

Economy and Growth Committee

Agenda

Date: Tuesday 30th November 2021
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

PLEASE NOTE – This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. This may only be removed when seated.

The importance of undertaking a lateral flow test in advance of attending any committee meeting. Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx

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

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

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

1. Apologies for Absence

To note any apologies for absence from Members.

For requests for further information

Contact: Rachel Graves

Tel: 01270 686473

E-Mail: rachel.graves@cheshireeast.gov.uk with any apologies

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. **Minutes of Previous Meeting** (Pages 5 - 8)

To approve as a correct record the minutes of the meeting held on 16 September 2021.

4. **Public Speaking/Open Session**

In accordance with paragraph 2.24 of the Council's Committee Procedure Rules and Appendix on Public Speaking, set out in the [Constitution](#), a total period of 15 minutes is allocated for members of the public to put questions to the committee on any matter relating to this agenda. Each member of the public will be allowed up to two minutes each to speak, and the Chair will have discretion to vary this where they consider it appropriate.

Members of the public wishing to speak are required to provide notice of this at least three clear working days' in advance of the meeting.

5. **Housing Enforcement Policy Revised** (Pages 9 - 40)

To approve the amendments to the revised Housing Enforcement Policy.

6. **Domestic Adaptations and Retrofit Procurement** (Pages 41 - 64)

To approve the procurement of a Framework Agreement for Level Access Showers and of a Framework Agreement for Domestic Energy Efficiency Retrofit works.

7. **Update on Town Centre Regeneration Programmes** (Pages 65 - 90)

To receive an update on Town Centre Regeneration.

8. **Digital Connectivity - Update** (Pages 91 - 104)

To receive an update on Digital Connectivity.

9. **Mid-Year Performance Review** (Pages 105 - 120)

To receive an update on performance across Growth and Enterprise department for the first half of 2021-22.

10. **Asset Management Plan - Principles** (Pages 121 - 132)

To consider a report on the Asset Management Policy.

11. **Work Programme** (Pages 133 - 134)

To consider the Work Programme and determine any required amendments.

Membership: Councillors J Barber, S Brookfield, D Brown, J Clowes, M Goldsmith (Vice-Chair), P Groves, M Houston, D Jefferay, A Kolker, N Mannion (Chair), R Moreton, D Stockton and P Williams

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Economy and Growth Committee**
held on Thursday, 16th September, 2021 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor N Mannion (Chair)
Councillor M Goldsmith (Vice-Chair)

Councillors S Brookfield, D Brown, J Clowes, S Edgar (substitute), M Houston,
D Jefferay, A Kolker, R Moreton, B Puddicombe (substitute), D Stockton and
P Williams

OFFICERS IN ATTENDANCE

Peter Skates, Director of Growth and Enterprise
Brendan Flanagan, Head of Rural and Cultural Economy
Karen Carsberg, Head of Housing
Paul Goodwin, Head of Financial Services
Adrian Leslie, Solicitor
Rachel Graves, Democratic Services Officer

10 APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Barber and P Groves.

11 DECLARATIONS OF INTEREST

In the interests of openness, the following declarations were made:

Councillor N Mannion declared that he was a member of the Tatton Park Board and a member of the Rural Strategy Group

Councillor M Goldsmith declared that he was the Council's nomination to Marketing Cheshire.

Councillor B Puddicombe declared that he was the Council's nomination to Peak and Plains Housing Trust.

Councillor D Brown declared that he was a member of the Finance Sub Committee and a member of its Shareholder Working Group.

Councillor J Clowes declared that she was the relevant Portfolio Holder when the Rural Action Plan was approved in March 2019.

12 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 15 July 2021 be approved as a correct record.

13 PUBLIC SPEAKING/OPEN SESSION

There were no public speakers.

14 TOURISM RECOVERY PLAN

The Committee considered the Tourism Recovery Plan, which set out the approach to supporting tourism and the visitor economy in Cheshire East following an economic downturn in the sector due to the Covid pandemic.

RESOLVED:

That the Tourism Recovery Plan be approved as the basis of the Council's approach to economic recovery in the Visitor Economy sector.

15 TATTON PARK UPDATE

The Committee considered the update on Tatton Park, which set out the effects of the covid pandemic and the recovery plans. The report also explained the role of Tatton Park Board and its governance arrangements.

RESOLVED:

That the update on Tatton Park be noted.

16 RURAL ACTION PLAN

The Committee considered the report which set out the background to the Rural Action Plan and the proposed arrangements to update and refresh the Plan for the period 2022 to 2025.

It was proposed that the informal Members Advisory Panel should consist of up to five members from the Committee rather than three, and subject to nominations received and appointments approved by the Head of Governance and Democratic Services in line with the relevant protocols in the Constitution.

RESOLVED: That

- 1 the preparation of a Rural Action Plan 2022-25 be approved;
- 2 the workstreams, as identified in paragraph 6.2, be approved;

- 3 a Member Advisory Panel, comprising of up to 5 members, be set up to provide guidance on the scope and priorities within the workstreams and drafting of the Rural Action Plan; and
- 4 it be noted that the Rural Action Plan 2022-2025 will be brought back to the Economy and Growth Committee in 2022.

The Committee adjourned for a short break. Councillor D Stockton left the meeting and did not return.

17 HOMELESSNESS AND ROUGH SLEEPING STRATEGY 2021-2025

The Committee considered the report which provided a summary of the consultation responses on the draft Homelessness and Rough Sleeping Strategy 2021-2025 and sought the approval and adoption of the final version of the Strategy.

RESOLVED: That the Committee

- 1 note the consultation responses and amendments to the draft Homelessness and Rough Sleeping Strategy 2021-2025;
- 2 approves and adopts the final version of the Homelessness and Rough Sleeping Strategy 2021-2025;
- 3 note that the funding arrangements are in place to enable the delivery of the Strategy; and
- 4 note that the delivery of the Strategy will be overseen by the Homelessness Strategy Steering Group.

18 FIRST HOMES AND AFFORDABLE HOUSING

The Committee considered the report which provided an update on the types of affordable housing which were delivered in Cheshire East and details on the new Government affordable housing product – First Home. The report also outlined the mechanisms in which the Council secured affordable housing on site or as a financial contribution in lieu of affordable housing.

RESOLVED: That the Committee

- 1 note that a Housing Supplementary Document is being currently developed and will be considered by the Environment and Communities Committee at a future meeting; and

- 2 approves the process, outlined in Appendix 1 to the report, for the allocation of financial contributions for the provision of affordable housing.

19 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

It was reported that there could be an additional item for the November committee meeting relating to Domestic Adaptations and Retrofit Contract.

Other items suggested for the Work Programme were an update on the Connecting Cheshire Broadband programme, and the availability of suitable accommodation for micro businesses to develop. It was agreed that officers would discuss these outside of the meeting to see what the issues were as it may be more suitable to provide a briefing note on them for committee members.

RESOLVED:

That the Work Programme be received and noted.

The meeting commenced at 2.00 pm and concluded at 4.11 pm

Councillor N Mannion (Chair)



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Economy and Growth Committee

Date of Meeting:	30 th November 2021
Report Title:	Housing Enforcement Policy - Revised
Report of:	Executive Director - Place
Report Reference No:	EG/15/21-22
Ward(s) Affected:	All Wards

1. Executive Summary

- 1.1.** Cheshire East Council shares the Government's aim to support good landlords and avoid unnecessary regulation for those landlords who provide safe, well maintained homes, by demonstrating through our actions that poor standards of property management and letting out substandard accommodation will not be tolerated.
- 1.2.** The Council's Corporate Plan 2021-25 sets out our vision for a more open, fairer, greener Cheshire East. The plan also sets out priorities under the three broad aims including "a great place for people to live, work and visit", and the Housing Enforcement Policy links to an action to have "clear and integrated enforcement approach with relevant fit for purpose policies for each enforcement service".
- 1.3.** Cabinet approved the overarching Cheshire East Enforcement Policy on 8th October 2019 and delegated authority to Portfolio Holders that have responsibility for enforcement activity to approve changes to service specific policies as required. Following the transition to the committee system for decision making the Economy and Growth committee is responsible for determining policies in relation to housing enforcement.
- 1.4.** The Housing Enforcement policy has now been in place for three years and having reviewed it and with the introduction of the new Committee system, this has presented a further opportunity to incorporate new legislation, improve transparency in how enforcement decisions are made, and

establish an approved route for further amendments, should they be required in the future, following additional changes in legislation.

2. Recommendations

2.1. Committee are recommended:

2.1.1. To approve the amendments to the revised Housing Enforcement Policy (Appendix 1).

2.1.2. To Authorise the Director of Growth and Enterprise, in consultation with the Chair of the Economy and Growth Committee, to make further amendments to the Policy to ensure ongoing compliance with the law and guidance from the Government.

3. Reasons for Recommendations

3.1. There is a statutory requirement for Cheshire East Council to have appropriate enforcement policies in respect of the regulatory services that it provides.

3.2. Challenging poor quality housing is a priority in the Housing Strategy 2018-2023. Regulation and enforcement are key activities in ensuring that landlords provide good quality, safe accommodation that is well managed.

4. Other Options Considered

4.1. There is the option to continue to carry out any enforcement activity in line with the Housing Enforcement Policy approved in 2018. However, this would not afford us the option of enforcing new legislation or be able to provide greater clarity and transparency to the public about how enforcement decisions are reached.

5. Background

5.1. The original Cheshire East overarching Enforcement Policy was approved by Cabinet in July 2016 and then subsequently updated and approved on 8th October 2019. It applies to all regulatory services delivered by the Council including Environmental Health, Trading Standards, Planning, Building Control, Licensing, Housing, Antisocial Behaviour, Waste and Littering, Parking, the Blue Badge Scheme and Public Rights of Way.

5.2. The Enforcement Policy provides guidance to businesses, residents and officers on the range of options that are available to achieve compliance with legislation enforced by each of the services. The Enforcement Policy comprises of an overarching policy of enforcement which is supplemented by appendices for each of the specific regulatory service areas. This arrangement allows for clearer detail on statutory guidance and code of

practice that may be specific to individual service area and which must be considered as part of their regulatory effort.

5.3. The Housing Enforcement Policy, appended to the main Cheshire East Enforcement Policy, was amended in 2018, however we are now proposing to make the following additional amendments to the policy to strengthen it further and provide further clarity to private sector landlords. These changes include:

- Setting out what good accommodation looks like
- Publishing our service standards to increase accountability
- Providing more clarity about our enforcement considerations
- Providing clear guidance to the public about how civil penalties are calculated for Housing Act 2004 offences, minimum energy efficiency standards and electrical safety standards
- Setting out our considerations for applying for a banning order against landlords.

6. Consultation and Engagement

6.1. There is no statutory requirement to consult on the draft enforcement policies. When consultation has been undertaken on similar policies previously, the response rate has been low. However, by following the 4 Es approach to enforcement the council's enforcement officers will seek to engage, explain and encourage residents and businesses to comply with legislation and regulations, and only enforce when necessary.

7. Implications

7.1. Legal

7.1.1. The local authority's duties and powers of enforcement in relation to the policy being proposed are in the main prescribed by the:

- Housing Act 2004
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
- Housing and Planning Act 2016
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

7.1.2. Statutory and non-statutory guidance published by the Ministry for Housing, Communities and Local Government sets out guidance for local authorities enforcing the relevant legislation, including the use of civil

penalties, banning orders, rent repayment orders, minimum energy efficiency standards and electrical safety standards in the private rented sector. The policy meets all requirements set out in the relevant guidance, and complies with the relevant legislation.

7.1.3. In setting out the Council's Housing Enforcement Policy, landlords will be in no doubt of what is expected of them. This clarity will enable the adoption of the 4 'Es of enforcement, starting with engagement, education and encouragement to be carried out with the knowledge that, if enforcement action is required, the Council will be able to carry this out. This "stepped" approach to enforcement is compliant with the relevant law and represents best practice.

7.2. Finance

7.2.1. Implementing the Housing Enforcement Policy will incur staff time but no additional costs. Staffing costs are already covered by base budgets within Housing.

7.3. Equality

7.3.1. An equality impact assessment has been undertaken; no equality implications have been identified.

7.4. Human Resources

7.4.1. There are no HR implications.

7.5. Risk Management

7.5.1. There is a reputational risk to the Council in not having transparent and robust policies. There is also a risk that enforcement action would be ineffective without a robust policy.

7.5.2. Failure to adopt an enforcement policy can increase the risk of legal challenge and adverse scrutiny. Care has been taken to ensure that the Council is not unduly constrained in taking the appropriate regulatory action. If a policy is too restrictive then this could be detrimental to fair and effective regulation; conversely there is a need to provide detail to allow individuals and business to understand what they might expect as a result of non-compliance.

7.6. Rural Communities

7.6.1. This policy will support enforcement of good housing standards across all neighbourhoods in Cheshire East, including rural communities.

7.7. Children and Young People/Cared for Children

7.7.1. The Policy will protect the health and wellbeing of children and young people living in the private rented sector.

7.8. Public Health

7.8.1. The provision of decent accommodation can have significant health benefits for residents. Poor housing can impact on a person's mental and physical health. Licensing of HMOs will ensure that residents have access to good quality housing and that they are protected from significant harm.

7.9. Climate Change

7.9.1. Energy use in homes accounts for 14% of carbon emission sin the UK. Enforcement of minimum energy efficiency standards improves the thermal comfort of homes, lowers fuel costs for residents and reduces carbon emissions.

Access to Information	
Contact Officer:	Karen Carsberg – Head of Housing Karen.carsberg@cheshireeast.gov.uk 01270 686654
Appendices:	Appendix 1 – Housing Enforcement Policy Appendix 2 – Equality Impact Assessment
Background Papers:	Cheshire East Enforcement Policy

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Service Specific Housing Enforcement Policy

DRAFT for approval – November 2021

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DRAFT

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1. Introduction

- 1.1 The private rented sector is an important and valued part of our housing stock. Locally, it houses an estimated 17.7% of households. Demand in the sector is driven by a diverse range of tenants including key workers, people needing flexibility for their employment, students, households unable to access owner occupation or social housing, migrant workers, young people on low incomes and vulnerable households.
- 1.2 Landlord characteristics are also diverse, and includes temporary or accidental landlords, people owning property as part of pension planning, individuals with property portfolios, institutional investors, as well as hands-on landlords and managing agents.
- 1.3 Cheshire East Council shares the Government's aim to support good landlords and avoid unnecessary regulation for those landlords who provide safe, well maintained homes, but recognise that a small number of landlords knowingly rent out unsafe and substandard accommodation.
- 1.4 The aim of this Policy is to advise and inform businesses and individuals about the legislation and regulation available to the Council to bring about improvements in housing standards, and how and when those controls will be used.
- 1.5. The functions covered by this Policy are delivered by the Housing Standards service which forms part of the Housing service and include:
 - Housing conditions
 - Licensing of Houses in Multiple Occupation
 - Management of Houses in Multiple Occupation
 - Energy efficiency standards
 - Vacant dwellings

2. The standards that housing should achieve

- 2.1 The home should provide a safe and healthy environment for occupiers and visitors. It is reasonably expected that rented homes will:
 - Be adequately heated, insulated and ventilated
 - Be free from damp and mould
 - Be watertight
 - Be safe from fire, with adequate means of detection
 - Have adequate facilities for cooking, sleeping and maintaining hygiene
 - Be safe from carbon monoxide hazards
 - Comply with electrical safety regulations
 - Be free from other hazards that cause a significant risk to health and safety
- 2.2 There are specific requirements for Houses in Multiple Occupation. More

details are contained in Appendix B.

- 2.3 It is the landlord's responsibility to ensure that all minimum legal requirements are met.

3. How to request a service from Housing Standards

- 3.1 Where a tenant perceives that the standard is below that which would reasonably be expected, and they have taken steps to notify the landlord of the defects in writing and given them opportunity to rectify them, they can request support from the Housing Standards service.
- 3.2 Before making direct contact with the Housing Standards service, individuals and businesses are encouraged to visit the Cheshire East webpages for initial information and advice www.cheshireeast.gov.uk/housing.
- 3.3 For concerns about housing conditions, residents can complete the [Property Inspection Request online form](#).
- 3.4 Residents can tell us about a House in Multiple Occupation using the [Report a HMO online form](#).
- 3.5 Residents can tell us about an empty home using the [Report an Empty Home online form](#).
- 3.6 To apply for a licence for a House in Multiple Occupation, owners can complete the [Application to licence a HMO online form](#).
- 3.7 In all cases and for other matters, the Housing Standards service can be contacted on 0300 123 5017 (option 4) or by email at privatehousing@cheshireeast.gov.uk. Written communications can be sent to Housing Standards, Floor 1 Delamere House, c/o Municipal Buildings, Earle Street, Crewe, CW1 2BJ. Presentation at Council offices is only by pre-arranged appointment.

4. Service Standards

- 4.1 Subject to resources:
- We will respond to emails and telephone calls within 3 working days
 - We will acknowledge your request for a property inspection within 5 working days, and an officer will contact you with 25 working days
 - We will carry out an inspection in response to a report of an HMO or an empty home within 25 working days
 - We will carry out an initial assessment of a HMO licence application within 10 working days
 - We will process complete HMO licence applications within 15 working days. Details of what constitutes a complete HMO licence

application can be found in Appendix B.

- 4.2 The Housing Standards service aims to achieve an identified action in relation to alleged breaches of housing legislation within 6 weeks of receiving the service request. Identified actions are listed in Section 8. Officers will conduct any investigation efficiently and as quickly as possible. Due to the complexity of some work and the processes that we must follow, it is possible that some investigations and subsequent enforcement actions will take a considerable amount of time. Officers will provide progress updates to all parties taking into account data protection legislation and confidentiality principles.

5. Anonymous Complaints

- 5.1 There are circumstances where customer details are required to enable a full investigation to take place. Whilst officers will always ensure individuals' details and correspondence are kept confidential there are occasions when individuals wish to make an anonymous complaint; in these situations, officers will use professional judgement to determine if the service request or information can be actioned in the absence of this information.

6. Power of Entry

- 6.1 Where legislation grants authorised officers the power to enter premises to carry out specific function, this will be undertaken in accordance with the requirements of relevant legislation.
- 6.2 Where a warrant is required from the Magistrates' Court, an application will be made in accordance with the Council's procedures and the requirements set out by the Magistrates' Court.

7. Our approach to enforcement

- 7.1 The Council has various powers and duties to deal with breaches of legislation. Duties are things that we must do; powers are things that we have the discretion to do. Where this discretion is available then the Housing Standards service will consider a number of wider factors to determine its regulatory approach. Further information on these guiding principles can be found in Section 3.0 of the Corporate Enforcement Policy.
- 7.2 Appendix A details the legislation and regulation that is available to the Council to improve housing conditions at the time of publication of this Policy; this is not an exhaustive list and is subject to change by parliament. Appendix B provides more specific detail about enforcement relating to Houses in Multiple Occupation (HMOs).
- 7.3 In carrying out its powers and duties, the Housing Standards service will have due regard to all relevant statutory and non-statutory guidance and

codes of practice.

7.4 Enforcement action will not normally be considered as an initial remedy for breaches of legislation or regulation and where possible officers will take a stepped approach to enforcement, seeking to educate, engage and encourage in the first instance. However there are occasions when enforcement action will be the most appropriate first course of action.

7.5 When establishing whether to take enforcement action, we will consider the following factors:

- The severity of any risk to the occupier and/or visitors to the property
- The views of the occupier
- The tenure of the occupier
- Whether information and advice is sufficient to remedy the breach
- The initial response and actions of the landlord, together with previous history of resolving housing disrepair issues
- Whether it is reasonable and appropriate to intervene
- The duties and powers that are available to us

7.6 Tenure is an important consideration in our approach to enforcement:

7.6.1 **Private renting**

The private rented sector is our primary focus for regulating housing standards. Tenants have a responsibility to keep the home in good order during their tenancy, but do not have a responsibility to maintain the structure and services within the home. Landlords have a legal responsibility to provide a well-maintained home that is free from hazards and is compliant with relevant legislation.

7.6.2 **Owner occupiers**

Other than in exceptional cases we expect owner occupiers, including long leaseholders, to take their own action to remedy problems of disrepair or nuisance. Financial support is provided for vulnerable homeowners through the Home Repairs and Adaptations for Vulnerable People: Financial Assistance Policy. And practical support is provided by our Care & Repair service.

Exceptional circumstances where we may use our enforcement powers to intervene include:

- People who are judged as not having the capacity to make informed decisions about their own welfare or the safety of others.
- Where the Council determines that intervention is needed to protect the welfare of a vulnerable person.
- A serious risk of life-threatening harm to the occupier, visitor, or others.

7.6.3 **Social renting**

Tenants of Registered Providers of social housing should report repairs to

their landlord in the first instance. If the landlord fails to make repairs, then tenants should utilise their landlord's complaints process. If the tenant is unhappy with the landlord's response to their complaint, the local Member of Parliament, local councillor, or Tenant Panel may then act as a designated person. The role of the designated person is to help resolve the complaint in one of two ways: try and resolve the complaint themselves in any way they see fit or refer the complaint straight to the Housing Ombudsman. Alternatively, the tenant may refer the complaint directly to the Housing Ombudsman at www.housing-ombudsman.org.uk once 8 weeks have passed from the date of the landlord's final response.

Where there is a significant hazard and the landlord is failing to take appropriate action, the Housing Standards service will assess whether enforcement action is warranted.

- 7.7 The statutory guidance 'Civil penalties under the Planning and Housing Act 2016: Guidance for Local Authorities' states that local housing authorities are expected to develop and document their own policy on when to prosecute and when to issue a civil penalty and should decide which option it wishes to pursue on a case-by-case basis in line with that policy. Appendix C sets out our decision-making protocol including how we will calculate the amount of any civil penalties.

8. Enforcement Actions

Enforcement Action	Description
Promotion	This typically involves a push of information to landlords and managing agents about specific matters of legislation. This can be achieved by a variety of methods including direct correspondence, press releases, face to face contact and website information.
Compliance Advice, Guidance and Support	The Housing Standards service uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a Hazard Awareness Notice, to assist landlords to rectify breaches as quickly and efficiently as possible and avoiding the need for any formal enforcement action. Where a similar breach is identified in the future, this previous advice will be taken into account in considering the most appropriate enforcement action to take.
Formal Notices	A formal Notice may be issued to all parties including other owners and lenders, requiring compliance with specific legal requirements within a specified time period. A Notice will explain the legislation that has been breached, how to comply with the Notice, and the consequences of not complying with a Notice. Notices will be accompanied by the relevant appeal information. In general, failure to comply with a Notice makes the person or business named in the Notice liable for prosecution action or a financial

	penalty. Formal Notices may appear on local land searches during the conveyancing process.
Works in Default	<p>Where a formal Notice has not been complied with and it is in the public interest to undertake the work to ensure that risks to health and safety are prevented, the Council can undertake the necessary works to achieve compliance. In some circumstances, the Council may decide to undertake the work in default and prosecute.</p> <p>The Council can recover its cost in undertaking Works in Default from the individual or business responsible for the breach of legislation.</p>
Civil Penalty (“Financial Penalty”)	Where legislation permits, the Council will consider whether to impose a financial penalty within the limits set by specific legislation. This would be an alternative to prosecution.
Prosecution	<p>The Council will consider commencing prosecution proceedings in the Courts against any person(s) who fails to comply with the requirements of a formal Notice.</p> <p>Before commencing legal proceedings, the Council will ensure that it is satisfied there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest. The Council will use discretion in deciding whether to initiate a prosecution and may do so without prior warning taking place.</p>
Banning Orders	<p>We will have regard to the non-statutory guidance on Banning Order Offences.</p> <p>A banning order bans a landlord from letting housing in England and engaging in letting agency or property management work for a minimum period of 12 months, following certain housing, immigration, and serious criminal offences. Government guidance is that banning orders should be used for the most serious offenders.</p> <p>Our policy on when to apply for a banning order can be found at Appendix D.</p>
Rent Repayment Orders	<p>We will have full regard to the statutory guidance on Rent Repayment Orders.</p> <p>A Rent Repayment Order can be applied for when the landlord has committed certain offences.</p> <p>Our policy on applying for a rent repayment order is to.</p> <ul style="list-style-type: none"> • Treat each case on its own merits. • Ensure that applying for a Rent Repayment Order would meet the enforcement objectives in this policy. • Consider the impact of the breach on the occupier or others affected by the offence committed. • Consider the likelihood of the application being

	<p>successful.</p> <ul style="list-style-type: none"> • Assess the level of resources it will take to make a successful application. • Consider whether it is more appropriate for the tenant to apply for the order themselves.
Management Orders	<p>Interim and final management orders give local authorities the power to take over the management of a house in multiple occupation (HMO) where there is no fit and proper person available to manage it.</p> <p>Interim and final empty dwelling management orders can be used to take steps to secure occupation of a property.</p> <p>The Council will have regard to the legislation and regulations when establishing whether these powers are appropriate to use where other attempts to secure occupation or appropriate management of the property have failed and there is no reasonable prospect of achieving this.</p> <p>Each case will be considered on a case-by-case basis having full regard to the legislation as to whether to apply for an interim order and any subsequent final orders.</p> <p>When an interim or final management order is in force, the council will take any steps which are considered to be necessary for the purpose of protecting the health, safety or welfare of persons occupying the property, or persons occupying or having an estate or interest in any premises in the vicinity; and take such other steps as considered appropriate with a view to the proper management of the property.</p>
Entry on the Rogue Landlord Database	<p>We will have full regard to the statutory guidance on the database of rogue landlords.</p> <p>When a banning order has been made against a person or organisation, we have a statutory duty to make an entry on the national database.</p> <p>Where a person or organisation has received two or more civil penalties in respect of a banning order offence within a twelve-month period, we may use our discretionary power to make an entry on the national database.</p>

9. Naming Offenders

Following the conclusion of an investigation and successful prosecution or civil penalty, we will consider whether it is in the public interest to publish the name and address of the offender with the purpose of deterring others from similar actions.

10. Appeals

There is a statutory right of appeal against the Council's decision to issue a formal Notice. The period for submission of the appeal is set by legislation and all Notices will contain information about the circumstances in which to make an appeal, and how to make an appeal.

11. Works in Default – Cost Recovery

The Council has the power to carry out works in default for certain notices and recover all of its reasonable costs from any person(s) responsible for a failure to comply with a Notice. It is not necessary for the Council to have exhausted all other avenues such as prosecution before a decision is taken to carry out works in default.

12. Verbal / Physical Abuse towards Officers

The Council is committed to ensuring that its officers are able to carry out their work safely and without fear and, where appropriate, will take legal action in instances of abuse, harassment or assault towards officers. To obstruct an officer in carrying out their duty is an offence and legal action may be taken against any person(s) doing so.

Where an officer is subjected to verbal abuse either in person or on the telephone, they are entitled to terminate the meeting or telephone call.

13. Comments and Complaints

You should give the Housing Standards service an opportunity to resolve your concerns informally if you are unhappy with a service provided. You can do this by discussing your concerns with the staff involved or their supervisor.

You may feel it necessary to make a formal complaint if your informal discussions, or repeated service requests do not resolve your issues. Visit [Customer feedback, compliments and complaints \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk/customer-feedback-compliments-and-complaints) for methods of making a formal complaint.

Legislation

Housing Act 2004

Covers the method by which housing standards must be assessed and the enforcement of housing standards; licensing of houses in multiple occupation and other privately rented accommodation; management orders and overcrowding.

Housing Act 1985

Covers clearance areas, demolition orders and overcrowding.

The Management of Houses in Multiple Occupation (England) Regulations 2006

Covers the requirement for houses in multiple occupation (HMOs) to have satisfactory management arrangements in place and imposes duties on the person managing the property in respect of repair, maintenance, cleanliness and good order.

Local Government (Miscellaneous Provisions) Act 1976

Covers the requirement for information to be provided about a person's interest in land or property.

Local Government (Miscellaneous Provisions) Act 1982

Covers the securing of properties to prevent unauthorised entry.

Environmental Protection Act 1990

Covers properties that are prejudicial to health or causing a statutory nuisance.

Town and Country Planning Act 1990

Section 215 covers poor and unsightly properties and/or land that are detrimental to the local amenity.

Prevention of Damage by Pest Act 1949

Covers the power to remove articles that harbour pests.

Public Health Act 1961

Covers blocked drains.

Public Health Act 1936

Covers defective water closets and cesspools.

Building Act 1984

Covers defective drainage, water closets, premises that are prejudicial to health or a nuisance, and ruinous or dilapidated buildings and neglected sites.

Protection from Eviction Act 1977

Covers the powers to deal with landlords and/or their agent who unlawfully evict or harassment a tenant or a member of their household.

Landlord and Tenant Act 1985

Covers the landlord's duty to keep properties in good repair.

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Covers the provision of working smoke alarms in private rented properties.

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

Covers the minimum energy performance rating that properties must achieve before being let to tenants.

Housing and Planning Act 2016

Covers civil penalties which are a financial penalty that can be used as an alternative to criminal prosecution.

Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Covers the inspection, testing and safety of electrical installations in the domestic private rented sector.

Houses in Multiple Occupation

A house in multiple occupation (HMO) is defined as a dwelling that is occupied by 3 or more occupants forming at least 2 households, and has shared facilities such as a bathroom, wc or kitchen.

Since 1 October 2018, any HMO with 5 or more occupants must have a valid licence.

The aim of licensing is to ensure that larger HMOs, which inherently present a higher risk, are managed properly and provide greater protection for the health, safety and welfare of the occupants and visitors.

We will take all reasonable steps to make landlords aware of their duty to apply for a licence, but the onus is on the person who has control of the HMO, and/or is managing the HMO, to apply to us for a licence.

Operating a licensable HMO without a licence is an offence which is punishable through several options:

- a conviction and an unlimited fine;
- a civil penalty of up to £30,000 (Appendix c);
- Rent repayment order for any rent received for the property for up to a maximum of 12 months
- Management order to take control of the property;
- Banning order;
- Entry on the database of rogue landlords.

Applications for Licences

A first-time licence application will be a complete application when the following valid documents are received by us:

- Completed, signed and dated application form;
- Proof of identification and address for the proposed licence holder;
- Electrical installation condition report of no more than 5 years old;
- Portable Appliance Test certificate;
- Fire alarm test certificate or commissioning certificate of no more than 12 months old;
- Emergency lighting test certificate of no more than 12 months old (if relevant);
- Gas safety certificate (if relevant);
- Floor plan complete with room dimensions;
- Disclosure and barring certificate of no more than 3 months old;
- Tenancy and management agreements;
- The correct fee for a licence application;
- Any other documents that we may request

An application for a renewal of a licence will be a complete application when a completed, signed and dated application fee and the correct fee for a licence application is received by us. Applications must be received before the existing

licence expires. Applications for renewal that are received after the licence has expired must be treated as a first-time application.

Duration of Licences

The maximum duration of a licence is 5 years.

Licence Conditions

All HMO licences contain mandatory licence conditions which must be always complied with. The Council may also impose additional conditions tailored to the specific circumstances of each property.

Where a breach of a licence condition occurs, we will take proportionate and appropriate action in accordance with this Policy. A breach of a licence condition is an offence which is punishable through several options:

- A conviction and unlimited fine;
- A civil penalty of up to £30,000 (Appendix C);
- Rent repayment order for any rent received for the property for up to a maximum of 12 months;
- Management order to take control of the property;
- Banning order;
- Entry on the database of rogue landlords.

Temporary Exemption Notices

We have a discretionary power to serve a Temporary Exemption Notice (TEN) on managers or owners of HMOs which are capable of being licensed, who notify us of their intention to take steps to ensure that their HMO no longer requires a licence. We will issue a TEN for a three-month period where we are satisfied with the landlord's proposals and may only renew the TEN for a further three months in exceptional circumstances. No further extensions are permitted.

HMO Management Regulations

The Management of Houses in Multiple Occupation (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 place several requirements on the person having control of any HMO (whether it is a licensed or non-licensable HMO) in the areas of fire safety, property repair and maintenance, clean conditions, refuse storage and disposal, and also places an obligation on the tenants' conduct.

Where a breach of the HMO management regulations occurs, we will take proportionate and appropriate action in accordance with this Policy.

A breach of HMO management regulations is an offence which is punishable through several options:

- a conviction and an unlimited fine;
- a civil penalty of up to £30,000 (Appendix B);

- Management order to take control of the property;
- Banning order (Appendix D);
- Entry on the database of rogue landlords (Appendix E).

Non-licensable HMOs

All HMOs, regardless of whether they require a licence to operate, must meet certain standards to ensure the health, safety, and welfare of the occupants, and must be compliant with the HMO Management Regulations.

We will pro-actively seek out non-licensable HMOs and carry out inspections of these properties as we become aware of them. A risk-based assessment will then be applied to determine the future inspection regime, considering the following five factors:

1. Confidence in management;
2. Amenities;
3. Standard of fire safety management;
4. Structure;
5. Fire provisions.

The frequency for re-inspection could be any time between 0 and 5 years based on our risk assessment.

Fire Safety in HMOs

Statistically, HMO type properties have one of the highest incidents of deaths caused by fire in any type of housing. It is therefore essential that any HMO possesses an adequate means of escape if a fire should occur and adequate fire detection and alarm measures to provide early warning.

The [LACORS Housing - Fire Safety guidance](#) helps to manage the relationship between the Housing Act 2004, enforced by local housing authorities, and the Fire Safety Order 2005, enforced by fire authorities, with information and guiding principles on ways to make residential buildings safe from fire and compliant with legislation.

We will be the lead enforcing authority for fire safety in HMO type properties, however, where an HMO contains communal areas, the Fire Safety Order 2005 requires the responsible person for an HMO to carry out and provide a Fire Risk Assessment, and compliance will be enforced through partnership working with Cheshire Fire and Rescue Service.

The actual level of fire protection and detection that will be required to be provided within any HMO will be risk assessed, taking into account the property characteristics, the management practices in place, the written fire risk assessment and the recommendations contained within the LACORS guidance.

Overcrowding

Overcrowding in licensed HMOs will be dealt with through enforcement of the licence conditions.

Overcrowding notices may be used in non-licensable HMOs where the Council

considers that there are too many people occupying the property. The notice will state the maximum number of persons that will be allowed to occupy a room as sleeping accommodation and will specify which rooms will not be allowed to be used for sleeping accommodation.

Amenities in HMOs

The legislation in relation to HMOs is complex, so we will provide clarity for owners and managing agents of HMOs about the property, amenity and management standards that are expected of them through written guidance [Amenities and Facilities Standards in Houses in Multiple Occupation \(HMOs\)](#).

Interim and Final Management Orders

Management Orders allow us to intervene in particular circumstances by taking over the operation of a HMO to secure necessary improvements in the property and management standards. Interim orders are temporary measures designed to last for 12 months, whereas final orders can last for up to 5 years. We will consider the need to apply for a management order on the merits of each individual case but will normally only consider this for the most serious circumstances.

Additional HMO Licensing

As well as the mandatory licensing for specified types of HMOs, local housing authorities are permitted to extend these licensing requirements to also include other types of HMOs as well, either within a specific part of its area or across all of its area. The Council has not made a designation for an additional licensing scheme, but the need for such a scheme will be kept under review.

Civil Penalties (“Financial Penalties”)

We will have full regard to the [statutory guidance on civil penalties](#).

1. Deciding whether to issue a financial penalty

We will use Tables 1 and 2 to determine whether to issue a financial penalty or to pursue a criminal prosecution. For the most serious or severe offences we will consider whether a financial penalty at the maximum level will have greater punitive merit than prosecution.

Table 1: Failure to comply with an Improvement Notice (Section 30, Housing Act 2004)

Aggravating Factor	Response	Points
Is a member of the vulnerable group for the relevant hazard occupying the property?	Yes	5 (per vulnerable person)
	No	0
Has the landlord previously been served with a Notice under Part 1 of the Housing Act 2004 (other than Hazard Awareness Notice) at this or other properties within CE?	Yes	10 (per notice)
	No	0
Has the landlord complied with previous Notices (other than Hazard Awareness Notice)?	Yes	0
	No	10 (per notice)
Does the landlord have any unspent convictions / cautions for Housing Act offences?	Yes	20
	No	0
Within the last 5 years, has the landlord previously been issued with a financial penalty?	Yes	20
	No	0

Score	Course of Action
0-30	Financial penalty
31 or more	Prosecution or financial penalty

Table 2: Offences in relation to Houses in Multiple Occupation (sections 72, 95, 139 and 234, Housing Act 2004)

Aggravating Factor	Response	Points
Is it a licensable HMO for which no licence has been granted?	Yes	10
	No	0
Have previous notices been served on this landlord at this or other properties under Part 1 of the Housing Act 2004?	Yes	10 (per notice)
	No	0
Has the landlord complied with previous notices?	Yes	0
	No	10 (per notice)
Has the landlord previously been issued with a Financial Penalty?	Yes	20
	No	0

Existing fire safety breaches at the property for which a notice was served		5 (per offence)
Historical fire safety breaches at the property for which a notice was served		5 (per offence)
Existing other breaches at the property for which a notice was served		1 (per offence)
Historical other breaches at the property for which a notice was served		1 (per offence)
Number of occupants in excess of the maximum permitted		5 (per person)
Number of occupants in a vulnerable group (disabled, child under 16, over 65)		5 (per person)

Score	Course of Action
0-40	Financial Penalty
41 or more	Prosecution or financial penalty

2. Factors to consider in setting the amount of the financial penalty

Statutory guidance states that we should consider the following factors to help ensure that a financial penalty is set at an appropriate level:

- a) **Severity of the offence.** The more serious the offence, the higher the penalty should be.
- b) **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.

Table 3: Culpability

Very high	Where the offender intentionally breached, or flagrantly disregarded, the law
High	Actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken; and/or Serious and/or systematic failure by the person or organisation to comply with legal duties
Medium	Offence committed through an act or omission which a person exercising reasonable care would not commit; and/or Systems were in place to manage risk or comply with legal duties, but these were not sufficiently adhered to or implemented.
Low	Tenant obstruction, or offence committed with little fault, for example significant efforts were made to address the risk but were inadequate on this occasion, or there was no or little warning of risk / circumstances of the offence; and/or the failing was minor and occurred as an isolated incident

c) **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a financial penalty.

Consideration should be given to the worst possible harm outcomes that could reasonably occur as a result of the specific offence being considered. This means that even if some harm has already come to an individual, consideration should still be given to whether there was the potential for even greater harm to have occurred.

When determining the severity of harm, consideration may be given to the guidance in relation to Class I, II, III and IV harm outcomes in the Housing Health and Safety Rating System – Operating Guidance.

Table 4: Harm

High	<ul style="list-style-type: none"> Existing serious adverse effect, or a risk of there being a medium adverse effect on an individual; and/or Provides a serious market advantage over rivals; and/or Harm to a vulnerable individual; and/or Serious level of overcrowding.
Medium	<ul style="list-style-type: none"> Existing medium adverse effect, or a risk of there being a medium adverse effect on an individual; and/or The tenant has been misled or is disadvantaged by the failing
Low	<ul style="list-style-type: none"> Existing adverse effect, or a risk of there being an adverse effect on an individual

d) **Punishment of the offender.** A financial penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

e) **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

f) **Deter others from committing similar offences.** While the fact that someone has received a financial penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a financial penalty. An important part of deterrence is the realisation that the local housing authority is proactive in levying financial penalties.

g) **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, that is it should not be cheaper to offend than to ensure a property is well maintained and managed properly. The penalty amount should be considered against any quantifiable

economic benefit derived from the offence, including through avoided or reduced operating costs.

3. Calculating the Financial Penalty

The matrix in Table 5 will be used to calculate the financial penalty. The matrix provides a starting point to reach an appropriate level of financial penalty within the range for that category of offence, and we will then consider further adjustment within the penalty band range for aggravating and mitigating features. It is important to note that the upper value of a penalty band range may be exceeded where it is necessary to ensure that there is no financial benefit to the offender.

Table 5: Financial Penalty Matrix

	High Harm	Medium Harm	Low Harm
Very High Culpability			
Starting point	£26,000	£22,000	£16,500
Penalty band range	£24,000 - £30,000	£20,000 - £25,000	£15,000 - £20,000
High Culpability			
Starting point	£16,500	£12,000	£7,500
Penalty band range	£15,000 - £20,000	£10,500 - £15,000	£6,000 - £10,000
Medium Culpability			
Starting point	£12,000	£7,500	£4,500
Penalty band range	£10,500 - £15,000	£6,000 - £10,000	£3,750 - £6,000
Low Culpability			
Starting point	£4,500	£3,000	£1,500
Penalty band range	£3,750 - £6,000	£2,750 - £4,500	£1,000 - £3,000

The following aggravating and mitigating factors will be taken into account when setting the financial penalty within the band range:

Aggravating factors:

- Relevant previous convictions having regard to (a) the nature of the offence to which the conviction relates and its relevance to the offence and (b) the time that has elapsed since the conviction
- Relevant previous cautions within the last two years
- Relevant previous financial penalties within the last two years
- The offence has been committed whilst the landlord is on bail or summons for other relevant proceedings at court
- Established evidence of wider community impact
- Record of providing substandard accommodation
- Record of poor management or not meeting legal requirements
- Evidence of harassment of tenant and/or illegal eviction

Mitigating factors:

- No relevant unspent previous convictions
- No relevant cautions within the last two years
- No relevant financial penalties within the last two years
- Where the landlord has mental ill health or learning disability, as certified by a registered general practitioner
- Where the landlord has serious medical conditions requiring urgent, intensive or long-term treatment
- One off event, not commercially motivated
- Previous good record of maintaining property and management standards
- Tenants' behaviour is a contributing factor to the offence
- Steps taken voluntarily to remedy the problem
- High level of co-operation with the investigation
- Early admission of guilt for the offence

When issuing financial penalties for more than one offence we will consider whether the total of the financial penalties is just and proportionate to the offending behaviour. We will take account of the definitive guideline on Offences Taken into Consideration and Totality.

4. Considering whether the landlord has the means to pay a financial penalty

In setting a financial penalty, we will presume that the landlord is able to pay any financial penalty imposed, unless the landlord has supplied suitable and sufficient information to the contrary. The onus is on the landlord to disclose relevant data to us about his financial position that will enable us to assess what they can reasonably afford to pay. Where we are not satisfied that we have been given sufficient reliable information, we will be entitled to draw reasonable inferences as to their financial means from the evidence that we hold and from the circumstances of the case. Factors that we will consider include income, outgoings, financing arrangements for the landlords' portfolio and available equity in the portfolio. If a landlord claims that they cannot afford to pay a financial penalty, consideration will be given to whether any of the properties can be sold or refinanced.

5. Financial penalties under The Energy Efficiency (Private Rented Sector) (England and Wales) Regulations 2015 (as amended)

We will have regard to the culpability and harm guidance detailed above when determining the level of financial penalty.

The maximum amount of financial penalty that can be imposed under these regulations varies dependent upon which and how many regulation breaches have been committed, although the total financial penalty must not exceed £5,000.

Table 6 will be used in determining the overall level of financial penalty to be imposed, based upon a percentage of the maximum financial penalty that can be imposed for each breach of the regulations, subject to a minimum penalty of £500 and the maximum financial penalty not being exceeded.

Table 6:

	High Harm	Medium Harm	Low Harm
Very high culpability	100%	100%	80%
High culpability	100%	80%	60%
Medium culpability	80%	60%	40%
Low culpability	60%	40%	20%

6. Financial penalties under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Where the Local Housing Authority decide to impose a financial penalty under these regulations, officers will have regard to the culpability and harm guidance as provided above. Officers will use Table 3 (culpability), Table 4 (harm) and Table 5 (financial penalty matrix) set out above to determine the level of financial penalty.

The maximum amount of financial penalty (or more than one penalty in the event of a continuing failure) that can be imposed in respect of a breach under these regulations must not exceed £30,000.

7. New and amended legislation

In the event of civil penalties being expanded to incorporate other housing offences, the process set out above to determine and calculate financial penalties will be used.

Banning Order Offences

We will have regard to the [non-statutory guidance on Banning Order Offences](#).

A banning order bans a landlord from letting housing in England and engaging in letting agency or property management work for a minimum period of 12 months, following certain housing, immigration and serious criminal offences. There is no statutory maximum period for a banning order; the length of the banning order will be determined by the First-Tier Tribunal; however the Council must make a recommendation on the term of the banning order. Government guidance is that banning orders should be used for the most serious offenders.

Banning order offences are listed under [The Housing and Planning Act 2016 \(Banning Order Offences\) Regulations 2018](#) and in the non-statutory guidance.

The relevant offence must have been committed on or after 6 April 2018 and must not include spent convictions.

When deciding whether to apply for a banning order and when making a recommendation for the length of the banning order, we will have regard to a range of factors:

- **The seriousness of the offence.** We will have regard to any sentence imposed by the Court; for example, did the offender receive a maximum or minimum sentence or did the offender receive an absolute or conditional discharge. The more severe the sentence imposed by the Court, the more appropriate it will be for a banning order to be made.
- **Previous convictions / rogue landlord database.** We will check the rogue landlord database in order to establish whether a landlord has committed other banning order offences in other areas or has received any civil penalties in relation to banning order offences. A longer ban may be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be aware of their legal obligations.
- **The harm caused to the tenant.** The greater the harm or potential for harm, the longer the ban should be. Banning order offences include a wide range of offences, some of which are more directly related to the health and safety of tenants and could therefore be considered more harmful than other offences (such as fraud).
- **Punishment of the offender.** The length of the banning order should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending. It should ensure that it has a real economic impact on the offender.
- **Deterrence.** The punishment should deter the offender from reoffending and help ensure they fully comply with all of their legal responsibilities in future. The length of the ban should prevent the most serious offenders from operating in the sector again and deter others from committing similar offences.

Each case will be considered against the above factors and it will be decided on a case-by-case basis as to whether applying for a banning order is a just and proportionate course of action to take.

If confirmed to proceed, a notice of intent will be served on the landlord, which must be served within six months of the landlord being convicted of the offence. We must give the landlord a minimum of 28 days from the date of the notice to make representations, and consider any representations made during the notice period before deciding about whether to pursue an application for a banning order once the notice period has expired.

A banning order does not invalidate any tenancy agreement held by occupiers in the property. There may be circumstances where following the banning order, it might be appropriate for the management of the property to be taken over by the Council or its agent. The decision about whether to apply for an interim management order and a subsequent management order will be based on the merits of each case.

Breach of a banning order

If we establish that the action of a person or organisation constitutes a breach of a banning order, we can decide to pursue a prosecution or a civil penalty. The person or organisation may be subject to further civil penalties for every additional six months, or part of that period, that they continue to breach the banning order.

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Working for a brighter future together

Economy and Growth Committee

Date of Meeting:	30 th November 2021
Report Title:	Domestic Adaptations and Retrofit Procurement
Report of:	Executive Director - Place
Report Reference No:	EG/16/21-22
Ward(s) Affected:	All Wards

1. Executive Summary

- 1.1. Improving health, wellbeing and quality of life through good quality housing is a key part of our Housing Strategy. Adapting homes enables people to manage their health and care needs and enables them to live independently, while improving the fabric of the home reduces household energy expenditure, improves health and reduces carbon emissions.
- 1.2. As part of the housing offer to residents, the Council supports low income and vulnerable households to arrange disability adaptations in their home through the Disabled Facilities Grant programme, and to carry out energy efficiency improvements through a range of externally funded grant programmes as opportunities arise. To facilitate this, the Council must carry out procurement that is compliant with the Public Contracts Regulations 2015 to secure value for money in the works and services it buys.
- 1.3. The Council proposes to undertake two procurement exercises:
 - 1.3.1. Procurement of Level Access Showers (wet rooms), with an estimated value of between £1.5million and £3million over the term of the Framework, which will be between 2 and 4 years.
 - 1.3.2. Procurement of Domestic Retrofit works (energy efficiency), with an estimated value of between £3million and £6.6 million over the term of the Framework, which will be between 15 months and 2 years.
- 1.4. The Council's Corporate Plan 2021-25 sets out our vision for a more open, fairer, greener Cheshire East. The plan sets out priorities under the three

broad aims including “a great place for people to live, work and visit”, “Reduce health inequalities”, and “Reduce the reliance on long-term care by improving services closer to home”. The proposed procurement for domestic adaptations and retrofit will enable us to deliver these priorities.

2. Recommendations

2.1. Committee are recommended:

- 2.1.1. To approve the procurement of a Framework Agreement for Level Access Showers and delegate authority to the Director of Growth and Enterprise to award and enter into a Framework agreement with a single, successful, supplier who meets the procurement criteria and the requirements of the Framework.
- 2.1.2. To approve the procurement of a Framework Agreement for Domestic Energy Efficiency Retrofit works and delegate authority to the Director of Growth and Enterprise to award and enter into a Framework agreement with the successful suppliers.

3. Reasons for Recommendations

- 3.1. 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 Corporate Plan. The frameworks would enable us to secure suppliers who meet our quality standards and deliver value for money.
- 3.2. There is a statutory requirement for the Council to provide Disabled Facilities Grants to assist disabled residents who are assessed as being unable to afford home adaptations, and to provide support to arrange building works. To facilitate this, the Council must have appropriate contracting arrangements in place with suppliers.
- 3.3. The Government has launched the Heat and Buildings Strategy and announced £950million of new funding to decarbonise homes through the . Home Upgrade Grant, to be delivered between 2022/23 and 2024/25. Contractual arrangements will need to be established for the delivery of the grants programme to satisfy the funding requirements.

4. Other Options Considered

- 4.1. A bespoke in-house Framework appointing three suppliers with subsequent mini competitions for each scheme of works would create delivery delays and would not generate the economies of scale that could be achieved by appointing a single supplier.

- 4.2. Carrying out an individual procurement exercise for each domestic property to be improved would be time consuming, would increase the Council's operational costs and the aggregated value of the individual procurements would exceed thresholds in the Council's Contract Procedure Rules.
- 4.3. The Council's low value construction services framework is intended for council buildings and assets and isn't tailored for use in domestic properties occupied by vulnerable residents; the differences between commercial and residential projects cannot be easily bridged.

5. Background

- 5.1. 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.
- 5.2. By entering into Framework Agreements with suppliers, the Council would be able to place an order for each level access shower or domestic energy efficiency retrofit scheme that is required. A Framework Agreement does not provide a guarantee of the volume or value of work that would be awarded to any supplier, giving the Council the flexibility to respond to fluctuations in demand without contractual obligations.

Level Access Showers

- 5.3. 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 as hand rails and grab rails, and major home adaptations costing over £1,000, such as level access showers, stair lifts, ramps and extensions. 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. In 2020-21, 314 grants were approved for disabled residents living in their own homes and in rented properties, including 217 level access showers.
- 5.4. In preparation for the expiry of a framework for Level Access Showers in December 2020, the Cabinet approved the procurement of a new framework for Level Access Showers on 6 July 2020 and the Council subsequently entered into a Framework Agreement with a supplier who was assessed as providing the most economically advantageous tender. Market conditions had a detrimental effect on the delivery of the Framework by the appointed supplier and, following legal advice, the Housing service terminated call-off

orders under the Framework Agreement in August 2021 due to the non-performance of the supplier's obligations.

- 5.5.** There is now a need to carry out a new procurement exercise to appoint a replacement supplier. The Framework enables us to make direct awards to a single supplier for individual major adaptations schemes without providing a guarantee of the volume or value of orders called-off from the Framework, enabling us to respond to fluctuations in service demand. Our experience of delivering previous Frameworks 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.

Domestic Energy Efficiency Retrofit

- 5.6.** At the Council meeting on 22 May 2019, members approved a Notice of Motion relating to Climate Change, and committed to “work with all businesses, residents and organisations in Cheshire East to reduce their carbon footprint by reducing energy consumptions and promoting healthy lifestyles”. The Carbon Neutral Action Plan sets out actions to reduce carbon emissions from housing, including encouraging and enabling retrofit to the housing stock.
- 5.7.** The Council has a history of accessing funding for domestic energy efficiency retrofit and working in partnership with Cheshire West and Chester Borough Council and Warrington Borough Council to deliver schemes. The local authorities identified that the Sustainable Warmth funding competition launched by BEIS in June 2021 offered a significant opportunity to drive energy efficiency improvements for low-income households, and Cheshire East Council submitted a funding bid for £6,985,000 to deliver a grants programme for on and off-gas households across the sub-region. We have been advised that the sub region has been successful for the off-gas element of the funding and awarded £3,288,960, subject to satisfactory completion of the Memorandum of Understanding.
- 5.8.** Cheshire East will act as the Accountable Body for the funding on behalf of the sub region and will be responsible for the administration of the funding, ensuring it is spent in accordance with the provisions set out in the MOU. Cheshire East will also lead on the procurement which will be secured through a suitable external framework by appointing from a panel of suppliers that have been procured in accordance with the Public Contract Regulations 2015.
- 5.9.** This funding is the first tranche to be released of the £950million announced by the Government for the Home Upgrade Grant programme. The

Procurement of domestic retrofit contractors will be critical to the delivery of the Home Upgrade Grant in Cheshire and Warrington.

6. Implications

6.1. Legal

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 Strategic Housing service will engage with Legal Services to ensure that the Framework Agreements contain provisions so that they can be terminated in the event that the works cannot be provided on terms which remain acceptable to the Council or after the initial terms. The Framework Agreement would not contain any guarantees of work volumes to the appointed supplier and could be utilised with other options.

6.1.4. 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:

- How what is proposed to be procured might improve the social economic and environmental well-being of the relevant area;
- How in conducting a procurement process it may act with a view to securing that improvement; and
- Whether to undertake any community engagement on their proposals.

6.2. Finance

6.2.1. The value of the Level Access Shower Framework (£750,000 per year, 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 (£2,064,279 in 2021/22; however, it should be noted that future allocations is not guaranteed). The capital allocation will be used to deliver all types of major adaptations including lifts, specialist

equipment and major building works such as extensions, as well as the Level Access Showers in this Framework.

6.2.2. The value of the Domestic Energy Efficiency Retrofit Framework (between £3 million and £6.6million) would be met by external grants. If the Council's bid for funding is unsuccessful, contracts will not be awarded. Similarly, if the bid for funding is successful but continuation funding is not secured beyond the initial 15 months funding term, the option to extend the agreement will not be utilised.

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 ceases, the Council has no contractual obligations beyond any orders that have been called-off.

6.3. Equality

6.3.1. The proposed Frameworks would enable the Council 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 will form part of the evaluation criteria and the contractual obligations of the supplier, ensuring that equality is at the forefront of service delivery.

6.4. Human Resources

6.4.1. There are no HR implications for the procurement of Level Access Showers.

6.4.2. If the bid for funding for domestic energy efficiency retrofit is successful, a proportion of the funding can be used to administer the scheme which will support existing roles as well as secure any temporary increase in staff resources that may be needed.

6.5. Risk Management

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

6.5.2. Failure to establish Frameworks from which works orders can be called-off would mean that each scheme would need to be procured individually. This is prohibitive both in terms of time and cost.

6.5.3. 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.

6.6. Rural Communities

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

6.6.2. Delivering a domestic energy efficiency retrofit programme will directly target rural fuel poverty, with off-gas properties being the primary focus of the Council's bid for funding.

6.7. Children and Young People/Cared for Children

6.7.1. The Frameworks will enable us to 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.

6.8. Public Health

6.8.1. 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.

6.9. Climate Change

6.9.1. Energy use in homes accounts for 28% of carbon emissions in Cheshire East. The Council has committed to becoming carbon neutral by 2025 and to encourage all businesses, residents and organisations in Cheshire East to reduce their carbon footprint. The procurement of domestic energy efficiency retrofit works will directly contribute to tackling climate change.

6.9.2. Building sustainability is a consideration in the specification and design of level access shower works, ensuring that every opportunity to reduce building operating costs are evaluated to tackle fuel poverty for vulnerable residents and tackle climate change.

Access to Information	
Contact Officer:	Karen Whitehead – Housing Standards and Adaptations Manager Karen.carsberg@cheshireeast.gov.uk 01270 686654
Appendices:	Appendix 1 – Equality Impact Assessment – Level Access Showers Appendix 2 – Equality Impact Assessment – Domestic Energy Efficiency Retrofit
Background Papers:	n/a

EQUALITY IMPACT ASSESSMENT

TITLE: Level Access Showers

VERSION CONTROL

Date	Version	Author	Description of Changes
16.09.2021	1	K Whitehead	

CHESHIRE EAST COUNCIL –EQUALITY IMPACT ASSESSMENT

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

Department	Place		Lead officer responsible for assessment		Karen Whitehead	
Service	Housing		Other members of team undertaking assessment			
Date	16/09/2021		Version		1	
Type of document (mark as appropriate)	Strategy	Project	Function	Policy	Procedure	Service
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	New		Existing		Revision	
Title and subject of the impact assessment (include a brief description of the aims, outcomes, operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service	<p>Level Access Showers</p> <p>Improving health, wellbeing and quality of life through good quality housing is a key part of our Housing Strategy. Adapting homes enables people to manage their health and care needs and enables them to live independently.</p> <p>As part of the housing offer to residents, the Council supports low income and vulnerable households to arrange disability adaptations in their home through the Disabled Facilities Grant programme. To facilitate this, the Council must carry out procurement that is compliant with the Public Contracts Regulations 2015 to secure value for money in the works and services it buys.</p> <p>The Council proposes to carry out a procurement exercise with an estimated value of between £1.5million and £3million over the term of the Framework, which will be between 2 and 4 years. This has arisen as a result of the failure of the contract with the previous supplier. Temporary contractual arrangements have been put in place to ensure continuity of the service while a full procurement exercise is carried out.</p> <p>The Council's Corporate Plan 2021-25 sets out our vision for a more open, fairer, greener Cheshire East. The plan sets out priorities under the three broad aims including "a great place for people to live, work and visit", "Reduce</p>					

	health inequalities”, and “Reduce the reliance on long-term care by improving services closer to home”. The existing service and proposed procurement will enable us to deliver these priorities.	
Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)	The main stakeholders are disabled residents; informal carers; paid carers; Occupational Therapists; Housing employees; contractors. We have not carried out a formal consultation exercise with any stakeholders; however we have regularly engaged with disabled residents and their families to keep them up to date on progress of their works and the need to reprocore the contract. Stakeholders fully support the reprocurement of contractors in order to secure the works needed to their homes.	
Consultation/ involvement carried out.	YES	NO
What consultation method(s) did you use?	n/a	

Stage 2 Initial Screening

Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)	Disabled residents and their carers are affected; they receive direct services from the Council and its appointed contractors for the supply of level access showers, which enables them to maintain independence, dignity and safety to maintain their personal hygiene. We have service records over several years to evidence the demand for the service and who grants are awarded to.
Who is intended to benefit and how	Disabled residents are the intended beneficiaries. The provision of a level access shower enables them to maintain their personal hygiene in a safe manner with a significantly reduced risk of falls, and with independence which gives them greater dignity.
Could there be a different impact or outcome for some groups?	The provision of the service doesn't create a different impact or outcome for any groups within the wider cohort of grant recipients – but all grant recipients do have at least one protected characteristics, which is disability.

Does it include making decisions based on individual characteristics, needs or circumstances?			The decision about whether a level access shower is necessary and appropriate is made by Occupational Therapists, Social Care Assessors and Early Intervention Officers following an assessment of the disabled person in their home. As part of that decision making process, the professional will consider whether they meet the threshold of substantially disabled as defined by the Equality Act 2010. This decision making process takes place prior to a referral to the Housing service. Once Housing receive the referral, no decisions are made based on individual characteristics – decisions are made based on a financial assessment of need, and a property assessment.					
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)			It does favour disabled people by default as it is a mandatory provision for disabled people, and eligibility criteria is determined by legislation and regulation. It does not favour any other individual protected characteristics.					
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?			No.					
Is there an actual or potential negative impact on these specific characteristics? (Please tick)								
Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N
Disability	Y	N	Pregnancy & maternity	Y	N	Sex	Y	N
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N

Stage 3 Evidence

Level of Risk

What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts			(High, Medium or Low)						
Age	All recipients have a disability.		L						
Marriage and Civil Partnership	As the prevalence of disability increases with age, it is to be expected that older people will be the primary beneficiaries of this service, which is supported by service data from 2020-21:		L						
Religion	<table><tr><td>Age range</td><td>Number</td></tr><tr><td>0-19</td><td>4</td></tr><tr><td>20-29</td><td>3</td></tr></table>		Age range	Number	0-19	4	20-29	3	L
Age range	Number								
0-19	4								
20-29	3								
Disability	<table><tr><td>30-39</td><td>5</td></tr><tr><td>40-49</td><td>4</td></tr><tr><td>50-59</td><td>28</td></tr></table>		30-39	5	40-49	4	50-59	28	L
30-39	5								
40-49	4								
50-59	28								
Pregnancy and Maternity	<table><tr><td>60-69</td><td>44</td></tr><tr><td>70-79</td><td>51</td></tr><tr><td>80-89</td><td>35</td></tr></table>		60-69	44	70-79	51	80-89	35	L
60-69	44								
70-79	51								
80-89	35								
Sex	<table><tr><td>90-99</td><td>15</td></tr><tr><td>100+</td><td>1</td></tr></table>		90-99	15	100+	1	L		
90-99	15								
100+	1								
Gender Reassignment	We do not hold data on other characteristics.		L						
Race	It is anticipated that the service and procurement will have a positive impact on disabled people as it will improve their living conditions, safety in the home and their independence.		L						
Sexual Orientation			L						

Protected characteristics	Mitigating action <i>Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.</i>	How will this be monitored?	Officer responsible	Target date
Age	n/a			
Marriage and Civil Partnership	n/a			
Religion	n/a			
Disability	n/a			
Pregnancy and Maternity	n/a			

Sex	n/a			
Gender Reassignment	n/a			
Race	n/a			
Sexual Orientation	n/a			

5. Review and Conclusion

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed			
No adverse impacts have been identified for any groups with protected characteristics.			
Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date
n/a			

Please provide details and link to full action plan for actions			
When will this assessment be reviewed?	1/10/2022		
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer sign off	Karen Whitehead	Date	16/09/2021
Head of service sign off		Date	

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

EQUALITY IMPACT ASSESSMENT

TITLE: Domestic Energy Efficiency Retrofit

VERSION CONTROL

Date	Version	Author	Description of Changes
16.09.2021	1	K Whitehead	

CHESHIRE EAST COUNCIL –EQUALITY IMPACT ASSESSMENT

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

Department	Place		Lead officer responsible for assessment		Karen Whitehead	
Service	Housing		Other members of team undertaking assessment			
Date	16/09/2021		Version		1	
Type of document (mark as appropriate)	Strategy	Project	Function	Policy	Procedure	Service
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	New		Existing		Revision	
Title and subject of the impact assessment (include a brief description of the aims, outcomes, operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service	Domestic Energy Efficiency Retrofit <p>Improving health, wellbeing and quality of life through good quality housing is a key part of our Housing Strategy. Improving the fabric of the home reduces household energy expenditure, improves health and reduces carbon emissions.</p> <p>As part of the housing offer to residents, the Council supports low income households to arrange energy efficiency improvements to their home. To facilitate this, the Council must carry out procurement that is compliant with the Public Contracts Regulations 2015 to secure value for money in the works and services it buys.</p> <p>The Council proposes to carry out a procurement exercise with an estimated value of between £6million and £9.6million over the term of the Framework, which will be between 15 months and 2 years. This need has arisen as Government funding opportunities have become available. If successful with the funding, it will allow us to continue the grant funding programmes which we have been delivering for a number of years.</p> <p>The Council's Corporate Plan 2021-25 sets out our vision for a more open, fairer, greener Cheshire East. The plan sets out priorities under the three broad aims including "a great place for people to live, work and visit", "Reduce</p>					

	health inequalities”, and “Reduce the reliance on long-term care by improving services closer to home”. The existing service and proposed procurement will enable us to deliver these priorities.	
Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)	The main stakeholders are homeowners, private tenants, private landlords, employees and contractors. We have not carried out a formal consultation exercise with any stakeholders; however we regularly engage with stakeholders through the delivery of the existing service and consult them on the individual service plan that meets their needs.	
Consultation/ involvement carried out.	YES	NO
What consultation method(s) did you use?	n/a	

Stage 2 Initial Screening

Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)	Residents and landlords are affected; they receive direct services from the Council and its appointed contractors for the supply of domestic energy efficiency retrofit works to their home, which enables them to reduce fuel bills, improve the thermal comfort of their home and maintain their wellbeing. We have service records over several years to evidence the demand for the service and who grants are awarded to.
Who is intended to benefit and how	Residents are the intended beneficiaries. They will receive a grant to pay for energy efficiency improvements to the home. Improving the fabric of a home creates a warm home, which improves physical and mental wellbeing and reduces health inequalities; it reduces the amount of money that needs to be spent on heating the home and therefore addresses fuel poverty.
Could there be a different impact or outcome for some groups?	The provision of the service doesn't create a different impact or outcome for any groups within the wider cohort of grant recipients – eligibility is determined by low income. Older people and people with disabilities

	are likely to benefit from the scheme more so than working age people without disabilities, as the scheme is specifically for people on lower incomes.							
Does it include making decisions based on individual characteristics, needs or circumstances?	No – decisions are based on a financial assessment and a property assessment.							
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)	No.							
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?	No.							
Is there an actual or potential negative impact on these specific characteristics? (Please tick)								
Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N
Disability	Y	N	Pregnancy & maternity	Y	N	Sex	Y	N
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N

Stage 3 Evidence

What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts	Level of Risk (High, Medium or Low)
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Age	<p>All recipients are on low income; protected characteristics are not a criteria for grant assistance.</p> <p>We do not record how many grant recipients have a disability, however as the qualifying criteria for the financial assessment includes eligibility for a disability benefit, then there are recipients who are disabled.</p> <p>We record household composition but not ages for energy efficiency grants; through the Warm Homes Fund scheme delivered 2019-2021 we helped 86 households with the following household members:</p> <table><tr><td>Age group</td><td>Number</td></tr><tr><td>Adult</td><td>84</td></tr><tr><td>Child</td><td>16</td></tr><tr><td>Over 60</td><td>43</td></tr></table> <p>We do not hold data on other characteristics.</p> <p>It is anticipated that the service and procurement will have a positive impact on disabled people and older people who spend longer in their home as it will improve their living conditions.</p>	Age group	Number	Adult	84	Child	16	Over 60	43	L
Age group		Number								
Adult		84								
Child		16								
Over 60		43								
Marriage and Civil Partnership		L								
Religion		L								
Disability		L								
Pregnancy and Maternity	L									
Sex	L									
Gender Reassignment	L									
Race	L									
Sexual Orientation	L									

Stage 4 Mitigation

OFFICIAL

Protected characteristics	Mitigating action <i>Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.</i>	How will this be monitored?	Officer responsible	Target date
Age	n/a			
Marriage and Civil Partnership	n/a			
Religion	n/a			
Disability	n/a			
Pregnancy and Maternity	n/a			

Sex	n/a			
Gender Reassignment	n/a			
Race	n/a			
Sexual Orientation	n/a			

5. Review and Conclusion

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed			
No adverse impacts have been identified for any groups with protected characteristics.			
Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date
n/a			

Please provide details and link to full action plan for actions			
When will this assessment be reviewed?	1/10/2022		
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer sign off	Karen Whitehead	Date	16/09/2021
Head of service sign off		Date	

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



Working for a brighter future together

Economy and Growth Committee

Date of Meeting:	30 November 2021
Report Title:	Town Centre Regeneration Update
Report of:	Director of Growth and Enterprise
Report Reference No:	EG/10/21-22
Ward(s) Affected:	All wards

1. Executive Summary

- 1.1.** The Corporate Plan states that ensuring Cheshire East is a thriving and sustainable place is a corporate priority. In pursuit of this aim it states that the Council will pursue the successful delivery of regeneration programmes in Crewe and Macclesfield and will work with stakeholders and partners to produce town centre recovery plans for other towns.
- 1.2.** Town centre regeneration programmes and town centre recovery plans specifically support the delivery of the Corporate plan as follows:
 - Open – The production of published plans for town centre regeneration /recovery provides clarity and transparency in the Council's ambitions and approach, visible to all.
 - Fair– The production of town centre recovery plans developed using a consistent methodology, will enable a fair comparison of the issues and opportunities in all key service centres.
 - Green – The delivery of town centre regeneration schemes creates multiple opportunities to reduce carbon emissions on a project-by-project basis.
- 1.3.** This report provides an overview of progress in meeting the Council's stated objectives for town centres. Specifically, it includes updates on:
 - The expansive Crewe town centre regeneration programme;
 - Projects being progressed to support the revitalisation of the borough's most frequented centre - Macclesfield;

- Emerging Town Centre Vitality Plans for the borough's nine key service centres;
- Short term recovery interventions being progressed to support post Covid-19 town centre recovery utilising Welcome Back Funding.

2. Recommendations

2.1. That the Economy and Growth Committee:

- 2.1.1. Note the progress which has been made in relation to the development and delivery of town centre regeneration projects in Crewe and Macclesfield.
- 2.1.2. Note the progress made in developing Town Centre Vitality Plans for Alsager, Congleton, Handforth, Knutsford, Middlewich, Nantwich, Poynton, Sandbach and Wilmslow, and agree that the draft reports shall be issued for public consultation in early 2022, and that a report shall be made back to this committee post that consultation with specific recommendations aligned to those reports.
- 2.1.3. Note the ongoing work to support town centre recovery across all principal towns and key service centres and proposals for revenue spend to be claimed back from the Welcome Back Fund.

3. Reasons for Recommendations

- 3.1. The report provides an update on progress in delivering priority actions set out in the Corporate Plan, in the interests of transparency with residents, businesses, and other local stakeholders. This update is being provided for the Economy and Growth Committee given their responsibility for determining policies and making decisions in relation to economic development, regeneration, skills and growth.

4. Other Options Considered

- 4.1. As this is an update report there are no other options to consider.

5. Background

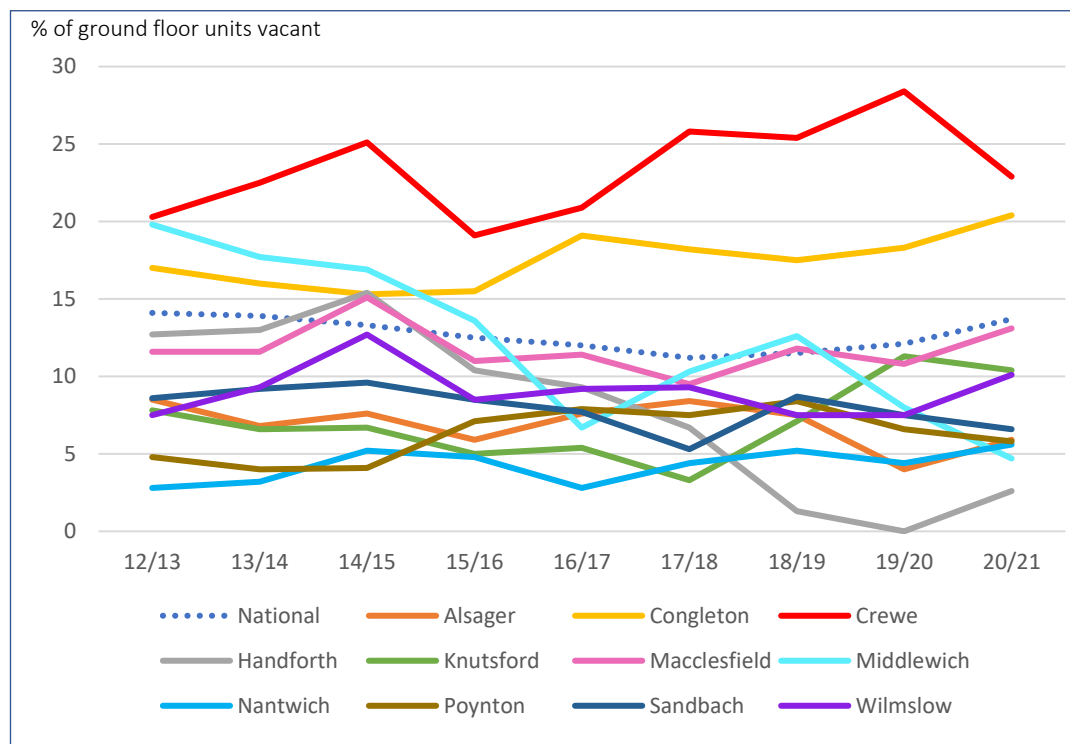
Town Centre Health

- 5.1. Town centre health is measured in terms of vitality and viability. Every 5 years the Council commissions an assessment of town centre vitality and viability. The last full town centre health checks were published in June 2020 as part of the Cheshire East Retail Study Partial Update and give an overview of town centre health before the Covid 19 pandemic.
- 5.2. Aside from these 5 yearly health checks, the Council has until recently had very limited current data to help it understand the vitality and viability of town centres. Annual ground floor vacancy surveys are undertaken. These have been reported annually to Strategic Planning Board as part of the Council's

annual Authority Monitoring Report (AMR), but these can be a crude measure when taken in isolation.

- 5.3.** Recorded town centre vacancy levels since 2013, including the figures from the April 2021 survey, yet to be reported in the 20/21 AMR, are shown in **Figure 1** and, in more detail **Appendix A**.

Figure 1: Vacancy levels across town centres



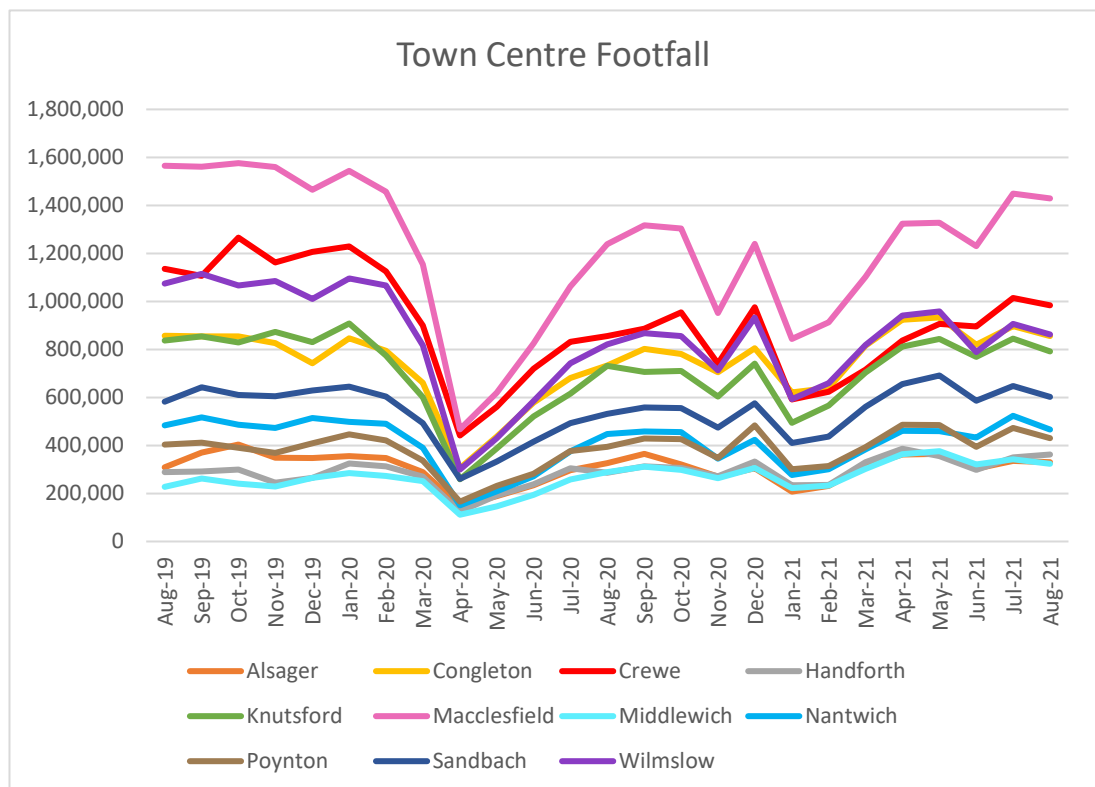
- 5.4.** Broadly speaking, as can be seen, the vacancy surveys show the consistently highest vacancy levels in Crewe, with Congleton also having recorded vacancy rates above the UK average, and other towns having vacancy rates hovering around or below the national figures. However, these town wide figures mask important detail and may distort the impression of a centre's health. As an example, whilst the graph shows Congleton with relatively high vacancy rates, examination of the survey data shows that this is largely due to two concentrated clusters of vacancies, one in the area around the market, the other, the units in Capital Walk. The units around the market are understood never to have been fitted out and are not actively marketed. Those at Capital Walk again were not marketed for some time. Thus, although the vacancy levels in Congleton seem high on the graph, if units which are not being marketed by their owners were discounted, the centre's rates would be significantly reduced. Similarly, in Crewe, Figure 1 shows a dip in vacancy levels in 2021. This could be misinterpreted as the centre's health improving, but in fact relates to the demolition of previously vacant units.

- 5.5.** Historically, CEC did not have access to any more regular and consistent data to assist in understanding town centre health. The Welcome Back Fund, detailed later in this report, has presented a short-term funding opportunity,

enabling the collection of footfall/visitor information across the borough's two principal towns and 9 key service centres to March 2022.

- 5.6.** This data is valuable in that for the first time the Council can compare activity levels across 11 town centres, knowing that data is collected in a consistent manner. This data enables a better understanding of overall levels of activity, dwell times, spread of activity through the week and at different times of day etc and allows comparisons to be drawn across towns. For example, prior to this data being available, whilst Crewe and Macclesfield were always understood to be the two 'principal' towns, it was not known that Macclesfield has such substantially higher visitor numbers than Crewe.
- 5.7.** Basic footfall level data is shown in **Figure 2** and **Appendix A** allowing comparison of footfall across centres, and an understanding of the impacts of Covid-19 on footfall.

Figure 2 – Town Centre Footfall Aug 2019 – Aug



CEC Approach to Town Centre Regeneration

- 5.8.** Each and every town centre across the borough is an important hub for the residents and businesses in its catchment. Whilst CEC is committed to supporting the health of town centres, with challenges around funding and resources, the Council has to prioritise where it focuses regeneration activity, or risk having no significant impact.
- 5.9.** Crewe has the most extensive regeneration development programme. This is primarily because the Council has been able to make a strong case for Government funding linked to the opportunities around HS2, and because the Council has acquired major town centre assets, making the progression of major capital schemes possible.

- 5.10.** The Council also recognises the importance of Macclesfield as the centre with the highest number of retail/service units, and the highest footfall by some considerable margin, and has worked to develop a clear strategy for its revitalisation. Whilst several opportunities to apply for funding from the Government or other external public sources have been taken, Macclesfield town centre has not met the criteria for funds to be awarded. The Council has therefore had to adopt a different approach to town centre regeneration in Macclesfield, less focused on large scale capital projects, and more on incremental change, collaboration with other key stakeholders such as the Town Council, and on stimulating, encouraging, and supporting appropriate private development.
- 5.11.** With regard to other towns, it is recognised that with the rise of internet retailing, all town centres will likely have to adapt and change to varying degrees to remain healthy. Some centres may naturally and gradually diversify away from retail as businesses close and become available, but during a period of transition, centres may need support. All towns are individual and there is no recognised single strategy which will suit all centres. How best to support individual towns will vary from place to place. The Council has recognised this and has resourced the development of Town Centre Vitality Plans for all Key Service Centres across the borough.
- 5.12.** The remainder of this report provides an update on individual elements of the Council's regeneration programme for town centres.

Crewe Town Centre Regeneration Update

- 5.13** In 2015 the Council approved a Regeneration Delivery Framework (RDF) for Crewe town centre, purchased the Royal Arcade as a strategic acquisition, and agreed to the procurement of a development partner for the redevelopment of all or part of the Royal Arcade site. Since that time, Crewe's regeneration programme has progressed, supported by external funding secured from the *Local Growth Fund*, *Future High Streets Fund* and *Towns Fund*, which support and build upon the objectives set out in the RDF. The RDF also sits alongside other key strategies including the Crewe Town Investment Plan and the Crewe Cultural Strategy which, with strong stakeholder support, seeks to place culture and heritage at the heart of Crewe's regeneration and culture-led economic growth.
- 5.14** Crewe town centre's current regeneration programme is essentially based on a drive to 'provide more reasons for more people to visit the town centre more often'. The programme started with the delivery of the Crewe Lifestyle Centre in 2015, providing an integrated leisure, library, and social care facility in a single purpose-built setting. This was followed by the establishment of Crewe Engineering & Design UTC – the first vocational educational facility of its type in Cheshire. Both of these had significant council involvement utilising the Council's own property assets.
- 5.15** The next wave of projects was instigated in 2017 and included the remodelling of Crewe Market Hall to create a vibrant new leisure, retail and community space in a Grade II Listed building, which was supported by

£2.6m funding from Cheshire & Warrington LEP's *Local Growth Fund*. The Market Hall has proved extremely popular to date, although its success will be judged by its longer-term impacts on the town centre. (See **Figure 3**)



- 5.16** Over the same period, plans have advanced for the redevelopment of the Royal Arcade site. Reflecting the national changes to retail across the country, this has taken longer to progress than had been anticipated and required some flexibility on the part of the Council and the developer it procured - Peveril Securities. A comprehensive redevelopment is the subject of a development agreement and, in September this year, the scheme was granted planning consent as a two-phase scheme; the first phase comprising a new bus station and 400+ space multi-storey car park is expected to be completed by summer 2023, with a commercial scheme that includes a cinema, other commercial leisure and retail uses open in 2025. (**Figure 4**)



- 5.17** Over the past two years the Council has been successful in bidding for and securing funding from the Government. £14.1m has been awarded from the

Future High Streets Fund (FHSF) to support ten projects that support town centre regeneration objectives. These include:

- four projects that improve accessibility and movement into and around the town centre;
- two that create new opportunities for residential living;
- two that generate new jobs and commercial activity;
- one that supports the creation of a sustainable energy network between key buildings;
- part of a much larger project to create a new History Centre in the heart of the town.

5.18 Another exciting project is the History Centre - Design and feasibility work is progressing for the project. The aim being to provide a new building to both accommodate part of the Cheshire archive and a local history facility on the site of the former Crewe Library and adjacent undercroft car park. This project requires a cocktail of funding. Whilst a significant amount has been identified through the Heritage Lottery Fund, *FHSF* and *Towns Fund*, it is also dependent on co-funding from the Council. Part of this requirement relates to the cost of demolishing the former Crewe Library and adjoining Civic Centre Car Park. A second stage bid to National Lottery Heritage Fund to support this project is planned for spring/summer 2022.

5.19 Further information was contained in a report to Cabinet on 10 November 2020 (refer to Background Papers at the end of this report).

Crewe Town Board and Towns Fund

5.19 In late 2019, Crewe was identified by the Government as being eligible for Government funding from the *Towns Fund* – a programme related to the *Future High Streets Fund*, but with objectives linked to the town's wider needs and aspirations. A requirement of the funding was to establish an independent Town Board to lead on the selection and delivery of potential projects. Collaboration between the Council, Town Council, MP and other stakeholders led to the establishment of Crewe Town Board in 2020, which immediately set about to develop its funding proposals.

5.20 Since then, the Board has:

- Conducted a comprehensive analysis of the needs and aspirations of Crewe's residents;
- Undertaken extensive stakeholder and community consultation;
- Developed a Town Investment Plan, linked in Background Papers to this report; (**Figure 5**)
- Shortlisted from 60+ projects to select ten projects which have all passed the Government's initial eligibility tests;
- Been awarded an allocation of £22.9m;
- Submitted more detail on the plans and processes to deliver all ten projects by 2026.



**Figure 5 –
Crewe Town Investment Plan**

- 5.21** The ten shortlisted projects were selected on the basis of several factors including the benefits they bring for local residents how they add address evidenced local priorities including public health, environment, community, culture and connectivity.
- 5.22** Although Crewe Town Board plays a key role in the regeneration of Crewe, its formal role is only advisory; the Council retains legal responsibility as accountable body, drawing upon the expertise of its officers and engaging with ward councillors.
- 5.23** Six of the Towns Fund projects are Council-led projects, but four are led by other stakeholders (Everybody Sport & Recreation, Crewe Town Council, OnSide and the Always Ahead Charity). Prior to progressing each of these project leads are required to produce a comprehensive business case, which will be appraised by the Town Board, council officers and independent experts. We expect that all projects will complete this process over spring/summer 2022 prior to final Government approval. All of them will be the subject of further consultation and some may require other approvals, e.g. for Council co-funding or planning consent. A summary of the current Crewe project pipeline is provided in Appendix B.
- 5.24** The Council's Economic Development service is leading on the management of this comprehensive regeneration programme, but its success is dependent on the capacity of key 'enablers' in other services, including Estates, Planning, Legal, Finance, Communications and Rural and Cultural Economy.

Macclesfield Town Centre Regeneration

5.25 Prior to 2018, the Council pursued a number of significantly scaled town centre development schemes on Council owned land to boost the draw of Macclesfield town centre as a destination. Each time, factors outside the Council's control, such as wider consumer shifts and commercial markets, ultimately undermined the viability of those schemes.

5.26 In 2018, after developers withdrew from a planned land sale to facilitate a new town centre cinema, the decision was taken to re-define and articulate a new longer-term, whole centre regeneration plan for the town centre. The Macclesfield Town Centre Strategic Regeneration Framework (SRF) was drafted, and following public consultation, was subsequently approved by the Council in October 2019.

5.27 The Macclesfield SRF is not a blueprint for redevelopment. Rather, it sets out a clear vision, objectives, and spatial framework for regeneration, together with advised strategic actions to be considered as and when resources allow. In October 2019, officers asked Cabinet to note intended priority actions to be taken forward stemming from the SRF as follows:

- Developing detailed designs for the public realm, prioritising in the first instance Chestergate and the Historic Heart of the town;
- To seek to identify any available existing funds which might be utilised to progress the development of: a town centre movement strategy; a regeneration focused town centre car parking strategy; an options appraisal for Macclesfield's markets, public realm enhancements, and a review and options report on the use of Macclesfield Old Town Hall;
- To start to consider options for the transformative redevelopment of the Station Gateway, liaising with interested parties to identify potential routes forward;
- As and when the timing is appropriate, to pursue further actions recommended in the SRF and Delivery Plan following all normal Council procedures as appropriate to the particular recommendation.

5.28 Since October 2019, a number of activities aligned to these priorities have been taken forward as detailed below:

Recently delivered projects

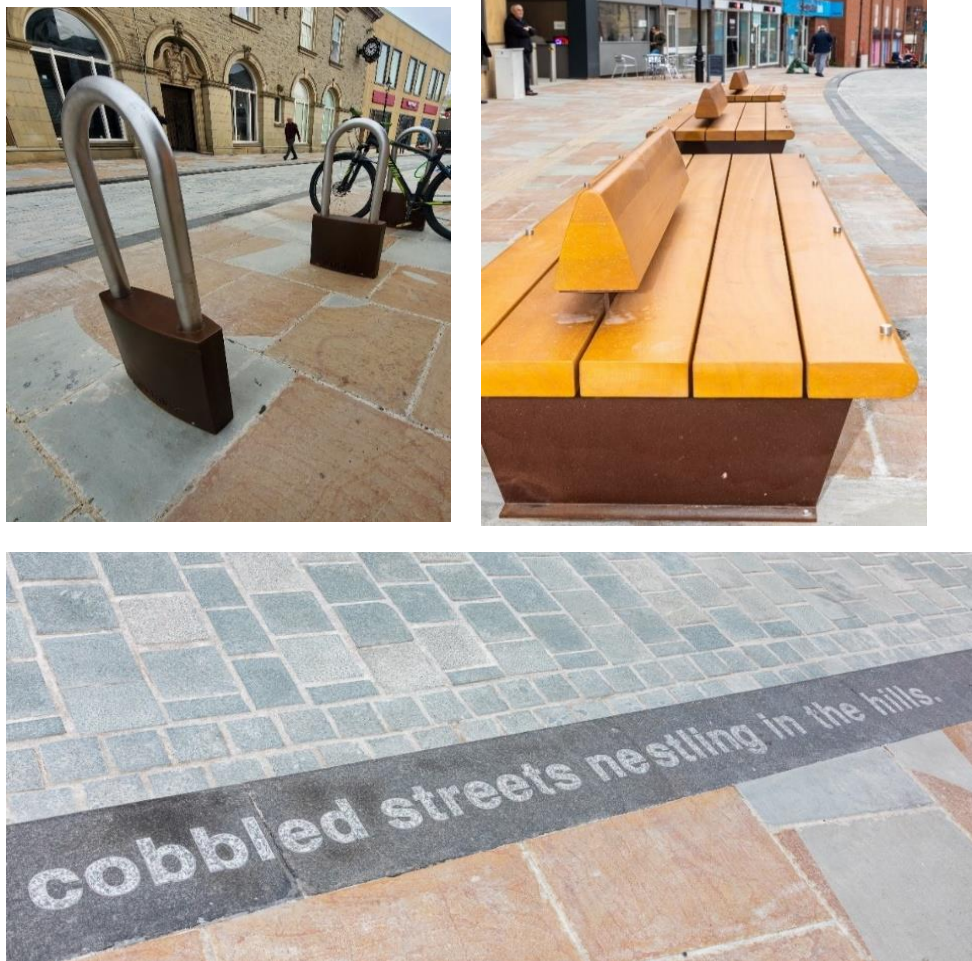
5.29 One of the priorities for Macclesfield, aligned to the SRF is the improvement of the public realm as and when resources allow.

5.30 The principal scheme delivered in Macclesfield town centre since October 2019 is the transformation of Castle Street public realm. Whilst this scheme was conceived prior to the approval of the SRF, it is entirely aligned with many of the SRF objectives. Using high quality materials, the scheme was

designed to help enhance the town centre environment, raise aspirations, and change perceptions. Key elements of the scheme included the widening of pavements to create new opportunities for outdoor seating to encourage and support the viability of hospitality businesses, and bespoke creative elements to ensure distinctiveness.

- 5.31** Delivery of the scheme commenced on site in April 2021 and has now been completed with the official reopening held on October 8th. Images of the Castle Street scheme are shown at **Figure 6**.

Figure 6: Castle St Public Realm Scheme



- 5.32** One of the key reasons Castle St was selected for this investment of circa £1.6m was the high number of longstanding vacancies in the area and the scope for public spending to encourage further private investment.
- 5.33** Since the detailed designs were developed and the Council's intentions to invest were announced, two substantial gateway premises on Castle Street, vacant for the best part of a decade, are now seeing investment. The value of this private investment; in the former Tax Office at Craven House, and the former Cheshire Building Society premises opposite, equates to circa £7m, demonstrating how investment in the public realm can stimulate wider economic growth and regeneration.

- 5.34** Complementing the main public realm scheme on Castle Street, a short distance away on Mill Street, a pocket park has also been created this year on an overgrown parcel of vacant land with new paving and planting areas and seating recycled from Castle Street.
- 5.35** A third intervention in the public realm on Market Place Macclesfield, is the creation of a currently temporary outdoor hospitality area in Market Place, delivered in conjunction with Macclesfield Town Council, a community interest company (Macclesfield Hospitality Action) and local businesses all working in a truly collaborative manner. That collaboration stemmed from the creation of the Macclesfield Town Centre Recovery Working Group, a new local working group set up to support town centre recovery in the short term, with members spanning the Town Council, CEC, Peaks and Plains Housing Trust, Cheshire East CVS, Macclesfield Hospitality Action and Macclesfield Museums.
- 5.36** The outdoor hospitality area was conceived as a mechanism to support the viability of a cluster of hospitality businesses around Market Place. CEC Regeneration Service pursued the temporary closure of four blue badge parking bays on Market Place, relocating three on King Edward Street. This enabled local businesses to apply for temporary pavement licences for outdoor seating, supported and encouraged by Macclesfield Hospitality Action. Macclesfield Town Council then provided funding for planters and seating. This collaborative approach has seen a transformation of the north part of Market Place, which could not have been achieved by any one party working in isolation and is a good demonstration of what can be achieved on a very small budget where local stakeholders share a vision and work collaboratively. Before and after images are shown at **Figure 7**. The group are now collaborating again to explore the option of making this outdoor seating area permanent.

Figure 7: Macclesfield Market Place, temporary outdoor hospitality area



Pipeline projects

- 5.37** Aligned to the priorities set out in the SRF, a number of pipeline projects are now also being progressed, and are at concept, start up, initiation, feasibility or concept design stage. At this point in time, whilst limited funds have been made available to test feasibility and establish costings, the progression of any of these projects to implementation phase will be dependent on capital funding being secured.
- 5.38** In June 2021, a bid for circa £14.5 million was submitted to the Government's Levelling Up Fund (LUF) seeking funding for the delivery of three of the more ambitious of these pipeline projects. CEC has now received notification that this bid was not successful. For this particular funding stream, the Government has classified Cheshire East as being within the lowest priority category for funding and whilst this does not prevent bids being submitted, it will significantly reduce the chances of a bid being successful. The news that the bid was not successful is therefore not unexpected. Officers will be considering any feedback provided and will look to use any insight gained to submit future bids.
- 5.39** The pipeline projects currently being progressed for Macclesfield town centre are outlined below:

Further phased public realm works

- 5.39.1 One of the biggest challenges in Macclesfield town centre is the appearance and functional limitations of outdated public realm, where narrow pavements and limited restrictions within the 'pedestrian' zone, mean vehicles dominate, pedestrians are often marginalised, and businesses can't make the best use of outdoor areas. CEC funding is being used to develop designs for further stages of public realm interventions, focused on the historic heart of the town centre - Market Place and Chestergate, since this area was identified in public consultation on the SRF as the public's first priority for regeneration intervention. Concept designs have been developed in the last few months and have been the subject of a recently closed public consultation.
- 5.39.2 The round 1 Macclesfield LUF bid sought funding to progress the detailed design and implementation of the above public realm scheme for Chestergate and Market Place with an additional expansion into the Park Green area of the town centre.

Macc Market

- 5.39.3 The SRF additionally highlighted the opportunities for improving Macclesfield markets to support town centre regeneration. A second project included in the LUF bid was for the transformation of Macclesfield markets, both indoor and outdoor, which would enable the dated underutilised indoor market in the retail core to be transformed into a vibrant, curated market and venue space, creating new commercial and

community floorspace in the heart of the town centre embodying the SRF vision for Macclesfield - "Green, Creative, Social and Quirky".

- 5.39.4 CEC Regeneration Service are currently in the process of procuring a study to look at a range of options for the transformation of Macclesfield markets, mindful of the desirability of enhancing these assets even if LUF bids are unsuccessful.

Old Sunday School

- 5.39.5 Macclesfield's Old Sunday School is a landmark Grade II* listed building adjacent to the retail core. Saved from demolition in the 1980s, it houses the town's only cinema on its upper floor - a well-utilised community facility. However, the ground and first floors have a poorly connected and divided layout, inhibiting visitor flow and limiting community and commercial uses. These floors need repair and repurposing to be 'business-ready' for new cultural and community users. Funds were sought as part of the Macclesfield LUF bid to enable the delivery of the Sunday School project. The delivery of this project would be led by the Silk Heritage Trust.

Additional Pipeline projects

- 5.39.6 Aligned to the SRF, an Options and Feasibility Study is currently underway, considering the scope for rationalising and consolidating Council owned parking around the Station Gateway and the Churchill Way corridor. This study is testing opportunities for unlocking sites for development which could enhance the town centre offer, improve the appearance of key areas, and boost employment and town centre living, all to the benefit of the overall vitality and viability of the town centre. The ongoing study is due to be completed by January 2022 and will enable the Council to better understand: the development potential of the study areas; options for redevelopment and likely viability; the anticipated social/public value of viable options; the best mechanism to deliver the preferred option(s); and anticipated costs. Engagement with ward councillors will be undertaken as findings emerge.
- 5.39.7 The Regeneration Team are also in the process of commissioning a study looking at a wide variety of potential options to increase utilisation of the Old Town Hall in Macclesfield.
- 5.39.8 Given the popularity of the temporary outdoor seating area created this year in Market Place, a study is also now planned to look at options for increasing outdoor hospitality opportunities in the area around Park Green, with or without funding from the LUF.

Key Service Centres - Town Centre Vitality Plans

- 5.40** The Council recognises that with the wave of internet retailing and online service provision, all town centres are facing changes and challenges. Centres are having to face a future where they are less retail based and more

multi-functional. To help the Council identify how it can best support individual town centres to transition successfully, the Council has commissioned a specialist team to engage with Town Council's in the borough's nine key service centres and their stakeholders, and to develop nine bespoke Town Centre Vitality Plans, one for each town centre.

- 5.41** This work commenced in 2020 with initial stakeholder engagement sessions. Baseline overview reports have been produced for each centre and shared with town councils. These baseline reports bring together in one concise document for each town, an analysis of the town centres as they currently exist, with an overview of any existing plans and policies for the town centres. The team has also produced a 'Toolkit' report, which identifies the top 25 factors impacting on town centre vitality and viability which can be influenced at the local level (as identified by the Institute of Place Management and High Street Task Force) and sets out examples of initiatives to support those top 25 factors.
- 5.42** The next stage of the work is now ongoing, with further liaison with town councils and other stakeholders. Building on the baseline reviews and taking inspiration from the Toolkit, this phase of work will identify what might be key priority initiatives to focus on to support the health of their individual town centre. The TCVP work recognises that regeneration is not necessarily synonymous with major capital redevelopment schemes. That might be the right approach for one town but completely inappropriate in another. The Town Centre Vitality Plans are about helping both town councils and CEC work out the most appropriate priority actions for each town on an individual basis, whether long term major capital projects or more readily deliverable smaller interventions.
- 5.43** Draft Town Centre Vitality Plans are due to be produced by the end of this year. It is planned that these will be the subject of a public consultation exercise in early 2022. Final drafts of the Town Centre Vitality Plans, together with feedback from the consultation, and recommendations from the expert external team will then be reported back to Economy and Growth Committee before TCVP are formalised.

Welcome Back Fund

- 5.44** The Welcome Back Fund is providing councils across England a share of £56 million from the European Regional Development Fund (ERDF) to support the safe return to high streets and help build back better from the pandemic. This funding builds on the £50 million Reopening High Street Safely Fund (RHSSF) allocated to councils in 2020. In total, across both funds, the Council has been awarded up to £679,067. All funds must be defrayed by the end of the current financial year for the Council to be able to claim them back from the ERDF.
- 5.45** The Council has entered into a funding agreement and officers are pursuing activities to support the short-term recovery of town centres, liaising with the town councils of the two principal towns and nine key service centres, seeking their views, support, and assistance.

- 5.46** Activities within scope for this funding are restricted to specific, tightly constrained categories. All interventions also need to be temporary. The principal activities delivered using WBF to date have focused on temporary public realm interventions and public information campaigns.
- 5.47** Temporary public realm interventions were introduced in 17 High Streets to enable and encourage social distancing, including provision of awareness raising signs, social distancing pavement markings, traffic management and erection of temporary barriers to widen footways in locations of high footfall where social distancing was problematic.
- 5.48** Public information campaigns to encourage safe return to High Streets were run in 2020 and spring 2021. The most significant of these was the 'Say Hi to the High Street campaign' launched in Spring 2021 which included: a poster campaign focusing on key safety messages; a social and online media campaign with a series of mini videos promoting eleven town centres produced; and a direct mailshot to 187,000 business and residents. (See images at **Figure 8**) Working collaboratively with town councils to help push the campaign out to social media and local businesses, the social media campaigns showed an estimated reach of 60.3K on Facebook and 68.8K on Twitter.

Figure 8: Public information campaign 'Say High to the High Street'



- 5.50** Following consultation with town councils, a range of further activities are currently being pursued before spring March 2022 including: pre-Christmas media campaign to promote shopping local in the run up to Christmas and advertising any local late-night openings, events etc; spring media campaign focused on valuing and supporting local town centres; leaflets to promote the pavement licence process to encourage hospitality businesses to get ready to make the most of outdoor pavement seating next summer; purchase of deckchairs, chairs, tables and gazebos to facilitate local events and use of outdoor public space in town centres; procurement of equipment to support local volunteer groups wanting to help keep their town centre litter free; creative light box installations in Macclesfield and Crewe town centres; planters and plants to supplement those already purchased by town councils. Activities may have to be adapted as procurements are pursued to try and maximise beneficial impacts for our town centres.

Conclusions

- 5.51** The last 18 months has seen considerable progress on a number of key strategic regeneration projects, despite the challenges presented by the Covid-19 pandemic. More work than ever before is now being undertaken to identify potential pipeline projects in a wider range of town centres and it is anticipated that public consultation on draft Town Centre Recovery Plans will occur in early 2022.
- 5.52** There are however a number of risks and challenges with the regeneration of town centres moving forward. The procurement of construction services and supply of construction materials has been the subject of significant disruption and cost inflation over recent months. This is starting to impact on project timescales and project budgets and represents a large risk to the regeneration programme.
- 5.53** Whilst there is much that could be done to support our town centres with available funding, the reality is, that if the Council is to maintain a balanced budget, many projects which would be beneficial to the regeneration or revitalisation of town centres are only likely to proceed to implementation with Government or other external funding. This is not to diminish the value of having well developed town centre regeneration project plans, which are often a key requirement when Government funding opportunities are announced.
- 5.54** With the surge in online retailing and service provision during the Covid-19 pandemic, and the associated accelerated reduction in high street presence of many larger retailers and services, it seems likely that our town centres will continue to face challenges. Maintaining a watching brief on town centre health will be important as will continuing to think innovatively about how best the Council can maximise the impacts of its efforts to support our town centres.

6 Consultation and Engagement

- 6.1** All wards contain residents who access a variety of town centres. In developing strategies for town centre regeneration, it is normal practice to engage stakeholders in identifying key issues and opportunities and to undertake a full public consultation on draft strategic plans. For individual projects aligned to an approved strategy, the degree of consultation and/or engagement will vary from project to project, determined on a case-by-case basis.
- 6.2** Both the Regeneration Delivery Framework for Crewe town centre and the Strategic Regeneration Framework for Macclesfield town centre were consulted on widely prior to finalisation and approval. The Town Centre Vitality Plans currently being developed in draft will be made available for a six-week public consultation, planned in early 2022. This process allows emerging plans to be tested and adapted according to consultation feedback.

7 Implications

7.1 Legal

- 7.1.1** The report notes the progress made with the Town Centre regeneration schemes. Legal support has been provided and is ongoing, advising on the property, planning and funding aspects of the schemes as they have developed.
- 7.1.2** The vitality plans coincide with the emerging SADPD which promotes a town centre first approach to retail and commerce: essentially acknowledging the fundamental role that the town centre plays in the vitality of the Borough and how their futures can be best secured. These plans are in their infancy and will be consulted upon next year and once the SADPD has come into force.
- 7.1.3** Para 7.2 below identifies various grant funding streams the Council has received funding from to support its town centre regeneration and recovery plans. In each case the funding is granted on the basis of terms and conditions. Prior to accepting each tranche of funding legal should be asked to review and comment on the funding terms and conditions. From the finance implications set out below (paras 7.2.3 and 7.2.4) the Council is adhering to the grant conditions which is important as failure to do so could give rise to the application of sanctions against the Council and an obligation on the part of the Council to repay funds awarded in whole or in part by way of clawback. There is therefore a need to monitor the position on an ongoing basis .

7.2 Finance

- 7.2.1** As this is an update report with no decision required, there are no direct financial implications stemming from this report. The following funding

streams are being used to finance the various town centre regeneration activities set out in this report.

- 7.2.2 *Future High Streets Fund (FHSF)*: The Government has already confirmed a funding award of £14.1m to support ten regeneration projects in Crewe. The Council Cabinet meeting of 10 November 2020 delegated authority to the Executive Director – Place to accept the grant and approve the associated Supplementary Capital Estimates. The initial grant for 2021/22 has been received and is being managed in line with the grant conditions. Grant funding for future years is subject to approval, linked to the Government's Comprehensive Spending Review. Council co-funding of projects is subject to approval on a case-by-case basis in accordance with the constitution, including committees, delegations and other advisory groups (e.g. Capital Programme Board).
- 7.2.3 *Accelerated Towns Fund (ATF)*. The Government has previously confirmed a funding award of £0.75m to support the Ly² project in Crewe, in response to a funding proposal from Crewe Town Board. The Council Cabinet meeting of 10 November 2020 delegated authority to the Executive Director – Place to accept the grant and approve the associated Supplementary Capital Estimate. This grant has been received in full and is being managed in line with the grant conditions.
- 7.2.4 *Towns Fund (TF)*. The Government has announced a funding allocation of £22.9m to Crewe Town Board, for ten projects which the Council has responsibility as accountable body. However, this allocation is still subject to confirmation, as each project is required to submit a full business case which will require independent appraisal and approval by the Town Board. The Council's S151 Officer is engaged with this process which is expected to complete in summer 2022. The Full Council meeting of 22nd June 2021 delegated authority to the Executive Director – Place to approve Supplementary Capital and Revenue Estimates up to the value of the Towns Fund grant award, as well as authority to incur expenditure in line with the conditions of the Fund.
- 7.2.5 *Welcome Back Fund (WBF)*. The Government has awarded CEC up to £679,067 from the WBF to support short term, revenue based, activity to support the recovery of High Streets from the impacts of Covid-19 and to enable safe reopening of town centres. This is ERDF funding, and the Council must cover expenditure initially and then seek to reclaim from the fund. To date £231,909 has been claimed back. All expenditure must be defrayed by the end of March 2022.
- 7.2.6 As indicated in 5.24.1, one of the projects benefitting from external grant funding is also dependent on co-funding from the Council. Part of this

requirement relates to the cost of demolishing the proposed site and its immediate surrounds; this is the former Crewe Library and Civic Centre Car Park.

7.2.7 The projects recently delivered in Macclesfield described at 5.29-5.36 have been funded by CEC, other than the temporary outdoor hospitality area in Market Place, which was a collaboratively delivered project with elements of funding from CEC and Macclesfield Town Council, with the Town Council making the greater financial contribution. Feasibility work on pipeline projects in Macclesfield is also being funded by CEC. As described in 5.39.2-5.39.5 a bid has been made to the Levelling Up Fund to enable future delivery of three of three major projects in Macclesfield town centre but has not been successful in round 1.

7.2.8 The Town Centre Vitality Plans are being developed using CEC funds. No funding has yet been identified for any suggested activities or projects which those plans may recommend.

7.3 Policy

7.3.1 The Corporate Plan recognises that successful town centres are vital to ensuring thriving urban and rural economies with opportunities for all, but town centre regeneration projects can support more than a thriving economy. If designed and delivered with more holistic thinking, town centre regeneration projects can help deliver on a wealth of policies including: enabling accessible, well designed, affordable homes; making best use of corporate assets; tackling crime and anti-social activity; improving open spaces for people to socialise; supporting the move to being carbon neutral; and facilitating the uptake of cycling and walking.

7.4 Equality

7.4.1 There are no direct implications for equalities stemming from this update report. Equalities Impact Assessments (EIA) are carried out relating to new regeneration strategies or plans and individual regeneration projects.

7.5 Human Resources

7.5.1 There are no direct implications for human resources stemming from this update report.

7.6 Risk Management

7.6.1 There are no direct implications for risk management stemming from this report.

7.7 Rural Communities

7.7.1 Since this report focuses on town centres there are considered to be no specific implications for rural communities. Clearly many residents of rural areas will be utilising the services and facilities found in our town centres where they can access them.

7.8 Children and Young People/Cared for Children

7.8.1 Town centres offer facilities and spaces which can be used by residents of all ages. Key to successful town centres is recognising that younger people may look to town centres to provide activities and opportunities in a different way to older generations. It is important in developing town centre regeneration strategies that we aim to engage with children and young people to test their views on emerging ideas.

7.9 Public Health

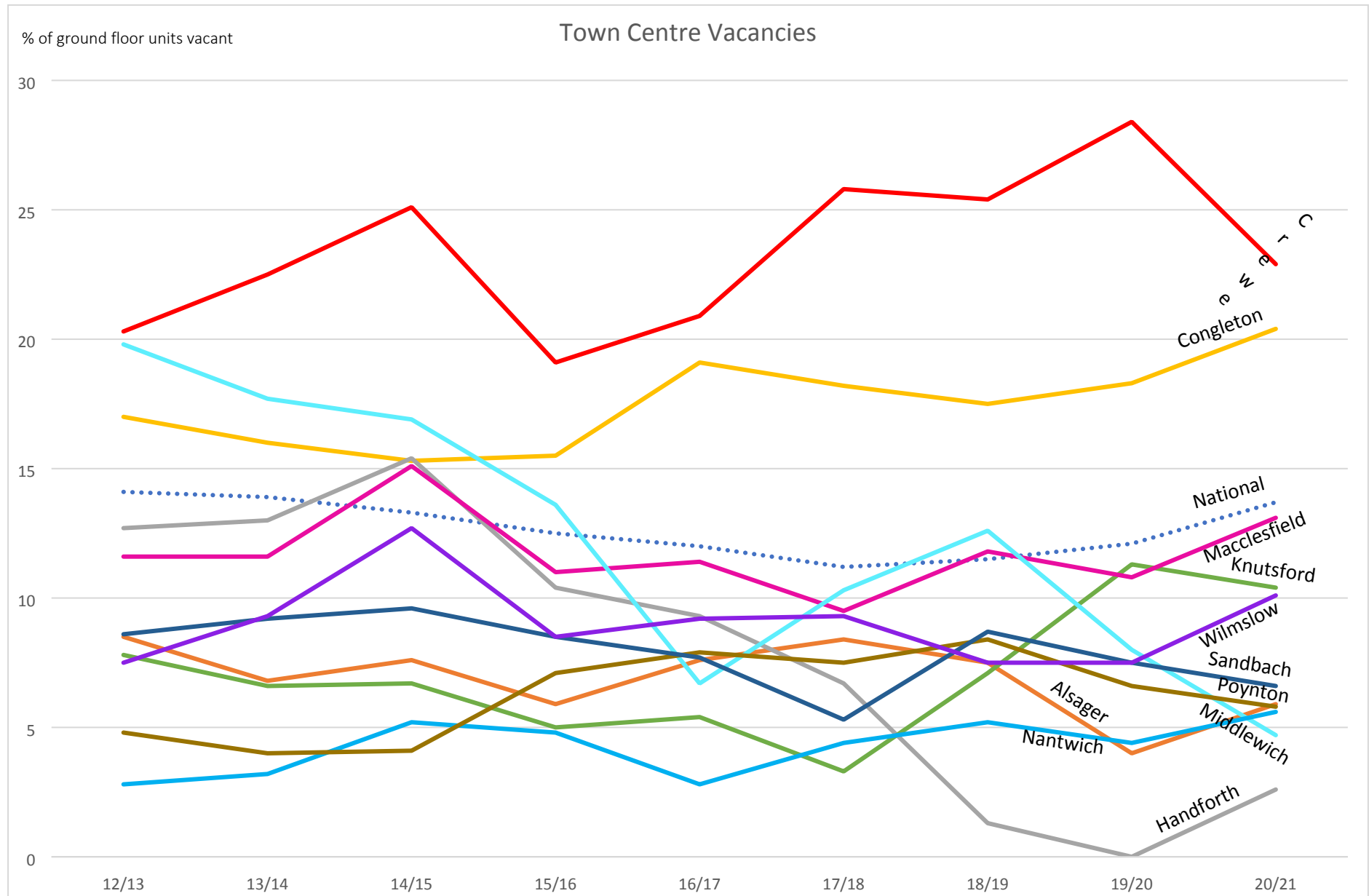
7.9.1 The quality of the built environment is a determining factor for mental and physical health. Noise, pollution, access to safe spaces to cycle and walk, quality of open space, opportunities for people to meet and socialise, access to services and appearance can all play a part. Therefore, town centre regeneration strategies and projects can have an impact on mental and physical health. Creating an accessible, inclusive built environment that enables everyone to play an equal role in society is important in protecting and enhancing everyone's well-being and health.

7.10 Climate Change

7.10.1 Town centre strategy and regeneration projects provide many opportunities to help the Council in delivering actions related to environmental sustainability. Each project will present different opportunities, and these are now considered routinely at all stages of project development.

Access to Information	
Contact Officer:	Jo Wise - Development and Regeneration Manager Jo.wise@cheshireeast.gov.uk 07870 391694
Appendices:	Appendix A: Town centre vacancy and footfall data Appendix B: Summary of Crewe Town Centre current project pipeline.
Background Papers:	Crewe Town Investment Plan Portfolio Holder Decision to enter into GFA for RHSSF Cheshire East Council Cabinet report 10 November 2020

Appendix A - Town Centre vacancy and footfall data

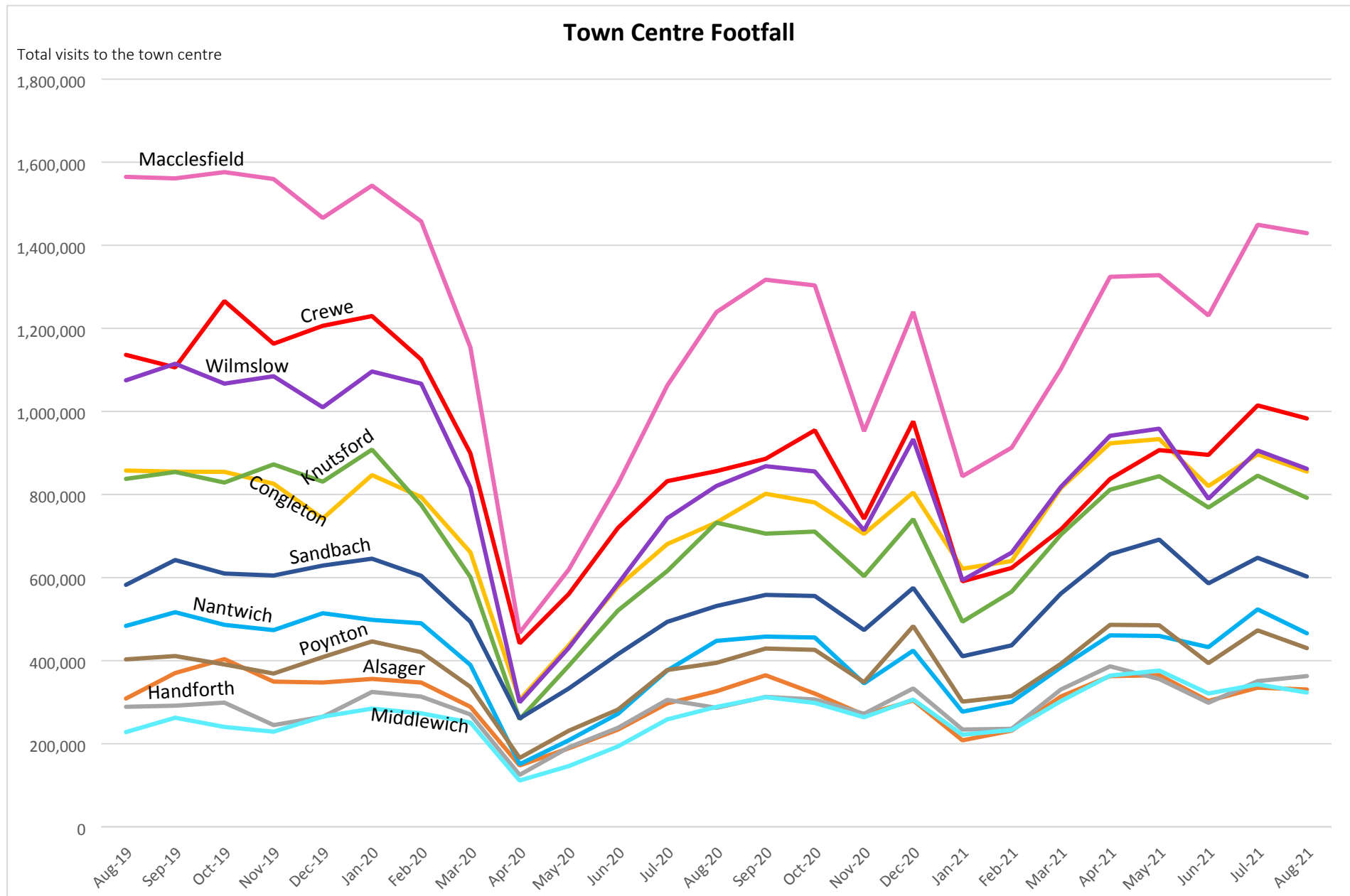


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Appendix A - Town Centre vacancy and footfall data

	National	Alsager										
12/13	14.1	8.5	17	20.3	12.7	7.8	11.6	19.8	2.8	4.8	8.6	7.5
13/14	13.9	6.8	16	22.5	13	6.6	11.6	17.7	3.2	4	9.2	9.3
14/15	13.3	7.6	15.3	25.1	15.4	6.7	15.1	16.9	5.2	4.1	9.6	12.7
15/16	12.5	5.9	15.5	19.1	10.4	5	11	13.6	4.8	7.1	8.5	8.5
16/17	12	7.6	19.1	20.9	9.3	5.4	11.4	6.7	2.8	7.9	7.7	9.2
17/18	11.2	8.4	18.2	25.8	6.7	3.3	9.5	10.3	4.4	7.5	5.3	9.3
18/19	11.5	7.5	17.5	25.4	1.3	7.1	11.8	12.6	5.2	8.4	8.7	7.5
19/20	12.1	4	18.3	28.4	0	11.3	10.8	8	4.4	6.6	7.5	7.5
20/21	13.7	5.9	20.4	22.9	2.6	10.4	13.1	4.7	5.6	5.8	6.6	10.1

Appendix A - Town Centre vacancy and footfall data



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Appendix B: Crewe Regeneration Programme project pipeline

Project Name	Principal deliverables/benefits	Current status	Lead
Royal Arcade Phase 1	Modern replacement to the current aging bus station and creation of Crewe's first multi-storey car park, freeing up other town centre sites.	Detailed planning consent secured. Target completion: Summer 2023	Peveril Securities and CEC
Royal Arcade Phase 2	New leisure, retail and public realm development to recapture footfall to the town centre and create a strong evening economy.	Outline planning consent secured. Target completion: 2025	Peveril Securities and CEC
History Centre / Cheshire Archives	New building to accommodate part of the Cheshire archive and provide a local history facility.	Design work continuing to RIBA3 with <i>National Lottery Heritage Fund (NLHF)</i> development stage mid-point review due in December 2021. Second stage bid to <i>NLHF</i> : Spring/Summer 2022	CEC and CWAC
Ly ²	Transformation of existing public car park to create new events and arts space linked to the theatre and Market Hall.	Planning application to be determined. Target completion: Spring 2022	CEC
Flag Lane Link	New road connection improving access into the town centre from the west.	Public Engagement complete Nov 21. Construction late Spring 2022 Phase 2 (Construction of upgraded Cycle link target date Summer 2023)	CEC
Southern Gateway	New pedestrian/cycle link, improving access into the town centre from the south.	Planning Application submission October 22 Target start (dependent on land acquisition): Autumn 2023	CEC
Adaptive Signalling	New technology to prioritise traffic controls to improve flow/movement of pedestrian/cyclist/vehicles around the south of the town centre.	Edleston Road / Dunwoody Wy installation target: Spring 2022 South Street/ Mill Street installation and widening target: Autumn '22	CEC
Earle Street link	Preparatory work to facilitate future accessibility improvements into the town centre from the east.	Work underway to ensure Network Rail gantries are future-proofed (as part of Crewe re-signalling project) to allow potential future bridge installation. Land negotiations ongoing.	CEC
Civic & Cultural Space Transformation	Demolition of former library /concourse to create space for new development (e.g. History Centre) with limited new car parking and public realm.	Subject to further internal CEC approvals and planning consent. Target completion: Late 2023	CEC
In Town Living - Delamere Street	New residential development on current car park site, creating homes, increasing footfall and natural surveillance.	Subject to further internal CEC approvals and planning consent. Target completion: Summer 2024	CEC

In Town Living - Chester Street	New residential development on current car park site, creating homes, increasing footfall and natural surveillance.	Subject to further internal CEC approvals and planning consent. Target completion: Summer 2024	CEC
TADIC	Development of new flexible commercial workspace for micro / start-up businesses.	Subject to further internal CEC approvals and planning consent. Target completion: Spring 2024	CEC
Sustainable Energy Network	Creation of heat network to reduce carbon emissions and reduce costs.	Network design, modelling and procurement completed Target start: Spring 2022. Target completion: Autumn 2022	CEC
Lyceum Powerhouse	New-build state-of-the-art music venue, creative production and performance centre.	All Towns Fund projects require the development of Full Business Cases prior to consideration for approval by CEC, Crewe Town Board and Government. All Towns Fund grant allocated to these projects is required to be spent by end March 2026.	CEC
Flag Lane Baths	Redevelopment of former Flag Lane Baths building to create a multi-functional community facility.		Always Ahead Charity
Cumberland Arena	Improvements to user and spectator facilities and studio space at the existing CEC-owned leisure facility.		Everybody Sport & Recreation / CEC
Mill Street Corridor	Creation of a safer pedestrian and cycle route between the station and town centre to unlock future development.		CEC
Warm & Healthy Homes	Grant programme to support energy improvements in residential properties.		CEC
History Centre Public Realm	Delivery of an additional public realm element to the History Centre project.		CEC
Repurposing High Street	Initiative to bring empty commercial properties back into use and improve their appearance.		Crewe Town Council
Pocket Parks	Improvements to Crewe's existing pocket parks to meet the needs of local residents.		CEC
Valley Brook Green Corridor	Re-connection of Queens Park to the town centre with an accessible green corridor for cycling and walking to encourage active travel.		CEC and Environment Agency
YouthZone	Purpose-built facilities for young people providing leisure, welfare and learning opportunities.		OnSide / CEC



Working for a brighter future together

Economy and Growth Committee

Date of Meeting:	30th November 2021
Report Title:	Digital Connectivity - Update
Report of:	Director of Growth and Enterprise
Report Reference No:	EG/06/21-22
Ward(s) Affected:	All wards

1. Executive Summary

- 1.1.** Digital connectivity is now an essential utility for every home and business. Its importance has been underlined by the COVID-19 pandemic with home and remote working becoming the norm which has created a significant demand for digital services. While connectivity is a required enabler, usage of digital products, services and systems is also vital to economic success and social wellbeing. The necessity for connectivity and the drive to support uptake of digital services – particularly in the SME sector – have driven the case for greater focus on the 'Digital Agenda' by Cheshire East Borough Council.
- 1.2.** This report provides an overview of current activities, future projects and the challenges faced by CEC in achieving its digital ambitions. Specifically, it includes updates on:
 - Connecting Cheshire and the CEC Economic Development contribution to digital.
 - Funding & governance.
 - Connectivity picture across Cheshire East
 - Current connectivity deployment and digital support.
 - Cheshire East targets and aspirations.
 - Decisions needed for future projects

2. Recommendations

2.1. That the Economy and Growth Committee:

2.1.1. Notes the progress which has been made in relation to the delivery of digital and agrees that a further report be brought to the committee identifying progress and performance in Autumn next year.

2.1.2. Notes the development and pipeline of future projects.

3. Reasons for Recommendations

3.1. The report provides an update on current and potential future digital activities to provide background and context to any more specific decision requests submitted to the committee.

4. Other Options Considered

4.1. This report is an update and therefore no other options are applicable.

5. Background

Connecting Cheshire

5.1. The “**Connecting Cheshire Partnership**” was formally established following Cabinet approval in September 2012 (CE12/13-15) as a collaboration between Cheshire East, Cheshire West & Chester, Warrington, and Halton Borough Councils.

5.2. Its primary focus is on improving connectivity in the wider sub region, as an additional area it provided business support in digital areas. Cheshire East is the Lead and contracting Authority within the partnership, and is responsible for the management of funding agreements, supplier procurement and contracts. The other Local Authorities provide oversight to the Cheshire East’s day to day management of the programme.

5.3. The partnership has completed deployment of two major digital infrastructure and three business support projects. A major change occurred with the last Digital business support project, “Digital 2020” (2017-2020) in that a new ‘in-house’ team was created to deliver and manage the project, as opposed to the previous more contract management approach – during delivery this team was transferred from the Skills & Growth company and is now based in the Economic Development function.

5.4. The two infrastructure contracts have delivered across Cheshire East, the outputs identified in the following tables.

Fibre Cabinets	Fibre cabinets are local exchange cabinets that have been given fibre connectivity to enable Superfast over remaining copper premise connection.
Full Fibre	Full fibre is a fibre connection direct to a premise which will enable gigabit connectivity speeds.
Total Premises Impacted	These are the total number of premises that received a minimum of Superfast connectivity as a result of the deployments.

	Public Investment	Fibre Cabinets (premises impacted)	Full Fibre (premises impacted)	Total Premises Impacted
Contract 1	£17.15m	83,239	4,449	87,688
Contract 2	£7.61m	13,859	5,315	19,174

- 5.5.** Currently there is one programme in delivery by Connecting Cheshire, this is the “**Digital Cheshire**” project. This is an approximately £6m project that will provide gigabit capable connectivity to problem premises in both Cheshire East and Cheshire West areas, it also has a business support element for SMEs who can receive knowledge and consultancy-based support to enable them to utilise new digital processes and markets.
- 5.6.** Mobilisation and recruitment of all required staff for the Digital Cheshire project has proved challenging but the team in place have commenced delivery of the business support element and it is anticipated that the first ‘live’ premise to be connected will be delivered toward the close of 2021. The project is behind on outputs and forecast spend, so it is planned to be formally re-profiled with funder approval commencing November 2021.

Economic Development Team

- 5.7.** With the transfer of Connecting Cheshire delivery responsibility from the Skills & Growth Company back into the Council in August 2019, the Economic Development team is now the focus for digital activity within the Council. As an economic development team it is engaging with projects currently tied to business, the two functional digital activity themes are

- to provide connectivity solutions, and
- digital support services to local businesses (such as knowledge and training).

Other aspects of Digital Agenda such as skills and digital support for residents are undertaken within the Adults, Health and Integration Directorate; Children’s Services; and access to Council services by the ICT team.

- 5.8.** While the current Digital Cheshire project is tied to business connectivity the rollout also includes connecting residential properties that are nearby SMEs or along the connectivity routes of the infrastructure rollout. In practice, the majority of the contracted premises are residential.
- 5.9.** The Council's Corporate Policy Committee is considering a report on its workplan on 2nd December 2021, covering Council's wider Digital Strategy, and the Economic Development Team will have a continued role under the key workstreams to be identified in that report of;
- Sustainable Digital Infrastructure, and
 - To create a vibrant Digital Economy
- Both these workstreams will be important in supporting both residents and businesses in our communities across the Borough.

Rural Action Plan

- 5.10.** Economy & Growth Committee considered a report on the Rural Action Plan on 16th September 2021, and the proposal to update the Action Plan for the term of 2022-2025.
- 5.11.** Digital Connectivity is an important issue for our rural communities and will be a key workstream within the emerging Rural Action Plan. The aspirations will be around delivering digital support to rural businesses, and to promote access to rural connectivity schemes such as Digital Cheshire, and also an ability to measure progress in connectivity.

Funding and Governance

- 5.12.** The prime area of internal funding for current and any future projects will derive from a Connecting Cheshire 'shared' fund that has derived primarily from previous projects via a mechanism called 'Gainshare'.
- 5.13.** On prior infrastructure rollouts if the level of customer take-up (premises subscribing to broadband) was above a certain level the supplier was required to make payments into a gainshare fund. These were effectively a repayment of subsidy to account for the increased commercial returns for above anticipated levels of take-up.
- 5.14.** The gainshare fund accrues over the terms of the first two contracts and the final value is yet to be confirmed, however the estimated value of the fund is expected to be just above £10m.
- 5.15.** The Gainshare fund is ring fenced for use on extending or further digital projects. Due to the complex original funding rules a majority of the fund would have to be repaid if not allocated to digital infrastructure or projects.
- 5.16.** The fund itself does not have any legal expiry date, however the fund does require ongoing reporting externally and notification of any usage. Although there is no expiry there is a requirement this will be majority allocated for usage over 2021-2025.
- 5.17.** The Digital Cheshire project has received external funding from the Ministry of Housing, Communities and Local Government (MHCLG) – recently renamed The Department for Levelling Up, Housing and Communities (DLUHC). This is approx. £3m of funding and was from the final round of

ERDF calls, and post EU Transition is still subject to EU funding compliance and extensive audit & reporting requirements.

- 5.18. The focus of Government broadband infrastructure support is via BDUK (Building Digital UK). They also provided funding for the initial two deployment projects and will be a likely source of future funds.
- 5.19. Some funding has also been received from Innovate UK to support a digital accountancy project underway.

Connectivity Picture in Cheshire East

- 5.20. There are two key metrics for the measurement of connectivity (often in terms of lack of) with broadband. These are “**Superfast**” speeds which means speeds of at least 30Mbps – and “**Gigabit**” speeds which means speeds reaching or above 1000Mbps.
- 5.21. Premises with sub-Superfast (less than 30mbps) are a particular issue, with businesses and residents often heavily impacted by the poor speeds and sometimes unable to utilise digital services or make use of remote working – these premises were historically termed ‘**not-spots**’.
- 5.22. Current government focus in the last few years have moved to the issue of Gigabit connectivity with a target to ensure that 85% of UK premises will have access to gigabit-capable broadband by 2025.
- 5.23. While the impact of sub-Gigabit speeds on individual or businesses is not as severe as the sub-Superfast issue, the lack of Gigabit capability is viewed as a serious constraint on the usage and growth of digital within the nation. The enablement of widespread Gigabit capability considered a key component of driving productivity and economic growth and security.
- 5.24. The overall level of Superfast broadband coverage for Cheshire East as an Authority area is just over **96%** which is close to the England average of over **97%**. Given the rural nature of many parts of the area this is a positive figure that has been achieved through significant investment in infrastructure rollouts via the Connecting Cheshire programme.
- 5.25. Broadband data collected by the Council from suppliers in a 2020 open market review exercise indicate that remaining number of sub superfast connected premises that require a solution will be in the region of 9,500 (residential & commercial) following deployment of the Digital Cheshire programme - which will complete in early 2023. It is likely that this figure will reduce slightly due to commercial build in some areas.
- 5.26. The level of Gigabit coverage in Cheshire East is about **28%**, this figure however is significantly below the England average of over **40%**.
- 5.27. Prior to the current project the infrastructure, rollouts were intended only to achieve speeds above the Superfast threshold of 30mbps in their requirements. This enabled a lower cost per premise deployment and contributed to the success of the Superfast coverage figures. However, Gigabit coverage was not a significant outcome of the past deployments and the coverage that exists is centred on larger urban areas which have been considered higher value areas to commercial operators

Connection	Cheshire East Coverage	England Coverage
Superfast Broadband	96%	97%
Gigabit	28%	40%

- 5.28.** The situation regarding 4G and 5G coverage is not clear as there is not enough information available, additionally government funding and support has historically been and is presently focused on fixed line solutions. There have been no significant wireless projects undertaken by Connecting Cheshire previously and there are currently no plans for activity in this area.

Current Connectivity Deployment

- 5.29.** The current “**Digital Cheshire**” project is providing connectivity to premises in the area (infrastructure covering Cheshire East and Cheshire West).
- 5.30.** The project has received ERDF funding from The Department for Levelling Up, Housing and Communities (DLUHC – formerly MHCLG) and Cheshire East is the lead Authority. The project was approved at the close of 2020 and will run until 2023.
- 5.31.** The total project has a cost of approximately £6 Million and will meet grant ‘output’ requirements set by DLUHC/MHCLG by having both an infrastructure and business support component - approximately £4.5m of the total will be spent directly on connectivity. The focus of the outputs is delivery to defined SMEs and the infrastructure component will target SME premises and subsequently benefitting surrounding residential properties located in the sub superfast speed locations.
- 5.32.** The roll-out has a ‘contracted’ (target) output of just over 4,100 problem locations and the infrastructure will be a Gigabit speed fibre solution delivered by the supplier Airband.
- 5.33.** The pattern of deployment was market driven to achieve the highest level of coverage for the available funding. A list of all problem and State Aid eligible premises in the Cheshire region were contained within the published tender and suppliers were asked to supply a model that provided the highest level of overall coverage from this list.
- 5.34.** The current plan of deployment is heavily weighted within the Cheshire East area, this has driven Connecting Cheshire to investigate options to increase the coverage in other partner areas.
- 5.35.** Despite the high proportion of coverage in Cheshire East, there are still many gaps in the coverage and a large geographic area that will not receive any deployment. It is expected that some more densely populated gap areas will receive a commercial (outside the contracted project) roll-out by Airband, where they are in close proximity to the contracted deployment - however the full extent is not yet known.

- 5.36.** Although there is a contracted target of 4,112 it is important to understand that this is just the threshold required for funding for premises that must be connected. It is expected that in terms of other premises on the various connected routes and via additional commercial build by Airband, there will be more than 35,000 premises with access to the new Gigabit network as a result - many of these with current speeds above the (Superfast) threshold for support, but still with relatively slow current speeds.

Digital Support for Business

- 5.37.** Digital Support as part of the Digital Cheshire programme augments the investments being made in infrastructure and physical connectivity as an effective way of maximising the benefits derived by businesses. This calls upon local experience of delivering targeted business support and direct engagement with SMEs.
- 5.38.** Core support will be provided by a series of demand led, intensive 'Masterclasses' and complimentary events. 'Intensive Support' (bespoke consultancy), which can span up to six months and provide a minimum 20 hours of assistance, will be available to 20 businesses investing in transformational ICT projects.
- 5.39.** The support provided is focused on SMEs, emphasising the need for innovation and competitive advantage within the area. It provides sufficient flexibility to meet varying levels of business requirements, whilst not duplicating existing provision or investments being made elsewhere by the public and private sectors.
- 5.40.** The delivery activity covers Cheshire and Warrington sub-Region. 'Beneficiaries' will all be eligible SME businesses located in the area and the majority of which will not have benefitted from any of the previous support schemes or interventions.
- 5.41.** Masterclass delivery will take place in each of the local authority areas to ensure maximum coverage and availability for beneficiaries to attend and network.

ADAPT Programme

- 5.42.** The Adoption of Digital Accounting and Payment Technology (ADAPT) programme is a local business support initiative provided to local SME businesses by Cheshire East Council and will provide an event and access to a knowledge portal for up to 200 SMEs.

6. Targets and Aspirations

Current Digital Targets

- 6.1.** The Corporate Policy Committee will meet on 3rd December 2021 and identified on its workplan is a report on the Council's wider Digital Strategy, and the Economic Development Team will have an important role and input into the delivery of actions within that Strategy and will seek to progress defined outputs and outcomes.

- 6.2.** In terms of published targets, the Council has set a target in its Corporate Plan 2021-2025 of achieving 100% Superfast access to all rural premises by 2025. Also stating an intention to 'improve connectivity for all our communities and help residents and business' and to ensure a 'Digital connectivity programme' is in place.
- 6.3.** The Digital Cheshire programme does have several contractual ('output') targets to be delivered according to a funder agreed profile and by the close of the project in 2023, these include:
- Overall connectivity to 4,112 premises (Airband target)
 - 440 SME businesses with new connectivity
 - 440 SME businesses taking up new broadband connectivity
 - 165 SME businesses receiving Digital Support
 - 10 New start SME businesses supported
 - 5 SME businesses supported to introduce new products
- 6.4.** The above output targets will be identified as performance targets for Economy & Growth Committee to review annually.

Digital Aspirations

- 6.5.** As covered in the Connectivity section, following a successful delivery of Digital Cheshire there may be as many as 9,500 problem sub-superfast speed premises requiring connectivity solutions. Additionally, the level of overall Gigabit coverage is likely to be still below the UK average.
- 6.6.** To provide solutions to these connectivity issues several potential projects and activities are being explored.

Voucher 'Top-up' Scheme

- 6.7.** The Department for Digital, Culture, Media & Sport (DCMS) is providing up to £210m worth of voucher funding for those experiencing slow broadband speeds in rural areas. Vouchers worth up to £1,500 for residential homes and £3,500 for business premises are available to cover the costs of installing gigabit broadband. The scheme is administered via BDUK and it is known that from previous and the current scheme that uptake of vouchers by parties in Cheshire is below the national average.
- 6.8.** There is an additional 'Top-up' scheme that Local Authorities can apply to participate that uses local funding to increase the value of the vouchers further (in the case of the national voucher value being insufficient). Many LA's are now participating, as an example Shropshire Council provides an additional £3,500 to residential and £2,500 to SME's – meaning the maximum voucher value could be as high as £5,000 or £6,000 respectively.
- 6.9.** The Connecting Cheshire partnership is exploring options and mechanisms for a Cheshire region top-up voucher scheme, it is also considering whether it would be advantageous to have a dedicated resource to promote, manage and ensure best value of the top-up scheme. The general proposal has the support in principle of partners, but models are still under development and no formal agreements are in place.

Digital Cheshire/Airband Contract Extension

- 6.10.** The current Digital Cheshire Airband contract has a maximum value of £10m public subsidy but currently has a contracted value of approx. £4.75m which means there is 'headroom' space to extend the value (and scale of deployment) by approx. £5.25m. Recently BDUK have announced they have approximately £90m of national funding available that can be accessed by the remaining superfast contracts to extend their delivery. BDUK have invited Connecting Cheshire to apply for £2m of funding.

BDUK Procurements

- 6.11.** Although still in the early stages of development BDUK is planning to conduct several 'local area' deployments that may be beneficial in certain areas of CEC (and other partnership areas). These look to be infrastructure delivery projects at town level or for a few thousand geographically clustered premises. In the past few weeks, BDUK have announced their Gigabit plans and that contained forecast dates and figures relating to planned activity in Cheshire East.
- 6.12.** BDUK have stated they are increasingly confident in delivering gigabit coverage for 85% of UK premises by 2025 and pushing further towards 100% nationwide coverage. Key information for Cheshire East with forecast dates and values as follows:

Phase 3	Estimated Procurement Start Date subject to change	Estimated contract commencement date subject to change	Modelled number of uncommercial premises in procurement area subject to change	Indicative Contract Value subject to change
Cheshire (Lot 17)	Feb - Apr 2023	Jan - Mar 2024	74,300	£85m - £144m

7. Issues, Challenges & Barriers

- 7.1.** The current Digital Cheshire project is externally funded and staff in place are contracted only until 2023 when the Digital Cheshire project is due to close. The team is therefore managing these resources and seeking to recruit to vacancies, and additional opportunities to extend the Scheme delivery.
- 7.2.** Data on coverage is key to developing effective projects and activities and is a requirement in obtaining external funds. Broadband coverage is a rapidly changing and past data collected by the Council becomes out of date quickly. Connecting Cheshire is looking to obtain new data from BDUK as there is currently no capacity to monitor coverage ourselves.
- 7.3.** Subsidy Control and / or State Aid is, an issue that can impact digital projects, in particular infrastructure, compliance with Subsidy Control / State Aid rules will be required.

- 7.4.** External bodies such as BDUK can create issues in that their priorities do not always align with those of Cheshire East or the Cheshire region. For example, in the BDUK flagship 'Project Gigabit' initiative, a key element of 'area wide' regional scale projects will not likely be deployed for some time as Cheshire is in the last 'phase' of national deployment. However, discussions are ongoing and elements such as the Voucher scheme or 'local area' deployments, as previously covered, should not be subject to Cheshire's 'last in the queue' status.

Forthcoming Approvals Required

- 7.5.** Economy & Growth Committee will be asked to consider and approve two aspects of digital connectivity at Committee in January 2022. Those decisions are summarised as follows

7.6. Voucher 'Top-up' Scheme

Approvals will be sought to use Gainshare funding to deploy a voucher top up scheme in the Cheshire area. The approvals will centre on participation in a Connecting Cheshire (Cheshire wide) project, activity and financial approvals specific to CEC and approval on any staffing requirements.

Digital Cheshire/Airband Contract Extension

- 7.7.** To secure the additional funding a number of approvals will likely be required including approval to accept the funding from BDUK. This approval will be required as the previous funding approval related to monies from MHCLG / DLUHC. Further approval will be required to exercise the option to extend the current contract with Airband.

7.8. Conclusion

The pandemic has seen increased burden placed on the digital infrastructure across the UK through Lockdowns and Remote Working. This has led to a change of culture within the commercial and business environment, with a clear shift to working from home. This has increased pressure on connectivity to both homes and businesses in areas with poor or intermittent coverage, particularly those in our rural communities. It is therefore important to maintain a focus on enhancement and extension of quality connectivity within the area served by the Connecting Cheshire Partnership. Annual updates will be provided to the Economy & Growth Committee

8. Consultation and Engagement

- 8.1.** In September 2019, the Connecting Cheshire Partnership undertook an Open Market Review of coverage in Cheshire, Halton and Warrington to understand where commercial deployment is planned in the coming years.
- 8.2.** This exercise involved the consultation and receipt of data from operators with a presence in the area and was following with a public consultation and publication of the findings via coverage maps.

9. Implications

Legal

- 9.1. Future funding will need to consider whether State Aid or Subsidy Control will apply and ensure that appropriate legal advice is sought prior to applying for funding.
- 9.2. This exercise involved the consultation and receipt of data from operators
- 9.3. Generally State Aid rules will apply to projects / funding programmes commenced prior to Brexit, Subsidy Control will apply to those projects / funding programmes that commenced after the UK left the European Union. The UK is currently working under WTO rules relating to Subsidy Control, it is however in the process of developing its own Subsidy Control rules.

Finance

- 9.4. The funding section covers the key funding areas in place or likely to be accessed by future projects or digital activities. As summarised the key internal funding for digital projects are derived from 'Gainshare' funds accrued as a result of previous Connecting Cheshire projects.
- 9.1. Gainshare funds themselves are currently held on BT's balance sheet but payable to CEC at fixed points in the near future, so current utilisation is based on funds linked to future receipts. Non-receipt of these funds is not considered a risk, however formal arrangements for the transfer of funds require finalisation and this activity is underway.
- 9.2. While CEC is free to allocate funding independently, in terms of allocating funding proportions that are nominally derived from other LA contributions this would be carried out after receiving formal approval from the relevant other Authority partners.
- 9.3. If any activities that are, or propose to, provide coverage across the Connecting Cheshire area are subject to withdrawal or non-participation by a partner the project or activities would be 'de-scoped' or reduced in size to reflect this – alternatively potentially other partners may wish to increase their own participation if desirable.
- 9.4. Digital Cheshire funding is already approved and in place, it receives external ERDF funding from DLUHC (formerly MHCLG) which is subject to strict ERDF controls, compliance, and audit requirements. Not adhering to requirements would create a risk of financial penalties and the repayment of funds. It is important to maintain controls and apply strict project management and financial controls to the project to minimise the risk of any non-compliance penalties.

Policy

- 9.5. It supports the Council's Corporate Plan, through three outcomes.

- 9.6. 1) To ensure strong, resilient and connected communities by allowing residential properties surrounding targeted SMEs in 'hard to reach areas' gain access to faster connectivity speeds;
- 9.7. 2) To promote lifelong learning and skills by enhancing digital access, and skills for qualifying SME employees, and therefore enabling investment in transformational ICT projects to improve productivity and access to markets; and
- 9.8. 3) To promote sustainable and inclusive economic growth by supporting the LEP strategy.

Equality

- 9.9. The premises receiving new connectivity have been determined via the deployment model supplied by Airband which was based on the list of State Aid passed premises which was determined via a full Open Market Review exercise.
- 9.10. SME beneficiaries of the digital support will have to pass ERDF qualification criteria, if the numbers of applicants exceed available capacity then places will be allocated based on those assessed as likely to receive the greatest benefit from the support.
- 9.11. Improvements to digital connectivity will be important to improve accessibility to all residents, enabling increased inclusiveness and reducing isolation to all groups and communities.

Human Resources

- 9.12. Digital Cheshire delivery staff are fixed term staff contracted until September 2023. Connecting Cheshire resource is a via external contractor (0.5FTE) with rolling renewal.

Risk Management

- 9.13. A risk register is in place for the Digital Cheshire project.

Rural Communities

- 9.14. The Cheshire region contains a high proportion of rural or remotely located areas that have in many cases suffered from poor levels of digital connectivity. This poor connectivity is not just a problem in terms of residents unable to access digital services but has also impacted the economic development of these communities.
- 9.15. Businesses that increasingly rely on digital communications or routes to market do not wish to be in areas where they would be disadvantaged by poor connectivity and so many establish themselves elsewhere. Already established businesses suffer a disadvantage and are unable to reap any of the productivity or other benefits of digital connectivity and are constrained in their economic growth.
- 9.16. Rural and semi-rural areas with already pre-existing issues of lack of employment opportunities and other exclusion issues could experience further adversity if digital support is not provided. Digital Cheshire with both its infrastructure connectivity and business support elements directly

addresses this issue and will enable business growth, to help generate the wider economic benefits such as local employment opportunities.

- 9.17.** Digital Connectivity is an important issue for our rural communities and will be a key workstream within the emerging Rural Action Plan. The aspirations will be around delivering digital support to rural businesses, and to promote access to rural connectivity schemes such as Digital Cheshire, and also an ability to measure progress in connectivity.

Children and Young People/Cared for Children

- 9.18.** The programmes do not specifically target children or young people however provision of infrastructure enabling remote learning (in particular during recent Lockdown conditions) and also access to support services may be an indirect beneficial impact.

Public Health

- 9.19.** There is no direct impact on the public health of residents, however provision of infrastructure enabling access to online health services and support may be an indirect beneficial impact.

Climate Change

- 9.20.** There is no direct impact on climate change or carbon emissions, however provision of infrastructure enabling remote working (and other online services) could reduce business and employment related transport journeys and emissions.

Access to Information	
Contact Officer:	Alex Buckley alex.buckley@cheshireeast.gov.uk

Appendix 1 :

Glossary

Airband – Airband, or Airband Community Internet Limited, are a broadband infrastructure supplier that are delivering connectivity for the Digital Cheshire programme.

Beneficiary – An ERDF term to describe an individual or organisation that receives support from an ERDF funded activity.

BDUK - Building Digital UK (Directorate within DCMS responsible for programmes delivering superfast and full fibre networks).

Connecting Cheshire – Name of the partnership between Cheshire East, Cheshire West & Chester, Warrington, and Halton Borough Councils to enable joint and collaborative digital infrastructure activities.

DCMS - Department for Digital, Culture, Media & Sport.

DLUHC - The Department for Levelling Up, Housing and Communities (formerly MHCLG).

Digital Cheshire Programme – The current programme/project of connectivity deployment and business support being delivered by Connecting Cheshire.

ERDF - European Regional Development Fund.

Fibre – High speed capable optical fibre connections.

Fibre to Cabinet/Fibre Cabinet - Fibre to Cabinet or Fibre cabinets are local exchange cabinets that have been given fibre connectivity to enable Superfast over remaining copper premise connection.

Fibre to Premise/Full Fibre – Fibre to Premise or Full fibre is a fibre connection direct to a premise which enables gigabit connectivity speeds.

Gigabit (speed) – Connectivity speeds of at least 1,000 Mbps.

MHCLG - The Ministry for Housing, Communities and Local Government (now DLUHC).

OMR – Open Market Review (exercise).

Openreach – The largest national supplier and operator of broadband and fixed line infrastructure.

Premise – A single residential dwelling or single commercial premise.

SME – An SME is a ‘small or medium-sized enterprise,’ and have less than 250 employees.

Superfast – Connectivity speeds of at least 30 Mbps.



Working for a brighter future together

Economy & Growth Committee

Date of Meeting:	30th November 2021
Report Title:	Mid-year Performance Review – Growth
Report of:	Peter Skates, Director of Growth & Enterprise
Report Reference No:	EG/17/2021-22
Ward(s) Affected:	All wards

1. Executive Summary

- 1.1. This report gives an update on performance across Growth & Enterprise department for the first half of 2021-22.

2. Recommendations

- 2.1. That the Committee note the performance of the department;

3. Reasons for Recommendations

- 3.1. The Economy & Growth Committee is responsible for reviewing and scrutinising the performance of the Growth & Enterprise department.

4. Other Options Considered

- 4.1. Not applicable.

5. Background

- 5.1. Growth & Enterprise is responsible for delivering Housing and Economic Development which vital elements of developing the 'sense of place' working with local and national partners. We also seek to grow the contribution of our Countryside, with cultural, rural and visitor economies. Recognising the importance of our environment, heritage, culture and visitor offer to the Cheshire East's character.
- 5.2. Management of our property portfolio and property disposal programme, ensures best use and value of the Council's assets while contributing to the strategic aims of the Council , and the Corporate Plan.
- 5.3. The Impact of Covid19 has placed additional challenges and pressures on recovering our Towns and Business network, the Growth & Enterprise Department has been heavily involved over the past year, and going forward

will be progressing Growth Strategies, Recovery Plans and Actions going forward.

- 5.4.** The Cheshire East Council Corporate Plan 2021-25 sets out our vision for an open, fairer, greener Cheshire East with three broad aims to be an open and enabling organisation; a council which empowers and cares about people, and a thriving and sustainable place. The Growth & Enterprise department contributes to a number of the priorities under the aim of a thriving and sustainable place:

- A great place for people to live, work and visit
- Welcoming, safe and clean neighbourhoods
- Thriving urban and Rural economies with opportunities for all
- To be carbon neutral by 2025

6. Housing

Corporate Plan 2021-25: Key priorities	
A great place for people to live, work and visit	<p>Enable access to well designed, affordable and safe homes for all our residents</p> <p>To reduce the number of long-term empty dwellings</p> <p>To make best use of our surplus buildings and assets to support the borough and our partners</p>
Welcoming, safe and clean neighbourhoods	<p>Crime and anti-social activity and anti-social behaviour to be reduced</p> <p>Victims of crime and exploitation to be supported effectively by the council and partners through collaboration</p>
Thriving urban and rural economies with opportunities for all	Thriving and active rural communities
To be carbon neutral by 2025	To have delivered the milestones in becoming a carbon neutral council

Key Performance Indicators	2020/21 Outturn	Mid-year (20/21)	Mid-year (21/22)	Target 2021/22
Home adaptations for older and/or disabled residents	486	214	128	500
Increase the supply of new affordable housing	502	207	303	355
Maintain the number of long-term empty homes in Cheshire East to less than 1%	1.10%	End of year target	End of year target	<1%

Increase number of preventative and relief actions taken in order to reduce levels of homelessness in Cheshire East	1042	492	499	1000
Households helped to achieve affordable warmth	1643	30	188	500
Households are helped to improve their living conditions	283	87	145	200

- 6.1.** During the pandemic Housing staff continued to work hard to provide effective, customer focused frontline services to ensure that our residents were prevented from becoming homeless or were relieved from homelessness. We responded quickly to the call from Government for “Everyone in” and worked hard to provide those in temporary accommodation with a long-term housing solution.
- 6.2.** The ability to enter homes and carry out improvements and adaptations was also hindered by the pandemic, however Housing Standards and Adaptations staff found new innovative ways in which to engage with residents and deal with emergency issues, ensuring we could continue to enforce against poor housing conditions.
- 6.3.** Improving the energy efficiency of our homes and reducing fuel poverty is a priority within the Housing Strategy and we have successfully applied for and been awarded Green Homes Grant funding to improve the energy efficiency of some of our older housing stock. A further bid has also been successful for Sustainable Warmth funding to enable us to improve more homes, and we are working with our Registered Housing Providers to submit a bid for the Social Housing Decarbonisation Fund.
- 6.4.** Ensuring we continue to increase the number of affordable homes across the authority is a priority set out within both the Corporate Plan, Local Plan and Housing Strategy. We undertook a comprehensive procurement exercise to establish the Council’s Housing Development Framework, entering into a Framework Agreement with seven organisations who have the specialisms to develop and manage new homes on suitable Council owned land assets. Suitable land assets have now been identified and we are progressing to phase one of the mini competitions, which will enable us to specify our requirements for the sites and select an organisation to take them forward to develop.
- 6.5.** Providing a safe place to stay for the transient Gypsy and Traveller community and dealing effectively with unauthorised encampments, recognising the impact on our settled communities continues to be a priority, and we have moved a step closer with the completion of our preconstruction activity to enable a planning application to be submitted and approved for the development of a Gypsy and Traveller Transit site.

- 6.6.** The formulation of a Homelessness strategy which also sets out how the Council will assist Government to eradicate rough sleeping is a statutory requirement and in September 2021 the Economy and Growth Committee approved the revised Homelessness and Rough Sleeping strategy. The strategy was developed following a period of review and consultation.
- 6.7.** Lessons learnt from the pandemic, demonstrated the need to provide suitable self-contained supported accommodation for those with complex needs, who require more intervention to enable them to sustain long term accommodation. Working in partnership with Plus Dane and P3 we have been able to set up both the Next Steps project and the Fresh Start project which collectively now provides an additional 12 homes with support. In addition to this we have also employed a Link Worker to assist those in our supported accommodation to move onto long term accommodation.
- 6.8.** We continue to support good landlords and avoid unnecessary regulation for those landlords who provide safe, well maintained homes, by demonstrating through our actions that poor standards of property management and letting out substandard accommodation will not be tolerated. We have reviewed our Housing Enforcement Policy to provide clear guidance, which is due to be presented to the Economy and Growth Committee for approval on 30th November 2021.
- 6.9.** Social media campaigns during Gas Safety and Fire Door Safety weeks raised the awareness of our landlords and tenants.
- 6.10.** In addition to the introduction of an Article 4 direction on identified locations within Crewe, the aim of which is to monitor and manage the growth of Houses in Multiple Occupation (HMO) Members would like to see the introduction of Selective Licensing. Before being able to justify the introduction of Selective Licensing, the Council must demonstrate that it has tried alternative interventions to bring about improvements to an area. Due to the pandemic the introduction of interventions has slipped, however we have now established a cross departmental network to enable us to monitor interventions which are now being implemented and outcomes to inform the requirement for Selective Licensing.

7. Estates

Corporate Plan 2021-25: Key priorities		
A financially sustainable council which has increased levels of reserves	<ul style="list-style-type: none"> The Facilities Management team implement a series of projects and measures to reduce the running cost of the CEC estate The Property Services and Farms teams have a Disposal Programme that aims to deliver capital receipts for the Council. The Property Services and Farms teams manage leases on behalf of the Council and has an annual income target that offsets some costs of the service. 	

	<ul style="list-style-type: none"> The Estates Service completes the implementation and development of its asset management system (Concerto) and corresponding service delivery process adjustments The Estates Service successfully implements a new asset management plan
To make best use of our surplus buildings and assets to support the borough and our partners	<ul style="list-style-type: none"> Review the community asset transfer policy and provide a clear framework to support effective transfer and further explore 'shared' use with our partners of town centre assets Deliver Disposal Programme, support other Council initiatives, for example Housing Development Framework.
To have delivered the milestones in becoming a carbon neutral council	<ul style="list-style-type: none"> Deliver actions in the Cheshire East Council Carbon Action Plan Support where appropriate the Introduction of green vehicles across the fleet (including waste and highways) Reduce use of Gas by decarbonising sources of heating for our buildings Promote carbon neutrality and carbon zero development across Cheshire East, providing information, advice and guidance for householders and businesses to reduce their carbon use

Key Performance Indicators	2020/21 Outturn	Mid-year (21/22)	Target 2021/22
Capital receipts across assets and farms disposals	£1,117,000	£870,000	£1,000,000

- 7.1.** The impact of the pandemic and at the time of reporting to a lesser extent, EU Transition, has generated significant uncertainties in the property market and supply chains. In addition to this the Council as a public body has also had to respond to the pandemic, and the Council's property has been a significant factor in its response. The Estates team has been able to progress its work despite these uncertainties and additional activities.
- 7.2.** The Council's operational estate has provided a high assurance covid safe environment for its employees and its residents. This has enabled users of the Council's buildings to be able to continue using them with confidence. The team has also ensured that routine assurance and testing is progressed, in line with the expected target outcomes. The FM team, who have supported other officers to work from the Council's buildings (both front line and offices) – keeping them safe as well as supporting them with print and post services whilst working remotely.
- 7.3.** In addition to the ongoing £3.5m land and property maintenance programme and in line with the Council's Carbon Neutral by 2025 policy, the Estates Team has also progressed works on decarbonising its operational estate in year, utilising grant funding, including an LED lighting replacement programme,

additional solar PV and air source heat pumps into its estate, both in offices and front-line buildings. This has been delivered to a demanding timeline at a point where global supply chains are being tested, with longer lead in times for this category of material, which is in increased demand. During this work the buildings have remained open for residents and users.

- 7.4. The Capital Projects team have continued to deliver a number of property projects in the year, and perhaps the most notable of these has been the delivery of the newly refurbished Crewe market, where the team worked with the Economic Development team to manage the construction aspects of the project. This project has been submitted for a number of property related awards, and has been short listed at the NW Regional Construction Awards 2021 (project of the year category).
- 7.5. A number of significant contracts have been advanced, including the building services contract (including building maintenance and compliance), energy management and MFD devices and security. The Capital Projects team has also been shortlisted for 'Client of the year' at the NW Regional Construction Awards 2021.
- 7.6. It has been an uncertain time for the Council as a property owner. In part this is due to general market uncertainty created by the acceleration of the digitisation of the economy, perhaps felt most notably in the retail sector. The Council has managed its tenants, carefully monitoring their individual positions and where appropriate assuring that they were aware of the supports available to them during the pandemic. This has minimised the impact for the Council as a landlord.
- 7.7. The Estates team has provided support for management of essential supplies, and support to the covid testing and vaccination workstreams. It has also provided support to covid grants, supporting in particular the appeals process. The work on the Grant activity has been nominated for an ACES (Association of Chief Estates Surveyors) award.
- 7.8. The Economy and Growth Committee has also considered the Community Asset Transfer Framework, a revised policy. There has been strong interest in the renewed approach to asset transfers and the team is looking forward to progressing new asset transfers as part of its wider aspiration to rationalise the Council's estate.

8. Rural & Cultural Economy

Corporate Plan 2021-25: Key priorities	
A great place for people to live, work and visit	Continue to grow the Cheshire East visitor economy
Welcoming, safe and clean neighbourhoods	<p>Crime and anti-social activity and anti-social behaviour to be reduced</p> <p>To protect residents and improve our environment</p> <p>Improved green spaces for all. Enabling people to exercise and socialise in our parks and open spaces</p>

To reduce our impact on our environment		To improve biodiversity and natural habitats in the borough		
Key Performance Indicators	2020/21 Outturn	Mid-year (20/21)	Mid-year (21/22)	Target 2021/22
Ease of use of Public Rights of Way network (due to effect of Covid, a proxy source of data has been used which calls upon a greater percentage survey than the previous method although not random in geography across the borough)	93%	n/a	n/a	80%
Audience figures for Lyceum Theatre	0	0	4,390	66,700
Tatton Park visitor numbers	500,000 (impacted by pandemic and lockdowns)	240,000	380,000	750,000
Tatton Park net budget	£1,058,160 due to Covid impact	£683,374	£743,914	£743,914
Value of the Visitor economy (annual retrospective STEAM measure)	2020 £548m (reduced from £994m in 2019 due to impact of pandemic and lockdowns)	n/a	n/a	Annual figure due Sept 2022
% Carbon emissions being offset by the Council	28%	n/a	29.4%	38%

- 8.1. The Rural and Cultural Economy Service seeks to grow the contribution of countryside, cultural and visitor economy assets or opportunities to the Cheshire East economy helping it to be a thriving and sustainable place. The Service recognises the importance of our environment, heritage, culture and visitor offer to the area's character, economy, quality of place and wellbeing.
- 8.2. The Public Rights of Way (PROW) team has once again delivered a very high standard of service to the public despite the high demands and some capacity issues. The Public Rights of Way Sub-Committee has oversight of this statutory service and the annual report is available [online](#) having been presented its meeting on 13th September 2021.
- 8.3. This service continued during the challenging period of the Covid-19 pandemic when usage of the network increased as a result of the lockdowns. Lockdowns highlighted the vital importance of the network for our communities' physical and mental wellbeing, and in doing so, the necessary of resources to maintain the asset, contribute to active travel and provide the benefits of wider access to the rural area and countryside.
- 8.4. Since April 2021 the team has responded to 210 new issue reports about path furniture, signposting, surface and bridges, replacing and repairing where necessary and resolving 220 issues; progressed path diversion cases; processed claims for routes; and responded to enquiries from landowners and users in order to protect and maintain the network for all. Capacity is stretched on the legal orders work, dealing with 8 new diversion applications

(compared to 7 last year), 7 new Definitive Map Order claims received compared to 1 in same period last year and 82 searches undertaken compared to 55 for the same period last year.

- 8.5.** The Countryside Management team works closely with the PROW team to improve access to the wider countryside and is responsible for twenty Country Parks, Nature Reserves, countryside sites and linear routes such as Teggs Nose Country Park, Brereton Heath Nature Reserve, and has seen the recognition with two 'Green Flag' awards for countryside sites.
- 8.6.** The Visitor Economy team supports an important sector for Cheshire East that until the pandemic would have been worth more than 1bn to the local economy in 2020. While sales of event tickets have been impacted by changes to the market through the pandemic, requests for visitor information and sales of local products or gifts are beginning to pick up again as town centre footfall increases.
- 8.7.** As anticipated and reported to Committee in September, the value of visitor economy reduced in 2020 as a result of the pandemic, the lockdowns and impact of associated regulations. The economic value reduced to £548m in 2020 from £994m in 2019 (STEAM data) while direct employment also fell from over 11,000 to around 5000 in the same year.
- 8.8.** Visitor Economy team has worked with Marketing Cheshire and others to develop a series of promotional campaigns to assist businesses as restrictions were removed and to develop a bespoke approach to the significant issues of recruitment, retention, and skills in 2021. The Tourism Recovery Plan was approved by the Economic and Growth Committee on 16th September 2021 to support sector recovery to the benefit of the wider economy.
- 8.9.** The Tourism Skills Academy was launched in September 2021 as part of the recovery plan. A large number of former employees are reluctant to come back into the sector due to finding a better pay or work/life balance in another sector or in response to perceived risk that the sector may close again. This has led to a significant pressure on businesses, with many having reduced menu's, reduced opening times or even closing completely as they just cannot get staff. The project offers targeted support and the opportunity to have a week's long training course into hospitality, along with 1-1's and CV/Interview assessments. At the end of it they are offered a work placement and a guaranteed job interview. The project is fully funded and in partnership with Job Centre Plus & Springboard.
- 8.10.** The Cultural Economy team supports cultural regeneration, commissioning under the Council's Cultural Framework, Creative sector development, museum and heritage organisations and theatre including Rural Touring and the Lyceum.
- 8.11.** The Lyceum Theatre, which is owned by the Council but managed by HQ Theatres, reopened in September following a 17-month closure due to COVID restrictions. Cheshire Rural Touring Arts (CRTA) delivered a Cultural

Recovery programme with arts Council funding, including outdoor performances and audience engagement for home-based activities.

- 8.12.** Plans for History Centre in Crewe continue to progress with National Lottery Heritage Fund (NLHF) mid-point review due in December. The development stage of the project includes building design to RIBA stage 3, activity planning, interpretation, business planning, consultation, and engagement. This will lead to a second stage bid to the NLHF in spring/Summer 2022 to deliver the History Centres (Crewe and Chester) and service developments.
- 8.13.** A Planning application has been submitted for Ly2, in Lyceum Square, Crewe. Working with Economic Development colleagues, the Cultural Economy Team are currently working on the art elements of the project.
- 8.14.** Proposals for 'Powerhouse' in Crewe (a £6million new commercial music venue and creative skills development hub) have been accepted by Crewe Town Board for approval to next stage of Towns Fund process. This would be sited immediately adjacent to and complement Ly2, the Market Hall and the Lyceum Theatre.
- 8.15.** Other work commissioned under the Council's Cultural Framework includes a project that received funding through the Welcome Back fund to allow for street pianos, and light boxes for both Macclesfield and Crewe Town Centres. The MAKO programme of digital and creative engagement for young people is another commissioned programme that continues to deliver in Crewe. It has successfully engaged with over 70 vulnerable young people so far this year.
- 8.16.** Tatton Park, which received another 'Green flag' in October 2021, continues to be an important environmental and community resource as a driver of the local visitor economy. The Tatton Park business plan is being delivered but has been adjusted to take account of the impacts of the pandemic and assist in the recovery phase. Despite the impacts on visits, Tatton Park was identified as the 5th most visited paid-for attraction in England in 2020. Visitor numbers to the Park, Garden and Farm attractions have buoyant although some areas of activity continued to be impacted by Government restrictions until the end of June 2021.
- 8.17.** Events are an important area of activity, which have started again since June 2021. Despite the loss of a few events from the calendar, Tatton has been able to host much of its usual programme, including the RHS Flower show which welcomed 65,000 visitors in July. Some indoor events, such as corporate bookings, are experiencing a slower recovery, but latent demand resulted in a record 38 weddings in the 3 months following restrictions being lifted (Tatton normally averages 43 weddings a year). Filming bookings have continued to be strong with filming and photography bookings increasing on 2019 levels.
- 8.18.** Tatton Park was successful in receiving £180,000 from the Arts Council Cultural Recovery Fund to develop new programmes be introduced as part of a phased approach during the current academic year. It will include a range

of new on-site experiences, outreach workshops and opportunities for digital learning. The funding has allowed the department to significantly diversify the educational opportunities available to visitors and futureproof for the new ways in which people hope to engage with learning venues following the pandemic. In August, it was confirmed that Tatton Park received its ninth consecutive Sandford Award for Excellence in Heritage Education.

- 8.19.** At its meeting on 16th September 2021, the Economy and Growth Committee approved a process to review the plan and prepare a new Rural Action Plan for the period 2022 -25.
- 8.20.** The service is also heading the Natural Capital workstream (including nature-based offsetting) as part of the Council's Carbon Action Plan, which saw 21,000 trees to date that are now in their establishment period and restoration of a small peat moss at Pastures Wood Farm near Gawsworth. A pipeline of schemes for the 21/22 planting season is being progressed for parks, open spaces, and countryside sites along with tree planting at Leighton Grange to supplement the solar PV scheme.
- 8.21.** The project team is working in partnership with Mersey Forest and Cheshire Wildlife Trust to improve tree planting and biodiversity on other land in the borough. It has also contributed to the development of a Natural Capital Assessment and Investment Plan for Cheshire and Warrington and completed a baseline study of peatlands and mosses in the borough that informed the development of funding bids by Moors for the Future and Cheshire Wildlife Trust under the Nature for Climate Peatland Grant Scheme. The project is also developing a catchment-wide approach to the Bollin Valley with a range of partners (including a pilot Environmental Investment Readiness project) and is supporting the Local Nature Partnership.

9. Economic Development

Corporate Plan 2021-25: Key priorities	
Priority: Thriving urban and rural economies with opportunities for all	Delivery of a strategic regeneration plan for Crewe Delivery of a strategic regeneration plan for Macclesfield Successful town centres in our other key towns Maximise the commercial and regeneration opportunities associated with HS2 for the whole borough Thriving and active rural communities
Priority: To be carbon neutral by 2025	To have delivered the milestones in becoming a carbon neutral council

Key Performance Indicators	2020/21 Outturn	Mid-year (21/22)	Target 2021/22
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Key Performance Indicators	2020/21 Outturn	Mid-year (21/22)	Target 2021/22
Delivery of capital programmes and projects on time and to budget	New measure	100% • Crewe Market Hall • Castle St, Macclesfield	100%
Town Centre Footfall	Total footfall recorded across 11 centres as: Macc 11,613,182 Crewe 8,647,156 Wilmslow 8,154,476 Congleton 7,755,567 Knutsford 6,881,790 Sandbach 5,494,644 Poynton 4,073,452 Nantwich 4,011,358 Alsager 3,142,301 Handforth 3,109,622 Middl'ch 2,878,910	Increase from April 21-August 21: Crewe +17% Macc +7.9% Nantwich + 5.6% Knutsford - 2.4% Handforth - 6.1% Sandbach - 8.2% Wilmslow - 8.4% Alsager - 8.9% Congleton - 7.4% Middlewich - 11.2% Poynton - 11.5%	10% increase on 20/21 figures
Deliver Business Growth Support	Distributing Additional Restrictions Grant	All funding in rounds 1 and 2 allocated and distributed in accordance to the Council's Policy	100%

9.1. The Economic Development service comprises three main teams the Regeneration and Development team, the Business Support team and the Projects team – focused on carbon reduction/energy and digital connectivity – all three have been incredibly busy this financial year.

9.2. The Corporate Plan specifically identifies activity in Crewe and Macclesfield as the borough's largest towns as key objectives, and both are at exciting stages of development having established regeneration frameworks and significant funding streams secured. The Regeneration and Development team deliver this activity.

9.3. Crewe regeneration activity this financial year is summarised below:-

9.3.1. It has obtained two significant awards of Funding from the government: Future High Streets Fund (£14.1m), and Town Investment Fund (£22.9m) to revitalise the Town Centre.

9.3.2. Ten projects under the Future High Street fund have already been mobilised while the ten projects under the Towns fund have addressed funding conditions to advance and in October were submitted to the next key government gateway. The development of detailed business cases using HM Treasury's five case business case model have begun. An Accelerated Towns Fund project utilizing £0.75m government grant has been used to develop designs and costings for Ly2 project and a planning application has been submitted.

9.3.3. The Royal Arcade Development, with a new Bus Station and Multi Storey Car Park has developed to RIBA Stage 4 – designs and costings. In September the full scheme including the leisure element secured a hybrid planning consent.

9.3.4. The newly refurbished Market Hall successfully opened in May and the data shows that it is becoming an anchor retail, leisure, and entertainment venue in the town. Early success is supported by footfall data which shows that between April 2021 and August 2021 there were 17% more people in Crewe, to a figure of 983,108.

9.4. Macclesfield regeneration activity has also been at a significant scale:-

9.4.1. A Levelling Up Fund bid was submitted to the government in June 2021 for £14.5m, to redevelop the market hall, upgrade the public realm to enable and encourage outdoor hospitality and to improve the Old Sunday School a grade 2* listed building to enable greater and community and commercial use.

9.4.2. The £1.6m public realm investment on Castle St started and was completed in early October 2021. This council investment in public realm, has stimulated private investment in gateway buildings that were vacant providing new commercial and residential floorspace.

9.4.3. A specialist team of advisors has been appointed to develop an Options and Feasibility Study for the Station Gateway/campus and Churchill Way Corridor. A baseline report has been produced, with final report due to be completed by January 2022.

9.4.4. A brief has also been drafted for the Town Hall Study and shared with external stakeholders, whilst the Market Hall Options and Feasibility Study is ready for procurement of an external team to deliver.

9.4.5. Data shows that between April 2021 and August 2021 foot fall in Macclesfield increased 8% to 1,429,170 people.

9.5. Our Market towns - The Regeneration and Development team also focus on the maximising the vitality of our other nine towns (listed below), addressing another of the key priorities in the corporate plan. Unsurprisingly, covid has impacted these centres more so then Crewe and Macclesfield, as can be seen by the footfall data below April 2021 and August 2021:-

Alsager	decrease of 8.9% to 330,540
Congleton	decrease of 7.4% to 855,291
Handforth	decrease of 6.1% to 362,882
Knutsford	decrease of 2.4% to 792,021
Middlewich	decrease of 11.2% to 323,273
Nantwich	increase of 5.6% to 486,840
Poynton	decrease of 11.5% to 430,176
Sandbach	decrease of 8.2% to 602,497

Wilmslow decrease of 8.4% to 861,905

- 9.6.** This decrease in footfall in smaller towns is in line with national trends, data shows that between all but one of our key service towns saw a decrease in footfall as people favoured trips to their immediate and smaller centres. Carpark patronage data shows hopeful signs that footfall is increasing again from late summer/autumn.
- 9.7.** The team has produced a series of Town Vitality baseline reports for all nine key service centres. These baselines bring together for each centre an analysis of the town centres as they currently exist. Draft tool kit reports have also been produced, and shared with Town Councils and other stakeholders, showing examples of initiative supporting town centres aligned to Institute of Place Management top 25 factors. Stakeholder engagement meetings are scheduled October - December 2021, to identify key projects.
- 9.8.** The Team has utilised the Welcome Back to The High Street Fund, to launch the Say Hi to the High St campaign with 11 mini videos (one for each town) on social media, adverts in local press and mailshot to 187,000 residential and business premises to advertise safe reopening of local high streets. This and other activity have allowed us to successfully submit a first claim to the Welcome Back Fund for £230,000.
- 9.9.** The Regeneration and Development team is also responsible for delivering three major housing schemes (known as the 'Strategic Sites'), combining land owned by the council with other landowners' sites to provide development of significant scale. This includes a potential 1675 dwellings at Garden Village, Handforth, 1000 dwellings at Leighton, Crewe and 950 in South Macclesfield.
- 9.10.** At Leighton Green, NW Crewe package negotiations are ongoing with other landowners to crystallise s106 to confirm grant of planning consent. This will unlock land parcels and delivery strategy to be agreed. Planning for the Council's development land was approved in xxx 2021.
- 9.11.** At Handforth Garden Village the hybrid planning application has been progressed to its final form, targeted at Committee Date in early 2022. The vegetation clearance procurement is underway and S106/Roof tax mechanisms are being refined. Dialogue with stakeholders and other landowners continues.
- 9.12.** A more detailed update report on the above Strategic Sites will be presented to Committee in the new year.
- 9.13.** Other activity by the Projects team relating to energy and carbon saving has seen;
 - The delivery of the ELENA Energy programme which has levered over £30m of investment locally into low carbon projects;
 - Embedding carbon into the council's business planning process;
 - Progressing the Council's first solar farm; and

- Delivering the Vanguard Hydrogen project.

9.14. The team also work with other service colleagues to embed carbon into other workstreams, including Handforth Garden Village, Crewe regeneration (Crewe Heat Network), and Macclesfield (Market Hall and Town Hall decarbonisation). At the Royal Arcade, for example, proposals for a scheme to incorporate increased electric vehicle charging capacity and photovoltaic cells in the bus station and multi-storey car park development have been adapted.

9.15. Coordinating the covid response to Cheshire East businesses, the Business Support team's primary objective over the last 18 months has been the delivery of the COVID-19 discretionary business support grants. This work has been accommodated on top of their normal, at times utilising secondees from across the Council to assist.

9.16. It has set up and delivered:-

9.16.1. the Local Discretionary Grant Scheme – assessing 751 applications and paid out £4.37million in grant to 540 businesses; and

9.16.2. the Additional Restrictions Grant Schemes 1 and 2 (ARG) – Assessed 2: 133 applications and paid out £11.1million in grants to 1,102 businesses. These programmes ended on the 30 June 2021.

9.17. A new £3.4m ARG programme started in August and is will conclude in March 2022. Currently the ARG has three workstreams:

9.17.1. the Extended Restrictions Grant Scheme – Launched in September and to date paid out £322k to 143 businesses;

9.17.2. the Business Interruption Fund – Launched at the beginning of October and to date approved 73 applications; and

9.17.3. the newly launched Recovery & Growth Grant.

10. Implications

10.1. Legal

10.1.1. There are no legal implications arising from this report.

10.2. Finance

10.2.1. The financial implications of changes in performance requirements or responding to current performance levels will be included in the Financial Year Review.

10.3. Policy

10.3.1. The report sets out how the department is contributing to the Cheshire East Council Corporate Plan 2021-25.

10.4. Equality

10.4.1. There are no equalities implications arising from this report.

10.5. Human Resources

10.5.1. There are no human resources implications arising from this report.

10.6. Risk Management

10.6.1. The performance reporting process provides opportunities for the Council to identify and focus on areas for improvement to support achievement of its strategic ambitions. Timely performance reporting mitigates risk of the Council not achieving its outcomes by providing the opportunity to review outputs, identify trends and areas for improvement, and introduce corrective and/or preventative actions wherever necessary to address areas of poor - or under – performance.

10.7. Rural Communities

10.7.1. There are no implications for rural communities arising from this report.

10.8. Children and Young People/Cared for Children

10.8.1. Growth Teams work positively on creating opportunities for Children and Young People in Cheshire East. Two examples would be:

10.8.2. Tatton Park : between September 2020 – July 2021, 44 school visits took place, with 1405 children welcomed to Tatton.

10.8.3. Working with colleagues in the People Directorate , and external organisations , proposals have been advanced for Government Funding under the Towns Fund for projects in Crewe such as Crewe Youth Zone, and Flag Lane Baths.

10.9. Public Health

10.9.1. There are no implications for public health arising from this report.

10.10. Climate Change

10.10.1. The performance report highlights key initiatives and schemes which support and benefit the Councils aims and objectives to reduce impact on climate change.

Access to Information	
Contact Officer:	Peter Skates, Director of Growth & Enterprise peter.skates@cheshireeast.gov.uk
Appendices:	None
Background Papers:	None

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Working for a brighter future together

Economy and Growth Committee

Date of Meeting:	30 November 2021
Report Title:	Asset Management Plan - Principles
Report of:	Director of Growth and Enterprise
Report Reference No:	EG/09/21-22
Ward(s) Affected:	None

1. Executive Summary

- 1.1.** This report provides context and elements of the Council's proposed Asset Management Plan. This report provides information that will increase understanding of the process and potential approvals that may be required. It highlights the policy principles of an asset management plan.
- 1.2.** The Economy and Growth Committee responsibilities includes the development and delivery of the Council's Estates, Land and Physical Assets Policies.
- 1.3.** The Council's Head of Estates is responsible for maintaining and regular reporting of the Council's Asset Management Strategy.
- 1.4.** The Council's current Asset Management Plan was created in 2015 with a plan period of five years and therefore the plan needs to be updated.
- 1.5.** This report generates the opportunity for members to overview the principles of an Asset Management Plan and enable Members to consider the proposed content and the overall direction of any future draft asset management plan.

2. Recommendations

- 2.1.** Notes the report, and outcomes since the previous Asset Management plan as identified in paragraph 5.9.

- 2.2. Approves the process and the timetable for a draft Asset Management Policy to be brought back to Committee for endorsement.

3. Reasons for Recommendations

- 3.1. The Economy and Growth Committee is responsible for development and delivery of the Council's estates, land, and physical asset policies.
- 3.2. In addition, the Economy & Growth Committee has responsibility for the oversight, scrutiny, reviewing outcomes, performance, budget monitoring and risk management for the Directorate of Growth and Enterprise, including the Council's Estates service.
- 3.3. The Head of Estates is responsible for managing and regular reporting of an Asset Management Strategy.
- 3.4. The Finance Sub Committee has responsibilities for property transactions including the buying selling and appropriation of land and property (including compulsory purchase where required).
- 3.5. An asset management plan is the key document that aids an organisation to deliver activity that relate to its land and property.
- 3.6. An Asset Management Plan will be presented to the Committee in the next 6 months and therefore Committee members having early sight of the policy principles is a prudent step to take.

4. Other Options Considered

- 4.1. The aim of the report is to provide information to the Committee to improve their understanding of the issues surrounding the creation of an asset management plan and seek their endorsement to the approach. As a result the only alternative would be not to provide a report, however this would not be aligned to the Council's corporate plan priority of being an open and enabling organisation and members would not be in a position to consider the issues in the report prior to being presented a draft report for endorsement.

5. Background

- 5.1. The Council in delivering its aims and priorities, set out in its Corporate plan undertakes property transactions as part of its routine business. The Corporate plan sets out three aims to be Open, Fair and Green and has priorities which are an Open and Enabling Organisation, that empowers and cares about people and delivers a thriving and sustainable place. Land and Property assets are intrinsically linked to the aims and priorities of the Council.
- 5.2. The Council holds land adopting a corporate landlord approach for the management and ownership of its assets. This enables the Council to utilise

its assets to deliver its services for residents and communities, deliver physical projects, generate investment return, and where assets are no longer required be reused for different purposes or unlocking the value of assets for reinvestment in the capital programme. The formation of an Asset Management Plan is a key element to enabling this activity.

- 5.3.** The purpose of an asset management plan is to align the asset portfolio with the needs of the organisation. The Council has recognised the benefits of an asset management plan, specifically incorporating the need to have one in its Constitution. The needs of the Council at a high level are expressed in its corporate plan. These are then converted into actions through the asset management plan. The needs of an organisation, such as a Council are complex and at times at a transactional level may appear to be competing. An asset management plan also needs to understand the complexity of the Council's needs. The asset management plan aids the Council to deliver its aims and objectives as they relate to the Council's Land and Property in an assured and consistent way.
- 5.4.** The Council's previous asset management plan was for the years 2015 to 2020. The Council has been delayed in generating an updated asset management plan whilst the Council focused on pandemic response.
- 5.5.** The environment the Council finds itself in has changed radically since 2015, becoming increasingly challenging, which in turn has an impact on the Council's land and property assets. For example;
 - 5.5.1. Like all local authorities and other government services, Cheshire East Council is in general experiencing an increased demand for its services, but with reduced resources to deliver these services.
 - 5.5.2. During the pandemic, the already growing and inevitable trend toward digital has been accelerated with consumers increasingly accessing the goods and services they need in this way. This has accelerated evident trends in the commercial property market and also driven the residential market as well.
 - 5.5.3. The construction and maintenance of physical assets is also meeting a challenge with the cost of goods and services related to construction increasing significantly, due to a number of factors, but principally one of increased demand and insufficient supply. Most recently this has also impacted energy markets where limited supply and increased demand has led to a significant spike in energy costs.
- 5.6.** In addition to these day to day challenges the Council has also evolved its thinking and way it is organised. It has recognised the significant global implications of climate change and in 2019 looked to play its part in addressing the climate emergency, seeking to become carbon neutral by 2025 and therefore looking to build on and accelerate previous success in this area. It has also adopted a new Corporate Plan and also changed its governance arrangements, with the adoption of the Committee System.

- 5.7.** Changes to legislation and regulation have also had an effect on the way the Council could choose to use assets. For example, the Council has prudently tracked the Government's emerging position on borrowing from the Public Works Loan Board. As a consequence, it is not likely that the Council would seek to acquire assets purely for investment purposes over the plan period.
- 5.8.** The Council has also developed a number of policies that have an impact on the way that the Council uses its assets. For example, the Community Asset Transfer Framework and the Housing Delivery Framework look to achieve best value outcomes for property assets rather than achieving a simple capital receipt, giving best consideration. The asset management plan will look to identify these differing needs for assets, generating a framework to derive the overall best solution for the Council.
- 5.9.** Since 2015 and despite of these changes and challenges, the Council has achieved a number of noteworthy successes. These include;
- 5.9.1. Release of over £25m of assets for future economic use and generation of Capital Receipts to support the Council's Capital Programme in line with the MTFS.
 - 5.9.2. Delivered a wide range of physical projects ranging from Crewe Lifestyle Centre, Environmental Waste Hub and Composting plants, numerous school expansion projects in Congleton, Sandbach, Crewe, Alsager, Nantwich and Macclesfield.
 - 5.9.3. Removal of 18.2 tonnes of asbestos from the Council's Estate
 - 5.9.4. Full statutory compliance checks across all Council operational buildings, with a 96.81% compliance rate in 2020, despite COVID restrictions.
 - 5.9.5. All maintained schools are to have a compliance inspection in the 2020/21 academic year, improving statutory compliance standards and protecting the Council, as duty holder.
 - 5.9.6. Purchase of green electricity across the whole Council estate, including schools and street lighting.
 - 5.9.7. A 69.2% decrease in carbon emissions between 2009/10 and 2020/21. 29.5% of this decrease has been between 2017/18 and 2020/21.
 - 5.9.8. The Council has also improved assurance around property transactions by the instigation of an assets board and the management and assurance around the capital programme with the instigation of a capital programme board. The relationship between the Council's asset management plan and the Capital Programme is set out in the financial implications in this report. It also describes the strategic relationship between assets, capital investment and revenue implications of operating and managing assets is set out.

- 5.10.** Currently the Council's asset base is £1,071m with £421m of this being land and buildings and £29m of its land and buildings are investment assets. The majority of assets held by the Council are used for the delivery of its services.
- 5.11.** Despite the circumstances of the council, the changes it has experienced and the challenges it faces, the basic principles of asset management remain very much unchanged during this time. A summary of draft set of policy principles are set out in Appendix A. This appendix also sets out examples of how the Council's Strategies, Procedures and Protocols link into these principles. These proposed principles are:
- 5.11.1. Dealing with the impact of Climate Change.** This captures the Council's Corporate aim of GREEN and cross cuts the Council's three priorities. In 2019 the Council set itself the target of being Carbon Neutral by 2025. The immediate effect that the Council wishes to have is to mitigate its own impact, but it also wishes to influence those in its supply chain and more widely Cheshire East. This is a challenging and demanding target, which has implications for the Council's property portfolio and therefore must be a policy principle for the asset management plan. It includes revising the way energy for the councils buildings is generated and used, using the Council's land for offsetting and insetting for example generation of carbon efficient power and planting projects.
- 5.11.2. Delivery of Economic Growth in Cheshire East.** Responding to the Council's corporate aim of FAIR and is directly linked to the Council's priority of delivering a thriving and sustainable place. Although Cheshire East should be proud of its economic performance overall both regionally and nationally, there is a high level of inequality across the borough in addition to this the community is also split between its urban centres and its rural communities. It stands to reason that delivery of Economic Growth should be a principle for the asset management plan.
- 5.11.3. Delivery of services to the Community and Customers of the Council.** This responds principally to the Council's Corporate aim of FAIR. At its centre the Council is an organisation that delivers services to the community it serves. Therefore, this touches on the Council's three priorities as well. The Council and its residents have also experienced the unprecedented challenges created by the pandemic, which in many instances, although by no means universally, has accelerated new ways of accessing goods and services and changing the ways of working for many. The full impact of this acceleration is not yet fully understood but it is clear that land and property have a role to play in the delivery of services alongside other solutions and therefore this should be a principle of the asset management plan.
- 5.11.4. Enabling and delivery of an efficient Council.** This proposed principle responds to the Council's Corporate aim of FAIR and touches on the Council's three priorities. By statute and practice the Council, as a custodian of public money seeks to deliver, with limited resources an

efficient Council. The Council also seeks to achieve this with its land and property assets. Therefore, this should be a principle under the asset management plan.

5.11.5. **Compliant Estate with appropriate governance systems.** As an owner of land the Council has certain obligations towards its property and therefore it must comply with certain regulations. In an increasingly challenging climate where funding of capital and revenue for the Council is challenging care needs to be exercised to ensure that these activities are completed and therefore this principal must be part of the plan.

5.11.6. **Enabling the delivery of a sense of place.** This principally focuses on the Council's corporate aim of FAIR and the corporate priority of a thriving and sustainable place. The Council is a significant stakeholder in the Borough, with statutory duties relating to a range of services it delivers. It also has land and property and statutory powers to make a difference at a local level. Therefore this priority should be considered as part of the plan.

5.12. The format of an asset management plan is relatively straight forward and a proposed format is set out at appendix B. In general, an asset management plan will, cover the themes set out, with potentially specific elements tailored to suit specific organisations.

5.12.1. Executive summary

5.12.2. **Governance for decisions / Structure of responsibility / Stakeholders for consultation.** This will set out the current governance and structure of responsibility.

5.12.3. **Scope** (land and property, define categories). This will describe the estate in general terms: it is noted that the Council already provides information on its estate through its transparency pages.

5.12.4. **Strategic alignment.** This section describes the linkage between the Council's Corporate Plan and the Asset Management Plan. Given the Council's Land and Property Assets also have a value, it will demonstrate the linkage between the use of assets and the MTFS. It will also consider the linkages to the following non exhaustive list;

5.12.4.1. Customer Experience

5.12.4.2. Sufficiency statement

5.12.4.3. Farms Strategy

5.12.4.4. Economic Regeneration Strategy

5.12.4.5. Environmental Strategy

5.12.4.6. Workforce Strategy

5.12.5. **Asset portfolio description and inventory** This section describes in detail the asset portfolio within the scope of the AMP. This will cover areas

such as asset type, reason for holding the asset, use, value and costs, condition and limitations.

- 5.12.6. **Pipeline of Activity.** This will cover the processes and activity that the Council undertakes with its land, for example community asset transfer, assessment of need, acquisition and disposals pipeline and a Maintenance and Development horizon.
- 5.12.7. **Risk management** is a key factor for the Council in the way it delivers its property in part due to the Council wishing to deliver its statutory responsibility but then also to deliver a quality environment for its employees and residents. Issues such as insurance and self-insurance, service risk and market trends and market forces are factors to consider.
- 5.12.8. **Performance measures / Benchmarking** An approach which is recommended for this Council's asset management plan is to develop a series of actions and also a requirement for annual reporting to the Committee to monitor progress against the plan. This approach is key in that it will drive delivery ensuring that the plan is central to the way the Council delivers activity for its estate.

6. Implications

6.1. Legal

- 6.1.1. The Council has a number of powers to acquire land for its various functions and also to dispose of land. Those powers include general powers under the Local Government Act 1972 and the Localism Act 2011.
- 6.1.2. Holding property assets creates a variety of liabilities, some of which are irrespective of active use. Liabilities include legislative ones – for example, the liability to pay rates on a variety of properties, both domestic or non-domestic. There are also actions that are those of a prudent property owner such as keeping the property in reasonable repair to prevent legislative liability arising – such as under the Occupiers' Liability Act 1984 and making sure that the property does not become the source of a private or public nuisance; There are contractual ones that may arise through the use of property such as landlord's obligations when a property is let.
- 6.1.3. All actions involving the disposal or acquisition of property assets must be taken in accordance with the Council's Constitution current at the time of taking the decision. The Council's Constitution (June 2021) Chapter 2, Part 5, Paragraph 53 currently delegates to the Executive Director of Place authority to acquire and dispose of assets and requires that:
 - 6.1.3.1. Under Chapter 3, Pt 4, Section 4, Paragraph 42 The Chief Finance Officer and the Executive Director Place must be consulted on all proposed acquisitions and disposals of land and property

- 6.1.3.2.** Under Chapter 3, Part 4, Section 4 paragraph 4.44 of the Finance Procedure Rules acquisition and disposal of land and property over £2 million is the responsibility of the Finance Sub-Committee; and below £2m has been delegated to senior officers who are a member of the Corporate Leadership Team in consultation with the Chief Finance Officer and the Executive Director Place.
- 6.1.4.** The Council operates a “Cascade” principle of delegation under Chapter 2 of the Constitution to ensure that decisions are taken at an appropriate level. 6.1.4 Whilst not yet in force, the Government has announced plans to introduce the “Right to Regenerate” making it easier for the public to challenge councils and other public bodies to release land for development. Under the proposals, public bodies would need to have clear plans for land in the near future.
- 6.1.5.** It is recognised good practice for local authorities to produce an Asset Management Strategy, which includes the implementation of an Asset Management Plan to enable the Council to manage, development and rationalise their built and land assets.
- 6.1.6.** The Asset management Plan provides a structured process to ensure value for money from property in serving the needs of the organisation. Property assets are expensive, in terms of both their capital value and annual maintenance and running costs. They need to be carefully managed over their lives to ensure best value through their use, maintenance and generation of income. By having an Asset management plan, the Council will be adhering to the Corporate plan and the requirements for the plan as set out in the Constitution (chapter 3 part 4 section 4 paragraph 4.38).

6.2. Finance

- 6.2.1.** The Council has an asset base valued at £1,071 million, the majority of the estate is Land and Buildings valued at £421 million. It also holds £29 million of Investment properties, managed on a commercial basis with the aim of generating a medium to long-term return on investment.
- 6.2.2.** Many capital investment projects are related to the Council’s fixed assets, such as its stock of buildings. Needs and priorities identified in the Asset Management Strategy will require consideration for inclusion in the Council’s Capital Programme and have wider financial consequences. Equally important is the opportunity to generate capital receipts from the disposal of land/property where there is no current or likely future operational need.
- 6.2.3.** The asset management strategy will therefore link up with the capital strategy and map out the Council’s longer-term requirement for the successful management of the asset base and more importantly the ambition for the expected future asset base.

6.2.4. When prioritising investment it is essential to understand the long term cost of maintaining and operating existing assets and their fitness for purpose, having consideration of which are deemed essential in continued service delivery or which can be considered for alternative uses.

6.2.5. The backlog of maintenance in some key assets is recognised and alternative approaches to longer term solutions will be considered to address the risks this poses rather than continued investment by the Council in the same assets. This is neither an effective asset management approach nor affordable in the long term. These will be considerations in key assets such as schools and administrative buildings required for the long term.

6.2.6. A disposal strategy is in place to relinquish or find alternative beneficial uses for assets deemed surplus to requirements.

6.3. Policy

6.3.1. This paper provides the Committee information directly relating to the role of the Committee, enabling it to undertake its functions as set out in the constitution.

6.4. Equality

6.4.1. This is an information report that describes the Council's activity in developing an Asset Management Plan. It does not consider any property transactions, specific projects, or policies. Equality implications are considered at the point of creation of the and therefore a Equality Impact Assessment is not required to support this report. It is however noted that there is an opportunity to shape the direction of the Council's approach to its assets in the formulated Asset Management Plan.

6.5. Human Resources

6.5.1. None.

6.6. Risk Management

6.6.1. The risks associated with management of risk for property are dealt with on a case by case basis, at a project and programme level. There is a general risk that the Council with limited resources is not able to achieve all its objectives that it would hope in delivery of its asset management plan. this will be dealt with by prioritising where appropriate the various needs of the Council and risks are escalated where appropriate.

6.7. Rural Communities

6.7.1. None directly. The Asset Management Plan supports programmes of activity that the Council undertakes to achieve its aims and priorities.

6.8. Children and Young People/Cared for Children

6.8.1. None directly. The Asset Management Plan supports programmes of activity that the Council undertakes to achieve its aims and priorities.

6.9. Public Health

6.9.1. None directly. The Asset Management Plan supports programmes of activity that the Council undertakes to achieve its aims and priorities.

6.10. Climate Change

6.10.1. None directly. Climate change implications are considered on a case-by-case basis for each project requiring acquisition or each disposal activity. However, by setting Climate change at the centre of the asset management plan this will allow the council to emphasise the specific issue as part of the overall development of the asset management plan.

Access to Information	
Contact Officer:	Andy Kehoe, Head of Estates Andy.kehoe@cheshireeast.gov.uk
Appendices:	A – Policy Principles B – Proposed headings for Asset Management Plan
Background Papers:	None.

Appendix A – Policy Principles

Council Theme	Policy Principle	Strategy, procedure and protocol (from the list below)
Green	Dealing with the impact of Climate Change	Carbon Neutral Council by 2025
Fair	Delivery of Economic Growth in Cheshire East	HS2 Town Centre Regeneration and TCVP / Regeneration plans Highway Schemes
Fair	Delivery of services to the community and customers of the Council	Community Asset Transfer Framework Events on Council Land Housing Development Framework OPE
Fair	Enabling and delivery of an efficient Council	MTFS Estate Optimisation, improving the financial position of the Council, review of assets (Eg Estate Transformation, Strategic Leisure Review, Disposals programme, Farms Strategy, Surplus asset process) Support to Services
Open	Compliant estate delivered with appropriate governance systems	Events on Council Land Statutory Compliance and H&S Implementation of revised property system Corporate Landlord model
Fair	Enabling the delivery of a sense of place	Quality of Place

Appendix B – An Asset Management Plan Example Headings

Executive summary

Governance for decisions / Structure of responsibility / Stakeholders for consultation

Scope (land and property, define categories)

Strategic alignment

- Corporate Plan
- Customer Experience
- Sufficiency statement
- Farms Strategy
- Economic Regeneration Strategy
- MTFS
- Environmental Strategy
- Workforce Strategy

Asset portfolio description and inventory

This section describes in detail the asset portfolio within the scope of the AMP.

Pipeline of Activity

- Assessment of need
- Acquisition / Disposals pipeline
- Maintenance / Development horizon

Risk management

- Insurance / Self-Insurance
- Market forces
- Service risk

Performance measures / Benchmarking

- Actions
- Annual Reporting

Work Programme – Economy and Growth Committee – 2021/22

Reference	Committee Date	Report title	Purpose of Report	Report Author /Senior Officer	Consultation and Engagement Process and Timeline	Equality Impact Assessment Required and Published (Y/N)	Part of Budget and Policy Framework (Y/N)	Corporate Plan Priority	Exempt Item and Paragraph Number
EG/13/21-22	11 Jan 2022	Medium Term Financial Strategy	To respond to the budget consultation.	Director of Growth and Enterprise			yes	An open and enabling organisation	n/a
EG/12/21-22	11 Jan 2022	2021/22 Financial Year Review	To receive an update on the financial position for 2021/22 and to note or approve virements and supplementary estimates as required.	Director of Growth and Enterprise			Yes	An open and enabling organisation	n/a
EG/17/21-22	11 Jan 2022	Connecting Cheshire - Investing in Rural Broadband	To recommend investment on digital connectivity for rural broadband.	Director of Growth and Enterprise		TBC	No	A thriving and sustainable place	No
EG/19/22-22	11 Jan 2022	Business and Skills Team Update including incubator units	To receive an update and consider the Notice of Motion – Starter Units	Director of Growth and Enterprise		TBC	TBC	A thriving and sustainable place	No
EG/04/21-22	Unallocated	Capital Development Project - Broadways Meadows MSCP	To approve a Development Project for a new Multi Storey Car Park in Wilmslow.	Director of Growth and Enterprise			yes	A thriving and sustainable place	

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