of another organisation
- Disabled facilities where there is no proven need for the work to be carried out or where upgrading is required for an existing facility to meet the statutory requirements of the DDA;
- Organisations which are not based in Cheshire East, unless they can demonstrate significant community benefits within Cheshire East.

3.13. General Conditions

- 3.13.1. Grants are classed as one-off and should not be seen as repeat funding;
- 3.13.2. The funding allocated must be spent to benefit the residents of Cheshire East:
- 3.13.3. Annual applications from the same people or organisation for the same purpose will not be considered;
- 3.13.4. Grants of £1,000 and under are valid for a period of 6 months from the date of the offer letter and will be paid in advance. Monitoring information and invoices or receipts must be forwarded to the Cheshire East Council within 6 months of the date of offer letter;
- 3.13.5. Grants over £1,000 are valid for a period of 12 months from the date of the offer letter and will be paid upon completion of the project. Monitoring information and invoices or receipts must be forwarded to the Cheshire East Council within 12 months of the date of offer letter to allow the grant to be paid;
- 3.13.6. If an organisation's financial position means that they are unable to begin the project without payment of the grant first they may be entitled to request payment prior to the project commencing. Monitoring information will still need to be submitted 12 months after the date of the offer letter;
- 3.13.7. Organisations who are in receipt of other funding from the Council may apply to this grant scheme if the grant is required for a one-off project which is considered additional to the service already funded;

- 3.13.8. Any profits from projects must be used to further develop the organisation/community activity or for any future projects and not used to support other organisations or different projects;
- 3.13.9. If the project involves work on land or a building, including refurbishment, the applicant must own the freehold of the land or building, or hold a lease that cannot be brought to an end by the landlord for at least 5 years;
- 3.13.10. If planning permission is required this must be in place before the grant application is made. The Council may ask for confirmation that planning permission is not required, or that it is required and has been granted. Grant applications without planning permission in place will be considered if the application is for a feasibility study or architects fees in order to establish the viability of the project;
- 3.13.11. Organisations must be committed to and have policies on equalities and inclusion and in delivering the services or activity the organisation must not unlawfully discriminate, directly or indirectly against any of the nine protected characteristics which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The organisation can direct some or all of its activities at specific groups where the intention is to address discrimination or disadvantage;
- 3.13.12. Successful applicants must be able to participate in a monitoring process and provide monitoring information to evidence how the grant money has been spent and adherence to the conditions of the grant. This must include receipts or invoices and the completed monitoring form, plus photographs, once the project has finished. This in some cases may also include in site visits and quarterly updates;
- 3.13.13. Successful applicants must acknowledge the support of Cheshire East Council in press releases, publicity and advertising etc. Electronic copies of the Council's logo will be sent with grant offers;
- 3.13.14. Successful applicants will be expected to adhere to all grant agreements including how the Council's branding should be used to promote the project
- 3.13.15. Successful applicants will allow Cheshire East Council to use details of the grant award, together with any relevant photographs supplied, in newsletters and on the Council's website;
- 3.13.16. Expenditure must not be incurred on the project prior to the grant decision being given. In these circumstances the Council will withdraw the grant offer/rescind the grant decision;
- 3.13.17. Successful applicants must notify the Council of any changes in circumstances which affect their financial position throughout the period in which the grant monies are being used;
- 3.13.18. The grant must only be used for the purposes specifically stated in the application form, should it be spent in any other way, without written approval from the Council, the individual or Organisation may be asked to return some or all of the monies paid;
- 3.13.19. If the project is cancelled or only partially achieved, or if the organisation is wound up, any unused grant money must be returned to the Council;
- 3.13.20. All conditions, under which the grant has been awarded, including any Special Conditions, must be met. Failure to do so could result in the individual or Organisation being asked to repay the grant monies to the Council.

4. DECISION MAKING PROCESS

- 4.1. The Early Help Community and Asset Based Community Development Grant applications will be considered at quarterly intervals as set out at section 3.5.
- 4.2. All Applications will be assessed by a multi agency evaluation panel of professionals who will have various expertise about the proposed outcomes.
- 4.3. Having assessed all applications a Recommendations Report is prepared for consideration and approval by the Executive Director for People.
- 4.4. Applicants will be notified to inform them of whether they have been successful or not within 6 weeks after the closing date for each round of applications.
- 4.5. Complaints about any aspect of the Early Help and Asset Based Community Development process will be dealt with under the Council's Corporate Complaints Procedure. A copy of the [Council's Corporate Complaints, Compliments and Suggestions Policy](#) is available from the Council's website.

5. MONITORING AND RECORD KEEPING

- 5.1. Following a successful application and in order to ensure that monies are used in an appropriate manner, as set out in this Policy, a monitoring report will be required following project completion. This report shall include, but shall not be limited to, how many people benefitted from the project, if a profit was made and how it was used, how the grant money was used and what difference the project made to the organisation and/or local people.
- 5.2. For Grants of £1,000 and under the completed monitoring form, invoices or receipts and photographs must be forwarded to the Council within 6 months of the date of offer letter.
- 5.3. For Grants over £1,000 the completed monitoring form, invoices or receipts and photographs must be forwarded to the Council within 12 months of the date of offer letter to allow the grant to be paid.
- 5.4. Invoices or receipts dated prior to the date of the offer letter will not be accepted or reimbursed
- 5.5. The Council reserves the right to monitor the use of the grant and ask for evidence to support an application.
- 5.6. Successful applicants must allow reasonable access to premises/accounts/activities upon request from the Council.
- 5.7. Successful applicants must retain records relating to the grant for an appropriate period (to be advised depending on the grant).
- 5.8. If successful applicants do not supply satisfactory monitoring reports and supporting information in full and within the set time scale they may be asked to repay the grant funding to the Council. Failure to comply with the conditions of this grant may be taken into account when considering any further applications for grant funding made by the same person or organisation in the future.

Annex 1: Early Help Community and Asset Based Community Development Grant Application Form

Early Help and Asset Based Community Development Grants Application Form

This application form should be completed in conjunction with the Guidance Notes and the Policy for the Allocation of Early Help and Asset Based Community Development Grants

	Max. Grant	Amount Applied for
Asset Based Community Development Grants	£250	
Early Help Community Development Grants	£10,000	

1. Contact Details

Resident/Organisation name:	
Address:	
	Postcode:
Main contact for this application (name):	
Position in organisation (if applicable):	
Contact address (if different from above):	
	Postcode:
Telephone No:	
Email:	
Website:	
Secondary contact for this application (name):	
This must be different from above and if applying from an organisation a second contact must be your chair, secretary, treasurer or a senior member of your management committee.	
Contact address	
	Postcode:
Telephone No:	
Email:	
Position in organisation (if applicable):	

**If you a resident applying for an Asset Based Community Grant, please go to section 3.
If you are applying as an organisation, please complete section 2.**

2. Organisation Profile

How would you describe your organisation? Please tick all boxes that apply

Registered Charity ☐ Voluntary Organisation ☐ Community Group ☐

Please supply your Registration Number

Company Limited by Guarantee ☐ Not-for-Profit Organisation ☐ Social Enterprise ☐

Other ☐ Please describe:

How long has your organisation been in existence?

What does your organisation do? (A summary of this information will be used on our website if your application is successful)

Maximum 50 words.

Does your organisation:

Own its own land/premises/facilities ☐

Hire private land/premises/facilities ☐

Hire local authority land/premises/facilities ☐

Lease the land/premises/facilities ☐

☐
☐
☐
☐

(please give details of lease expiry date/length of lease below)

How many people are involved in your organisation? (include your committee, staff and members in this figure)

Number of paid staff Full time Part time Casual

Number of unpaid staff/volunteers Full time Part time Casual

Number of members / participants Total

3. Previous Funding

Have you/your organisation received a grant or other funding from Cheshire East Council before?

Yes ☐ No ☐

If yes, please state what the grant was for, when it was awarded and how much was awarded.

Type of grant or funding:

Date awarded:

Amount £

How did you hear about the Early Help and Asset Based Community Development Grant Scheme?

4. Your Project

Start date of project:

Name of project: Maximum 10 words

Project Outline: Describe what the grant you are requesting is required for.
Maximum 150 words.

Outcomes: Describe the outcomes your project will aim to achieve and what difference will your project make locally.
Maximum 150 words.

Evidence: Provide examples of evidence that your project will achieve the proposed outcomes.
Maximum 150 words.

Consultation and need: Describe how you have consulted your intended beneficiaries or the local community to establish the need for your project.
Maximum 150 words.

Monitoring and Evaluation: Describe how you will monitor the project outputs and evaluate its outcomes upon project completion.
Maximum 150 words.

Sustainability: How will your project or service be sustained and provide a lasting benefit to the community after the grant funding has been used?
Maximum 50 words.

5. Your Project Beneficiaries

Outputs: Please tell us the total number of people you expect to directly benefit from your project and how you intend to engage them.

Target Audience: Please tell us who will benefit from your project.
Maximum 150 words.

Area: Please tell us which geographical area will benefit most from your project (borough/town/neighbourhood).

6. Projected Expenditure

Please estimate your total project costs and provide brief details.

New build / refurbishment	£	
Furniture, fixtures / fittings	£	
Equipment purchase	£	
Equipment hire	£	
Premises / facility hire (<i>per week</i>)	£	
Materials (<i>include details</i>)	£	
Advertising / marketing / publicity	£	
Workshops / seminars / training	£	
Staffing costs	£	
Volunteer expenses	£	
Other (details)	£ £	
TOTAL COST:	£	

Does your organisation restrict access on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation?

Yes ☐ No ☐

If yes, please give us more information about why you restrict access:

This information is for data collection purposes only and will not be used to assess your application unless you unfairly restrict access to your organisation or activity.

7. Additional Contribution Costs (if applicable)

Please specify funding or income from other sources (other grants, own contribution, match funding etc) that will contribute towards your total project cost. **We cannot guarantee to award the full amount requested.**

	Amount	Applied to (name) and expected to hear (date)	Confirmed? (✓)
Total Project Cost	£		
Own existing funds / fundraising	£		
Projected income from ticket sales etc.	£		
Town / Parish Council funding	£		
Sponsorship (Please specify)	£		
Donations (please specify)	£		
Grants i.e. Lottery, WREN etc (Please specify which organisations funding is coming from)	£ £ £ £	1. 2. 3. 4.	
Non-Cash or In-Kind contributions (volunteer hours)			
Total projected income	£		
Amount requested from Cheshire East Council	£		
Balance Outstanding	£		

If there is a balance outstanding or you are not awarded the full amount requested from Cheshire East Council please state how the shortfall will be covered or whether the project will be delayed:

If you receive all of your expected income which then exceeds your total project costs, or you make a profit, please state how this surplus will be spent:

Organisations only : Please provide a summary of your most recent accounts and whether the figures below are:

☐ A projection because the organisation has been running for less than 15 months

☐ Information from the organisation's latest accounts

Account Year Ending:

Total Income for the year

£

Total expenditure for the year

£

Surplus or deficit

£

Total savings or reserves at bank at year end
(please state what reserves are held for)

£

Please state organisation's / or individuals bank account name, sort code and account number:

Account Name:

Account number:

Sort Code:

If your organisation is VAT registered, please supply your VAT number:

8. Supporting Documentation

If you are applying as an organisation, please tick if you have the following documents. You do not need to send these documents in with your application, but we may request copies at a later date.

Up to date Annual accounts

☐

Safeguarding Policies

☐

Governing Document (signed)

☐

Quotes/Estimates for equipment

☐

Planning Permission

☐

Affiliation to a Governing Body

☐

Disclosure and Barring Service Checks

☐

Equalities and Inclusion Policy

☐

Proof of identity (for applications to the Asset Based Community Development Grants) ☐

9. Data Protection and Communications

Please ensure that you read this section before submitting your application.

Part or all of the information you supply to us will be held on computer. This information will be used for the administration of grant applications and for statistical analysis. Copies of this information will be given, where necessary, to individuals we consult with when assessing applications and for monitoring grants. You have the right to view information we hold on you and to have any errors or inaccuracies corrected.

We would like to contact you from time-to-time to provide information relevant to you such as funding bulletins and our newsletter. The General Data Protection Regulation requires us to ask for consent to contact you by email. If you are happy for us to do this please tick this box ☐ If you do not tick this box we will not include your details on our database.

Alternatively, please follow the link to add yourself to our [Connected Communities Mailing List](#) which will allow you to specify which area you would prefer to receive information about.

10. Declaration

I hereby certify that to the best of my knowledge all the information contained within this application is correct and I confirm that I understand, agree and accept the terms and conditions of the grant as set out in the Policy for the Allocation of Early Help and Asset Based Community Development Grants Scheme.

1 st Signature:	Position in organisation:
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Date:	Are you over 18?
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2 nd Signature:	Position in organisation:
----------------------------	---------------------------

Date:	Are you over 18?
-------	------------------

11. Submitting Your Application

Before submitting your application you must tick all the boxes below to confirm that:

- ☐ You have answered all questions on the application form.
- ☐ You (the main contact named in section 1 of this application form) are over the age of 18 and if applying on behalf of an organisation, you are authorised to apply for a grant from Cheshire East Council on behalf of your organisation.
- ☐ You understand that if you make any seriously misleading statements (whether deliberate or accidental) at any stage during the application process, or knowingly withhold any information, this could make your application invalid and you could be liable to repay the grant to the Council.
- ☐ If we make a conditional offer to you or your organisation, you will supply all relevant documents or information within 20 working days and accept that we may withdraw the grant offer if this is not adhered to.
- ☐ You have read and are able to comply with the terms and conditions of the grant, which are set out in the Policy for the Allocation of Early Help and Asset Based Community Development Grants and that you understand that any grant offer will be made subject to your confirming that you understand, agree and accept those terms and conditions.

Application forms should be returned:

By post:

Early Help and Asset Based Community Development Grants, Cheshire East Council, (Floor 3, Delamere House)
C/O Municipal Buildings, Earle Street, Crewe, CW1 2BJ.

By email:

communitygrants@cheshireeast.gov.uk

If you have any questions concerning your application please visit www.cheshireeast.gov.uk/communitygrant, use the contact details above or phone 01270 685809.

Closing dates for receipt of applications are the last Friday of:

- **March**
- **June**
- **September**
- **December**

You will be informed of the outcome of your application approximately 6 weeks after the closing date.

Annex 2: Early Help Community and Asset Based Community Development Grant Guidance Notes

Early Help and Asset Based Community Development Grants
Application Guidance Notes

Please read these notes carefully before completing the application form and ensure that you have read the Policy for the Allocation of Early Help and Asset Based Community Development Grants.

Grant Category

- Please state which category you are applying to and how much money you will be requesting from Cheshire East Council in your application form.

Section 1 – Contact Details

- If applying from an organisation, enter the full names as they appear on your governing document.
- The main contact for the application must be the person that submits the application and must have knowledge of, and be able to talk about, your project.
- The secondary contact must be different from the main contact and if you are applying from an organisation, this contact must be your chair, treasurer or a senior member of your management committee.

Section 2 – Organisation Profile

- Only complete this section if you are applying from an organisation
- To describe your organisation tick all boxes which apply and, where applicable, add your charity registration number.
- If applying from a school, projects will only be eligible for consideration if they take place outside of normal school hours or in the holidays. Projects must involve a wide proportion of the community who do not attend the school.
- Enter the number of years that your organisation has been in existence.
- When entering a description of what your organisation does please consider that this will be read by people who do not know your organisation. Enter a summary, of no more than 50 words, which captures the main element of what you do. A summary of this information will be used on the Council's website if your application is successful.
- Tick the one category that describes your organisations land / premises / facilities and enter the lease expiry date or length of lease.
- If your project involves work on land or a building, including refurbishment, you must own the freehold of the land or building, or hold a lease that cannot be brought to an end by the landlord for at least 5 years.

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- Enter totals for all of the people involved in your organisation, this should include your committee members or leaders of the organisation, paid or unpaid staff, volunteers and the members or participants of your organisation. If the numbers of your participants vary, please use an approximate figure.

Section 3 – Previous funding

- Let us know if you have previously received a grant from the Council, when it was awarded, how much was awarded and what type of grant it was. If you do not know the exact date please give the year and approximate month.
- Let us know how you heard about the Early Help and Asset Based Community Development Grants scheme to help us improve our communications.

Section 4 – Your Project

- Enter the date when you expect your project to begin or the date on which the activity or event will take place. We cannot pay retrospectively therefore this date should be at least 6 weeks after the closing date, when you will hear if your application has been successful or not.
- Enter the name of your project
- **Project Outline:**

When explaining what the grant you are requesting is required for please be specific about what you want to do and how you will do it and consider the following proposals for ideas:

Proposed Projects
1. Our local communities are strong and supportive
Initiatives to connect communities through projects around health awareness (including wider determinants of health), promoting community safety (workshops, training)
Initiatives to connect communities through building community networks by providing space and opportunities to bring people together reducing loneliness and isolation and enhancing community cohesion (community transport schemes, enhancing community facilities, community events)
2. Cheshire East has a strong & resilient economy
Initiatives to support people in to employment with disabilities, who have been long term unemployed, young offenders (job clubs, training programmes, volunteer opportunities)
Initiatives that attract businesses to use Social Corporate Responsibility to benefit local communities (volunteering, local apprenticeship schemes, sharing community knowledge)
3. People have the life skills and education they need in order to thrive
Initiatives to promote positive behavior change in young people (anti bullying, change4-life, start for life projects)
Initiatives around summer play schemes, youth projects in particular considering young people in vulnerable groups and initiatives that reduce anti-social or disruptive behaviors
4. Cheshire East is a green & sustainable place

Initiatives to provide advice to local residents to reduce energy consumption, reduce or replace the use of single use plastics, promote recycling and minimising waste (love food hate waste).

Initiatives to promote walking and cycling routes alternative to car journeys

Protect and make use of the natural and built environment with initiatives to maximise green spaces areas, and developing areas around arts, culture, heritage and leisure.

5. People Live well for Longer

Initiatives to promote independent living (money advice, befriending schemes, practical healthy lifestyles advice, digital inclusion support)

Initiatives that tackle homelessness, alcohol abuse, drug misuse, smoking, promote healthy eating, drinking and exercise (projects that will engage target audiences)

Initiatives to promote good mental health or increase access to mental health support (peer support groups, dementia friendly communities, mental health first aid)

Initiatives that offer social prescribing schemes as treatment

Initiatives to support carers to feel less isolated and develop new social and peer support networks

- Refer to the Policy for the Allocation of Early Help and Asset Based Community Development Grants (3.12) for things that cannot be funded under the grants scheme.

• Outcomes:

Tell us how your project will achieve one of the below outcomes:

Outcomes
1. Our local communities are strong and supportive
Health literacy is improved and community health services are promoted
Community asset building
2. Cheshire East has a strong & resilient economy
More local people in employment
Encourage businesses to play an active role within their communities
3. People have the life skills and education they need in order to thrive
Children are given the best start in life
Young people are given the best opportunities
4. Cheshire East is a green & sustainable place
Environmental Impacts are reduced
Sustainable travel is promoted
Creating better places to live
5. People Live well for Longer
People are supported to have control over their lives
The role and impact of ill-health prevention is strengthened
Mental health is promoted
Non clinical treatment promoted
Carers' quality of life is improved

- Tell us the difference achieving this outcome will make locally.

Evidence:

- Explain how your project meets the criteria in the Policy for the Allocation of Early Help and Asset

Based Community Development Grants

- Explain if you have prior experience in delivering this type of project or research and evidence you have found that suggests your project will achieve the intended outcome.

Consultation and need:

- If you want to address a problem or issue in the community tell us what the problem or issue is, how you identified it and what you intend to do to address it.
- Tell us what evidence you have to show that the project is needed and if you have consulted with the people who will benefit from the project.

Monitoring and Evaluation:

- Tell us how you plan to monitor and evaluate your project to establish whether your intended outcomes have been achieved and if you be using any recognised tools to do this.

Sustainability:

- When explaining how your project or service will be sustained in the future consider whether you will be applying a charge to your service users, profits from ticket sales, grants, sponsorship, fund raising and other sources of income.

Section 5 – Project Beneficiaries

Outputs:

- When thinking about who will benefit, tell us how many people will directly access your project.

Target Audience:

- This section is for you to tell us who will benefit from your project, if your project is mainly for local people but you also attract people from further afield enter this information.
- If you want to run an activity or event, tell us what it is, when it will happen, who will attend and how local people within the community will benefit.
- We expect all activity funded by the Council to be inclusive, if you restrict access to any groups or individuals let us know and explain why you do this.

Area:

- Tell us the area/geographical footprint this project will target

Section 6 – Projected Expenditure

- Provide costs for the full expenditure of the project.
- Do not provide the annual costs for running your organisation.
- Do not include any VAT that you can claim back from HM Revenue and Customs

Section 7 – Additional Contribution Costs (if applicable)

- Provide the amount of funding you are contributing from your own organisation.

- If you have applied for funding from elsewhere, enter who you have applied to, the amount you have applied for, the date when you expect to hear if the application has been successful and tick if this has been confirmed.
- When recording non-cash or in-kind contributions consider those items which you would otherwise have to pay for such as volunteer hours (It is recommended that you use an hourly rate of £11.59 for volunteer hours), donations of goods for the project and printing of advertising literature.
- If you are unable to secure the full amount of the project costs state how any shortfall will be covered, whether this will affect the start date or if the project will not be able to go ahead.
- If you have applied for a number of other grants and funding support, this may make your income look higher than it potentially could be. Should you be fortunate enough to secure all of the funding you have requested and have a surplus, you must explain how you intend to spend this or whether some grants will not be accepted by your organisation.
- If your organisation has been running for less than 15 months, provide a 12 month projection for the year when you will spend the grant. Include the amount you are requesting from the Council in your projection.
- Your bank account must be in the same name as the organisation that is applying for the grant.
- Please provide your account name, account number and sort code. If your application is successful, payment will be made direct into your bank account.

Section 8 – Supporting Documentation

- Proof of identity (for applications to the Asset Based Community Development Grants), this will be driving licence, passport, or other alternative proof of identity.
- Please look carefully through the list of supporting documentation and ensure that you only tick the boxes if you have the documents or policies in place, as you may be asked to supply copies to support your application.
- You must have safeguarding policies in place relevant to your organisation and the project you are asking us to fund, even if your project does not directly involve children, young people under the age of 18 or vulnerable adults. You may witness a safeguarding incident and will need to know how to report it, having a safeguarding policy in place will enable you to follow the correct procedure in order to do this.
- Guidance for creating governing documents and policies for your organisation are available from the Council's website and through our partner organisation CVS Cheshire East.
- Your governing documents should be up-to-date and that they reflect how your organisation currently operates. Check that they are signed and dated by your current Chair or other relevant senior members of your governing body, these people must not be related.
- If your project requires planning permission you must have it before you apply. You may be required to send confirmation that planning permission is not required, or that it is required and has been granted.

Section 9 – Data Protection and Communications

- Read the data protection statement and tick the box or follow the link if you are happy to receive future communications from us such as our Connected Communities newsletter, funding alerts and local area information. We will never share your details with third parties.

Section 10 – Declaration

- Please ensure that you read the Policy for the Allocation of Early Help and Asset Based Community Development Grants as you will be accepting the terms and conditions contained within that Policy when signing your application form.
- The application form should be signed by both the main contact and secondary contact as detailed in Section 2 of the application form.
- Both signatories of the application form must be over the age of 18.

Section 11 – Submitting Your Application

- Before submitting your application you must be able to tick all boxes in this section. If you are unable to do so use the contact details below to ask for advice.
- Try to submit your application in plenty of time before the deadline date in order to receive feedback. This is particularly important for the December deadline.
- Applications must be completed in full and received by the application deadline, applications not fully completed, or received after the deadline will either be returned to you or be considered in the following round which may be after your project start date and cause the application to be declined.

Application forms should be returned :

By post: Early Help and Asset Based Community Development Grants, Cheshire East Council, (Floor 3, Delamere House) C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ

By email: communitygrants@cheshireeast.gov.uk

Online: Applications can be made online at www.cheshireeast.gov.uk/communitygrant

If you have any questions concerning this application, or need assistance in completing the form, call 01270 685809 or email: communitygrants@cheshireeast.gov.uk

Closing dates for receipt of applications are the last Friday of:

- March
- June
- September
- December

You will be informed of the outcome of your application approximately 6 weeks after the closing date.

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Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: Improved Better Care Fund 2019/20

Portfolio Holder: Cllr. Laura Jeuda (Adults Social Care and Health)

Senior Officer: Mark Palethorpe, Acting Executive Director People

1. Report Summary

- 1.1. This report describes the areas of activity and the proposed expenditure for the grant money being received directly by Cheshire East Council in 2019/20 through the Improved Better Care Fund (iBCF).
- 1.2. It identifies a number of schemes and presents the rationale of how they meet the needs and demands of the local care and health economy in Cheshire East.
- 1.3. iBCF monies can be used to support existing adult social care services, as well as investing in new services. These proposals include investment in a combination of new and existing services essential in managing demand, maintaining Care Act compliance, protecting existing key services, maintaining the adult care statutory duties whilst also enhancing NHS community and primary care services to facilitate hospital discharges. These proposed schemes will help to promote the sustainability of adult social care and other care services within the care economy as a whole.
- 1.4. Planning guidance for the Better Care Fund was released by the national support team on 19/07/2019 which in turn has delayed the local planning process.
- 1.5. The iBCF was first announced in the 2015 Spending Review, and is a paid as a direct grant to local government, with a condition that it is ring fenced into the local BCF plan. Currently there is no guarantee that Improved Better Care Fund will be available in 2020/21.

2. Recommendations

- 2.1. That Cabinet endorses the iBCF schemes (1-7) and associated expenditure which is outlined in paragraphs 5.5-5.22 of this report.
- 2.2. That cabinet notes the risk to future funding.

3. Reasons for Recommendations

- 3.1. These proposed schemes contribute towards avoiding unnecessary admission to hospital and care homes, reducing Delayed Transfers of Care to meet the 3.5% target and support the implementation of the High Impact Change Model.
- 3.2. The Better Care Fund governance group which is responsible for the oversight and the delivery of schemes has agreed the proposals noted in this report.

4. Other Options Considered

- 4.1. Not applicable

5. Background

- 5.1. The recent historical background of the Improved Better Care Fund is as follows: the 2017-18 Government budget a total of £2.021 billion was announced as supplementary funding to the improved Better Care Fund (iBCF). This is to be distributed as £1.01 billion in 2017-18, £674 million in 2018-19 and £337 million in 2019-20 and will be given to councils in England over the next 3 years for adult social care. This funding was subsequently revised.
- 5.2. The original allocation for Cheshire East for 2018/19 was £4.1m which was revised to £6.0m and for 2019/20 was £2m which has been revised to £7m. In addition to the £7m grant allocation it should be noted that £820k was carried forward from 2018/19 in order to address the full year financial implications in 2019/20 from the contract which was retendered toward the end of 2018. We await notification of allocations for 2020/21 and beyond.
- 5.3. The Government has made it clear that part of this funding is intended to enable local authorities to quickly provide stability and extra capacity in the local care systems. Local Authorities are therefore able to spend the money, commission care subject to the grant conditions set out in the determination.
- 5.4. **Overview of schemes and spending for 2019/20**
- 5.5. **Scheme 1 - Increased weekend capacity for social workers (£161,862)**
- 5.6. Increased capacity in the Social Work Team over Bank Holidays and weekends. This is to ensure patient flow and assisting in reducing the pressure on the NHS can be maintained over a seven day period. Cheshire East will provide 2 social workers and 2 care arrangers (split between the 2 hospitals) that cover the weekends and bank holidays. This support would be 124 days for the weekends and another 8 days for bank holidays giving 132 days each per year.

5.7. Scheme 2 - Care Sourcing team model (£407,200)

5.8. The scheme sees the continuation of funding for the Care Sourcing Team following on from a successful pilot; the service provides a consistent approach to applying the brokerage cycle and in turn, makes best use of social worker time. The Care sourcing team undertake all aspects of the Brokerage cycle: enquiry, contact assessment, support planning, creation of support plan, brokering, putting the plan into action as well as monitor and review of the support. The service operates Monday to Sunday. The Care Sourcing Team comprises of a range of employees including: team and deputy manager, admin, care sourcing officers as well as a social care assessor. This funding is to enable an 8 till 8 operation.

5.9. The model is fully compliant with the Care Act 2014 as it provides information and advice, prevention, assessment, review, safeguarding, carers, market management and shaping, charging, support planning, personalisation and arranging care and support.

5.10. Scheme 3 - Live well (£107,908)

5.11. Cheshire East Council embarked on a programme to deliver a new online resource to the public: Live Well Cheshire East. It is designed to give citizens greater choice and control by providing information and advice about care and support services in the region and beyond.

5.12. The digital channel went live in June 2018, initially offering information and advice and a directory of local services in one place covering Adult, Children, Community and Public Health services. Both Clinical Commissioning Groups have expressed a desire to utilise this platform and expand the offer to create a community infrastructure that maps all existing assets for use of professional staff alongside members of the public. Cheshire East will continue to maintain and update the platform.

5.13. Scheme 4 - Funding for additional social care staff to support Discharge to Assess initiatives (£295,220)

5.14. Funding of additional staff to support the local transformation programmes Caring Together and Connecting Care in implementing a 'Discharge to assess' model. This builds on the existing initiative with Eastern Cheshire where funding is being targeted at continuing to provide a team manager, social worker and occupational therapist.

5.15. Scheme 5 – Winter funding (£509,000)

5.16. Additional capacity to support the local health and social care system to manage increased demand over the winter period. Evidence-based interventions designed to keep people at home (or in their usual place of residence) following an escalation in their needs and/or to support people to return home as quickly as possible with support following an admission to a hospital bed.

- 5.17. **Scheme 6 - Sustain the capacity, capability and quality within the social care market place (£6,235,639)**
- 5.18. Cheshire East Council has a duty under Section 5 of the Care Act to promote the efficient and effective operation and sustainability of a market in services for meeting the care and support needs of individuals. There are increasing financial pressures on the social care market, for example National Living Wage, recruitment and retention issues which is resulting in a rise in care costs. Cheshire East Council is undertaking a review of fees to ensure capacity and capability in the marketplace.
- 5.19. The demand for care services will be significant over the next few years, and as a result of this and the need to ensure the transfers of care are undertaken in a timely manner to meet NHSE targets of 3.5%; therefore will be a requirement for investment into community resources and increases in care packages, in order to sustain and stabilise both the domiciliary care markets and care home markets. This means transforming the care and support offer to ensure Cheshire East has greater capacity and an improved range of services. It is intended that the CCGs together with Cheshire East Council jointly commission the new offer and include: discharge to assess beds, step up/step down beds, more specialist provision for complex needs and care at home services that promote quality of care under the system beds programme.
- 5.20. The joining up of commissioning and contracting will provide partners with an opportunity to promote and champion a single and shared view of high-quality care and support. With our partners we need to ensure that health and social care services provide people with safe, effective, compassionate, high quality care and that as partners we encourage care services to improve, this may include quality payment premiums to providers.
- 5.21. This scheme contributes towards the cost of care home and home care fees as well as supporting the delivery of additional care packages within the marketplace.
- 5.22. **Scheme 7 - Electronic Call Monitoring (ECM) (£101,800)**
- 5.23. Care at Home (domiciliary care) is one of the largest contracted service areas that the Council commissions in the external market, with the Council currently spending in excess of £13.5 million per annum on generic Care at home services commissioned via the Council. In order to support the effective operation of the care at home this scheme will see the purchase of an ECM solution. The ECM solution will bring greater transparency to the delivery of care at home. Typical benefits realised from the implementation of ECM include increased quality within care at home services as well as increased safeguarding.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. This is in line with the Care Act 2014, and The Better Care Fund Policy Guidance and the Local Government Act 2003 for adult social care. S141 of the Care Act 2014 provides for the Better Care Fund Pooled Funds to be held under and governed by an overarching s75 National Health Service Act 2006 Partnership Agreement.
- 6.1.2. On 13 March 2018 Cabinet approved the Council entering into agreements with NHS Eastern Cheshire Clinical Commissioning Group and NHS South Cheshire Clinical Commissioning Group for the period of one year (2018-2019) and delegated authority to the Executive Director of People to decide to extend for a further period of one year (subject to there being a continuing national requirement to operate the Better Care Fund and the Improved Better Care Fund as a s75 pooled budgets agreement for that period) and delegated to the Executive Director of People to make decisions and agreements on behalf of the Council in relation to the commissioning of schemes funded by the Better Care Fund.
- 6.1.3. The agreement has been extended for a further year (2019-2020) in accordance with the above delegation.
- 6.1.4. The Better Care Fund Governance Group continues oversight and responsibility for reviewing the delivery of the agreement.

6.2. Finance Implications

- 6.2.1. Financial implications are stated in the body of the report. It should be noted that whilst some of these schemes involve recurrent funding (such as the increased expenditure levels being paid to providers under Scheme 6) that IBCF funding beyond 2019/20 have yet to be formally confirmed by Central Government. This confirmation of funding is currently anticipated to form part of the Chancellor's Autumn Statement. As such, permanent ongoing usage of the IBCF funding involves a financial risk, not only for Cheshire East Council but for all Council's the length and breadth of the country.

6.3. Policy Implications

- 6.3.1. The ageing population in Cheshire East and associated pressures on the home care market is central to the planning behind the iBCF schemes and core Better Care Fund schemes which have been developed for Cheshire East Better Care Fund.

6.4. Equality Implications

- 6.4.1. As the leaders for our local health and social care economy, all BCF partners in Cheshire East are conversant and compliant with the Equality Act 2010.

6.5. Human Resources Implications

6.5.1. Any impact for Cheshire East employees will be as a result of the need for greater integration in care delivery and commissioning in terms of restructures or changes to job roles. These will be dealt in accordance with the Councils policy and procedures. This could be due to a number of factors- seven day working policy, change in terms and conditions, geographical location of staff. Any identified implication will have a full impact assessment completed and assurance that all employment legislation is adhered to.

6.6. Risk Management Implications

6.6.1. Risk of the consequence of failing to achieve proposed changes in activity levels and a plan to mitigate these with respect to the iBCF in 2019-20. As noted previously in the report currently there is no guarantee that Improved Better Care Fund will be available in 2020/21. This risk to funding has been noted and recorded in the corporate risk register.

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.

7.0 Climate Change Implications

6.7.1. The report encompasses an overview of the Improved Better Care Fund schemes, the aim of these schemes include keeping people as independent as possible. Specifically the Live Well digital channel includes a range of information and advice to enable people to lead healthy lifestyles.

7. Ward Members Affected

7.1.1. The implications are borough wide.

8. Consultation & Engagement

8.1.1. Consultation and engagement with CCG partners through the BCF Governance Group has taken place and will continue to take place.

9. Access to Information

9.1.1. 2017-19 Integration and Better Care Fund Policy Framework (DoH, DCLG 2017)

9.1.2. Delivering the Better Care Fund in Cheshire East 2017-19

9.1.3. Integration and Better Care Fund planning requirements for 2017-19

10. Contact Information

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

Name: Alex Jones

Job Title: Better Care Fund Programme Manager

Email: Alex.t.jones@cheshireeast.gov.uk

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Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: Procurement of Major Housing Adaptations Works

Portfolio Holder: Councillor Nick Mannion, Environment and Regeneration

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

- 1.1. This report sets out how Cheshire East Council will secure value for money in the procurement of major housing adaptations works on behalf of disabled residents.
- 1.2. Housing adaptations are provided in the discharge of the Council's statutory duty to meet the needs of disabled adults and children. Adaptations are designed to enable disabled people to live independently in the home of their choice, reducing or delaying the need for formal social care. Major adaptations are funded using the mandatory means-tested Disabled Facilities Grant provided by the Council. These works must be procured in accordance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
- 1.3. In order to comply with public sector procurement regulations and with the Council's Finance and Contract Procedure Rules, works must be procured in a fair and transparent manner whilst ensuring best value. This is also critical to achieve economies of scale and to consistently manage the quality of the works carried out in the homes of vulnerable residents.
- 1.4. It is recommended that a Framework would be put in place to enable the Council to commission major housing adaptations works on behalf of disabled people. The Framework would appoint three suppliers delivering the full range of building trades, who are used to managing works contracts. The Framework would form part of a larger supply chain to enable the Council to provide a comprehensive domestic repairs and adaptations service to vulnerable residents.

- 1.5. The Framework value would be between £1.4million and £2.8 million over the period of the Framework. The Framework would enable the Council to conduct mini competitions for each scheme of works as required, and would not provide a guarantee of the volume or value of work that would be awarded.

2. Recommendations

2.1. That Cabinet

- 2.1.1. Approve the procurement and establishment of a Framework to commission major housing adaptations works on behalf of vulnerable residents.
- 2.1.2. Delegate authority to the Executive Director Place in consultation with the Portfolio Holder for Environment and Regeneration to award and enter into a Framework Agreement with three suppliers who meet the procurement criteria and requirements of the Framework.

3. Reasons for Recommendations

- 3.1. Housing is a key determinant of health, with the condition and suitability of a person's home being closely linked to their health, care and ability to participate in social networks. Addressing housing conditions and enabling people to stay in their own homes and remain as active and independent as possible delivers outcomes for residents aligned with Outcome 5 in the Council's three year plan: 'People live well and for longer'.
- 3.2. There is a need to achieve best value for the services that the Council directly commissions and provides, whilst at the same time maintaining the best possible service for its residents in line with the Council's three year plan. A Framework would enable us to secure suppliers who meet our quality standards and deliver value for money.

4. Other Options Considered

- 4.1. A wide range of alternative options for the delivery of major housing adaptations works have been considered. The full details are outlined in Appendix 1.

5. Background

- 5.1. The Council delivers services to support people to live independently at home in a number of ways, including the provision of equipment, minor adaptations under £1,000 such hand rails and grab rails, and major home adaptations costing over £1,000. Major home adaptations are funded by Disabled Facilities Grants and are commissioned by the Council to achieve

best value for money and to support people who are unable to organise building works themselves.

- 5.2. The Council has an existing bespoke Framework Agreement which enables us to make direct awards for individual major adaptations schemes that cost over £1,000. Our experience of delivering the existing Framework has shown us that some simple building works such as level access showers are well suited to being provided by a single appointed supplier using an agreed pricing structure, delivering greater efficiency for the Council. Conversely, appointing a single supplier without any further competition for bespoke larger scale and higher value building works such as extensions and reconfiguration of internal layouts has not lent itself well to being able to demonstrate best value for money.
- 5.3. An options appraisal has been carried out to establish the most effective way to commission the larger scale, higher value building works, and to make the procurement of works more efficient (Appendix 1). In summary, the options that have been considered are:
 - 5.3.1. Utilising the existing Framework to make direct awards to a single supplier without further competition;
 - 5.3.2. A bespoke in-house Framework to appoint three suppliers to cover the full scope of building works;
 - 5.3.3. Individual procurement exercise for each project;
 - 5.3.4. Bespoke in-house Framework with multiple Lots to cover the whole range of building services;
 - 5.3.5. Utilisation of external Framework Agreements;
 - 5.3.6. Utilisation of the Assets low value construction services framework; and
 - 5.3.7. In-house provision, including substantial in-sourcing.
- 5.4. On analysis, taking the advantages and disadvantages of each option into account, it is recommended that the most efficient and cost effective method of delivery would be met through the option outlined at 5.3.2; that is to procure and establish a Framework to appoint three suppliers for major housing adaptations works.
- 5.5. The existing Framework Agreement incorporates a non-exclusivity clause so that the Council can seek alternative arrangements for all or part of the works that are in the scope of the Framework. This means that the Council is not contractually 'locked in' to this arrangement which gives us the

flexibility to put the proposed alternative procurement arrangements in place for all or part of the works that are in scope of the existing Framework.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. There are various statutory provisions and guidance under the Care Act 2014, the Chronically Sick and Disabled Persons Act 1970 and the Housing Grants, Construction and Regeneration Act 1996 under which the Council must provide or arrange for the provision of services that contribute towards preventing, reducing or delaying the needs for care and support or arrange any works of adaptation or the provision of additional facilities and grant aid.
- 6.1.2. A Framework enables the Council to meet its need for a service, supply of goods or works for a set period of time in order to obviate the need to undertake a wide competitive procurement process for each individual scheme. It complies with the Public Contracts Regulations 2015 (“the Regulations”) and the Council’s Contract Procedure Rules.
- 6.1.3. The Regulations allow local authorities to enter into Framework Agreements with multiple suppliers, following a competitive tendering process, and thereafter the Council can choose to call off contracts under the Framework Agreement following a further mini competition between the suppliers appointed to the Framework.
- 6.1.4. The Strategic Housing service will engage with Legal Services to ensure that the Framework Agreement contains provisions so that it can be terminated in the event that either the services or works cannot be provided on terms which remain acceptable to the Council or after the initial two year term. The Framework Agreement would not contain any guarantees of work volumes to the appointed suppliers and could be utilised with other options.
- 6.1.5. The Strategic Housing service has been advised and will engage with Legal Services to ensure that the duties under the Public Services Social Values Act, as it applies to framework agreements, are fulfilled. The Act requires the Council to consider:
 - 6.1.5.1. How what is proposed to be procured might improve the social economic and environmental well-being of the relevant area;

6.1.5.2. How in conducting a procurement process it may act with a view to securing that improvement; and

6.1.5.3. Whether to undertake any community engagement on their proposals.

6.2. Finance Implications

6.2.1. The value of the Framework (£700,000 per annum, for up to four years) can be met within the annual Disabled Facilities Grant capital allocation received from the Ministry for Housing, Communities and Local Government. The capital allocation will be used to deliver all types of major adaptations including lifts, level access showers and specialist equipment, as well as the major building works in this Framework.

6.2.2. In 2019/20 the Disabled Facilities Grant allocation is £2,064,279, however it should be noted that the future allocation of capital grant is not guaranteed. The statutory duty placed on local authorities to award Disabled Facilities Grants determines that should the Government decide not to allocate capital grant for this purpose in the future, funding would need to be provided from the Council's own resources or through prudential borrowing.

6.2.3. A Framework would enable the Council to call-off contracts as required, and does not provide a guarantee of the volume or value of work that the Contractor would be awarded. In the event that the statutory obligation and/or the funding for major housing adaptations works ceases, the Council has no contractual obligations beyond any orders that have been called-off.

6.3. Policy Implications

6.3.1. People need health, social care, housing and other public services to work seamlessly together to deliver better quality care. More joined up services help improve the health and care of local populations and may make more efficient use of available resources. The Better Care Fund brings together health and social care funding, and this policy framework for the Fund aligns with NHS plans and gives areas the opportunity plan more strategically. The Disabled Facilities Grant is a part of the Better Care Fund and is very much in-keeping with the whole system approach of working with our colleagues on the local transformation plans. The Joint Health and Wellbeing Strategy sets out how we will create a place that supports health and wellbeing for everyone in Cheshire East, including ensuring that everyone is equipped to live independently, and enabling more people to live well and for longer.

6.4. Equality Implications

6.4.1. The proposed Framework would enable the Strategic Housing service to deliver efficient and effective services to groups with protected characteristics who are vulnerable, in particular but not limited to older people and people with a disability. Equality and diversity would form part of the evaluation criteria and the contractual obligations of the provider, ensuring that equality is at the forefront of service delivery.

6.5. Human Resources Implications

6.5.1. There are no direct implications for human resources.

6.6. Risk Management Implications

6.6.1. Failure to procure works in accordance with the Public Contracts Regulations 2015 and the Council's Finance and Contract Procedure Rules would leave the Council open to challenge and in breach of regulations, with a subsequent reputational impact.

6.6.2. A failure to establish Framework for which major housing adaptations works can be commissioned would mean that each scheme would need to be procured individually. This is prohibitive both in terms of time and cost.

6.6.3. The contract would be advertised on the North West Chest, and all companies expressing an interest in the framework would be invited to tender. The tenders would be evaluated using a range of published criteria based on quality, delivery, customer care, safeguarding and social value that can be secured for residents, as well as price, in order to establish the most economically advantageous tender.

6.6.4. The Council is keen to achieve social, economic and environmental benefits, whether that be local subcontracting and purchasing, job creation, social/community initiatives and environmental responsibility. The Council would not have a specific target in relation to social value for this tender so as not to stifle innovation, although a question would be asked in the tender documents as to what social value can be secured by suppliers should they be successful. The social value policy would also be appended to the tender documents so that the outcomes that the Council is seeking to achieve can be clearly understood by suppliers.

6.7. Rural Communities Implications

6.7.1. The provision of adaptations to keep people living independently in their own home supports the sustainability of rural communities.

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

6.8.1. The Framework would provide opportunities for disabled children and young people to live in suitable housing, and protect the health of children and young people in low income vulnerable families through improved living conditions.

6.9. Public Health Implications

6.9.1. The Framework would enable the Strategic Housing service to provide services which directly impact on public health. Housing improvements would benefit vulnerable residents' mental and physical wellbeing and reduce demand on health and social care services.

6.10. Climate Change Implications

6.10.1. Building sustainability is a consideration in the specification and design of major housing adaptations works, ensuring that every opportunity to reduce building operating costs are evaluated in order to tackle fuel poverty for vulnerable residents and tackle climate change.

7. Ward Members Affected

7.1. All wards.

8. Contact Information

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

Name: Karen Whitehead

Job Title: Housing Standards and Adaptations Manager

Email: karen.whitehead@cheshireeast.gov.uk

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APPENDIX 1 – Option Analysis

Option	Advantages	Disadvantages
1 – Utilise the existing Framework Agreement with a single supplier	<ul style="list-style-type: none"> Continuation of existing relationship provides greater efficiency without the need to establish new processes Low costs and resources associated with a contract extension Established pricing structure Continuation of effective delivery of level access showers No delays in appointing at the earliest opportunity for each scheme 	<ul style="list-style-type: none"> Single provider framework without competition can drive up costs where schemes do not fit into the established pricing structure Reduces choice for service users In the event of business continuity issues, we would need to carry out a full procurement process to replace a single supplier, hindering delivery of our service Lack of competitive tension during the life of the contract may lead to complacency
2 – CEC Framework with three appointed suppliers	<ul style="list-style-type: none"> Greater market choice when setting up the Framework Ability to benchmark performance, develop ongoing relationships, build specific loyalty to CEC within a clear mechanism for continuous improvement Maintains competitive tension amongst framework contractors Offers protection to vulnerable residents during the mini-competition process by restricting the number of contractors attending their homes 	<ul style="list-style-type: none"> Time resourceful to set up initially Lack of flexibility to respond to market changes / availability of appointed suppliers May attract the interest of national contractors with consequently higher preliminaries values Need to have sufficient throughput to maintain the interest of the contractors
3 – Tender each project	<ul style="list-style-type: none"> Greater market choice Ultimate competition achieved with every project open to the entire market 	<ul style="list-style-type: none"> Data protection regulations and safeguarding responsibilities prevent open advertising of each project Time delays and resources required to advertise and procure each project would be unacceptable adding significant cost and delay Provides no ongoing relationship, so cannot develop a partnership approach with continuous improvement in line with Government best practice
4 – CEC Framework with multiple Lots for a range of building services	<ul style="list-style-type: none"> Tailored to suit CEC's particular requirements Opportunity to shape the Key Performance Indicators to achieve Outcomes in line with the Corporate Plan and deliver social value Ability to benchmark performance, develop ongoing relationships, build specific loyalty to CEC within a clear 	<ul style="list-style-type: none"> Time resourceful to set up initially Need to have sufficient throughput to maintain the interests of contractors The appetite to bid may be reduced as there is no guarantee of work The appetite amongst micro and small enterprises may be limited due to the procurement process The nature of the building sector can

	<p>mechanism for continuous improvement</p> <ul style="list-style-type: none"> • Maintains competitive tension amongst Framework contractors • Allows the ability to directly appoint in certain circumstances 	<p>result in the loss of businesses from the Framework, resulting in the need for new procurement exercises to recruit replacement contractors</p>
<p>5 – External Frameworks (ESPO, YPO, Fusion 21, NHC, etc)</p>	<ul style="list-style-type: none"> • Maintains competitive tension amongst framework contractors (where more than one contractor) • Allows ability to directly appoint in certain circumstances • Potential for reduced costs by avoiding costly procurement 	<ul style="list-style-type: none"> • Frameworks not tailored to CEC operational requirements • Framework contractor loyalty can be divided or skewed towards the “host” authority • Limited opportunity to build continuous improvement • Contractors tend to be large national companies, ruling out local SMEs • Frameworks operate differently and could introduce consistency issues
<p>6 – Utilisation of the Assets Low Value Construction Services framework</p>	<ul style="list-style-type: none"> • Established framework 	<ul style="list-style-type: none"> • Differences between commercial and residential projects cannot easily be bridged • Not tailored to suit the needs of Strategic Housing projects • Would need to adapt requirements to accommodate the safeguarding requirements necessary for Strategic Housing projects • The combined value of the Assets Framework and the additional Strategic Housing requirements would exceed the approved value and reduce the term of the Framework
<p>7 – In-house provision, including substantial insourcing</p>	<ul style="list-style-type: none"> • Direct control over resources and priorities 	<ul style="list-style-type: none"> • Inflexible resource levels with costs incurred even when workload reduces • Recruitment difficulties with specialist staff



Working for a brighter future together

Cabinet Report

Date of Meeting: 10 September 2019

Report Title: Commissioning of Community Equipment Services

Portfolio Holder: Cllr Laura Jeuda, Adult Social Care and Health

Senior Officer: Mark Palethorpe, Acting Executive Director People

1. Report Summary

- 1.1. The Council has a statutory requirement to offer Community Equipment to individuals with social care needs to support them to be safe at home and where possible independent. As such, it facilitates effective hospital discharge and support for intermediate care, reduces risk of falls at home, and can reduce the risk of further deterioration in an individual's condition leading to entry into residential or hospital based care. This report sets out recommendations for how this type of support should be commissioned in the future in a way which seeks to maximise quality of provision and support for service users and patients.
- 1.2 Provision of an effective and quality Community Equipment service addresses Outcome 5 of the Corporate Objective "People Live Well and For Longer" as well as Outcome 6: "A Responsible, Effective & Efficient Organisation". In addition it addresses the principles detailed in the Council's commissioning plan of focusing on early help and prevention, to reduce the risk of problems developing; and to put in place a new service which fits in with the requirements of community equipment prescribers, service users (including children and young people) and carers. This will reduce demand and allow us to support those with greatest need.

The commissioning question we have posed is:

"How can we fulfil our statutory requirement in relation to Community Equipment whilst ensuring the service is high quality and value for money with a strong emphasis on prevention?"

2. Recommendations

That Cabinet:

- 2.1 Endorses the proposal contained in this report and delegates authority to the Executive Director (People) to enter into a Memorandum of Understanding and S75 Agreement with South Cheshire Clinical Commissioning Group, Eastern Cheshire Clinical Commissioning Group, Vale Royal Clinical Commissioning Group, West Cheshire Clinical Commissioning Group (or any organisation(s) that succeed them) and Cheshire West and Chester Council to establish an aligned budget and underpin governance of a jointly provided service and to determine the final terms of the Memorandum of Understanding and Section 75 Agreement following negotiations.
- 2.2 Approves the procurement of a contract for Community Equipment Services following completion of a consultation process and informed by a review of the findings
- 2.3 Delegates authority to the Executive Director (People) to award a contract to a supplier of Community Equipment Services.

3. Reasons for Recommendations

- 3.1. Cheshire East Council's approach to the delivery of Community Equipment is currently failing to address local need due to fundamental issues with its design. These include: excessive costs for equipment; multiple deliveries required to a person's home instead of just a single delivery; and inadequate recycling rates for equipment. Inefficiencies in the model also mean that the service's carbon footprint is excessive due to the need for multiple deliveries, and the inability to recycle simple living aids.
- 3.2 The adoption of an alternative model of delivery in which a single provider delivers equipment services and is responsible for all administrative functions is proposed and would enable the creation of a modern efficient service, which addresses the calls for change which have been made by stakeholders such as from health and social care. This is a model also advocated by local Clinical Commissioning Groups.
- 3.3 The current Community Equipment Service is used by over 500 prescribers from social care and health, with the latter working interchangeably with patients based in Cheshire West. As such, it is more practical to have a single system across the two locations requiring procurement in partnership with Cheshire West and Chester. Furthermore, this approach will offer economies of scale, allowing us to provide a more effective service for residents.
- 3.4 Delivery of the proposed model would be outcome based, with emphasis on preventing or delaying the development of care and health needs. This

would assist people to maintain/ reach their optimal level of independence, supporting their wellbeing.

4. Other Options Considered

- 4.1. *Keeping the existing service* - This would mean that the Council continued with a hybrid model for the provision of community equipment with a Council administrative team managing the provision of equipment through liaison with a number of contracted community equipment providers. Supply of simple living aids would also continue to occur by retailers. This would retain the inadequacies of the model, including that service users/carers have to receive multiple deliveries from a number of providers, and that prices are uncompetitive reducing what can be achieved with the overall budget. Additionally, recycling of simple living aids does not take place.
- 4.2 *Modifying the existing approach* - This would involve procuring a new framework of equipment suppliers and retaining the retail model, with the aim of achieving stronger value and less duplication of equipment provision. However, the problems with the model would be retained (as outlined in 4.1) and it is unclear if pricing could be improved due to the Council's lack of purchasing power. There would also be no opportunity to explore a joint service with Cheshire West and Chester as their service is delivered by an independent sector provider.

5. Background

- 5.1 Cheshire East Council has a statutory requirement for equipment provision under Provision of Community Equipment and Minor Adaptations Regulations 2014 and the Care Act 2014. The latter includes a key duty to prevent or delay the development of needs for care and support as well as emphasising the importance of participation in the community.
- 5.2 There are a number of aims relating to this provision, including:
- Facilitating the independence of service users including completion of daily living tasks and integration of people, children and young people into the community;
 - Enhancing comfort for service users and reducing pain related to a condition;
 - Assisting with care delivered by formal and informal carers;
 - Reducing risk of accidents such as falls.
- 5.3 Community Equipment items range from walkers, raised toilet seats and commodes which are currently provided through accredited retailers, up to larger items such as profiling beds and hoists, which are currently delivered and collected by suppliers. These are prescribed by a range of professionals including Occupational Therapists both within the Council and in Health. This provision is for children, young people and adults.

- 5.4 Cheshire East Council currently has an agreement to provide equipment in Cheshire East not just in relation to its own service users, but also to patients of Eastern Cheshire, South Cheshire and Vale Royal Clinical Commissioning Groups. This partnership was founded in 2008 and has functioned according to a Memorandum of Understanding. As part of this, there is also an aligned budget arrangement (using a Section 75 Agreement).
- 5.5 The current service has been configured so that equipment can be obtained via two main routes;
- prescription from an approved retailer in the community for simple aids to daily living which cost less than £100 in value (8,297 prescriptions issued in 2017-18);
 - and for more complex equipment by direct delivery, installation and demonstration via contracted equipment providers (using a framework agreement). An internal staff team coordinate this supply.
- 5.6 The prescription system aims to permit flexibility by allowing service users/carers to collect equipment themselves, and where this is not possible to fund delivery from the retailer. But its chief drawback is that it does not permit equipment to be recycled. This is critical given that spend is 31% of overall equipment costs or £357K (2018-19). 21 retailers are currently used by the service. 6 of these are situated within Cheshire East. No formal contracts are required with this arrangement.
- 5.7 Cheshire East Council procured a Framework for complex equipment suppliers which started on 1st April 2017 and is for four years. This involves 8 contracted companies supplying equipment over 8 equipment categories such as mobile hoists and slings. These suppliers are responsible for delivering, maintaining, removing and storing equipment. This work takes place in conjunction with an internal administrative team who coordinate processes. As such, they act as the link between prescribers and suppliers.
- 5.8 The current framework approach has not achieved value for money for the Council and Partners with equipment costs high in comparison to other areas. A key reason for this is that the majority of other Councils have their service provided independently. As such, there were not sufficient additional Council's willing to use the framework, meaning lack of purchasing power.

In 2018/19 the partnership was overspent by approximately 16%:

	Contribution (£000s)	Expenditure (£000s)	Overspend (£000s)
Cheshire East	407	420	13
Eastern CCG	337	415	78
South CCG	258	338	80
Vale Royal CCG	174	195	21
Total	1,176	1,368	192

- 5.9 The existing model also has other flaws: if a service user has a requirement for a number of items these may be delivered by separate suppliers increasing inconvenience. Additionally, the model requires suppliers to individually manage processes such as storage and decontamination, building in inefficiency to processes. Terms and conditions allow the Council to end the framework contracts with 3 months notice and procure a new provider.
- 5.10 Detailed discussions have been held with Eastern Cheshire, South Cheshire and Vale Royal Clinical Commissioning Groups who have made it clear that change is required. This was underlined by extensive engagement has taken place with services, teams and prescribers in Social Care and Health over the current model which have highlighted concerns. These include: deliveries are not timely; it is difficult to access equipment out of hours; the process for obtaining equipment is overly time-consuming; there is wastage in the system as recovery can make equipment items quickly redundant.
- 5.11 Procurement of a single provider of the full service for retail and complex items offers the opportunity to better meet prescriber and service user need. It is planned that this contract would be for 3 years with scope for extensions for a further two year period. However, final details would be dependent on discussions with Cheshire West and Chester. This also includes a decision over who would act as lead commissioner. A key requirement would be to have a new Memorandum of Understanding in place with relevant parties (including CCGs and potentially Cheshire West and Chester Council). This would also include a new Section 75 agreement. Consultation would also be conducted with the public and professionals over the approach.
- 5.12 This is likely to mean; a new IT system provided by the equipment supplier; a single storage location for equipment within Cheshire East, together with smaller stores strategically placed to allow hospitals to access kit quickly; a review of the existing equipment catalogue to ensure that it meets the needs of prescribers and service users. Additionally, work will take place to minimise over prescribing of equipment. The Audit Commission have previously produced a report which shows how efficiency could be

achieved under a single provider model¹. This includes: use of delivery rounds, use of effective tracking systems, cost formula to drive recycling of items, reminders to service users when equipment loan is longer than expected. The revised approach would apply these recommendations which are standard in the provider market.

- 5.13 In addition to this, commissioning of the service will consider social value and therefore wider benefits to society and the environment in service delivery (as well as the minimisation of any harm). This will take place through a specific social value question included in the tender process together with contract management of activities that the provider has committed to. Key opportunities include use of a local workforce, employee development, use of volunteers etc.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1 Cheshire East Council has a duty under Section 1 of the Care Act 2014 to promote the wellbeing of adults in need and carers. The wellbeing principle applies in all cases where a local authority is carrying out a care and support function, or making a decision, in relation to a person.

- 6.1.2 'Wellbeing' is a broad concept and includes the following principles amongst others, of which the provision of community equipment can be applied:

- personal dignity (including treatment of the individual with respect)
- physical and mental health and emotional wellbeing
- control by the individual over day-to-day life (including over care and support provided and the way it is provided)
- participation in work, education, training or recreation
- social and economic wellbeing
- domestic, family and personal
- suitability of living accommodation

- 6.1.3 Section 2 of the Care Act 2014 places a duty on Cheshire East Council to provide, arrange or otherwise identify services, facilities and resources to prevent, delay or reduce the needs of adults for care and support in the local area.

- 6.1.4 The Care and Support Statutory Guidance gives examples of what local authorities could do to meet this duty, which includes the provision of

¹ Fully Equipped, the provision of equipment to older or disabled people by the NHS and social services in England and Wales, Audit Commission

community equipment services and adaptations.

- 6.1.5 Transfer of Undertakings (TUPE) is likely to apply to the procurement of a single external provider with the result that Choicequip staff (who are assigned and essentially dedicated to the current service) will transfer their employment from the Council to a new provider on their existing terms and condition of employment.
- 6.1.6 The Council will need to ensure Transfer of Undertakings information and consultation obligations are complied with and that meaningful consultation takes place with affected staff (with trade union involvement) in good time before any transfer to avoid potential claims. Best Value pension protection will also need to be considered with any successful bidder.
- 6.1.7 It is intended that the Council will collaborate with health partners and potentially with Cheshire West and Chester Council in the provision of a joint service. A Memorandum of Understanding and Section 75 Agreement should be negotiated and entered into between the parties in order to set out the terms of the co-operations including governance, liabilities, and the aligned budget arrangements.
- 6.1.8 Any re-procurement of these services will need to be undertaken in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015. Ongoing legal support will be given to ensure the Council meets requirements in this regard.

6.2. Finance Implications

- 6.2.1 The budget for the Community Equipment store is within the Peoples Commissioning Team Plan. The recommission of the Community Equipment Service has been included in the 2019-22 business planning proposals. As such the base budget available for Cheshire East's contribution has reduced by £50k in 2019/20 and will reduce again in 2020/21.

Budget Year	Cheshire East CES Budget (£000s)
2018/19	£407
2019/20	£357
2020/21	£307

- 6.2.2 In recent years demand has exceeded budgeted resource and the shortfalls have been met by each partner, Cheshire East Council's overspend was £13k in 2018/19. Therefore, the saving required through the recommission actually needs to exceed the £100k saving by 2020/21.
- 6.2.3 The proposed contract length is 3 years with options to extend for two

further years.

- 6.2.4 Timely and effective provision of equipment can often result in better and less costly social care solutions. In the event that costs of the new contract exceeds budget resource further evidence will be required to justify that the new contract will result in greater value for money for Cheshire East residents through reduced care costs.

6.3 Policy Implications

- 6.3.1 The procurement of the service is aligned both with the Council's Commissioning Plan 'People Live for Longer' and Market Position Statement.

6.4 Equality Implications

- 6.4.1 An initial Equality Impact Assessment has been drafted which will be refined during the course of this project.

6.5 Human Resources Implications

- 6.5.1 Transfer of Undertakings (TUPE) may apply for staff from the Community Equipment Service. This would cost up to approximately £150k per annum. The budget available to fund a recommission would depend on the proposed impact on these contracts.
- 6.5.2 These costs or any voluntary redundancy, transfer of undertakings or pension implications will need to be included in the modelling and met within the financial envelope as detailed above.
- 6.5.3 HR and Legal will continue to be engaged with to ensure that implications for staff are considered and that they are supported through the process.

6.6 Risk Management Implications

- 6.6.1 Ensuring that re-commissioning (including service re-design, re-procurement, and award) is delivered to time, within the agreed financial envelope and delivers a high quality provider of community equipment services that serve to enable users to maximise their independence
- 6.6.2 If a service is not procured, it would mean that we would be unable to support people with care needs with Community Equipment to high quality standards, and as such would not be able to fulfil our obligations to attain best value for the Local Authority and Partners.

6.7. Rural Communities Implications

- 6.7.1 Community Equipment must be made available in a timely manner to

people with health or care needs whether they might be in the Borough. This particularly includes rural locations where alternative support is more limited.

6.8 Implications for Children & Young People/ Cared for Children

- 6.8.1 As part of the review, the community equipment needs of Children and Young People will be explored including efficiencies from providing support to schools within the Borough.

6.9 Public Health Implications

- 6.9.1 Community Equipment is key to addressing people's immediate health needs but also serves a preventative function, for instance, in terms of reducing the risk of accidents such as falls. Furthermore, it can enable individuals to participate more readily in their local area thus assisting with their emotional health and wellbeing by supporting them to access community based assets.

6.10 Climate Change Implications

- 6.10.1 The recommended model will achieve greater environmental sustainability through the use of route optimisation for the distribution of equipment and greater recycling of equipment. It is also the intention to explore the option of the use of green vehicles for deliveries.

7 Ward Members Affected

- 7.1. All Wards

8 Consultation & Engagement

- 8.1. Consultation will take place in order to understand local need in further detail. If the recommendation is agreed, this will take place in October and may include an online and postal survey. This will inform the future service direction including the service specification. We would also ensure involvement in procurement activities and ongoing evaluation of service provision.

9 Access to Information

- 9.1. The following documents have been key to project development:
- Joint Strategic Needs Assessment
 - People Live Well for Longer Commissioning Plan
 - Cheshire East Council Corporate Plan

10 Contact Information

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

Name: Nichola Glover-Edge

Job Title: Director of Commissioning

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Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: North West Special Educational Needs and Disabilities (SEND)
Flexible Purchasing System

Portfolio Holder: Councillor Dorothy Flude - Children and Families

Senior Officer: Mark Palethorpe – Acting Executive Director People

1. Report Summary

- 1.1 This report seeks approval for Cheshire East Council to be the lead organisation in establishing a bespoke North West SEND Flexible Purchasing System for the future procurement of Special Educational Needs and Disabilities (SEND) provision for children and young people across the North West Region within Independent and Non-Maintained Special Schools. This will operate as a common, shared marketplace for SEND in the North West.
- 1.2 The benefits of a regional approach to purchasing and managing SEND placements has been widely accepted for over 10 years but the step to initiate a new purchasing system has never been taken. Cheshire East Children's Commissioning is held in high regard within the region and taking a lead role in developing a collaborative purchasing system has been welcomed by colleagues across the region. Feedback to date through regional Director of Children's Services meetings, North West Commissioners meetings and the national SEND Specialist Interest group has been very positive.
- 1.3 A core service specification and contract will be developed along with a call off process to ensure that we are achieving best value for money on all future provision, a clear focus on outcomes, robust contract management and also ensuring compliance with procurement rules and financial regulations.
- 1.4 The North West SEND Purchasing System will be a Flexible Purchasing System (FPS) under Chapter 3 Section 7 and Schedule 3 of the Public Contracts Regulations 2015, which will open periodically throughout the lifetime of the

procurement. Placement finding will remain the responsibility of individual local authorities.

1.5 The proposed “go live date” for the regional purchasing system is 1st June 2020.

2. Recommendations

That Cabinet

2.1 Approves the development of a North West SEND Flexible Purchasing System by Cheshire East Council on behalf of North West local authorities for SEND Provision for children and young people.

2.2 Delegates authority to award contracts to providers to enter the purchasing system to the Executive Director People

3. Reasons for Recommendations

3.1 Given that currently there is no consistent strategy in place across the region’s local authorities for the commissioning and procurement of SEND placements, it is recommended that a North West SEND Flexible Purchasing System is put in place to start to change the landscape of the market as soon as possible.

3.2 We are seeking a regional commissioning solution that will enable local authorities and SEND providers to develop a new flexible approach, working together in a way that makes best use of resources, whilst ensuring that children and young people are supported in the most appropriate setting that meets their individual needs throughout their education.

3.3 There are no official regional frameworks or service specifications for SEND placements. This has led to inconsistency in the approach for the commissioning of such provision. This has on many occasions required the Councils to pay higher costs to providers. The establishment of a North West purchasing system will support the ability for children and young people to be educated in their own community and their education pathway will prepare young people for adulthood promoting independence and employment opportunities.

3.4 There remain many benefits to collaborating across the region including:

- effectiveness of market shaping and management.
- consistency of core specification required by authorities and clarity of position in respect of expectations regarding outcomes;
- transparency and challenge, where appropriate, surrounding value for money;
- a more streamlined processes for placement finding and contract management.

3.5 Initial soft market testing and engagement has been successful and resulted in positive feedback from North West local authorities and the potential provider market.

- 3.6 Having a single regional purchasing system for SEND placements across the North West could provide better leverage when negotiating fees/rates with the market, and could offer better value for money, particularly if we look to commission some services at scale in the future. Whilst the principles of the SEND reforms are welcomed they come at a time when local authorities are facing unprecedented and sustained financial challenges across all departments. An increase in placements for children and young people with SEND attending independent and non-maintained schools and colleges is exacerbating financial pressures; alongside this is a concern that some children and young people have to move away from their local community to access appropriate provision. The benefits of a regional approach to purchasing and managing SEND placements has been widely accepted for over 10 years but the step to initiate a new purchasing system has never been taken. Cheshire East stepping forward to take a lead will ensure the benefits of a regional purchasing system materialise.
- 3.7 There is a need for a commissioning solution that will support each individual's needs, taking account of parental preference whilst at the same time providing local provision and an efficient use of resources.
- 3.8 There are currently a number of regional/sub regional SEND purchasing systems that have been successfully implemented in other areas of the country. These include the West London Alliance, East Midlands and Bristol (South West). A regional purchasing system for the North West will build upon the good practice and learning developed elsewhere as part of the system development.

4. Other Options Considered

- 4.1 One option would be to carry on with existing individual local authority spot purchase arrangements, however this would not solve any of the current issues around ensuring a joined up consistent approach to commissioning SEND placements.
- 4.2 Some local authorities in the North West have looked at developing a sub regional approach for a number of years, but nothing has come to fruition due to the reduced economies of scale and fragmentation of approach across the region. Therefore it makes sense to undertake this work collaboratively across the region as opposed to having multiple frameworks and processes in operation.

5. Background

- 5.1 Each local authority in the North West is currently working in their own area to increase the proportion of children and young people with SEND who are accessing maintained schools / academies by supporting a robust 'graduated response' approach.
- 5.2 There is also a need for efficient commissioning of SEND provision from the independent and non-maintained sector, which will be the focus of the regional

purchasing system and will focus primarily on day placements, 38 week residential placements and 52 week residential placements.

- 5.3 The reasons for placing children with an independent provider can take into account a high complexity of need, lack of appropriate places available in maintained settings, parental preference and when the placement is a result of a social care need.
- 5.4 We are seeking a regional commissioning solution that will enable local authorities and SEND providers to develop a new flexible approach, working together in a way that makes best use of resources, whilst ensuring that children and young people are supported in the most appropriate setting that meets their individual needs throughout their education.
- 5.5 Wherever possible this will mean children and young people are educated in their own community and their education pathway will prepare young people for adulthood promoting independence and employment opportunities.
- 5.6 Placements North West, St.Helens, Halton, Warrington and Cheshire West and Chester and Cumbria County Council have all joined a task and finish group, led by Cheshire East, to take the development of a regional FPS forward and make this initiative a success for local authorities and the market.
- 5.7 An initial market engagement questionnaire received 17 responses from individual local authorities (out of 23). Of the 17 Local Authorities (LAs) who responded 14 would like to be included in any regional purchasing system from commencement, 3 others from a later date. As the work progresses to establish a regional purchasing system it is likely that all 23 north west authorities will want to join.
- 5.8 A Local Authority Engagement Event was held on 1 May 2019 and a Provider Engagement Event on 6 June 2019 and both events were well attended and the proposals were positively received.
- 5.9 Parent Carer engagement has also commenced and an extensive plan for engagement across the region will take place over the coming months.
- 5.10 The detail of service specifications, selection criteria and award criteria will be developed over the coming months in co-production with service users, family carers and providers.
- 5.11 The key dates from the development and procurement timeline are as follows:

January 2019 – North West SEND Purchasing System Project Group
Established
February 2019 – Market Engagement Survey issued to LA's
May 2019 – LA Engagement Event
June 2019 – Provider Engagement Event

July 2019-Dec 2019 – Engagement with Parent Carers, Providers and LA's
January 2020 - Specification Development
February- 2020 - Tender issued to Market
March 2020 - Tender Closes
April/May 2020 - Evaluation and Award of Contracts
1 June 2020 - Purchasing System - Go Live

- 5.12 It is a positive step for Cheshire East Council to lead the development of a regional purchasing system and enhances the Council's reputation regionally and nationally. Feedback to date through regional Director of Children's Services meetings, North West Commissioners meetings and the national SEND Specialist Interest group has been very positive.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1 On the 1st September 2014 the Children and Families Act came into effect. Part 3 of the Act provides statutory duties relating to children and young people with special educational needs (SEN) and disabled children and young people. A 'young person' in this context is a person over compulsory school age and under 25. The Act provides a number of reforms and places new duties on local authorities in relation to how services and support are delivered for children and young people with special educational needs. The development of a SEND purchasing system aligns with the requirements of the Act.
- 6.1.2 The aggregate value of the SEND Purchasing System is such that these services must be procured in accordance with the Public Contracts Regulations 2015 and in compliance with the Council's Finance and Contract Procedure Rules. The total value will be the combined spend of the North West local authorities who may potentially call off through the purchasing system over the term. This will require a fully OJEU compliant procurement exercise. The Service is engaging with Legal Services and the Council's Corporate Procurement Team in this process.
- 6.1.3. The procurement is a change to the way services are currently provided and the Service is therefore engaging with stakeholders, including service users, to co-produce the service specification, ensuring that the Council adheres to its consultation duties and duties under the Equality Act 2010.
- 6.1.4 A process for Local Authorities to join the FPS (including governance, individual local authority responsibilities and call offs under the FPS) underpinned by a Memorandum of Understanding will be developed as part of the FPS development. This will include the procurement and legal requirements required to set up and sustain the FPS.

6.2 Finance Implications

- 6.2.1 An estimate of current provision across the region suggests that for cared for children there were 210 placements recorded across the 23 North West Local Authorities. 131 placements were made with Residential Schools with a regional estimated spend of £25.8m. 79 placements were with social care providers who deliver some on-site education with a regional estimated spend of £17.7m. We realise that this does not provide the complete picture of spend across the region to include placements which are education only and therefore will capture the complete spend across social care and education placements as part of the development of the new purchasing system. Business intelligence figures from Cheshire East show that currently we have 150 children going to independent and non maintained special schools in borough and out of area with a total annual value of £6.5m.
- 6.2.2 The recommendation of this report is to approve the development of a regional purchasing system in the North West. The regional purchasing system will be hosted, managed and supported by Cheshire East Council. Therefore there will be additional resource requirements (systems and staffing) for the council in relation to the development of the specification, procurement process and ongoing support costs throughout the lifetime of the contract. The additional resource requirement for Cheshire East will only be determined when the scope and detailed operation of the FPS is known and the resource available from other local authorities is clear. The memorandum of understanding underpinning the FPS development will cover the contribution to costs required from other local authorities in order for the system development to be cost neutral for the Council.
- 6.2.3 Being part of the SEND purchasing system should result in savings in the respective Dedicated Schools Grant High Needs Funding block for SEND placement spend of Local Authorities who take part (but that cannot be used to fund base budget contributions to the development and ongoing maintenance of the purchasing system).
- 6.2.4 The Council's Dedicated Schools Grant - High Needs Funding block is under significant pressure. The potential value for money to be obtained from a regional purchasing system will add to the tools being applied to bring spend across the High Needs Block back under control.

6.3 Policy Implications

- 6.3.1 The proposal to develop a SEND Purchasing System aligns with the aims of the Children and Families Act 2014 by ensuring the system is coproduced with young people, parents and providers of services and a common outcomes framework to be embedded in any procurement. This will require Council's working with providers to be more innovative and open in the way in which services are created and delivered.

6.3.2 The new purchasing system will focus on improved outcomes for those pupils with additional needs. This is in line with the Children and Young People's Plan 2019 – 2022.

6.4 Equality Implications

6.4.1. An Equality Impact Assessment will be completed as part of service development. This proposal is not expected to discriminate or have negative impacts on people with protected characteristics. Some of those people affected will have learning disabilities or mental health needs and many will have additional needs, disabilities and/or other protected characteristics.

6.5 Human Resources Implications

6.5.1 The potential human resource implications for Legal and Procurement teams will be considered as part of the FPS development and covered within the memorandum of understanding with other local authorities.

6.6 Risk Management Implications

6.6.1 The proposal for a North West SEND Purchasing System will ensure that we are able to manage the market and that there is adequate SEND provision to meet current and future needs of children and young people.

6.6.2 A Risk Management Plan has been developed as part of the process. Key risks identified so far are as follows:

- Ensuring adequate buy in from local authorities, providers and parent carers to produce a regional purchasing system.
- Ensuring sufficient staffing resources are available for the development of a regional purchasing system.
- Lack of financial resources to fund the initial and ongoing development of a regional purchasing system.

6.7 Rural Communities Implications

6.7.1 No rural communities' impacts are expected.

6.8 Implications for Children & Young People/Cared for Children

6.8.1 The introduction of the purchasing system will support the SEND (special educational needs and disabilities) Service and in particular the preparing for adulthood and transition agenda. A joined up approach to commissioning provision across Children's and Adult Services will ensure a smooth transition and improved outcomes for individuals who require care and support services.

6.9 Public Health Implications

6.9.1 There are no direct implications for public health.

6.10 Climate Change Implications

6.10.1 There are no direct implications for climate change.

7 Ward Members Affected

7.1 All wards

8 Consultation & Engagement

8.1 A soft market testing questionnaire was issued to Local Authorities in February 2019 to gain an insight into existing commissioning arrangements and to look for innovation and/ or alternative delivery models. At the same time many local authorities are looking for efficiencies and best value to contribute to outcomes for the children and young people with special educational needs and/or disabilities (SEND) across the region.

8.2 Key findings from the Local Authority Market Engagement Questionnaire are as follows.

- Of the 17 Local Authorities who responded 14 would like to be included in any regional purchasing system from commencement, 3 others have indicated from a later date.
- The proposed services outlined for inclusion all scored highly (over 75%). Additional services highlighted by a few LA's for inclusion included short breaks/holiday provision.
- In terms of contract management a collaborative approach was most popular (69%)
- In terms of current brokerage function this varied, with a lot using SEN lead/teams and commissioners as opposed to very few with a centralised brokerage system.
- All local authorities agreed a memorandum of understanding around the procurement and legal requirements required to develop the system.

8.3 A series of market engagement events have been held with local authorities and providers from across the region and these have been positively received.

8.4 Parent Carer engagement has also started to commence from July 2019.

8.5 Further engagement will continue in 2019/20 with all stakeholders.

9. Access to Information

9.1 Not applicable.

10. Contact Information

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

Name: Dave Leadbetter

Job Title: Head of Children's Commissioning

Email: dave.leadbetter@cheshireeast.gov.uk

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Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: Re-commission of Supported Accommodation / Independent Living for Cared for Children

Portfolio Holder: Cllr Dorothy Flude – Children and Families

Senior Officer: Mark Palethorpe – Acting Executive Director People

1. Report Summary

- 1.1. The Council currently commissions supported accommodation and independent living for our cared for children and care leavers aged 16+. The three year initial term of the contract for P3 to operate supported accommodation from Watermill House in Macclesfield ends on the 31 March 2020 and the contract for supported accommodation, emergency beds, taster flats and dispersed properties via Crewe YMCA will end on the 31 March 2020. This report recommends a re-commission for the service rather than taking the option to extend, as this will allow the Council greater flexibility to change the delivery model to meet need.
- 1.2. The total maximum value of the current commissioned service delivery is £498,000 per year (based on 100% occupancy for purposes of rent charges) for 25 units of accommodation (average cost per week per unit of accommodation is £383). The demand for accommodation and support for Unaccompanied Asylum Seeking Children (UASC) and availability of move-on accommodation in the Macclesfield area may require an increase of approximately 4 units of accommodation. A review of the sufficiency and geographical reach of 16+ accommodation and support, co-produced with young people, will be undertaken as part of the re-commission. An estimate for the annual value of the contracts going forward is £600,000. In order for the market to secure appropriate properties it is proposed to set a contract term of 5 years with a total contract value of £3,000,000.
- 1.3. The procurement process will ensure that the Council continues to deliver efficiency and effectiveness through its commissioning activity. The process

will also provide an opportunity for Children's Services to include in the specification for services a requirement for bidders to play an integral part in the development of a new Cheshire East 'Care Hub' (Bespoke). This aims to improve:

- the support to our children on the edge of care
- the ability of our children in residential settings to step down to fostering or return home
- the support to children leaving care

- 1.4. Cheshire East Council, as Corporate Parents, is passionate and decisive in its support for every young person in our care. Providing a choice of good quality and locally based accommodation for our care leavers at each stage of their pathway to independence is critical to ensure they are supported, nurtured and helped to be and feel safe, achieve their potential and grow into confident young people and adults.
- 1.5. This re-commission supports the strategic intentions and ambition for our children in care and demonstrates further evidence of the Council's passion and commitment to put children and particularly children in care at the heart of all that we do. Good supported accommodation and independent living for care leavers at the right time in their pathway plan is integral to achieving the priorities in our 2019 – 2022 Children and Young People's Plan, in particular, being safe and improving well-being. It is also a key feature of the Council's Pledge to care leavers and duty as a good Corporate Parent.
- 1.6. The Council's Corporate Plan 2017 – 2020 is clear in its priority that children and young people should get a good start in life, are prepared for the world of work and are equipped to live independent, self-sufficient lives, and to realise their particular talents and abilities. The Corporate Plan also looks to ensure quality and best value for local people, striving to get it right first time, and acting with integrity, being open, honest and accountable and delivering on our promises. This re-commission is an integral part in achieving these outcomes for a vulnerable group of young people who are leaving the care of the authority after often difficult starts to their lives.

2. Recommendations

That Cabinet

- 2.1. Approve the procurement of a Supported Accommodation and Independent Living service for cared for children and care leavers.

- 2.2. Delegate authority to the Executive Director People, to award the Supported Accommodation and Independent Living contracts.

3. Reasons for Recommendations

- 3.1. As corporate parent for over 230 care leavers, we need to ensure that a sufficient number, type and quality of accommodation is available in order to support the emotional / physical well-being of every care leaver and that they reach their potential in adult life. The model and configuration of our re-commission of supported accommodation and independent living plays a vital role in delivering against the Council's sufficiency duty under s22G of the Children Act 1989.
- 3.2. Supported accommodation and independent living is an essential service for our care leavers which supports effective pathways to independence, tenancy readiness and the ability to secure and sustain good quality accommodation that is local to their community and is safe.
- 3.3. This re-commission will ensure transparency of our purchasing of services, evidence testing of the market to ensure current market conditions are taken account and ensure the achievement of value for money.
- 3.4. The budget for cared for children external agency placements is under significant pressure. The current cost of the services provided via our two charitable organisations ie P3 and Crewe YMCA is on average £300 per week per care leaver less than the rates charged via our current use of the North West Framework for Supported Accommodation and Independent Living or spot purchasing. The re-commission of 25 to 29 units of accommodation will ensure cost effectiveness is maintained, whilst the cost across the other routes to market continue to increase.
- 3.5. The 16+ market for supported accommodation is unregulated and the quality has been mixed for many years. As the number of care leavers increases the number of new providers to the market is increasing however the quality of service delivery continues to be a concern. The scheduled re-opening of the North West Framework for Supported Accommodation and Independent Living was paused during 2018 due to concerns in respect of quality and a reflection on the evaluation of quality and market engagement took place before it was recently re-opened. Cheshire East Council's use of the North West Framework for Supported Accommodation and Independent Living is low compared to the rest of the North West. The re-commission recommended in this report allows for Cheshire East to take control of quality evaluation and ongoing contract performance management with providers that are invested in our care leavers through

the person centred planning and accommodation offer that is delivered through our partnership approach (Ignition).

4. Other Options Considered

- 4.1. One alternative is to utilise the North West Framework for Supported Accommodation and Independent Living Framework for all our care leaver placement requirements. However the scheduled re-opening of the North West Framework for Supported Accommodation and Independent Living was paused during 2018 due to concerns in respect of quality and a reflection on the evaluation of quality and market engagement took place before it was recently re-opened. The re-commission recommended in this report allows for Cheshire East to take control of quality evaluation and ongoing contract performance management with providers that are invested in our care leavers through the person centred planning and accommodation offer that is delivered through our partnership approach (Ignition). The current cost of the services provided via our two charitable organisations ie P3 and Crewe YMCA is on average £300 per week per care leaver less than the rates charged via the North West Framework for Supported Accommodation and Independent Living or spot purchasing. The re-commission recommended will sustain this cost effective position whilst the cost across the market continues to increase.
- 4.2. An in-house model of delivering supported accommodation and independent living has been considered. However the Council has never delivered this type of service and we are not aware of any other Council in the region that delivers this type of service in-house. The experience of operating this type of service is crucial in delivering the best life chances for our care leavers. The cost structure of an in-house service ie local government terms and conditions and pension costs is also a determining factor, especially when compared to our current commissioned services which are operated by charitable organisations.

5. Background

- 5.1. The requirement, under s22G Children Act 1989 for Local Authorities, to publish an annual Sufficiency Statement for children in care accommodation was introduced from April 2011. The sufficiency duty requires local authorities to do more than simply ensure that accommodation be 'sufficient' in terms of the number of beds provided. They must also have a regard to the benefits of securing a number of providers and a range of services. Fundamentally, the accommodation available must meet the needs of children. The model and configuration of our re-commission of supported accommodation and independent living plays a vital role in delivering against this duty.

- 5.2. As of 1st August 2019 there were 242 care-leavers (16-25 year old young people that have an allocated worker) supported by Cheshire East Council. Of those 107 are 16/17 year old cared for children where the local authority has a duty to provide accommodation. Not all cared for children aged 16+ require accommodation, some live with families or may return home, however there is a continued and growing need for 16+ accommodation in Cheshire East.
- 5.3. Over the last four years Children's Commissioning have put in place a good 16+ accommodation offer. In order to navigate the improved offer and develop it further through listening to the voice of young people Ignition was set up in January 2016. This gives Cheshire East cared for young people (aged 15+) and care leavers more choice and ownership in regards to their accommodation arrangements when they leave care. Children's Commissioning and the Care Leaver Service lead Ignition which brings together Housing, a variety of accommodation providers and social landlords. The young person attends Ignition to explain what they want for their future and services can then explain what they can offer. The young person can arrange to visit providers and make informed choices about their future with their Social Worker / Personal Advisor.
- 5.4. In 2018-19 50% of those young people presenting at Ignition wanted to live in the supported accommodation commissioned services. Our current commissioned services have been integral to growing the varied offer of accommodation that cared for children and care leavers have told us they need in order to progress well in their pathway to independence. In the main, our young people tell us that they would prefer to live close to their home community, which for 70% of cared for children is Crewe or Macclesfield and therefore, our commissioned services have, to date, focused on these areas.
- 5.5. A description of the current commissioned service offer is as follows:

Location and Housing Type	Number of beds
Watermill (Macclesfield)	
Semi-independent living	5
Emergency accommodation	1
Crewe YMCA	
Emergency accommodation (can be used as PACE beds)	2
Foyer Plus	3
Ignition move-on / taster flats in the community	5
Unaccompanied Asylum Seeking Children – dispersed accommodation in the community	9
Total	25

All the above housing options have varying levels of support hours depending on the needs of the young people. Occupancy rates are high however in order to ensure that accommodation is not blocked and independence / effective move-on is supported, a principle of 6 – 12 months in an accommodation has been set. The demand for accommodation and support for Unaccompanied Asylum Seeking Children (UASC) and availability of move-on accommodation in the Macclesfield area may require an increase of approximately 4 units of accommodation. A review of the sufficiency and geographical reach of 16+ accommodation and support, co-produced with young people, will be undertaken as part of the re-commission.

- 5.6. The Emergency beds have been used constantly, not only for 16/17yr olds but also older care-leavers for a night or two following the breakdown of a supported lodgings placement or when arrangements with families have failed.
- 5.7. The current commissioned service offer provides added value in terms of sustainability once a cared for young person turns 18yrs as they are able to remain at Watermill House (in the non-commissioned units of accommodation) and Crewe YMCA (in the main Foyer) and claim Housing Benefit to cover their costs. This means that a young person does then not face a further placement change or having to present as homeless at 18yrs of age. This move-on is not offered by placements sourced from the North West Framework, these placements expect the same fees if they continue to care for a young person post 18yrs or present the young person as homeless at 18yrs, which is an extremely poor outcome. The Ignition flats have also been able to accommodate not only a cared for or care-leaver but also their own child on two occasions. Both of these mothers have now obtained their own property.
- 5.8. One reason for the growing number of cared for young people and the growing need for 16+ accommodation is the increase of Unaccompanied Asylum Seeking Children (UASC) that we care for. In the financial year 2017-2018 10 UASC came into our care, Children's Services now support 41 current and former UASC's across our Cared for & Care-Leavers Service. Our commissioned service offer has grown specifically to cater for the differing needs of UASC.
- 5.9. Case study / feedback from a sample of our cared for children includes:

C initially wasn't sure about moving to Macclesfield as he felt his connections were in Crewe, however after a few days at Watermill house, he was eager to

move from the emergency flat and requested to take up a longer term placement. C has said that he feels listened to and has said he is enjoying having a safe and secure place to live with staff who make time for him.

S has stated that she feels listened to and that she has found someone she feels she can trust in her key worker. She has said that members of the support team, have helped her massively in working on her mental health and to stop using drugs, also to work on rebuilding her relationship with her mum.

M was very keen to go straight into the semi-independent setting of Watermill House, and specifically requested a placement with us. He is pleased to have his placement and has stated he is eager to remain with us until he is 18 and/or ready to move into an independent flat of his own. He has stated he thinks highly of his key worker and other members of the support team, and enjoys the time he spends with them.

5.10 The indicative procurement timeline for this re-commission is as follows:

Market and young people engagement – August / September 2019

Tender issue date – 14 October 2019

Submission deadline – 22 November 2019

Bids evaluated / interviews (incl young person panel) – 25 November 2019 and 2 December 2019

Approval (Officer Decision Record completed) – 9th December 2019

Final Award letter – 16th December 2019 (following standstill)

Mobilisation – December 2019 - March 2020

Please note that the mobilisation period may be extended by a further 3 – 5 months to ensure transfer of property agreement (current home for some of our care leavers), sourcing of new properties and effective TUPE processes if appropriate.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The recommendations, if made, support the Council's adherence to its statutory duty under the Children Act 1989, in particular, the sufficiency duty under s.22G.

6.1.2. A procurement process will need to be undertaken in accordance with the Public Contracts Regulations 2015 and the Council's own Contract

Procedure Rules. Legal Services will continue to support the new model and commission of services.

- 6.1.3. Assuming the service is not brought in-house to the Council, there will be no employment law/TUPE implications for the Council as any TUPE matters will be between the out-going and incoming providers. The Council will need to ensure that sufficient information is given to bidders as part of the tender process to enable them to consider TUPE staffing costs and to obtain further information.

6.2. Finance Implications

- 6.2.1. The anticipated annual value of the Supported Accommodation and Independent Living commission is £600,000 and £3,000,000 over the proposed five year term of the contract. The commission is charged to the overall external agency placement budget which is currently under significant pressure for 2019/20. However the average cost per unit of accommodation is on average £300 per week less than the alternative option of utilising the NW Supported Accommodation and Independent Living Framework and is therefore a more cost effective option. The configuration of the re-commission will look to maximise the positive impact on controlling the current budget pressure.

6.3. Policy Implications

- 6.3.1. The review will put cared for children at the centre of Council policy and decision making. The review will be undertaken with clear reference to the Children and Young People's Plan, Corporate Parenting Strategy and Sufficiency Statement.

6.4. Equality Implications

- 6.4.1. All public sector authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. An Equality Impact Assessment will be carried out early in the re-commissioning cycle and the needs of persons with protected characteristics as set out in equalities legislation will be taken into account.

6.5. Human Resources Implications

- 6.5.1. There are no human resources implications for the Council. If there is a change in supplier then it will be for the outgoing and incoming suppliers to work through any TUPE implications.

6.6. Risk Management Implications

6.6.1. Cared for children and care leavers are a vulnerable group that are risk of a number of factors – poor education and training, health, safeguarding and transition into adulthood. The design of an effective supported accommodation offer will aim to mitigate these risks to our children.

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 direct, significant and lasting implications for children in care and care leavers when delivering supported accommodation and independent living. Supported accommodation and independent living is an essential service for our care leavers which supports effective pathways to independence, tenancy readiness and the ability to secure and sustain good quality accommodation that is local to their community and is safe.

6.9. Public Health Implications

6.9.1 Cared for children are more at risk of health inequalities than their peers. The proposals are expected to improve the awareness and response in respect of these health needs.

6.10 Climate Change Implications

6.10.1 There are no direct implications for climate change.

7. Ward Members Affected

7.1 The recommended re-commission includes a review of the sufficiency and geographical reach of 16+ accommodation and support and therefore has the potential to affect all areas of Cheshire East.

8. Consultation & Engagement

8.1. Consultation and engagement will take place with our cared for children and care leavers prior to the procurement in order to configure the highest quality commission of supported accommodation that will meet the needs of this vulnerable group. Our cared for children and care leavers will also play an important part of tender evaluation and ongoing contract management.

- 8.2. Market engagement will take place prior to the procurement process starting in order to promote this exciting opportunity to support our cared for children and care leavers and gain best practice from across the market.

9. Access to Information

- 9.1. Link to Cared for Children Accommodation Sufficiency statement:
<https://www.cheshireeast.gov.uk/livewell/care-and-support-for-children/services-from-childrens-social-care/cared-for-children/cared-for-children.aspx>

10. Contact Information

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

Name: Dave Leadbetter

Job Title: Head of Children's Commissioning

Email: dave.leadbetter@cheshireeast.gov.uk



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Cabinet

Date of Meeting: 10 September 2019

Report Title: Managed Provision for Consultancy

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

Senior Officer: Alex Thompson – Director of Finance and Customer Services

1. Report Summary

- 1.1. Consultancy is a professional practice that provides expert advice within a particular field. Consultants and consultancy firms are the common terms used with regards to experienced professionals in a specific field who provide wide knowledge on a particular subject matter for time limited specific pieces of work.
- 1.2. The Council use consultants where expert knowledge and capability is required for a short term piece of work which is not available in-house and would be expensive or inappropriate to retain on a permanent basis. Recent examples of where the Council have used consultants include the petitioning process for HS2 and the B4B programme.
- 1.3. The purpose of this report is to seek approval to award a new contract to Bloom Procurement Services Limited (via a North East Purchasing Organisation (NEPO) Framework) for the provision of a Vendor Neutral Managed Service to source and provide consultancy requirements/services where appropriate or required over the next 4 years with 2 x 24 month options to extend.

2. Recommendation

That Cabinet

- 2.1. Delegate authority to the Executive Director of Corporate Services, in consultation with the Portfolio Holder for Finance, ICT and Communications, to award a call off contract under the NEPO framework agreement to Bloom

Procurement Services Ltd for a period of 4 years with 2 x 24 month options to extend.

3. Reasons for Recommendation

3.1. The council has an ongoing requirement for specialist professional services (SPS) to assist in the delivery of a number of projects e.g. those relating to construction, regeneration and ICT. Such professionals bring a wealth of expert advice, knowledge and capability which may not be available in-house. Furthermore it would be expensive and/or inappropriate to retain these experts on a permanent basis as it is unlikely that they would be fully occupied.

3.2. Bloom Procurement Services Ltd provide a vendor neutral solution and act as a single point interface between Cheshire East Council and the supply chain for these services. The service provided by Bloom delivers many benefits to the Council, for example:

- 3.2.1. Management of the consultancy firms on behalf of the Council
- 3.2.2. Reduction in overall spend as result of an explicit demand management process and system. (Between 10-20% can be saved from each project budget).
- 3.2.3. Reduction or elimination of instances of scope creep in the work being undertaken by the consultants.
- 3.2.4. Ensuring compliance with the procurement rules and regulations when consultants are engaged.
- 3.2.5. Assurance that the prices offered for services are competitive and offer value for money.
- 3.2.6. Delivery of support through a single central web based application which reduces administrative processes for the council.
- 3.2.7. Improved transparency, reporting and audit of all activity associated with professional and consultancy services.
- 3.2.8. Mitigation of IR35 related tax risks.
- 3.2.9. Reduction or elimination of payments for non-performance.
- 3.2.10. Efficiency savings through the reduction in the volume of invoices and processes as contact and contracts sit with one vendor.

4. Other Options Considered

4.1. There are a vast range of frameworks available for consultancy services such as those provided by ESPO (Eastern Shires Purchasing Organisation) and the CCS (Crown Commercial Service).

4.2. Whilst these frameworks alleviate the need to re-advertise the requirement in Europe they normally still require a great deal of resource in tendering with all the capable suppliers on that framework. Furthermore new suppliers are not able to join the framework during their duration.

4.3. Cheshire East Council could also conduct its own quotations and tenders for specific consultancy requirements where required, however, a vendor neutral solution, which has a proven track record and has proved to be a valuable resource to date, is far simpler, quicker and a more efficient model of accessing specialist consultancy services.

5. Background

5.1. Consultancy is a professional practice that gives expert advice within a particular field. 'Consultants' and 'consultancy firms' are the common terms used with regards to professionals who provide wide knowledge on a particular subject for time limited specific pieces of work.

5.2. The Council use consultants where expert knowledge and capability is required for a short term piece of work which is not available in-house and would be expensive or inappropriate to retain on a permanent basis. Recent examples of where the Council have used consultants include the petitioning process for HS2 and the B4B programme.

5.3. When these type of requirements are needed, the Council usually needs to act quickly and obtain the relevant specialist resource to aid delivery of work programmes, specific projects and specialist pieces of work for time limited periods, where the required level of resource and knowledge is not available in-house.

5.4. There are three recognised models of Service provider sub contracts (SPS) available and identifiable;

5.4.1. Multi-disciplinary professional service and /or consultancy organisations that offer a wide range of specialisations at strategic, operational and tactical levels of service delivery and organisational with a global presence.

5.4.2. Small, Medium, Enterprises (SMEs) specialising in a particular market sector or field of expertise.

5.4.3. Stand-alone or Sole Traders focused on specialist and technical consultancy and professional advice around a particular field, function or industry.

- 5.5. The purpose of this report is to seek approval to award a new contract to Bloom Procurement Services Limited (via a North East Purchasing Organisation (NEPO) Framework) for the provision of a Vendor Neutral Managed Service to source and provide consultancy services.
- 5.6. The North East Procurement Organisation (NEPO) has re-procured a new single source Neutral Vendor contract for the supply of Specialist Professional Services by way of a robust OJEU (Official Journal of European Union) process.
- 5.7. The framework agreement has been awarded to Bloom Procurement Services Ltd (who are the current provider) and will commence 1st October 2019. Cheshire East Council is an Associate Member of NEPO.
- 5.8. A framework is an agreement put in place with a provider or range of providers that enables buyers to place orders for services without running lengthy tendering exercises. Frameworks are based on large volume buying. They aggregate different buyers' potential needs meaning individual buyers can source services at lower prices, or with special added benefits and/or more advantageous conditions. The terms and conditions cover all purchases under that framework making it an easy and efficient method of procuring. There is no obligation or commitment required from the Council to purchase any specific volume under a framework.
- 5.9. Bloom Procurement Services Ltd acts as the independent broker for the procurement of specialist professional and consultancy services by managing the supply chain to fulfil the Council's requirements. They work with accredited suppliers and manage the end to end process of the appointment. They allow the flexibility of dealing with a wide range of consultants through one managed provider.
- 5.10. The table below outlines the expenditure and the cost savings through the use of this contract over the last four years, which totals £1.3 million.

Year	Project cost - forecast	Actual
2016/17	£2,405,000	£2,135,080
2017/18	£4,673,000	£3,954,690
2018/19	£1,835,846	£1,486,486
2019/20	£1,371,142	£1,344,683
Total 4yr Projects (to date)	£10,284,988	£8,920,939

5.11. The current contract has had some significant benefits which included:

- 5.11.1. Increased compliance by ensuring business cases are completed for new
- 5.11.2. Consultancy requirements focussing on the key activities and outputs.
- 5.11.3. Reduction in the number of WARNs for consultancy
- 5.11.4. Significant savings from project costs
- 5.11.5. Positive user feedback from the services who have procured using this method
- 5.11.6. Efficiency savings in time and resources. (Projects are able to be procured within 2-4 weeks rather than the average time of 3 months).

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The North East Procurement Organisation (NEPO) has re-procured a single source Neutral Vendor framework agreement for the supply of Specialist Professional Services, commencing 1st October 2019. A Framework agreement is an “umbrella” agreement that sets out the terms (particularly relating to price, quality and quantity) under which individual contracts (call-offs) can be made throughout the period of the agreement. It enables contracting authorities to meet its need for a service, supply of goods or works for a set period of time in order to obviate the need to undertake a wide competitive process in relation to each individual procurement.
- 6.1.2. A framework agreement set up in accordance with the Public Contract Regulations 2015 is normally for a maximum four year period and available to a number of contracting authorities so long as those

authorities are sufficiently identified in the original OJEU notice. As an Associate Member of NEPO the Council is named and therefore is able to utilise this framework and enter in to a call off contract with Bloom Procurement Services Ltd. This ensures compliance with the Council's own Contract Procedure Rules and the Public Contract Regulations 2015.

- 6.1.3. Framework durations and their call-offs are normally a maximum of 4 years however the Public Contract Regulations 2015 do have provision for this period to be longer where there is sufficient justification. The justification that NEPO have upheld in their OJEU notices is that "this is due to the commercial and contractual complexity of the framework contract combined with the cost of administering the procurement for NEPO, Contracting Authorities, suppliers and impacted supply chains".

6.2. Finance Implications

- 6.2.1. Based on historic expenditure patterns, the council's consultancy spend is expected to be in the region of £12m to £20m over the period of the contract (initially 4 years).
- 6.2.2. However there is no commitment for the Council to spend money through this contract. The cost of consultants are met from staff budgets or from specific project budgets.
- 6.2.3. There is no fee or direct cost in entering into this contract. Bloom charge the supplier (not the Council) a management fee per project. The contract delivers efficiencies in spend by consultants being sourced at competitive rates.

6.3. Policy Implications

- 6.3.1. Four key drivers will underpin the procurement process to put in place a new contract for the supply of consultants which will deliver a cost effective and quality solution for the Council:
- To secure value for money - without compromising on the quality of the Consultants supplied.
 - To ensure business continuity in a compliant manner - through an efficient and simple process. This has reduced the number of waivers and non-compliant spend on consultants.
 - To provide an "easy to do business with" solution – for services to use
 - To enhance social value – providing a platform whereby local providers and SMEs can have the opportunity of securing business

with the Council in a streamlined manner and maximising the opportunity for residents to secure employment.

6.4. Equality Implications

None.

6.5. Human Resources Implications

6.5.1. Ensuring a smooth transition from the current contract/system to the new contract and on-line system is essential. During implementation and launch of the new consultancy contract, managers who regularly use Consultancy's will be trained on the suppliers ICT platform. This will ensure that Consultants can be selected for new assignments and paid promptly.

6.6. Risk Management Implications

6.6.1. All projects are closely monitored throughout the contracted period to ensure that the Council continues to obtain and maximise value for money and consistent levels of service. A requirement of the contract is for continuous improvement throughout the term of the contract to ensure that best value is achieved.

6.6.2. To enhance visibility and control over the usage of Consultants, management information reports will be requested from Bloom Procurement Services Ltd to assist with the monitoring of, for example, type of consultancy, costs, savings by project, directorate and service.

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. In using consultants there will no doubt be travelling required in and out of the borough, however, where possible this contract will help to harness the use of local companies and SMEs which should help to reduce travel/energy consumption overall.

7. Ward Members Affected

No impact on any specific wards and Local Ward Members.

8. Contact Information

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

Contact details for this report are as follows:-

Name: Lianne Halliday

Designation: Procurement Manager

Tel. No.: 01270 685766

Email: lianne.halliday@cheshireeast.gov.uk



Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: Agency Worker Contract Procurement

Portfolio Holder: Cllr Jill Rhodes, Portfolio Holder - Public Health and Corporate Services

Senior Officer: Frank Jordan – Executive Director Place

1. Report Summary

- 1.1. The Council delivers a wide range of services including a number of essential front line services such as social care and waste collection. Where there are vacancies in these services, it is important that they are covered so that the council can maintain appropriate service levels to our customers.
- 1.2. The Council's priority is to recruit and retain permanent staff but as outlined above there are times when the council needs to appoint staff on a temporary or interim basis.
- 1.3. Establishing a contract for the supply of temporary staff through agency contracts delivers a number of benefits to the council as outlined in this report.
- 1.4 Cheshire East Council currently has a contract with Comensura for the supply of agency staff. This contract expires 31 March 2020 and it is proposed to re-tender this contract on a collaborative basis with Cheshire West and Chester Council.
- 1.4. This arrangement ensures that appropriate governance for temporary recruitment is in place, and that there is active management of the contract including the management of expenditure.
- 1.5. It is proposed that the procurement process is undertaken using a framework provided through the Yorkshire Purchasing Organisation (YPO),

where there is no obligation or commitment required from the Council to purchase any specific volume of work in the future or commit to any specific spend.

- 1.6. The procurement would be undertaken in collaboration with Cheshire West and Chester and ANSA. It is anticipated that the contract will be awarded by the end of December 2019 enabling a smooth transition to the new contract commencing on 1 April 2020.

2. Recommendation

- 2.1. That Cabinet delegate authority to the Executive Director Corporate Services in consultation with the Portfolio Holder for Public Health and Corporate Services to award and implement the new contract following a tender exercise.

3. Reasons for Recommendation

- 3.1. The current Agency Contract commenced in April 2016 and is due to expire on the 31st March 2020. Therefore, it is recommended that the council undertakes a tender process to ensure that the Council has access to an appropriate Agency Worker contract when the current contract expires.
- 3.2. It is proposed that competitive tenders would be invited and evaluated from up to ten suppliers included on the YPO Framework for the provision of agency workers. This competitive process would enable costs to be reduced below the "direct award" rates currently stated in the framework, thus delivering an efficient and effective mechanism to ensure the Councils' requirements can be met.

4. Other Options Considered

- 4.1. Alternative framework providers have been explored, including two key regional frameworks for agency staff held by Eastern Shires Purchasing Organisation (ESPO) and Yorkshire Procurement Organisation (YPO). Meetings were held with both consortia with both framework offering very similar services that they provide, the suppliers they have approved and the help and support they provide.
- 4.2. The key difference is that Cheshire East Council is an associate member of YPO and as a result we benefit from an annual rebate based on level of accumulative expenditure we put through the range of frameworks they offer. This is an additional benefit for using the framework. The panel also agreed that there was a good level of support available from the contacts at YPO. Therefore, it is recommended that the Council procures its contract utilising this YPO framework.

- 4.3. The Council could independently conduct a full tendering exercise rather than using a Framework agreement. It is considered that there is no benefit in this approach as the Council would be dealing with the same supply market and would not benefit from the framework efficiencies available.

5. Background

- 5.1. The use of a managed service contract for Agency Workers offers the Council the ability to temporary and interim staff as part of a flexible resourcing approach which can respond to demand pressures, staff turnover and a changing environment.
- 5.2. The Council's strategic priority is to recruit and retain permanent staff. As a large organisation that delivers in excess of 500 services, with a broad range of roles and skill requirements there is a need to recruit staff on a temporary and interim basis through agency contracts to cover short term vacancies etc.
- 5.3. A managed service contract enables the Council to recruit staff on a temporary and interim, in a timely manner and with relative ease; thus increasing resilience and maintaining the skills base across the workforce and ensuring continuity of service to our residents.
- 5.4. Agency staff are predominantly used to manage peaks in demand, cover for maternity leave or sickness absence and to cover specific skills gaps where recruitment processes may take longer to complete as skills are not readily available on the open recruitment market. While the use of temporary workers is not a default position, this workforce solution provides immediate access to additional workers such as social workers, IT staff and waste collectors. The proposed approach using a managed service contract will provide temporary staff for all Council requirements.

Procurement Framework

- 5.5. A framework is an agreement put in place with a provider or range of providers that enables buyers to place orders for services without running lengthy tendering exercises each and every time. Frameworks are based on large volume buying. They aggregate different buyers' potential needs meaning individual buyers can source services at lower prices, or with special added benefits and/or more advantageous conditions. The terms and conditions cover all purchases under that framework making it an easy and efficient method of procuring. There is no obligation or commitment required from the Council to purchase any specific volume under a framework.

- 5.6. Procurement framework agreements are OJEU (Official Journal of the European Union) compliant, removing the need to independently undertake a full (OJEU) procurement process, as this has already been done as part of setting up the framework.
- 5.7. The Yorkshire Purchasing Organisation (YPO) is a publicly owned central purchasing body providing framework agreements to the public sector. They have put in place a Framework Agreement for the Provision of HR Services and Solutions (Temporary and Permanent Recruitment, Consultancy and Related HR Services). This is a national framework for managed services for agency workers.

Joint Working

- 5.8. The current Comensura contract for agency workers was jointly procured with Cheshire West and Chester Council in 2015. There is now an opportunity to go to the market with the aggregated spends of both Councils and ANSA and to include other relevant ASDV expenditure in the future. Whilst both Councils are seeking to reduce spend on agency workers a joint offering would be more attractive to the market and, through the shared buying power, should lead improved margins from the suppliers. There are also economies of scale through shared services and procure to pay processes e.g. consolidated billing.
- 5.9. The new contract will be available to other Council ASDVs to utilise where appropriate.
- 5.10. The proposed arrangement will provide:
- The flexibility of dealing with a wide range of agencies through one managed provider
 - The separation of demand and supply, as well as keeping in touch with the wider market.
 - Management information and monitoring of the performance of each agency in accordance with the Councils requirements
 - There is one consolidated weekly invoice rather than separate invoices to each agency for multiple agency workers
 - Improved buying power and reduced agency rates
- Channelling of requirements through a network of competing agencies to ensure a better calibre of candidates and a larger pool to select from.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1 The YPO has procured a Framework Agreement for HR Services and Solutions in accordance with the Public Contract Regulations 2015. This is an “umbrella” agreement setting out the terms and conditions under which individual contracts (call-offs) can be made throughout the period of the agreement. Although undertaking a joint mini competition under the EU compliant framework each organisation will enter into its own call-off contract with the successful tenderer.

6.1.2 The current Framework Agreement expires on 5 December 2019 and the proposed call-off contracts will need to be completed by that date i.e. signed by all parties to the contracts.

Finance Implications

6.2.1 The Comensura contract is used to source agency staff for the Council and its ASDVs. Comensura charge a management fee based on a percentage of the cost of agency staff provided. An indicative level of spend for Cheshire East is £8.0m, but this does not guarantee a future spend of £8.0m and is provided only to give the market a sense of the potential future volume.

6.2.2 The majority of agency staff costs are met from revenue staffing budgets for substantive posts across the Directorates of the Council, they are not funded from a specific agency budget. ANSA hold their own separate contract and their level of expenditure is circa £3.0m.

6.2.2 ANSAs requirement for Agency Workers is predominantly within the Waste Collection Service, with usage being mainly to cover for holidays, long term sickness and during periods of recruitment. The Company has recently entered into a Collective Agreement with its recognised trade unions that will see a significant change to the way in which its Waste Collection Service operates. It is anticipated that this will further reduce the requirement for Agency Workers going forward.

6.2.3 Council services continue to focus on reducing reliance on agency workers, so the expenditure figures are expected to reduce year on year. It is accepted however, that temporary workers can be a cost effective approach to some aspects of workforce planning meaning that permanent resource and associated fixed cost is not required to cover peaks in workload and absence.

- 6.2.4 Agency Workers orders are subject to recruitment request approval and must be supported by a business case. This ensures that Agency Workers are only recruited against a clear business case. This assists in managing the expenditure on Agency Workers.

6.2. Policy Implications

- 6.2.1. None

6.3. Equality Implications

- 6.3.1. None

6.4. Human Resources Implications

- 6.4.1. Ensuring a smooth transition from the current to the new contract is essential. During implementation and launch of the new Agency contract, hiring managers who regularly use Agency Workers will be trained on the suppliers ICT platform. This will ensure that Agency Workers can be selected for new assignments and paid on time.

6.5. Risk Management Implications

- 6.5.1. All contract agreements are closely monitored throughout the contracted period to ensure that the Council continues to obtain and maximise value for money and consistent levels of service.
- 6.5.2. To enhance visibility and control over the usage of agency workers, management information reports will be requested from any future provider to assist with the monitoring of, for example, order justification, assignment duration, and charge rates compared to those defined for particular roles, invoicing detail and workforce diversity. The management information report will continue to provide accurate spend and usage data about the use of Agency Workers across the Council.

6.6. Rural Communities Implications

- 6.6.1. There are no direct implications for rural communities.

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

- 6.7.1. There are no direct implications for children and young people.

6.8. Public Health Implications

- 6.8.1. There are no direct implications for public health.

6.9. Climate Change Implications

6.9.1. There are no direct implications for climate change.

7. Ward Members Affected

7.1. There is no impact on any specific wards and Local Ward Members.

8. Consultation & Engagement

8.1. As part of this project, Recruiting Managers who currently use the Comensura system will be consulted to obtain feedback on their experience by way of a short survey. Feedback from this survey will be taken into account for the new contract specification.

9. Access to Information

9.1. Further information about YPO HR Service and Solutions Framework can be found at:

https://www.ypo.co.uk/framework/detail/900257#framework_details

10. Contact Information

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

Name: Sara Barker

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Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: Revised Statement of Licensing Policy

Portfolio Holder: Cllr Mick Warren - Communities

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

- 1.1. The Licensing Act 2003 requires that Licensing Authorities prepare and publish a statement of policy that they propose to apply when exercising their functions under the Act during the five year period to which the statement applies.
- 1.2. The Council is required to review its existing statement of policy and publish a revised version. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders identified within the Licensing Act 2003.

2. Recommendations

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

3. Reasons for Recommendations

- 3.1. To comply with the provisions of the Licensing Act 2003, to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, regulated entertainment and late night refreshment.
- 3.2. As part of the revision a number of changes have been proposed, including:

- 3.2.1. Updated references to other policies or procedures (e.g. Statutory Guidance issued in April 2018; Reducing Alcohol Harm in Cheshire East: Position Statement and Forward Plan; and decisions in relation to the Late Night Levy and Early Morning Restriction Orders);
- 3.2.2. Removal of out of date information;
- 3.2.3. An additional appendix explaining deregulation of entertainment;
- 3.2.4. An additional appendix setting out sample conditions; and
- 3.2.5. An additional appendix providing a matrix of area specific hours.

4. Other Options Considered

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

5. Background

- 5.1. As set out above, the Licensing Act 2003 requires Licensing Authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act.
- 5.2. The draft statement, a copy of which is attached as Appendix 1, incorporates some minor amendments (set out in Appendix 2). Whilst a number of new appendices (appendices 4, 5 and 6) have been added, in essence the policy remains substantially the same as previous iterations.
- 5.3. The Statement of Licensing Policy is the policy document that the Licensing Act Sub-Committee will use when determining contested applications under the Licensing Act 2003. Consequently, it needs to adequately guide applicants, objectors, Licensing Authority Officers, and Committee Members.
- 5.4. The policy must reflect that the Council is required to discharge its responsibilities under the Act with a view to promoting the four licensing objectives:
 - 5.4.1. The prevention of crime and disorder
 - 5.4.2. Public safety
 - 5.4.3. The prevention of public nuisance
 - 5.4.4. The protection of children from harm
- 5.5. The Statement of Licensing Policy establishes a local framework for decision-making when considering applications for relevant permissions, or variations to existing terms and conditions. The Policy is of significant importance as the Licensing Committee and Sub-Committee are required

to have due regard to it when determining an opposed application. It is therefore paramount that the Policy sets out how the objectives will be promoted. Any matters not relevant to the promotion of the licensing objectives must be disregarded.

- 5.6. In addition to having regard to the Statement of Licensing Policy, the Licensing Authority must also have regard to the statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003.
- 5.7. The draft statement of principles was considered by the Licensing Committee on the 4th March 2019. The Committee considered the content of the policy and resolved that it was appropriate for it to be referred to Cabinet for consideration and to Council for adoption.
- 5.8. Additionally, the draft revised policy was subject to consultation between 8th March 2019 and 19th April 2019. These requirements included consulting those stakeholders identified in paragraph 6.1.3 . Additionally, the Licensing Team consulted every elected Member of Cheshire East Council by email.
- 5.9. A number of consultation responses have been received. These have been tabulated at appendix 3 together with Officer comments.
- 5.10. Prior to formal consultation the Licensing Team also pre-consulted the stakeholders identified as Responsible Authorities in the Licensing Act 2003. This allowed the Team to identify and incorporate any suggested improvements and changes.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. In accordance with Section 5 of the Licensing Act 2003 the Licensing Authority is required to determine and publish a Statement of Licensing Policy.
- 6.1.2. The statement of policy forms part of the Council's Policy Framework. As such, the final decision to approve or revise the policy rests with full Council. In addition, in developing a revised statement of policy, the authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).
- 6.1.3. In order to comply with statutory requirements, the following agencies must be consulted:
 - 6.1.3.1. Cheshire Constabulary
 - 6.1.3.2. North West Fire and Rescue Service
 - 6.1.3.3. Planning Services

- 6.1.3.4. Trading Standards (Weights and Measures Inspector)
- 6.1.3.5. Environmental Health
- 6.1.3.6. Public Health
- 6.1.3.7. Cheshire East Safeguarding Children Partnership
- 6.1.3.8. Health and Safety
- 6.1.3.9. Representatives of the local licensing trade
- 6.1.3.10. Representatives of local businesses and residents

6.2. Finance Implications

- 6.2.1. There are no direct financial implications in relation to the decision requested. However, preparation and consultation of the revised Statement of Licensing Policy has been funded from existing licensing budgets.
- 6.2.2. The Licensing Team does generate income through the fees attached to applications. These fees are set by Government and the Council has no discretion to amend them. Accordingly, the approval of the draft revised Statement will not affect the level of income generated or the fees charged.

6.3. Policy Implications

- 6.3.1. The Council is required to revise and adopt a Statement of Licensing Policy every five 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. 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 Licensing Act 2003 requires the Licensing Authority to have a Statement of Licensing Policy. However, there is no penalty that could be applied if the Licensing Authority did not adopt a

Statement. Notwithstanding, any decisions taken where a policy was not in place could be subject to Judicial Review.

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. However, the policy does reference how safeguarding and prevention of exploitation will be considered when determining applications or reviewing licences.

6.9. Public Health Implications

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

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 Licensing Policy is a Borough wide policy and therefore has the potential to impact on all wards.

8. Consultation & Engagement

8.1. The statement is subject to a statutory consultation process set out within the legislation.

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

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CHESHIRE EAST COUNCIL
STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)
POLICY DATED 2019 TO 2024

Contents

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Appendix 1 – Table of Delegations of Licensing Functions

Appendix 2 – Procedure at Hearings

Appendix 3 – Mandatory Conditions

Appendix 4 – Non-regulated entertainment matrix

Appendix 5 – Sample conditions

Appendix 6 – Suggested hours matrix

1. Introduction

- 1.1 Cheshire East Council (**the Council**) is the Licensing Authority for the area of Cheshire East under the provisions of the Licensing Act 2003 (**the Act**).
- 1.2 This Statement of Licensing Policy (**the Policy**) is the result of the review and is published by the Council in accordance with section 5 of the Act. The Policy provides information and guidance to applicants and persons who are likely to be affected by an application (e.g residents and businesses) and Responsible Authorities or anyone interested in these matters. It will clarify the manner in which the Council will approach matters relating to licensing. Whilst the policy provides framework guidance regarding the considerations it will take into account when determining any licence application, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.
- 1.3 Cheshire East's mission is for 'Cheshire East to be a great place to live, work, visit and enjoy'. The mission statement complements the aims of this Policy. There are a number of Corporate Objectives some of which link with this Policy. They include:
 - Cheshire East has a strong and resilient economy
 - People live well and for longer
- 1.4 The context of the Policy includes the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board to reduce alcohol related harm.
- 1.5 The context of the Policy includes the Council's statutory duty under the Crime and Disorder Act 1998 to have regard to the need to do all that it reasonably can to prevent crime and disorder, misuse of drugs and alcohol and reoffending in its area.
- 1.6 The Policy takes into account the guidance issued under section 182 of the Act. The latest guidance was published by the Home Office in April 2018. A copy of the guidance may be accessed via the Home Office website www.homeoffice.gov.uk
- 1.7 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of Licensable Activities and qualifying Licensable Activities in accordance with Section 1 and Schedules 1 and 2 of the Act. The following is a summary of what comprises Licensable Activities:

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

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

- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)

1.8 In formulating the Policy, the Licensing Authority has consulted all Responsible Authorities, holders of licences under the Act and the public within Cheshire East.

1.9 This policy will be for a 5 year period and a review will take place in accordance with statutory procedures and will take into full account of any relevant information received by way of consultation or otherwise.

2. The Aim of the Policy and Statutory Licensing Objectives

2.1 The aim of the Policy is to secure the safety and amenity of communities within the Cheshire East area, whilst facilitating a sustainable entertainment industry. The Council recognises the need of residents for a safe and desirable environment in which to work and live and the importance of well-run licensed premises in a vibrant and diverse local economy. The Council will promote the safety of residents and visitors whilst out at night and on their journey home.

- 2.2 In accordance with the guidance issued by the Secretary of State, the Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefits of our communities. A natural concern to prevent disturbance in the neighbourhood will always be balanced with the wider cultural benefits of our communities
- 2.4 The Council has a duty to protect the amenity of its residents. This extends to the business community, who can expect the Council to ensure that the environment is attractive and sustainable for the conduct of their business.
- 2.5 It is the Council's duty to exercise its licensing functions with a view to promoting the four Licensing Objectives set out in section 4 of the Act:
- **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance**
 - **The protection of children from harm**
- 2.6 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 2.7 The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
 - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems
 - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises
 - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area

- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them

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

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

Policy Considerations

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

2.10 Nothing in the policy will

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

2.11 All persons have equal rights to make representations concerning applications for premises licenses (and hours of trading) and to receive appropriate consideration to their representations. Irrelevant, frivolous and vexatious representations will be disregarded.

2.12 Following Relevant Representations the Licensing Authority will only depart from this Policy where there is satisfactory evidence/information that the Licensing Objectives will be met in full. In cases where a departure occurs, the Licensing Authority shall provide reasons for the departure.

2.13 If an application for a licence or certificate has been made lawfully and there have been no Relevant Representations from Responsible Authorities or other persons, the Licensing Authority will grant the application, subject only to conditions consistent with the operating schedule and any relevant mandatory conditions.

- 2.14 To achieve its aims the Council is committed to working in partnership with the Responsible Authorities, local businesses, residents and others towards ensuring the continued success of this Policy in achieving the statutory objectives of the Act. In considering these issues the Council will focus on the four statutory Licensing Objectives.

3. Matters within the Control of the Premises Licence Holder

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

4. Planning and need for Licensed Premises

- 4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.
- 4.2 The Planning Regulation and Licensing Regulation functions are separate statutory regimes. The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. The Licensing Authority when exercising its licensing functions will not consider whether there has been any alleged breach of planning conditions. Planning Permission will usually be required prior to the use of premises for Licensable Activities.
- 4.3 The Licensing Authority is not bound by decisions made by the Planning Authority and vice versa.

- 4.4 There may be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensed hours, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 4.5 It should be noted that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities.

5. Integrating Strategies

- 5.1 The Licensing Authority will consider the Council's approved strategies and policies where they are relevant to the exercise of its function as the Licensing Authority.
- 5.2 The Council recognises that Licensed Premises are an important contributor to the local economy. Any licence application will be considered by taking certain factors into account. These include:
- Employment opportunities
 - The enhancement the proposal might have on the attractiveness of the wider area
 - The general impact in attracting visitors to the area
- 5.3 In undertaking its statutory licensing function the Licensing Authority may have regard to:
- Section 17 of the Crime and Disorder Act 1998 and requirement that the Council do all that it reasonably can to prevent crime and disorder in its locality
 - The European Convention on Human Rights (which is given effect by the Human Rights Act 1998), which places a duty on public authorities to protect the rights of individuals in a variety of circumstances
 - Any other relevant legislation drawn to its attention
- 5.4 The Licensing Authority will seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act.

Integration with Public Health

- 5.5 The context of the Policy includes the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board to reduce alcohol related harm. In March 2017 the Board adopted a 'Reducing Alcohol Harm in Cheshire East: Position Statement and Forward Plan' acknowledging the potential negative impacts of excessive alcohol consumption and the need to work as a system to minimise harms to individuals, communities and businesses.
- 5.6 The Position Statement and Forward Plan has been drafted to support the actions of many organisations working to reduce levels of consumption and promote safe, sensible and social drinking. It brings together national policy and local aspiration and sets a direction for activity across Cheshire East. The Health and Wellbeing Board are working with partners to focus upon activity that will bring positive outcomes to the families, communities and businesses of Cheshire East. Reducing excess alcohol consumption is the overarching aim and the priority outcomes are:
- To reduce alcohol-related health harms
 - To reduce alcohol-related hospital admissions
 - To reduce alcohol-related crime, anti-social behaviour and domestic abuse
 - To support a diverse, vibrant and safe night time economy
 - To improve our co-ordination/partnership work to ensure that all the other priorities are achieved efficiently and effectively.

Integration with Safeguarding and Exploitation

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

6. Anti-Social Behaviour

- 6.1 The Licensing Authority recognises that in addition to the requirements for it to promote the Licensing Objectives, the Council has a duty under section 17 of

the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its area.

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

7. Prevention of Crime and Disorder

- 7.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 (See Section 6.1 above). Any conditions attached to the premises licence should reflect any local crime prevention strategy. Including, the Safer Cheshire East Partnership Plan or a subsequent replacement plan.
- 7.2 The Licensing Authority will consider whether the premises make or will make a detrimental contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the application.
- 7.3 In order to meet its duty to prevent and reduce crime this Policy will have regard to the likely impact of licensing on related crime and disorder in the area. The Licensing Authority will consider the location of the premises and the impact, operation and management of the Licensable Activities. In particular these issues may include:
- Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder
 - Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder

- Door supervision together with the maintenance of an incident book
- Use of toughened glass or plastic glasses
- Mechanisms for combating drug dealing and use
- Use of CCTV cameras
- Membership of any Pubwatch or similar scheme
- Use of ID scan equipment

7.4 The Licensing Authority may impose conditions on licences or certificates. These may include the following conditions (although the list is not exhaustive). The decision to impose conditions and their extent will depend upon the risks of crime and disorder at the particular premises

- Appropriate ratio of tables to chairs to customers and for areas to be allocated for seated customers
- A requirement for Security Industry Authority door supervisors to control numbers and to deny entry to individuals who appear drunk, disorderly or intent on crime
- A requirement that drinking vessels do not form a sharp edge when broken
- Restrictions on drinking in areas within and outside the premises
- Procedures for checking the ages of young people who appear under the age 25 to ensure alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol-led premises
- Appropriate 'early warning' communication systems with the Police and with other licensed premises
- The installation of CCTV
- Clear policies and measures to prevent illegal drugs being brought onto and used on the premises
- Searching of customers and staff

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

Safer Clubbing

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

Drugs

- 7.7 Following Relevant Representations, conditions may need to be imposed for certain types of venues to seek to eliminate the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the above-mentioned 'Safer Clubbing' advice issued by the Home Office. In all cases where conditions are to be imposed advice will be sought from the Drug and Alcohol Action Team and the Police.
- 7.8 The Licensing Authority, Police and Licence Holders need to be aware that power is available under the Anti-Social Behaviour Act 2003 that allows for the closure of a licensed premises by the Police where there is production, supply or use of Class A drugs and/or serious nuisance or crime and disorder. This provides an extra tool to the Police in enabling instant action with regards to premises where there is a Class A drug problem.

Door Supervisors

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

CCTV

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

of recordings, the location of cameras, storage and the availability of recordings to the Licensing Authority and Police.

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

7.11 No film shall be exhibited at a licensed premises which is likely to:

- Lead to disorder
- Incite hatred or violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender

8. Public Safety

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

8.2 The Licensing Authority recognises that the Public Safety Objective is concerned with the physical safety of the customers using the relevant premises and not with Public Health, which is dealt with by other legislation.

8.3 Where the Local Authority Director of Public Health submits a relevant representation the relevant Licensing Objective is likely to be Public Safety. This may include where a premises has undermined the objectives in respect of accidents and injury and other harms that may be caused by alcohol consumption. These issues may also impact on the prevention of crime and disorder objective and/or the protection of children from harm objective.

8.4 Where activities are organised by volunteers or a committee of a club or a society the Licensing Authority considers it good practice that the same level of Health and Safety protection is provided as if an employer/employee relationship existed, irrespective of whether there are strict legal duties applicable under Health and Safety legislation.

8.5 Following Relevant Representations, where the Licensing Authority considers that general health and safety duties do not adequately cover certain Licensable Activities, conditions may need to be attached to the licence to ensure public safety.

8.6 Organisers of temporary/large scale events will be encouraged to seek advice and information from the Council's Event Safety Advisory Group prior to submitting any application.

Fire Safety

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

9. Prevention of Public Nuisance

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

occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

Noise and Vibration

- 9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies
- 9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.
- 9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:
- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
 - Limit the escape of any noise from the premises or open air site
 - Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
 - Minimise and control any noise from customers arriving and departing from the premises
- 9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

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

Eating, Drinking and Smoking Outside Premises

- 9.8 The Licensing Authority will take the following into consideration:

- Whether people standing or sitting outside are likely to cause obstruction or other nuisance
- Whether premises are under or near residential accommodation
- The hours of sale of alcohol in open containers or food for consumption outside the premises
- Measures to make sure that customers move away from outside premises when such sales cease
- Measures to collect drinking vessels and crockery, cutlery and litter
- The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking
- Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.

Other Environmental Impacts

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

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

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

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

- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
- Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
- The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
- The steps taken to prevent disturbance by patrons arriving at or leaving the premises
- The steps taken to ensure staff leave the premises quietly
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
- Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures
- The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
- If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.

10. Protection of Children from Harm

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

- Where there have been convictions for serving alcohol to minors or where the premises has a reputation/evidence for underage drinking (to include any action undertaken regarding test purchases in relation to the supply of alcohol)
- There is a known association with drug taking or dealing
- There is a strong element of gambling on the premises
- Entertainment of an adult or sexual nature is provided

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

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

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

- 10.3 Where Relevant Representations have been received and it is considered necessary that the access of children should be restricted to protect them from harm then conditions may be attached to the licence. These may include:
- Limitation on the hours when children may be present
 - Restrictions to the age of persons on a premises (e.g. to over 18's only)
 - Restrictions on access to certain parts of the premises
 - Limitations or exclusions when certain activities may take place
 - Require an accompanying adult to be present at all times
- 10.4 Where large numbers of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then the Licensing Authority may require the presence of an appropriate number of adult staff (who will have provided a satisfactory Disclosure and Barring Service check) to ensure their safety and protection from harm. The exact ratio is to be assessed in respect of each individual application and is dependent on the type and size of the premises and the control measures in place as outlined within the operating schedule, and importantly the particular group of children likely to visit the premises in question.

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

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

11. Cumulative Impact

- 11.1 The Licensing Authority does not consider that there are areas where Cumulative Impact occurs presently nor is there a need at this time for the Licensing Authority to adopt a special policy relative to designating 'Stress Areas'.

- 11.2 Where there is a concentration of licensed premises this can lead to serious problems of nuisance and disorder arising in the area itself and even some distance away from the premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish individual premises as being the sole cause or even a major contributing factor, of a particular problem. It is the **Cumulative Impact** of all the premises which causes problems for the wider area.
- 11.3 It is clear however, that the vicinity within which licensed premises are or may be located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it should representation be received. Due consideration will be given to the direct impact of the operation of the premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.
- 11.4 It should be noted that 'Cumulative Impact' should not be confused with the issue of 'need', which relates to commercial demand for licensed premises. 'Need' is not a matter to be taken into account by the Licensing Authority.
- 11.5 Where a particular area becomes saturated with licensed premises making it a focal point for large groups of people to congregate, this might create exceptional problems of disorder, noise and other nuisance and in such circumstances the grant of further Premises Licenses or Club Premises Certificates may undermine the Licensing Objectives.
- 11.6 Notwithstanding these concerns each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a licence or certificate would result in a cumulative impact which undermines one or more Licensing Objectives, the following shall apply:

Objections on the grounds of Cumulative Impact

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

- The occupancy figure for the proposed premises
- The nature of the licensed activity to be carried on at the premises and its patrons.

Identifying Stress Areas

11.8 Where as a result of an objection under paragraph 11.7 above and the Licensing Authority is satisfied that there is a serious or chronic concern about nuisance and disorder in a particular area and has refused an application on the grounds of Cumulative Impact the area shall be declared as a 'Stress Area'. In doing so the Licensing Authority shall:

- Follow the statutory procedures outlined in the Home Office Guidance issued under Section 182 of the Act
- Identify the boundaries of the area
- Identify the licensable activities causing the nuisance and/or disorder
- Monitor and review the 'Stress Area'

Applications for a New Premises Licence in a Stress Area

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

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

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

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

Existing Premises Licenses in Stress Areas

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

Applications for variations to existing Premises Licenses in Stress Areas

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

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

- 12.1 In the absence of any Relevant Representations in respect of any application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any Mandatory Conditions prescribed in the Act. This will also apply to any applications made in respect of premises within an identified Stress Area.
- 12.2 The EU Services Directive (Directive 2006/123/EC) and the Provision of Services Regulations 2009 require the Authority to enable an electronic application facility. This is available through www.GOV.uk for Premises Licence applications, renewals and variations and for Club Premises Certificates, renewals and variations. An automatic grant is not available for these applications since visits to premises are required in order to ensure the Licensing Objectives would be promoted. In addition the consideration of a licence needs to take into account the management of the premises.
- 12.3 The Licensing Authority will consider the same issues in respect of a variation and a renewal as they do in respect of an application for a new grant.
- 12.4 The Licensing Authority may take into account any non-compliance of other statutory requirements brought to its attention. Particularly where these undermine the Licensing Objectives, as non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

- 12.5 The Licensing Authority will consider whether appropriate measures have been put into effect by the applicant to mitigate any adverse impact.

13. Temporary Events

- 13.1 Arrangements are made under Part 5 of the Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or a club premises certificate.
- 13.2 The Licensing Authority will provide advice about, amongst other things, public safety. Organisers of temporary/large scale events will be encouraged to seek advice and information from the Council's Event Safety Advisory Group prior to submitting any application.
- 13.3 Legislation states that a minimum of ten working days notice should be given to the Licensing Authority of temporary events (or five working days in respect of a late temporary event). In accordance with the Act, 'Working Day' excludes Saturday, Sunday and Bank Holidays. The Licensing Authority cannot and will not accept notification of a Temporary Event Notice or a late Temporary Event Notice outside the statutory time limit.
- 13.4 The Licensing Authority acknowledges that in exceptional circumstances, some Temporary Events may and do have an impact upon crime and disorder. Therefore, in cases of large scale events, organisers should consider providing as much notice as possible. The Licensing Authority considers two months notice to be advisable in relation to such events.
- 13.5 The Licensing Authority expects organisers to give due consideration to the four licensing objectives and to consider local residents and those attending events, in areas such as:
- Health and Safety
 - Noise Pollution
 - Use of Temporary Structures
 - Road Closures
 - Use of Pyrotechnics or Fireworks
 - Controlling Anti-Social Behaviour
- 13.6 The Licensing Authority may advise applicants to consult with Cheshire Fire and Rescue Service and North West Ambulance Service for guidance with regards to assessing possible risks.

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

14. Operating Schedule

- 14.1 It is recommended that that applicants contact Responsible Authorities when preparing their operating schedules. This is likely to reduce subsequent objections.
- 14.2 This Statement of Licensing Policy sets out criteria and considerations, which relate to the Licensing Objectives, which applicants should have in mind when drawing up their Operating Schedule.

15. Hours of Operation

- 15.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.
- 15.2 The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.
- 15.3 The Licensing Authority recommends that applicant's indicate within the operating schedule that consideration has been given to the impact the licensing hours applied for will impact on local residents and the surrounding area.
- 15.4 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

16. Conditions

- 16.1 The Licensing Authority may, when considering the content of the Operating Schedule, select appropriate conditions from the Home Office Guidance, pool of Conditions, where it is deemed appropriate to ensure that the Operating Schedule reflects the four Licensing Objectives.
- 16.2 Where appropriate, following receipt of Relevant Representations, the Licensing Authority, may attach conditions to the grant of a licence which seeks to regulate the behaviour of persons as they leave licensed premises.

- 16.3 Where existing law already places statutory obligations on applicants the Licensing Authority will not usually impose the same or similar duties by way of condition.
- 16.4 In addition to the Home Office Pool of Conditions, the Licensing Authority is aware that some operators seek out further guidance on the working of conditions. This is to ensure that conditions are enforceable, practical and appropriate. Additionally, the Licensing Sub-Committee may seek to include conditions on a licence at a Hearing. In order to facilitate this, the Licensing Authority has compiled a list of frequently used conditions as a guide. It is not intended that these will form blanket conditions applied to all licenses. These conditions are set out at appendix 5.

17. Enforcement and Review

- 17.1 It is the intention of the Licensing Authority to work proactively with the Cheshire Police and other enforcement agencies. Proportionate targeting of agreed problem and high-risk licensed activities needing greater attention will be applied. A corresponding lighter touch for well run, lower risk premises will also be applied.
- 17.2 The Review of licences or certificates provides a key protection for the community where the Licensing Objectives are being undermined. The Review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.
- 17.3 At any stage following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. The Licensing Authority shall refer to Guidance when assessing whether any Relevant Representations are irrelevant, vexatious, frivolous or repetitious.
- 17.4 Although the Act does not require premises inspections to be undertaken, they will take place at the discretion of the Licensing Officers charged with this role and will take place as judged necessary. This will ensure that the Licensing Authority manages resources efficiently and that 'effective enforcement' is directed at 'problem premises'.
- 17.5 Where any conditions have been applied to a Premises Licence or Club Premises Certificate and Authorised Officer of the Council may inspect the premises at any reasonable time for the purpose of checking that the conditions are being complied with.

Door Supervisors

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

18. Early Morning Alcohol Restriction Orders (EMROS)

- 18.1 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 18.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the Local Community Safety Partnership as well as evidence the Licensing Authority has gathered to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. The Licensing Authority will consider the problems that have been identified. A range of evidence may be considered, including local crime and disorder statistics, statistics on anti-social behaviour offences, health related statistics (e.g. alcohol related emergency attendances and hospital admissions, environmental health complaints, complaints recorded by the Council, residents' questionnaires, evidence from local councillors and evidence obtained through local consultation).
- 18.3 It is acknowledged by the Licensing Authority that an EMRO is restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified in particular other measures might include:
- Development of a Cumulative Impact Policy

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

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

18.5 The Licensing Authority appointed a working group to consider the implementation of any EMROs. The group reported their findings to the Licensing Committee in November 2016. The findings of the working group were that EMRO(s) were not appropriate at that time. This decision was endorsed by the Committee. However, this matter can be revisited at anytime and should the evidence justify the making of an order, this will be given further consideration

19. Late Night Levy

19.1 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late Night Levy, following a consultation process, outlined by the Home Office. It allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after 12 midnight and up to 06:00 in order to cover the additional costs associated with late night alcohol trading. Legislation allows this to start from midnight but it is up to the Council to decide when they wish to apply it.

19.2 Any income raised by the Levy must be split with the local Police force; the Police would receive a minimum of 70% of funds raised and the Council's 30% must be used to fund services which make the late night economy a more welcoming place.

19.3 The Licensing Authority appointed a working group to consider the implementation of a Late Night Levy. The group reported their findings to the Licensing Committee in November 2016. The findings of the working group

were that a Late Night Levy was not appropriate at that time. This decision was endorsed by the Committee. However, this matter can be revisited at anytime and should the evidence justify the implementation of a levy, this will be given further consideration.

20. The Licensing Process

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

21. Delegation and Decision Making

- 21.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated at an appropriate level to ensure an efficient and cost effective service.
- 21.2 The Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Home Office Guidance. The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers
- 21.3 The Act itself creates a presumption that applications will be granted unless a Relevant Representation (objection) is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicants, objectors and Responsible Authorities to ensure that any licence granted is subject to any appropriately agreed conditions and relevant mandatory conditions
- 21.4 Where objections are made, an officer of the Licensing Authority may liaise with the Applicant, objectors and the Responsible Authorities to see if a 'settlement' is possible to overcome any objections, without the need for the matter to go before the Committee or Sub-Committee. Only where objections are raised which cannot be reconciled will matters be referred to either the Sub-Committee or the Full Committee for determination.
- 21.5 Contested Licensing Applications and Review Hearings are administrative in nature and the (Sub) Committee will ensure that any meetings are conducted as informally as possible. However, some degree of formality is needed to

ensure that all parties receive a fair hearing. Procedural requirements will be established to ensure that all parties are able to express their views openly and fairly. The (Sub) Committee procedure is inquisitorial rather than adversarial and, whilst applicants, objectors and Responsible Authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement or a necessity.

- 21.6 Whilst the (Sub) Committee usually meets in public, it does have the power to hear certain applications in private. The Committee, however, will always reach its decision in private. A public announcement of the decision is normally made at the end of the Hearing together with an outline of the reasons for that decision. However on occasion this may not be possible, due to time constraints and/or the complexity of the issues under consideration, in which case a written decision will be issued as soon as possible after the Hearing.
- 21.7 The procedure which will generally be used by the (Sub) Committee, unless the Chairman of the (Sub) Committee takes the view that natural justice and fairness require a change to be made to the process, is set out at Appendix 2.

22. Exclusions

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

Commercial Demand

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

Zoning and licensing hours

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

Children

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

Standardised conditions

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

23. Consultation

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

24. Changes to Legislation

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

Appendix 1

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

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

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Licence Holder			
Application of transfer of Premises Licence.		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when Local Authority is a consultee and not a lead authority		All cases	
Determination of a relevant objection to a Temporary Event Notice		All cases	
Power to issue a Counter Notice in respect of a Temporary Event			All cases
Determination of a minor variation			All cases
Decision to exercise the Licensing Authority's powers as a Responsible Authority			All cases

CHESHIRE EAST COUNCIL

Procedure for Hearings – Licensing Act 2003

The Licensing Committee

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

Officers at Hearings

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

PROCEDURE

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

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

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

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

Notes

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

Summary of Procedure

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

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

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

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

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

Mandatory condition where the licence authorises the exhibition of films

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

Prohibited conditions: plays

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

Mandatory condition: Door supervision

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

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

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

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

MANDATORY CONDITIONS

Condition 1

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

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

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

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

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

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

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

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

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

Condition 2

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

Condition 3

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

- a) A holographic mark, or
- b) An ultraviolet feature

Condition 4

The reasonable person must ensure that –

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

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

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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

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

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

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

Where —

i. P is the permitted price,

ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

i. the holder of the premises licence,

ii. the designated premises supervisor (if any) in respect of such a licence, or

iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Non-regulated Entertainment

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

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

Sample Conditions

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

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

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

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

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

The Prevention of Crime and Disorder

CCTV

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

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

Incident Management

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

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

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

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

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

Door Supervisors

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

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

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

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

Late Night Refreshment

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

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

Public Safety

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

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

The Prevention of Public Nuisance

Noise (regulated entertainment)

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

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

Noise (persons)

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

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

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

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

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

The Protection of Children from Harm

A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under ** years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the Council

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

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

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

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

General

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

There shall be no sales of alcohol for consumption off the premises

There shall be no self service of spirits on the premises

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

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

Suggested Hours Matrix

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

Summary of logged changes to the Statement of Licensing Policy –

Paragraph	Type of change	Change
1.6	Update	Latest version of the Statutory guidance is currently April 2018
1.7	Addition	Sentence included stating that the SOLP sets out a summary of Regulated/Non-Regulated Entertainment at appendix 4
2.12	Removal	The vicinity test was removed under the Police Reform and Social Responsibility Act 2011 it is no longer necessary to draw its specific removal to the attention of interested parties. It is now an established principle that anyone can object to any application. This removal has necessitated the renumbering of the paragraphs in the remainder of section 2
5.4	Removal	List of strategies removed. This list was not exhaustive and some have been replaced, renamed or ceased to exist. It is therefore appropriate to speak of general strategies and allow responsible authorities, other persons, or applicants to draw any relevant strategies to the attention of the Licensing Authority at the appropriate time (eg in specific representations or at Hearings).
5.5 & 5.6	Addition	New paragraphs reflecting the request from the Public Health Team to highlight the impact alcohol consumption has on the public and referencing their strategies and priorities
7.4	Change	References to challenge 21 removed as the expected standard is now challenge 25
16.4	Additional paragraph	In addition to the Home Office Pool of Conditions, the Licensing Authority is aware that some operators seek out further guidance on the wording of conditions. This is to ensure that conditions are enforceable, practical and appropriate. Additionally, the Licensing Sub-Committee may seek to include conditions on a licence at a Hearing. In order to facilitate this, the Licensing Authority has compiled a list of frequently used conditions as a guide. It is not intended that these will form blanket conditions applied to all licenses. These conditions are set out at appendix 5. (Their inclusion has been put forward by the Council's Public Health Team and CHAMPS.)
17.7	Additional paragraph	At all times the Licensing Authority will have regard to the Council's Enforcement Policy, which is available on the Council's website.
18.5	Additional paragraph	The Licensing Authority appointed a working group to consider the implementation of any EMROs. The group reported their findings to the Licensing Committee in November 2016. The findings of the working group were that EMRO(s) were not appropriate at that time.

		This decision was endorsed by the Licensing Committee. However, this matter can be revisited at any time and should the evidence justify the making of an order, this will be given further consideration.
19.3	Wording change	<p>Wording changes from:</p> <p>The Council will consider implementing a Late Night Levy if appropriate.</p> <p>To</p> <p>The Licensing Authority appointed a working group to consider the implementation of a Late Night Levy. The group reported their findings to the Licensing Committee in November 2016. The findings of the working group were that a Late Night Levy was not appropriate at that time. This decision was endorsed by the Licensing Committee. However, this matter can be revisited at anytime and should the evidence justify the implementation of a levy, this will be given further consideration.</p>
22.3	Additional wording	However, the Licensing Authority has produced a document to assist applicants, Committee Members and Responsible Authorities in considering what hours are suitable for Town Centre, Rural, or Residential locations. This is set out at appendix 6. While these times are not binding on applicants, where an applicant does apply for permissions beyond these suggestions there will be an expectation from all Responsible Authorities that additional measures to promote the Licensing Objectives will be included in the operating schedule accompanying the application.
23.1	Change of wording	<p>Each individual reference to consultees removed and replaced with:</p> <p>Various bodies have been consulted as set out within the Licensing Act 2003.</p>
24.1	Removed	<p>This paragraph (set out below) is now out of date, no longer necessary and replaced by Appendix 4 –</p> <p>This Statement of Licensing Principles reflects the law in force in June 2013. The following are some of the main changes which are currently proposed:</p> <ul style="list-style-type: none"> ▪ An authorisation for an indoor sporting event or a performance of a play or

		<p>dance may be required only when the audience exceeds a specified number (1000 for an indoor sporting event and 500 for the performance of a play or dance) or the entertainment does not take place between 8am and 11 pm on any day</p> <ul style="list-style-type: none"> ▪ It is intended that it will be made clear that a contest exhibition or display which combines boxing or wrestling with one or more martial arts (a 'combined fighting sport') is licensable under the Act as a boxing or wrestling entertainment rather than an indoor sporting event
Appendix 4	Addition	Appendix 4 is a new document that explains the changes made to the licensing of entertainment. Since various legislative changes (including the Deregulation Act 2015) the regulation of entertainment has been relaxed. However, applicants are still unclear where entertainment does or does not require authorisation under the Licensing Act 2003. This appendix is therefore added to provide that guidance for applicants.
Appendix 5	Addition	Appendix 5 is a completely new document and reflects the request from the Reducing Alcohol harm through Licensing group which is facilitated by Champs Public Health Collaborative to include sample conditions
Appendix 6	Addition	Appendix 6 is a completely new document and reflects the request from Cheshire Police to provide applicants etc with some guidance on hours for various locations. While these times are not binding on applicants, where an applicant does apply for permissions beyond these suggestions there will be an expectation from all Responsible Authorities that additional measures to promote the Licensing Objectives will be included in their operating schedules (ie conditions applied to the licence offered by the applicant).

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Statement of Licensing Policy – Consultation Responses

Person / Organisation	Response	Officer Comments
Poynton Town Council	The Town Council has no comments to make on the proposed revisions to the Licensing Policy. However, the Town Council would find it very useful if Cheshire East could notify Town and Parish Council's of licensing applications in their areas in the same way as planning applications?	<p>How applications are advertised is set out within the legislation. The Town and Parish Councils are not a 'Responsible Authority' and there are not actively consulted on applications. The Council also cannot be seen to invite objections.</p> <p>Westminster City Council was challenged through the Judicial Review process in the case of R (app Albert Court Residents Association) v Westminster City Council (2010). Part of the issue in that case (and a cause for Westminster CC losing their case) was that the Council has consulted beyond the statutory requirements.</p> <p>However, the Licensing Team does publish a notice on our website of all applications received as required. The Town and Parish Councils can monitor that page for applications received.</p> <p>Officers do not therefore recommend any changes.</p>
Public Health	On behalf of the Public Health Team we are pleased to see the reference within the revised Statement to the health issues associated with excessive alcohol consumption and the reference to the Alcohol Harm Position Statement and Forward Plan.	No comments

Pickmere Parish Council	<p>Further to the above consultation, this council considered the revised statement at its last meeting and had the following comments.</p> <p>The Cheshire Showground is close to/partly within the parish boundary and clearly parish residents are widely affected when large scale events are held on the showground. The showground site is obviously very extensive and completely out of the ordinary in that sense and in the size of events it can and does accommodate.</p> <p>Concern was expressed by the Parish Council that the opportunity for comment on licensing applications on such events, is <u>severely constrained</u> and is insufficiently advertised to allow for reasonable public comment on the licence applications. Whilst it may be that you say that you are confined by statutory requirements as to advertising, the Council would hope that a way could be found to increase the knowledge of licence applications for such large events in the local area to give the opportunity for local residents to have a reasonable opportunity to community to comment.</p>	<p>See comments in relation to Consulting applications</p> <p>It is not appropriate for Officer to comment on individual licences or applications. The consultation exercise was concerned with the content of the draft policy.</p>
Cheshire Police Licensing	No objections to the revision	No comments



Working for a brighter future together

Cabinet

Date of Meeting: 10 September 2019

Report Title: Poynton Relief Road, Final Approval to Underwrite Funding Gap, Appoint Winning Contractor and Submit Final Business Case

Portfolio Holder: Cllr Craig Browne, Deputy Leader

Senior Officer: Frank Jordan, Executive Director of Place

1. Report Summary

1.1. The purpose of this report is to:

- 1.1.1. Seek approval to submit the final funding application to the Department of Transport (DfT) to release funding towards the construction of the Poynton Relief Road scheme (the Scheme).
- 1.1.2. To seek approval to award the Preferred Bidder a contract to deliver the Scheme (the Contract).
- 1.1.3. To set out the final estimated cost of the Scheme, the breakdown of funding contributions and the proposed delivery programme.
- 1.1.4. To confirm the Council's previous commitment to underwrite any shortfall in funding that may emerge.
- 1.1.5. To authorise the Executive Director of Place to undertake all necessary preparatory works in advance of the final funding decision in order to ensure the Council is positioned to deliver the Scheme once the final funding decision has been made.
- 1.1.6. Note: the Appendices to this report contain exempt information and will be considered in Part 2 of the agenda.
- 1.1.7. A brief summary of the Scheme and the benefits it provides to the Borough is set out in Section 5 of this report.

2. Recommendations

2.1. That Cabinet :

- 2.1.1. Delegates to the Council's S151 Officer to sign off and submit the submission of the Scheme Final Business Case to the DfT seeking a contribution of £16.4M towards the total Scheme cost.
- 2.1.2. Delegates to the Council's S151 Officer to sign off and submit the submission of the Scheme Final Business Case to the LEP seeking a contribution of £5.6M towards the total Scheme cost.
- 2.1.3. Approves the selection and award of the contract to deliver the Scheme to Bidder C as the Preferred Bidder.
- 2.1.4. Notes the underwriting of the developer contributions and Asset sales to the Scheme of up to £9.7M in the event that the anticipated developer contributions and Asset sales are not realised and
- 2.1.5. Authorises the Executive Director of Place in consultation with the Deputy Leader to undertake all necessary preparatory works in advance of the final funding decision including the advance vesting of land within the Compulsory Purchase Order, at risk, in order to ensure the Council is positioned to deliver the Scheme if a favourable funding decision is received.

3. Reasons for Recommendations

- 3.1. The process of determining a Preferred Bidder for the Scheme has followed the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
- 3.2. On 7th February 2017 Cabinet approved the use of the Restricted Procedure for the procurement of the contractor.
- 3.3. The top five scoring candidates were taken forward and invited to submit a final tender and all submitted final tenders for the Scheme.
- 3.4. In completing the evaluations, tenders were moderated and scored on their Quality and Price submissions in accordance with the published award criteria. To determine the most economically advantageous tender the Quality / Price ratio for the evaluations was 80% / 20%.
- 3.5. On concluding the final tender moderation the following scores were awarded:

Contractor A scored 82.6%

Contractor B scored 68.7%

Contractor C scored 97%

Contractor D scored 89.3%

Contractor E scored 90%

- 3.6. The most economically advantageous tender was submitted by Bidder C
- 3.7. The developers contribution (£7.7M) part of the funding package is a key risk. However, in order to submit the Final Business case for the Scheme, the Council must be able to demonstrate that it has the means to deliver the Scheme; hence the requirement to underwrite any funding shortfall.
- 3.8. The Contract is structured to require some initial works to be undertaken by the Preferred Bidder in advance of any Final Funding decision. These are limited in nature and are necessary to ensure that an efficient construction programme can be maintained. If these advance works were not undertaken it is estimated that seasonal ecological constraints could add up to 6 months to the construction programme. The Contract documentation has been structured in such a way to allow this, with the main obligations under the Contract not becoming effective until the Council has received an unconditional offer of funding from the DfT.
- 3.9. If there is a delay in the approval process from the DfT or there is prolongation of the High Court challenge, it may prove necessary to gain access to 3rd party land for time-critical ecology mitigation activities. In such a case it may be necessary to exercise the Council's CPO powers in advance of a final funding decision if access cannot be negotiated by agreement.

4. Other Options Considered

- 4.1. The Council could stop the scheme. The implications of this are that £c6.8M of sunk costs to date would have to be met by the Council's Revenue budget. These costs include the advance construction of a replacement Golf Course that had to be relocated. If the Scheme was cancelled delivery of the strategic aims of the Council's adopted Local Plan would also be put at risk.
- 4.2. The full range of procurement options were explored in the February 2017 Cabinet paper and a preferred procurement option was selected at that stage.
- 4.3. The rules on DfT funding bids are inflexible and inquiries have established that there is no opportunity for the DfT to increase its contribution to the Scheme.

5. Background

Summary

- 5.1. The proposed Scheme is a single carriageway road located to the west and south-west of Poynton and extends at its southern end from the A523 London Road, south-west of Poynton, to connect at its northern end into a junction with the newly constructed A555. The scheme commands an extremely high level of local support, being a planned project in various guises, for over 40 years.
- 5.2. In summary the objectives of the Scheme are:
- 5.2.1. Objective 1 – To support the economic, physical and social regeneration of Poynton and the North of the Borough, in particular Macclesfield.
 - 5.2.2. Objective 2 – To relieve traffic congestion within Poynton by removing traffic, including Heavy Goods Vehicle (HGVs), onto the Relief Road, and to reduce traffic in less desirable roads on the wider network.
 - 5.2.3. Objective 3 – To deliver a range of complementary measures on the A523 corridor to Macclesfield that address road safety and congestion and which mitigate the wider environmental impact of traffic.
 - 5.2.4. Objective 4 – Boost business integration and productivity: improve the efficiency and reliability of the highway network, reduce the conflict between local and strategic traffic, and provide an improved route for freight and business travel.
 - 5.2.5. Objective 5 – To allow improvements to the highway network for walking, cycling and public transport.

Benefits of the Scheme

- 5.3. The Scheme will remove strategic traffic from the town centre of Poynton, resulting in reduced journey times and improving key economic links to Macclesfield in particular, the Airport and the strategic road network.
- 5.4. The Scheme represents high value for money including a Benefit Cost Ratio (BCR) of 3.4 in the Updated Economic Appraisal. This means that for every £1 spent on the scheme £3.4 of benefits are generated - giving a high degree of confidence that the Final Business Case will ultimately be approved by DfT.
- 5.5. The Scheme will make a significant contribution to achieving the economic growth aspirations of CEC and Stockport Council by increasing the capacity and flexibility of the highway network, including the key parallel A34 corridor, helping to enable the sustainable delivery of allocated employment and housing sites, including the North Cheshire Growth Village.

- 5.6. The Scheme will provide the only direct access to approximately 4 Ha of allocated employment land at Adlington Industrial Estate in addition to 22Ha of land safeguarded for future employment use in the Local Plan.
- 5.7. The Scheme provides the opportunity for the performance of the Town centre Shared Space Scheme to be enhanced and to assist in protecting future highway maintenance budgets, helping the Council achieve its priorities by creating an environment within the town which is conducive to attracting new businesses and improving the cycling and walking environment.

Procurement

- 5.8. Following approval of the Procurement Strategy officers have prepared the procurement documents, published them and evaluated bids for the Contract. The activities have followed the Council's timeline including the following stages:

Event	Dates
Selection Questionnaire (SQ)	
OJEU Contract Notice	23rd Oct 2018
Deadline for Evaluation of SQ responses	23rd Nov 2018
Final Tender Stage	
Issue Invitation to Submit Tender	11th Feb 2019
Deadline for return of Tenders	17th May 2019
Review, Evaluation and Moderation	21st May to 16th July 2019

The Tender Assessment Report is contained in Appendix A and a summary of the Tender prices received is contained in Appendix B

- 5.9. The Contract has been structured to allow the immediate delivery of time critical activities, with the main construction obligations only becoming operative upon the Council receiving an unconditional offer of funding from the DfT. The tendered cost and scope of this advance element of work is included in Appendix B.

High Court Challenge to the Compulsory Purchase Orders (CPO)

- 5.10. The Secretary of State confirmed the CPO on the 26th April 2019. A challenge was lodged by a landowner against the Secretary of States decision on the 1st July 2019.
- 5.11. The exact date of a High Court hearing cannot be accurately predicted as it is dependent on case load at the Court. However, the best advice the Council has is that a hearing before Christmas is highly likely.

5.12. The Scheme delivery strategy was shaped around the strong possibility that a High Court challenge would be lodged, and the Contractors pricing and start date reflects this.

5.13. The DfT have indicated that they will undertake all of the Business Case assessment in advance of a High Court decision. The final decision on the Business Case must however await the outcome of the challenge.

5.14. The Council and the Secretary of State are confident that there were no errors of law in the confirmation of the CPO and that there is a good prospect that the legal challenge will be unsuccessful.

Programme

5.15. The key programme dates are set out below:

Event	Dates
Hearing of High Court Challenge	Expected before December 2019
Resolution of High Court Challenge (expected)	Mid February 2020
Issue Notification of Award Letter & Unsuccessful Letters following Cabinet decision	19 September 2019
Submit Final Business Case to the DfT and LEP	14 October 2019
Mandatory standstill period ends	01 October 2019
Start Date of Contract (Initial works only)	28th October 2019
Assumed Date of DfT Final Business Case Award ²	Mid February 2020
Issue Notice to exercise CPO Powers ¹	Mid February 2020
Site Access Date	Mid May 2020
Opening of whole scheme	Late Spring 2022

¹ or before if determined necessary to protect the project programme.

² Subject to delay from any wider Government issues such as a General Election, etc

6. Implications of the Recommendations

6.1. Legal Implications

Procurement

6.1.1. The value of the proposed Contract with the Preferred Bidder is above the applicable EU threshold and the award of the contract is therefore subject to the Public Contracts Regulations 2015 (PCRs). The PCRs require the Council to treat all economic operators equally and without discrimination.

In addition, the Council must act in a transparent and proportionate manner.

- 6.1.2. The Council has followed the Restricted Procedure, which is a compliant procedure under the PCRs. In addition, the Council has fully complied with its own Contract Procedure rules during this project. The Restricted Procedure has been used as the Council was able to adequately specify its needs. It has allowed the Council to test the market and only invite those candidates meeting the Council's selection criteria to submit a final tender. No negotiation with the Preferred Bidder is permitted, just clarification of its final tender and finalisation of the Contract.
- 6.1.3. From the inception of this project, the Council has engaged external highway procurement industry experts to act as specialist advisors and has sought advice from the Council's Procurement and Legal services throughout.
- 6.1.4. The Contract is a NEC3 Option A Priced Contract with Activity Schedule with Contractor Design (Design and Build contract). Aside from some limited early works (intended to accelerate the delivery programme), the main works under the Contract are conditional upon the approval of the DfT Final Funding award and will be triggered when the Council receives an unconditional offer of funding from the DfT that full funding is in place. As the early works will be undertaken in advance of the DfT Final Funding award they will be at the Council's risk.

Funding

- 6.1.5. The main legal implications insofar as the funding strategy is concerned are set out in the body of the Financial Implications section and relate to the accuracy of the predicted developer contribution over a longer period of time. In essence, planning legislation and policy is a moveable feast and will impact on assumptions made in the level of developer contributions that can be ultimately achieved.
- 6.1.6. Precisely what those impacts will be can only be ascertained once the timing and detail of any such change is known and properly understood, relative to the receipt, determination and/or implementation of development anticipated on any related development site.
- 6.1.7. Notwithstanding those variables, and whilst it is anticipated that a developer contribution in the region of £7.7M will ultimately be recouped, if there is to be sufficient certainty as to the Council's ability to fund the scheme, in order that the Final Business Case can be submitted, the

Council needs to be prepared to commit to covering any remaining funding gap.

6.2. Finance Implications

Contractor Assessment

- 6.2.1. The Accounts of all of the tenderers were received as part of the Assessment process. A financial health check on the Preferred Bidder has been undertaken and no concerns have been identified.

Scheme Costs

- 6.2.2. The Estimated outturn cost of the scheme is £50.7M. This figure includes all sunk costs to date in developing the scheme, the estimated costs to purchase the land, an allowance for compensation costs for properties depreciated by the Scheme (known as Part 1 Claims), the tendered cost of the scheme, future fees, utility diversions, the cost of relocating a Golf Course and finally an allowance for future risks. A breakdown of the scheme cost is contained in Appendix C.
- 6.2.3. A full estimate of the likely cost of compensation claims for existing properties has been undertaken. Given the fact that new developments are emerging in the locality of the new road at the Garden Village site an assessment of likely claims for houses not yet built has also been included. This is based on assumptions on the rate of build of these new developments and the type / value of houses built.
- 6.2.4. The Council has sourced advice on the likely scale of property compensation from two independent companies. The advice offers a large range in the recommended allowance for property compensation. However, as a conservative position, 90% of the the highest figure has been included in the Scheme estimate.
- 6.2.5. The financial analysis of the tenderers submissions has been undertaken in line with the Tender documentation and independently validated.
- 6.2.6. The cost of the initial works to be done at the Council's risk (Section 1) by the Preferred Bidder before Final Funding Approval is set out in Appendix B

Scheme Funding

- 6.2.7. The principle of the funding strategy for the Scheme was most recently confirmed at the November 2017 Cabinet whereby in addition to the

Council's own funding contribution it was agreed to underwrite the estimated level of developer contributions to the scheme (£7.7M)

- 6.2.8. The Council's Capital Programme has a budget of £43.9M. Approved by full Council on 14th December 2017. Prior years spend of c£6.8M results in a total budget provision available for the Scheme of £50.7M
- 6.2.9. The latest position as regards developer funding from developments in Poynton is set out below:

Ref Number	Dwellings	Agreed S106 payment (£)
17/4256M	150	825,000
17/3896M	120	660,000

A planning application for the final site for c150 houses is currently undetermined. However, it is anticipated that a consistent approach will be taken by Highway Development colleagues:

Ref Number	Dwellings	Anticipated S106 payment (£)
17/4256M	150	825,000

- 6.2.10. The remaining developer contribution (£5.39M) is expected to come from the North Cheshire Garden Village (NCGV) allocation. This site is for up to 1500 new homes and located off the A34 in Handforth. The Poynton Relief Road provides a strategic re-distribution of traffic away from the A34 from which the entrance to the NCGV is provided; thereby assisting with the delivery and access of this key strategic site. This contribution will need to be negotiated with the applicant for the NCGV and meet the test of the CIL regulations.
- 6.2.11. Developer funding is only received by the Council upon meeting certain 'triggers', normally linked to progress in the number of dwellings constructed on a particular site. It is difficult therefore to forecast with any accuracy the timing of payments; though the trajectory set out in the Local Plan assumed all of the developments are fully built out by the end of the Plan period – 2030. For the purposes of making a conservative assessment of budget income only a date of 2038 has been taken.
- 6.2.12. However, It is considered that there is confidence that the figure of £7.7M should be used as a figure to underwrite.

- 6.2.13. The Council has also acquired several property assets over the years that once the Scheme is built can be disposed of. This includes development land at Adlington Industrial Estate. The total value of this asset base has been assessed as c£2.0M
- 6.2.14. This would leave the Council with a projected net funding position of £c19M by 2038.
- 6.2.15. An indicative spend and income profile has been provided in Appendix D. This shows that a significant proportion of the costs of the scheme (linked to compensation) falls within the period 2023 – 2030. It is anticipated that as development funding is received it will help offset these ‘tail’ costs. It is also likely that the Council will continue to receive income for the Scheme after all capital expenditure has been complete. A summary of the table is set out below, rounded to one significant figure:

	Prior Years £M	2019/20 £M	2020/21 £M	2021/22 £M	2022/23 £M	Future years to 2038 £M	Total £m
CEC	6.8	1.4		7.1	3.8	(0.1)	19.0
DfT/LEP			13.3	8.7			22.0
Developers (CEC Underwritten)						7.7	7.7
Asset Sales						2.0	2.0
Total	6.8	1.4	13.3	15.8	3.8	9.6	50.7

The MTFS includes £43.9 budget for the scheme from 19/20

- 6.2.16. Notwithstanding the above, there can be no certainty that the receipt of developer contributions or Asset Sales will fall in a timely fashion relative to expenditure. Prior to realising this income it will be necessary for the Council, as a worst case position, to underwrite up to £28.7m towards the cost of the road. It bears repeating that on account of the variables set out above, the Council may not recover against the sums it underwrites the full amount of the developers’ contributions that the modelling undertaken to date anticipates will arise.

- 6.2.17. The Council's S151 officer will be required to confirm the financial position and underwriting of the scheme on this basis for the Final Business Case submission.

Highway Maintenance Budget Implications

- 6.2.18. The scheme will relieve pressure on the highway maintenance budget to some extent as pressure on the Poynton Shared Space Scheme is relieved.

6.3. Policy Implications

- 6.3.1. The Poynton Relief Road is an integral part of the Council's key place shaping document – the Local Plan.

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. A risk and opportunities register has been completed as part of the procurement exercise and a suitable risk allowance included in the budget profiles.
- 6.6.2. The Council's contribution and underwriting of developer funding are pushed as far back as possible in the spend profile
- 6.6.3. Part 1 Compensation claims form a large part of the cost of the scheme and the Council has taken specialist advice on ensuring any claims are robustly defended, with the aim of minimising these costs. As a robust position 90% of the highest estimate of possible claims has been included in the scheme budget.
- 6.6.4. There remains a risk around the delivery programme as the Council requires a Government decision on the Business Case to be made. The timing of this decision is out of the Council's control. A significant delay to the approval of the Business Case would impact on the tendered price for the scheme if the proposed start date could not be achieved.

6.7. Rural Communities Implications

- 6.7.1. The scheme is expected to reduce traffic on minor roads such as Bonis Hall Lane, improving connectivity 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. The scheme delivers a significant improvement in the local cycling and walking environment – both in Poynton Town Centre, allowing the Shared Space scheme to operate more effectively and in new facilities provided by the new road. These include a new cycleway along its whole length and new off-road facilities.

6.9.2. The Non-Motorised User (NMU) proposals have been developed through extensive consultation with the Council's Countryside Access Development Officer, the Cheshire East Local Access Forum (LAF), Stockport's Public Rights of Way Officer and the Stockport LAF. A dedicated Group was also established to ensure an optimal design solution for NMU's by discussing and gathering feedback on pedestrian, cycle and equestrian facilities, provision for mobility impaired individuals and public rights of way.

6.10. Climate Change Implications

6.10.1. The Environmental Statement submitted alongside the planning application states "increase of emissions from the scheme is well below 1% for both opening year and design year. Therefore the impact of the scheme on regional emissions is anticipated to be negligible."

6.10.2. The new road has been designed to store flood water arising from a 1:100 year rainfall event with a 20% allowance for Climate change.

7. Ward Members Affected

7.1. Poynton East and Pott Shrigley ward, Poynton West and Adlington ward, Prestbury ward.

7.2. Councillors Jos Saunders, Nicky Wylie, Michael Beanland, Mike Sewart.

8. Consultation & Engagement

8.1. The Scheme has been subject to extensive local consultation at the Planning Stage and demonstrated outstanding levels of local support.

9. Access to Information

9.1. The Appendices to this report contain exempt information by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person, including the authority

holding that information). The Appendices will be considered in Part 2 of the agenda.

10. Contact Information

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

Name: Paul Griffiths

Job Title: Infrastructure Delivery Manager

Email: paul.griffiths@cheshireeast.gov.uk

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