

Economy and Growth Committee Agenda

Date: Thursday 17th March 2022
Time: 2.00 pm
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

PLEASE NOTE - This meeting is open to the public and anyone attending the meeting is advised to wear a face covering when not seated (unless exempt).

Lateral Flow Testing: Anyone attending the meeting is asked to undertake a lateral flow test on the day of the meeting before embarking upon the journey to the venue. If your test shows a positive result, then you must not attend the meeting and must follow the latest advice on self-isolation.

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

It should be noted that Part 1 items of Cheshire East Council decision making meetings 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.

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 3 - 6)

To approve as a correct record the minutes of the meeting held on 11 January 2022.

For requests for further information

Contact: Rachel Graves

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4. **Public Speaking/Open Session**

In accordance with of the Council's Committee Procedure Rules and Appendix on Public Speaking 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. **Unlawful Eviction and Harassment Policy** (Pages 7 - 34)

To consider and approve the Unlawful Eviction and Harassment Policy.

6. **Notice of Motion: Starter Units** (Pages 35 - 40)

To consider the Notice of Motion 'Starter Units'.

7. **Carbon Neutral Programme: Building Standards and Carbon Offset**
(Pages 41 - 52)

To consider and approve the adoption of a Cheshire East low carbon build standards and carbon offset proposals.

8. **Work Programme** (Pages 53 - 54)

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

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Economy and Growth Committee**
held on Tuesday, 11th January, 2022 in the The Capesthorne Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

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

Councillors J Barber, S Brookfield, D Brown, S Edgar, P Groves, M Houston,
D Jefferay, A Kolker, R Moreton, D Stockton and P Williams

OFFICERS IN ATTENDANCE

Wendy Broadhurst, Lead Finance Partner
Karen Carsberg, Head of Housing (attended via Microsoft Teams)
Brendan Flanagan, Head of Rural and Cultural Economy (attended via
Microsoft Teams)
Paul Goodwin, Head of Financial Services & Deputy Chief Finance Officer
Charles Jarvis, Head of Economic Development (attended via Microsoft
Teams)
Andy Kehoe, Head of Estates (attended via Microsoft Teams)
Adrian Leslie, Solicitor (attended via Microsoft Teams)
Karen Shuker, Democratic Services Officer
Peter Skates, Director of Growth and Enterprise

31 APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Clowes. Councillor S Edgar
attended as a substitute.

32 DECLARATIONS OF INTEREST

There were no declarations of interest.

33 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 30 November 2021 be approved
as a correct record.

34 PUBLIC SPEAKING/OPEN SESSION

There were no public speakers.

35 2021/22 FINANCIAL YEAR REVIEW

Consideration was given to a report setting out the financial year review for 2021/22.

Concerns were raised in respect of the rise in energy costs, the knock-on effect these would have, and whether there was likely to be any government mitigation for this. Assurances were given that conversations were ongoing with energy providers to secure the best outcomes possible for the Council.

Clarification was sought in respect of the projects related to Crewe Town Board, specifically where funding was coming from and where it would be spent. Confirmation was given that the Capital Strategy detailed within the report included projects financed from Future High Streets funding, and that projects to be financed by the Towns Fund initiative would be incorporated when business cases have been further developed. An all-committee Member briefing would be held in respect of the Crewe Regeneration and Towns Fund projects, further to information on the development of the business cases.

RESOLVED (unanimously):

1. That the report of the Finance Sub-Committee ([Agenda for Finance Sub-Committee on Wednesday, 1st December, 2021, 2.00 pm | Cheshire East Council](#)), specifically the recommendations of that committee be noted.
2. That the financial update and forecast outturn relevant to the committee's terms of reference be noted.
3. That it be noted that officers would seek to improve outcomes and the financial outturn across all Committees to mitigate the overall forecast overspend of the Council.
4. That appendix 6 of the report and the following sections specific to this Committee be noted:
 - Changes to Revenue budget 2021/22
 - Policy Proposals Update
 - Corporate Grants Register
 - Debt Management
 - Capital Strategy
 - Reserve Strategy

36 MEDIUM TERM FINANCIAL STRATEGY

The committee received a report on the Medium-Term Financial Strategy for 2022/23 – 2025/26. As part of the consultation process the committee

was asked to provide comments and feedback to the Corporate Policy Committee on proposals related to the responsibilities of the committee.

Concerns were raised by Members that the provisional settlement from Government referred to items over a number of years, but the detail of allocations to individual local authorities only related to the 2022/23 financial year. It was noted that it is not unusual for Government to only give one-year allocations, and that whilst the Council must continue to plan for the medium term the settlement creates limited scope for sustainable changes.

A question was raised in respect of the rationale for putting the compensation for under-indexing the multiplier, which related to Business Rates income, into the Collection Fund Reserve, rather than the General Fund. It was agreed that a written response would be provided outside of the meeting and circulated to committee members.

The following comments were raised by committee:

It was felt that the core headings within the Budget Engagement document did not always align with the proposals listed and therefore the information did not flow for the reader. It was proposed that, in addition to the headings with respect to the Council's vision, in future documents supplementary wording could be added under each heading to cover the main services relating to each of the Corporate Priorities.

There was some discussion in respect of the one-year settlement funding from Government, and the services this funding could be put towards. The committee agreed that it would like the following items to be considered for funding at the next stage of MTFS development:

- Landlord Licensing Scheme
- Invest to Save Projects

RESOLVED (unanimously):

1. That the committee noted the MTFS 2022 to 2026 Consultation Document (Appendix 1 of the report).
2. That the following proposals rolling forward from the MTFS 2021-25 relevant to the committee (as part of Appendix 1 (Appendix A of the report) be noted.

25) Transfer of Congleton Visitor Information Centre
49) Estates Transformation - Office Accommodation
51) Neighbourhood Estate Review
80) Tatton Park
81) Asset / Service Transfer

3. That the impact of the local government financial settlement as provided at Appendix 2 on the MTFS Consultation Document be noted.
4. That the minutes of the meeting form the consultation response of the Committee for consideration by the Corporate Policy Committee, including:
 - a. That consideration be given to providing a budget for development of the Landlord Licensing Scheme in the final MTFS;
 - b. That officers be asked to bring forward proposals for Invest to Save projects for inclusion in the final MTFS;
 - c. That the Committee's comments with regard to the Budget Engagement document be noted for future reference.

37 WORK PROGRAMME

Consideration was given to the committee's work programme.

A list of future items for committee to consider was circulated at the meeting. It was agreed the committee would look at a focused approach on decision making reports therefore any reports to note would be subject to a committee briefing, where Members would be able to ask any questions and seek clarification on any actions.

A question was raised in respect of the 'Town Centre Vitality Plans' item for May 2022 as to whether it would include an update on proposals for car parking charges. Assurance was given that prior to the report being brought to committee, a consultation process would be carried out for the individual towns and that Members would have the opportunity to view the outcome of the consultation prior to committee.

RESOLVED:

That the work programme be noted.

The meeting commenced at 2.00 pm and concluded at 2.50 pm

Councillor N Mannion (Chair)



Working for a brighter future together

Economy and Growth Committee

Date of Meeting:	17 March 2022
Report Title:	Unlawful Eviction and Harassment Policy
Report of:	Jayne Traverse – Executive Director - Place
Report Reference No:	EG/21/21-22
Ward(s) Affected:	All Wards

1. Purpose of Report

- 1.1. The majority of Cheshire East landlords offer good quality housing and manage their properties in a professional manner; however, we are aware that some landlords do not operate in this way and do not follow the correct process when wishing to gain possession of their properties from tenants.
- 1.2. To ensure that tenants are aware of their rights and the process that landlords should follow when seeking possession of their properties, the Council's Housing Services in collaboration with Legal Services has developed a policy which outlines their rights and the process and actions the Council will follow when we are made aware that a tenant has been unlawfully evicted or is being subjected to harassment in order to encourage a tenant to leave their home.

2. Executive Summary

- 2.1 Most landlords and agents will follow the lawful process when seeking possession of their properties, however we are aware that this may not always be the case and that not all unlawful evictions are reported to the Council.
- 2.2 If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to

reside in the premises under the Protection from Eviction Act 1977 section1 (2).

- 2.3** In order to ensure that our residents know their legal rights and the support they can access if they are or are threatened with eviction, Housing Services in collaboration with Legal Services have developed an Unlawful Eviction and Harassment Policy.
- 2.4** The purpose of the policy is to identify and ensure a prompt, clear, and co-ordinated response by the Council, in partnership with its customers, landlords, and partner agencies to deal with allegations of harassment and unlawful eviction.
- 2.5** The policy is presented in sections covering:
- An overview of the strategic context and the current position.
 - An explanation of Harassment and Unlawful eviction.
 - The enforcement approach to be taken by the Council.
 - Roles and responsibilities.

3. Recommendations

- 3.1.** Committee are recommended:
- 3.2.** To approve the Unlawful Eviction and Harassment Policy (Appendix 1).
- 3.3.** 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.

4. Reasons for Recommendations

- 4.1.** 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 Unlawful Eviction and Harassment policy links to the action to "enable access to well designed, affordable and safe homes for all our residents"
- 4.2.** There are a number of key priorities which are highlighted within both the Housing Strategy 2018-2023 and the Homelessness and Rough Sleeping Strategy 2021-2025 which include challenging poor quality housing in the private rented sector, targeting of the worst management and poorest housing standards, as well as promoting the responsibilities of landlords.
- 4.3.** Preventing homelessness is a key priority and to ensure that our residents are fully informed of their legal rights we have produced the Unlawful Eviction and Harassment Policy, which sets out their rights but also what actions the Council will take against those who do not follow the legal process. We wish

to encourage more residents to report landlords and agents who try to repossess their properties by unlawful means, to highlight that this will not be tolerated.

5. Other Options Considered

- 5.1. One option considered was the production of a procedure for staff to follow should they receive reports of unlawful eviction, however this would not be a public document and wouldn't demonstrate to the public and private landlords/agents that we have transparent, robust policies in place to support those facing eviction and the actions which the Council are prepared to take.

5.2.

Option	Impact	Risk
Do nothing	We continue to be reactive to reports which are few	Increase in hidden homelessness, as tenants do not seek support from the Council and unlawful practices continue.
Committee not approving the recommendation	We continue to be reactive to reports which are few and develop a procedural approach to guide staff, but this doesn't inform the general public	Increase in hidden homelessness, as tenants do not seek support from the Council and unlawful practices continue.

6. Background

- 6.1. The Protection from Eviction Act 1977 (as amended by the Housing Act 1988) outlines what constitutes unlawful eviction and harassment of an occupier. Unlawful eviction occurs when a landlord or another person deprives a residential occupier of their occupation of the property without following the correct legal process. It is a criminal offence to unlawfully evict or harass a tenant.
- 6.2. The Act outlines the legislation and actions in which a Council can take when a tenant approaches the Council for assistance. The Act has been used to formulate the Council's Unlawful Eviction and Harassment Policy.
- 6.3. Government guidance advises tenants to approach their Local Council for support, stipulating that Councils have the power to start legal proceedings for offences of harassment and illegal eviction under the Protection from Eviction Act. Housing and Legal services need to work together in order to

be able to respond quickly to reports of unlawful eviction or harassment in order to take the most appropriate action.

- 6.4.** Within Cheshire East there are approximately 21,755 (12.2%) households living in the private rented sector, which is lower than the national figure of 19% (<https://assets.publishing.service.gov.uk>). The highest percentage is in Crewe Central (35.6%) and is significantly larger than most of the other wards, followed by Macclesfield Central (31.6%) and Crewe South (29/8%).
- 6.5.** Reports of unlawful eviction directly to the Council are low with only 9 tenants reporting to Housing Options that they had been unlawfully removed from their property during 2020/21. Whilst many of these reports did not warrant further action or were retracted by the tenants, we do not however feel that this level of reporting maybe a true representation of the number of unlawful evictions which are taking place across Cheshire East.
- 6.6.** Housing have received a number of anecdotal reports and in addition concerns have been raised by Ward Members, especially within Crewe Wards where there are a higher number of migrant workers residing, where unlawful eviction may go undetected due to non-reporting, and challenges such as literacy, language barriers, and a lack of awareness of the housing rights of non-UK nationals.
- 6.7.** One way in which to inform tenants of their legal rights is promotion and Housing in collaboration with Legal Services have produced a policy which outlines the legal rights of tenants and the actions which are available to the Council to pursue, should tenants be unlawfully evicted or are being subjected to harassment to encourage them to leave their homes.
- 6.8.** If Committee Members are minded to approve the policy it is our intention to promote this, utilising a number of forums including:
- Social Media platforms
 - Press releases
 - Promoting the policy on Cheshire East website including providing translated copies.
 - Promotion through local networks including Landlord's forums, charitable organisations, and support groups
- 6.6** The Council will take a staged approach to enforcement wherever possible, to ensure solutions are initially sought through increased awareness, co-operation, mediation, and agreement. Where this is not successful, formal action will be necessary, which may ultimately lead to prosecution or other action. The following options where appropriate are available:
- Mediation & negotiation
 - Formal Cautions
 - Prosecution
 - Support, and signpost tenants seeking a civil remedy to a housing solicitor

7. Consultation and Engagement

- 7.1.** The Unlawful Eviction and Harassment Policy will not be subject to public consultation due to the fact that it produced in line with legislation and therefore cannot be amended.
- 7.2.** There is no statutory requirement to have a policy in place, this is an approach which has been taken to enable the Council to inform landlords, agents and tenants of their legal rights and duties and the enforcement action which is available to the Council.
- 7.3.** Following the committee decision, a note will be circulated to all Members advising them of the implementation of the policy.

8. Implications

8.1. Legal

- 8.1.1.** There is no legal obligation to produce or adopt a policy on prosecution of unlawful evictions. The Council has a power to prosecute but not a duty and so is not bound to prosecute. Therefore, the legal implications of adopting this policy are few.
- 8.1.2.** However, having adopted a policy a failure to adhere to it without good reason may give rise to challenge either through the courts on public law grounds for example, or the Ombudsman on maladministration grounds.
- 8.1.3.** There are legal cost implications which are set out below. In the event of an unsuccessful prosecution the Council may be liable for the successful defendants' costs which will need to be met from Council budgets. This would be the case however, whether there was a policy in place or not.

8.2. Finance

- 8.2.1.** Implementing the Unlawful Eviction and Harassment Policy will incur staff time but no additional costs. Staffing costs are already covered by base budgets within Housing.
- 8.2.2.** Court and Legal Services costs will be covered by Housing utilising their Homelessness Prevention funding to ensure that cost is not a barrier to action being taken.

8.3. Policy

- 8.3.1.** The introduction of the Unlawful Eviction and Harassment Policy will provide a very clear message that Cheshire East will not tolerate unlawful eviction and outline the support that our tenants can access if they are subjected to either unlawful eviction or harassment.

8.4. Equality

- 8.4.1.** An Equality Impact Assessment has been completed during the process of developing the policy (Appendix 2) and it was recognised that improvements in the promotion of services amongst hard-to-reach groups and those with accessibility issues will increase access to services.

8.5. Human Resources

- 8.5.1.** There are no HR implications.

8.6. Risk Management

- 8.6.1.** Currently there are low levels of reports of unlawful eviction and harassment and this may be due to a lack of knowledge in relation to tenant rights. Through promotion we aim to highlight the fact that tenants can seek assistance from the Council, however this may result in increased demand. Staff have been therefore been trained to undertake investigations and interviews under caution and the process flowchart contained within the policy, explains the process that staff should follow.

8.7. Rural Communities

- 8.7.1.** This policy will support tenants residing in all neighbourhoods in Cheshire East, including rural communities.

8.8. Children and Young People/Cared for Children

- 8.8.1.** This Policy will protect the health and wellbeing of children and young people living in the private rented sector.

8.9. Public Health

- 8.9.1.** Homelessness is a major public health concern and is strongly associated with poor health and wellbeing. People experiencing homelessness are significantly more likely to experience mental and physical health problem(s), while also often struggling to access health services. The impacts on children can be particularly traumatic and long-lasting, severely affecting life chances through adverse effects on their development, education and health. Any policy that prevents homelessness wherever possible is a valuable public health intervention.

8.10. Climate Change

- 8.10.1.** This policy in isolation will not have an impact on climate change, however it will assist us to identify properties which may be in breach of other Housing Enforcement policies for example enforcement of minimum energy efficiency standards which will then improve 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 07710975438
Appendices:	Appendix One – Unlawful Eviction and Harassment Policy Appendix Two - Equality Impact Assessment

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Cheshire East Council Unlawful Eviction and Harassment Policy for Private Rented Sector Housing

Unlawful eviction from a private rented property is an indictable criminal offence – Protection from Eviction Act 1977 s.1. If a landlord evicts someone without following the correct legal steps.

The term “unlawful eviction” is an umbrella expression for what is likely to be a number of unlawful acts committed by the landlord or someone acting with them or on their behalf which excludes the occupier from residential property that they have a continuing right to occupy.

“If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.” (Protection from Eviction Act 1977 section 1 (2)).

A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding [the prescribed sum] or to imprisonment for a term not exceeding 6 months, or both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

Private landlords and letting agents must always follow the correct procedures to evict tenants. It is unlawful action if a landlord or anyone acting on their behalf:

- forces someone to leave by threatening or harassing them
- physically throws or kicks someone out
- stops someone from getting into parts of their home
- changes the locks while someone is out

1. Summary

A small number of landlords/agents sometimes resort to using unlawful eviction and/or harassment to force tenants to leave their properties.

The Ministry of Housing, Communities and Local Government recorded 1,040 cases of homelessness caused by illegal eviction in England in 2019-20 – up from 810 the previous year.

However, Ministry of Justice figures show there have been an average of 24 prosecutions in England for unlawful eviction each year between 2016 and 2019, the most recent period for which data is available.

Unlawful eviction can normally be prevented through mediation with the landlord, and Cheshire East Council (CEC) would always advocate this approach unless there are other mitigating factors, such as violence or threats, which would deem this approach unsuitable. However, where there are occasions when the landlord continues to harass or even

unlawfully evict a tenant despite advice and information that they may be committing a criminal offence, then CEC will take action.

CEC provides a wide range of assistance to help landlords comply with their legal responsibilities when asking a tenant to vacate their properties, including support through the Housing Options Team, Housing Standards, and web resources to provide landlords with relevant advice, as well as access to the Cheshire East Private Landlord Forums, where legal updates are available. Harassment and unlawful eviction can cause considerable distress and anxiety to households and may lead to homelessness. They will also be unintentionally homeless, which is likely to result in CEC having a duty to accommodate them. Therefore, the Council will take a proactive stance against unlawful eviction and/or harassment, and give advice and, where necessary, assist residents in this situation, including taking appropriate action to help tenants regain occupancy of their home.

CEC will also prosecute landlords or their agents where it is deemed appropriate to do so.

The purpose of the policy is to identify and ensure a prompt, clear, and co-ordinated response by the Council, in partnership with its customers, landlords, and partner agencies to deal with allegations of harassment and unlawful eviction.

2. Introduction

There are some private landlords (or their agents) with properties in Cheshire East who do not conduct themselves within the requirements of the legislation relating to rented accommodation, most notably the Protection from Eviction Act, 1977, and Housing Act 1988 whereby a tenant has the right to live, undisturbed, in a property for an agreed period of time and for an agreed amount of rent. The landlord, on the other hand, has the right to set that rent and also has the power to lawfully evict.

These landlords may issue a 'notice to quit' that is not legally valid and/or encourage their tenants/licensees to leave through a variety of means (persistent calling at the property without giving reasonable notice, threat to change the locks and in an extreme case physically removing a tenant/licensee from a property by force or threats of violence).

Some tenants/licensees are not aware of their rights and may end up leaving their home without any support or advice. It is therefore difficult to assess the frequency of harassment of tenants and unlawful eviction, and it is likely that many cases go unreported to CEC.

However, when such events occur, they will have a severely disruptive effect on the households involved, possibly leading to unintentional homelessness. This in turn will have a financial impact on CEC in having to find temporary accommodation such as bed and breakfast accommodation for those occupants.

The Law protects people living in residential properties against unlawful eviction and/or harassment through two ways:

- by making unlawful eviction and/or harassment a criminal offence; and
- by enabling someone who is being unlawfully evicted and/or harassed to claim damages through the civil courts.

The only way a landlord or Agent can force a tenant to leave a property is by following the relevant legislation and procedures set in Law.

For example, for assured shorthold tenants this means the relevant notice must be served and then possession order and warrant obtained. Only a Court bailiff can evict an assured shorthold tenant.

Local Authorities have the power to take criminal proceedings for offences of unlawful eviction and/or harassment. If the evidence justifies it, they can carry out investigations and prosecute if they believe an offence has been committed.

Where the harassment takes the form of the landlord/agent not undertaking necessary repairs, and the property is in poor condition, a local authority also has powers under the

Housing Act 2004 (as amended by the Deregulation Act 2015), through the Housing Health and Safety Ratings System (HHSRS), to take enforcement action to secure improvements to the condition of the property.

This policy states clearly that CEC will take a proactive stance and investigate any allegation it receives regarding harassment and/or unlawful eviction. It is therefore hoped that landlords and agents will be prompted to ensure that they do not take any action that could constitute harassment or unlawful eviction and will be deterred from following such courses of action.

3. Strategic context

This Policy is reflected in the strategic aims of CEC, including the Housing Strategy 2018 - 2023 and the Homelessness and Rough Sleeping Strategy 2021-2025.

A number of key priorities under the Housing Strategy 2018-23 is to 'Challenge Poor Quality Housing' in the private rented sector, including the targeting of the worst management and poorest housing standards, as well as promoting the responsibilities of landlords.

A key action within the Homelessness and Rough Sleeping Strategy 2021-2025 is to develop CEC's relationships with private landlords, enabling communication and positive working relationships to "encourage landlords to pre-notify Housing Options about 'notices to quit' given to tenants".

4. The situation in Cheshire East

Within Cheshire East there are 21,755 (12.2%) households living in the private rented sector. The highest percentage is in Crewe Central (35.6%) and is significantly larger than most of the other wards, although Macclesfield Central and Crewe South are also large. The lowest is Wistaston (6.1%) (<https://assets.publishing.service.gov.uk>). 35 of the 52 wards show that the private rented sector is larger than the social rented sector.

At risk groups and vulnerable households

For the PRS to be suitable for homeless and/or vulnerable people it needs to offer good quality, well located housing, with an appropriate degree of security, and at an affordable price. It needs to be accessible to groups who may be reliant on Housing Benefit/Local Housing Allowance. Ideally, it should provide some choice of location and the scope to give to those who want it, a long-term home. Many households are reliant on lower quarter and quintile housing due to less than average household income.

The PRS provides an important housing option to households who present to the local authority for assistance as they are at risk of homelessness. In the first three quarters of 2021/22, 74 Cheshire East households were prevented or relieved from homelessness through securing housing in the PRS.

Cheshire East has a relatively high concentration of migrant workers in the Crewe area, many of whom live in private rented accommodation, especially Houses of Multiple Occupation (HMOs). CEC recognises that migrant workers can be subject to poorer living conditions and experience exploitation of their rights as renters in the UK (CIH Housing and Migration: a UK practice 2012). Often issues will be undetected due to non-reporting, and challenges such as literacy, language barriers, and a lack of awareness of the housing rights of non-UK nationals.

The Council aims to tackle the issue through increased awareness-raising within communities and workplaces, as well as improved website information, by specifically carrying out promotion and marketing of housing, homelessness and Homechoice services. This will mean that the Housing Options Team is better promoted among hard-to-reach groups and those with accessibility issues. The CEC website will be kept up to date with good quality information and useful links (ensuring access to translated documents and services for those needing them). Many migrant workers will not have English as a first language.

5. What is harassment?

Harassment is defined in the Protection from Eviction Act 1977 as:

- Acts likely to interfere with the peace and comfort of those living in the property, or
- Persistent withdrawal of services that are reasonably required for the occupation of the property. The Protection from Eviction Act 1977 creates two separate offences of harassment:
 - The first offence can be committed by any person if it can be shown that s/he had an intent to cause an occupier to leave all or part of the property or refrain from exercising any right or remedy of the premises.
 - The second can only be committed by a landlord or her/his agent. This offence is committed if it can be shown that the landlord or her/his agent should have known or had reasonable cause to believe that her/his action(s) was likely to have this effect. This Act creates four criminal offences – harassment, putting another person in fear of violence, breach of restraining order, and breach of an injunction. Examples of behaviours which may be classed as harassment include:
 - Making threats to persuade a tenant to leave.
 - Cutting off services such as gas, electricity, or water.
 - Entering a tenant's room without permission.
 - Not carrying out or completing essential repairs, demand to carry out excessive repairs.
 - Anti-social conduct by the landlord/agent.
 - Physical violence.
 - Verbal abuse.
 - Withholding keys.
 - Changing locks.

- Removing belongings.
- Visiting at unsociable hours.
- Constant telephone calls or text messages.

There may be harassment because of age, disability, gender, race, religion, nationality, or sexuality (as extended to all new protected characteristics and protected groups within the 2010 Equality Act). For example, there is evidence nationally of some landlords exploiting vulnerable tenants if the tenant wishes to stay in the landlord's property.

A landlord should provide reasonable notice of any intended visit to his tenant's property. As a general rule, this should be at least 24 hours, unless there is an emergency, such as a burst water pipe. Intention is where the landlord or his agent knows or has reasonable cause to believe that their conduct is likely to cause the residential occupier to:

- Give up their occupancy of part or all of the property,
- Refrain from exercising any right in respect of the whole or part of the premises (e.g. applying for a fair rent), and
- Refrain from pursuing any remedy in respect of the whole or part of the premises (e.g. taking court action to get repairs done).

As well as being an offence under the Protection from Eviction Act 1977, there may also be an offence under the Protection from Harassment Act 1997, which provides protection from harassment. Specifically, a person must not pursue a course of conduct—

- (a) which amounts to harassment of another, and
- (b) which he knows or ought to know amounts to harassment of the other.

Harassment is both a criminal offence and a civil action under the Protection from Harassment Act 1997.

This means that someone can be prosecuted in the criminal courts if they harass a tenant.

A person guilty of an offence is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.

It also means a tenant can take action against the landlord in the civil courts.

The Anti-social Behaviour, Crime and Policing Act 2014 Part 2 applies where a person ("the offender") is convicted of an offence.

The court may make a criminal behaviour order against the offender if two conditions are met.

The first condition is that the court is satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person.

The second condition is that the court considers that making the order will help in preventing the offender from engaging in such behaviour.

6. What is an unlawful eviction?

To gain possession of a property a Landlord must:

- Give the proper legal written notice
- Get a court order for possession, and
- Get a bailiff's warrant for possession.

If the tenant/licensee and landlord share living accommodation, the landlord does not have to get a court order to evict the tenant/licensee but must give the correct written notice.

Unlawful eviction occurs when the landlord, the landlord's agent or someone acting on their behalf unlawfully deprives a tenant/ licensee of all or part of their home, or where any other person forces or attempts to force a tenant/licensee to leave the accommodation without following the correct legal procedure and serving the proper notice(s) under the relevant Housing Acts. Unlawful Eviction and Harassment are criminal offences and the maximum penalty in a Crown Court is

- an unlimited fine and
- two years' imprisonment

7. Enforcement

CEC will adhere to this Policy and seek to do so in a firm, fair, open, consistent, and helpful way. All investigations into alleged reports of unlawful eviction and/or harassment, and any subsequent enforcement action will comply with relevant legislation and follow best professional practice.

Interviews under caution (commonly known as "PACE interviews")

CEC carries out interviews in accordance with the Code of Practice for the treatment and questioning of persons with respect to suspected offences. The Code has been prepared in accordance with the Police and Criminal Evidence Act 1984 (PACE).

An "interview" is defined as the questioning of a person regarding their involvement or suspected involvement in a criminal offence or offences. Such an interview must always be carried out under caution. For those requiring one, a translation service will be provided.

The suspect's responses to questions put to him/her during an interview under caution may be used as evidence against him/her in any subsequent criminal proceedings. This is explained to the suspect by the caution. Evidence obtained during the interview can only be used against the person being questioned; it cannot be used in evidence against another person (for example, a co-defendant), although it may suggest additional lines of enquiry.

CEC will investigate non-compliance with statutory requirements, and take firm action, including prosecution where appropriate, against those who breach or fail to fulfil their legal obligations.

The Council has a staged approach to enforcement wherever possible, to ensure solutions are initially sought through increased awareness, co-operation, mediation, and agreement.

Where this is not successful, formal action will be necessary, which may ultimately lead to prosecution or other action. The following options where appropriate are available to CEC:

- Mediation & negotiation
- Formal Cautions
- Prosecution
- Support, and signpost tenants seeking a civil remedy to a housing solicitor

8. Information to consider for prosecution

When considering which cases to prosecute consideration will be given to: -

- The merits of each case
- The Code of Practice for Crown Prosecutors
- The Criminal Procedure and Investigations Act 1996

A case will need to meet both the Evidential Test and the Public Interest Test before a caution or prosecution is pursued.

The Evidential Test is based on an objective assessment of all the evidence to establish whether there is sufficient and reliable evidence to provide a realistic prospect of a conviction.

The Public Interest Test assesses whether a prosecution is required in the public interest having regard to the Code for Public Prosecutors outlined at Appendix 2 – do the factors against prosecution outweigh the factors in favour of prosecution?

A prosecution or caution will usually take place if a case meets both the Evidential Test and the Public Interest Test.

9. Roles & responsibilities

CEC is ultimately responsible for ensuring that any case of unlawful eviction and/or harassment is investigated, and where appropriate, any necessary action is taken, including prosecution.

All CEC staff are responsible for adhering to the Policy and for reporting any circumstances where they suspect unlawful eviction and/or harassment may be taking place. Partner agencies have a responsibility to advise and assist customers and to refer relevant cases to CEC.

10. Review

This Policy will be reviewed every three years to ensure it meets its aims and objectives, and compliments the priorities contained within CEC's Homelessness and Rough Sleeping Strategy. CEC will be responsible for the implementation and review of this Policy and relevant procedures. A request for a copy of the Policy or any comments on the Policy should be directed to CEC Housing Services at:

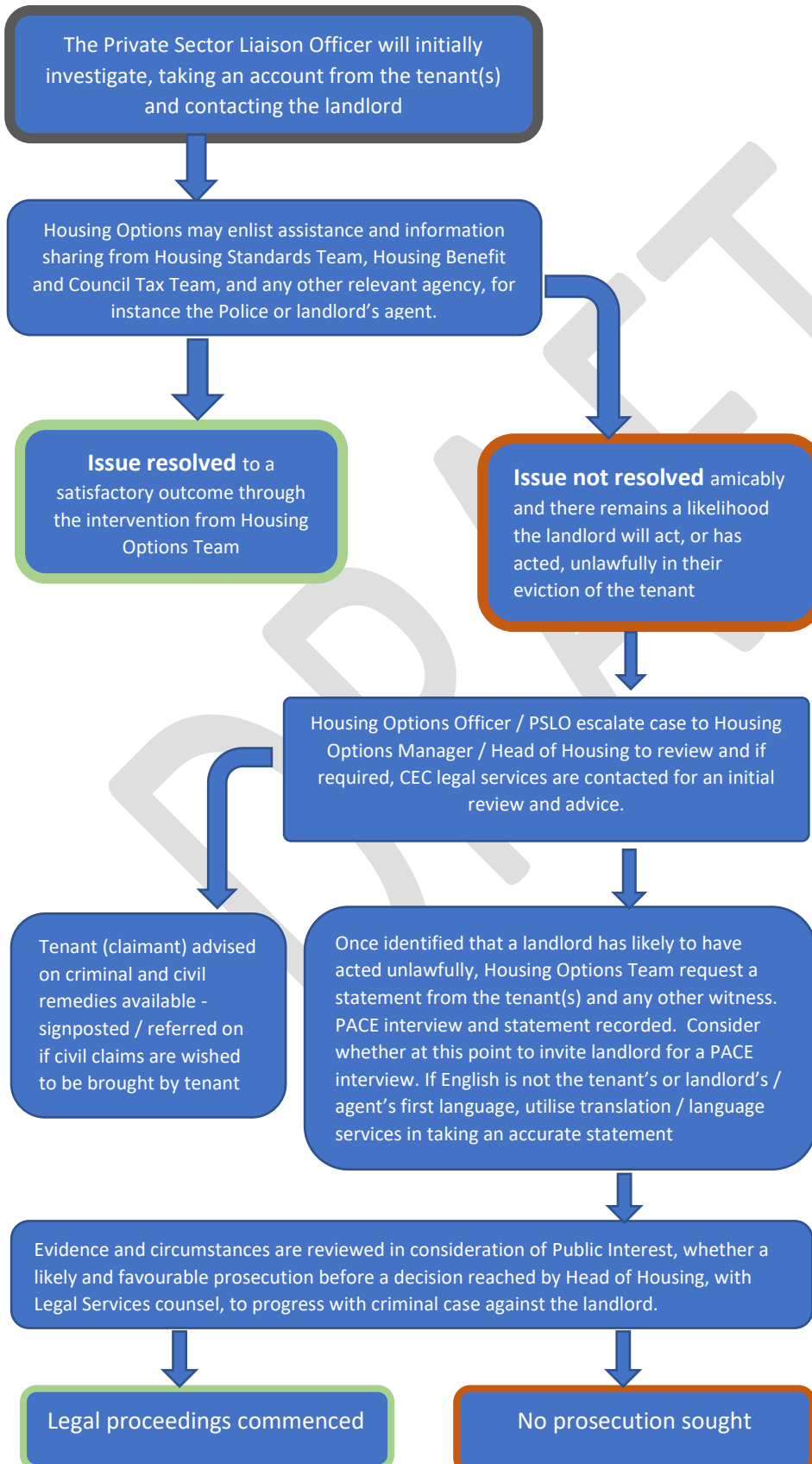
Cheshire East Council | Housing Strategy and Development | Westfields | Sandbach | Cheshire | CW11 1HZ

If you want to contact us, or if you require copies of this Policy in a language other than English, please e-mail us at housingpolicy@cheshireeast.gov.uk

11. Appendices

Appendix one – The Process

Once an Initial report is received by CEC of unlawful Eviction, threat of unlawful eviction, or Harassment, the Lead Service - **Housing Options Team** – will initiate the following process



Appendix two – Crown Prosecutors Code of Practice Public Interest Test

Factors in favour of Prosecution

- The offence included actual or threatened violence, or threatening behaviour
- The offence was premeditated or part of on-going harassment, that is, where a landlord has previously received warnings
- The victim is vulnerable/put in considerable fear/suffered personal attack
- The offence was motivated by any form of discrimination – racial, sexual, disability, etc.
- The defendant has relevant previous convictions
- There are grounds for believing that the offence is likely to be repeated, that is, previous complaints have been received that have been substantiated
- The prosecution would have a significantly positive effect in maintaining community confidence

Factors Against Prosecution

- The offence was committed due to genuine mistake/misunderstanding
- Minor loss or harm due to a single incident, especially if caused by misjudgement
- A nominal penalty is likely
- Prosecution is likely to have an adverse effect on the victims' mental or physical health
- The defendant has put right the loss or harm caused
- The defendant is suffering from significant mental or physical illness
- The motives of the complainant, including delay in making a complaint
- Long delays between commission and trial

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EQUALITY IMPACT ASSESSMENT

TITLE: Unlawful Eviction and Harassment Policy for Private Rented Sector Housing

VERSION CONTROL

Date	Version	Author	Description of Changes
11 th January 2022	DRAFT 1.0	John Howard	None

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EQUALITY IMPACT ASSESSMENT

CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

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

Department	Place		Lead officer responsible for assessment		John Howard	
Service	Housing		Other members of team undertaking assessment		Claire Grice Philip Jennings	
Date	11 th January 2022		Version		DRAFT 1.0	
Type of document (mark as appropriate)	Strategy	Plan	Function	Policy	Procedure	Service
				√		
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	New √		Existing		Revision	
Title and subject of the impact assessment (include a brief description of the aims, outcomes, operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service	<p>The term “unlawful eviction” is an umbrella expression for what is likely to be a number of unlawful acts committed by a landlord or someone acting with them, or on their behalf, which excludes the occupier from residential property that they have a continuing right to occupy.</p> <p>A small number of landlords/agents sometimes resort to using unlawful eviction and/or harassment to force tenants to leave their properties.</p> <p>Unlawful eviction can normally be prevented through mediation with the landlord, and Cheshire East Council (CEC) would always advocate this approach unless there are other mitigating factors, such as violence or threats, which would deem this approach unsuitable. However, where there are occasions when the landlord continues to harass or even unlawfully evict a tenant despite advice and information that they may be committing a criminal offence, then CEC will take action.</p>					

EQUALITY IMPACT ASSESSMENT

	<p>When such events occur, they have a severely disruptive effect on the households involved, possibly leading to unintentional homelessness. This in turn will have a financial impact on CEC who will have to find temporary accommodation such as bed and breakfast accommodation for those occupants. Successful implementation of this Policy will therefore see a reduction in homelessness and in costs to CEC.</p> <p>This Policy is reflected in the strategic aims of CEC, including the Housing Strategy 2018-2023 and the Homelessness and Rough Sleeping Strategy 2021-2025.</p> <p>A key priority in the Housing Strategy 2018-23 is to 'Challenge Poor Quality Housing' in the private rented sector, including the targeting of the worst management and poorest housing standards, as well as promoting the responsibilities of landlords.</p> <p>A key action within the Homelessness and Rough Sleeping Strategy 2021-2025 is to develop CEC's relationships with private landlords, enabling communication and positive working relationships.</p>
<p>Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)</p>	<p><i>If yes, who did you engage with? Please state below:</i></p> <p>(i.e. if risk increases, vulnerability increases etc. services should include methods of adaptation to meet these increased needs without creating client uncertainty, or loss of services).</p> <p><i>Name any groups/ stakeholders that you have involved or consulted with during the Equality Impact Assessment. Provide a brief summary of how they have been involved and what they said – positive or negative.</i></p> <p><i>For example, asking disabled people about access issues and gender groups about gender specific issues before a service is introduced. Involving people with protected characteristics in training, policy review, satisfaction surveys etc.</i></p> <p>Local stakeholders are private renters, private landlords, Police, Local Elected Members.</p> <p>No consultation with these groups has been carried out.</p>

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EQUALITY IMPACT ASSESSMENT

What consultation method(s) did you use?	
---	--

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)	<p><i>Such as a 'Process Map' of your service (assessment of customer journey through service) / analysis of complaints / analysis of patient satisfaction surveys and feedback from focus groups / consultations / national & local statistics and audits etc.</i></p> <p><i>List what other information you have reviewed.</i></p> <p>During the summer of 2021 it was identified that CEC needed an effective Unlawful Eviction Policy, following a number of cases. This also highlighted a particular need for more protection for migrant workers, a vulnerable group open to unlawful eviction, to promote help, and tackle any rogue landlords.</p>
Who is intended to benefit and how?	<p>Cheshire East has a relatively high concentration of migrant workers in the Crewe area, many of whom live in private rented accommodation, especially in Houses of Multiple Occupation (HMOs). CEC recognises that migrant workers can be subject to poorer living conditions and experience exploitation due to limited knowledge of their rights as renters in the UK. Often issues will be undetected due to non-reporting, and challenges exist around literacy, language barriers, and a lack of awareness of the housing rights of non-UK nationals.</p> <p>The Council aims to tackle these issues through increased awareness-raising within communities and workplaces, as well as improved website information, by specifically carrying out promotion and marketing of housing, homelessness and Homechoice services. This will mean that the Housing Options Team is better promoted among hard-to-reach groups and those with accessibility issues. The CEC website will be kept up to date with good quality information and useful links (ensuring access to translated documents and services for those needing them).</p> <p>Anyone in the cohort of private renters may be open to harassment because of age, disability, gender, race, religion, nationality, or sexuality (as extended to all new protected characteristics and protected groups within the 2010 Equality Act). For example, there is evidence nationally of some landlords exploiting vulnerable tenants if the tenant wishes to stay in the landlord's property.</p>

EQUALITY IMPACT ASSESSMENT

Could there be a different impact or outcome for some groups?			No.					
Does it include making decisions based on individual characteristics, needs or circumstances?			No.					
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)			It is intended that community relations are improved, and that communication improves between tenants, landlords, and statutory services such as CEC and the Police.					
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?			Not at the moment but this will be monitored through the implementation of the Unlawful Eviction Policy. Improvements in the promotion of services among hard-to-reach groups and those with accessibility issues will increase equality of access.					
Is there an actual or potential negative impact on these specific characteristics? (Please tick)								
Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N
		√			√			√
Disability	Y	N	Pregnancy & maternity	Y	N	Sex	Y	N
		√			√			√
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N
		√			√			√
What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts							Consultation/ involvement carried out	

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			Yes	No
Age	It will be possible to identify private renters to see if older people are happy with their home or if they would prefer to live in a different type of home or need to access to particular support services. Cheshire Homechoice will advise households enabling them to make informed decisions.			√
Disability	Households containing Disability Benefit recipients can be signposted to appropriate services and an up-to-date assessment of their needs carried out by health staff. Landlords will be reminded of their obligations under disability legislation,			√
Gender reassignment	CEC expects landlords to ensure that individuals transitioning have protection through their tenancy agreement.			√
Marriage & civil partnership	Families depend on extended networks and often try to live near relatives and rely on them for support. It is important that their accommodation is in the right area and that the accommodation is maintained.			√
Pregnancy & maternity	This group may benefit from the stability of adequate private accommodation making access to local hospital/health services easier. The Policy will see lesser disruption to people's lives.			√
Race	There is a duty on CEC to promote race equality and good race relations. It will be possible to signpost families who have/are experiencing racism to relevant services, such as Police. The Unlawful Eviction Policy will tackle racist abuse of tenants by their landlord.			√
Religion & belief	The Unlawful Eviction Policy will tackle discrimination and abuse of tenants by their landlord due to the tenant's beliefs.			√
Sex	CEC is aware that some landlords Nationally are exploiting vulnerable tenants if the tenant wishes to stay in the landlord's property, and the Unlawful Eviction Policy addresses this issue if it is encountered locally.			√
Sexual orientation	LGBTQ+ are a hard-to-reach group and often issues will be undetected due to non-reporting. CEC is aware of this and one of the objectives of the Unlawful Eviction Policy is to improve reporting and communication.			√
Proceed to full impact assessment? (Please tick)	Yes	No √	Date	

EQUALITY IMPACT ASSESSMENT

Lead officer sign off	John Howard	Date	11 th January 2022
Head of service sign off		Date	

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

EQUALITY IMPACT ASSESSMENT

Stage 3 Identifying impacts and evidence

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

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

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EQUALITY IMPACT ASSESSMENT

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

Stage 4 Review and Conclusion
ASSESSMENT

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

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

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Working for a brighter future together

Economy & Growth Committee

Date of Meeting:	17 March 2022
Report Title:	Notice of Motion – Starter Units
Report of:	Peter Skates, Director - Growth & Enterprise
Report Reference No:	EG/23/2021-22
Ward(s) Affected:	All Wards

1. Purpose of Report

- 1.1. On 20 October 2021, a Notice of Motion was submitted to Council regarding the provision of a wide range of affordable rental units for small and micro business start-ups. The Motion was proposed by Cllr A Kolker and seconded by Cllr P Groves.
- 1.2. This Motion stated that ‘This Council, in order to support the Borough’s post-pandemic recovery, commits to providing a wide range of affordable rental units for small and micro business start-ups.’
- 1.3. The Motion aligns to the Corporate Plan’s Aim of ‘Creating a thriving and sustainable place’ and the associated key priorities of creating:
 - 1.3.1. A great place for people to live, work and visit; and
 - 1.3.2. Thriving urban and rural economies with opportunities for all.
- 1.4. This report provides further information on current and planned activity by the Council to understand the evidence base and to ensure appropriate provision of affordable space for start-up businesses.

2. Executive Summary

- 2.1. The Motion proposed by Councillor A Kolker and Seconded by Councillor P Groves on 20 October 2021 is ‘*This Council, in order to support the Borough’s post-pandemic recovery, commits to providing a wide range of affordable rental units for small and micro business start-ups.*’

- 2.2.** Section 3 of this report sets out the recommendations for the Committee consideration. These include using existing funding already secured through the Future High Streets Fund to develop a pilot Incubation Centre in Crewe and to undertake further demand analysis and research to develop the business case for further investment in business start-up space. This research and the subsequent business cases can then be used to promote the development of small, affordable units with private sector landowners and developers or to prepare funding applications to external grant funds.
- 2.3.** Section 6 of this report sets out matters relevant to the Notice of Motion for the Committee to consider. This includes the fact that providing rental units for start-up businesses requires substantial investment from either the public or private sector. To secure this investment a robust business case is required based on evidence of demand. The Economic Development Service is already undertaking some activity to gather the evidence base to develop the business case for investment and will use this research and evidence to prepare investment plans/ funding bids when opportunities arise via sources such as the Levelling Up Fund or UK Shared Prosperity Fund and also to promote investment opportunities to private sector investors.

3. Recommendations

- 3.1.** To undertake demand analysis and research to identify demand for start-up units, potential sites and to develop the business case for investment in additional start-up and innovation space.
- 3.2.** If the research shows there is sufficient demand, to develop the business case for public sector investment in new business start-up space and an incubation support offer and use this to develop up investment plans/funding bids to secure the necessary capital and revenue funding. This could be via sources such as the Levelling Up Fund or UK Shared Prosperity Fund.
- 3.3.** In addition, to use the business case work to develop a pilot for a 'Technology and Digital Incubation Centre' (TADIC) in Crewe, using funding already secured through the Future High Streets Fund.
- 3.4.** To work with private sector landowners, developers and investors to promote the development of new start-up space, co-working and innovation spaces in key towns.

4. Reasons for Recommendations

- 4.1.** In Accordance with the Council Procedural Rules, the Economy & Growth Committee is asked to consider the Notice of Motion referred to it by Council on 20 October 2021.
- 4.2.** The Motion aligns to the Corporate Plan's Aim of 'Creating a thriving and sustainable place' and the associated key priorities of creating: A great place for people to live, work and visit and; Thriving urban and rural economies with opportunities for all.

5. Other Options Considered

- 5.1. The Committee does not approve the recommendations, i.e. resolves to do nothing. In this event there would be no further activity undertaken to explore the business case for investment in start-up space.
- 5.2. The Committee resolves to fund the provision of starter units for small and micro businesses. However, this has been discounted as an investment decision cannot be made without a high level business case.

6. Background

- 6.1. The Notice of Motion proposed by Councillor A Kolker and Seconded by Councillor P Groves on 20 October 2021 states:

This Council, in order to support the Borough's post-pandemic recovery, commits to providing a wide range of affordable rental units for small and micro business start-ups.

Background

Throughout Cheshire East, thousands of tiny businesses are operated from home.

In spare bedrooms, garages and garden sheds, small and micro businesses provide a living for our residents throughout the Borough – a phenomenon that has expanded during the pandemic.

Many of these businesses have ambitions to grow; to employ new staff and to provide a valuable contribution to the post-Covid economy. If these dreams are to be realised, it is essential that they have access to suitable accommodation.

Modern 'easy in / easy out' offices, workshops and meeting rooms, with fast broadband connections and adequate parking, as evidenced in other local authority areas such as Nottingham and Bristol, will create a community of innovation for the fledgling entrepreneur to flourish. If Cheshire East is to continue to prosper then we must explore, embrace and invest in this sector of the economy and provide good quality micro business accommodation.

7. Issues for consideration by the Committee

- 7.1. To provide high quality accommodation for small and micro businesses would require significant investment, whether by the private sector or public sector. In order to secure this investment, it is essential to have an evidence base to build a robust business case. This evidence base will need to include an assessment of the demand for, and supply of, suitable accommodation, along with a commercial viability assessment of the likely rental yields compared to the costs of initial capital investment and ongoing operating costs.

- 7.2.** The Business & Growth Team within the Economic Development Service is already undertaking several activities to gather the evidence base that can be used to test and build the appropriate business case for investment in starter units for small and micro businesses. This activity includes:
- 7.3.** A commissioned study to assess the supply of commercial property and sites for development and assesses the demand for different types of commercial property, along with typical rental yields. The results of this work are intended to enable the Business & Growth Team to create tailored propositions to promote specific investment opportunities in the borough to private sector investors and developers. This study will provide evidence on the level of demand for small, affordable units and will also assess supply shortages in this category of property. This evidence can then be used to stimulate interest in the private sector as well as developing the business case for public sector investment.
- 7.4.** A pilot project to develop a £3.1m Technology & Digital Incubation Centre (TADIC) in Crewe as part of the Future High Street Fund submission in 2020. The aim of TADIC is to convert an under-utilised building in central Crewe into new tech and digital focused co-working/ incubation spaces, in an area surrounded by high quality public realm with a good mix of cultural and entertainment assets. It will be operated by a specialist workspace operator to manage the space and services provided to create a highly visible focal point for innovative SME growth (and support provision) in the town centre.
- 7.5.** Consultants were appointed to complete the Demand Assessment, Feasibility Study and Options Appraisal for TADIC. The demand assessment and feasibility study identified there is demonstrable demand for small, flexible workspace in the town centre and a lack of business space which incorporates a strong incubation and innovation support offer. The preferred option has now been identified and an initial engagement exercise has been completed with potential Managing Operators. The next stage will be to select the preferred option, procure the preferred operator and procure contractors to undertake the building and refurbishment work.
- 7.6.** The activities described above will contribute to the evidence base to develop up the business case for any further public sector investment in new business start-up space and an incubation support offer across the borough. The Business & Growth Team will be able to use this research and evidence to submit funding bids when opportunities arise via external funding sources such as the Levelling Up Fund or UK Shared Prosperity Fund.
- 7.7.** Subject to successful funding applications, the Business & Growth Team will then be able to programme manage the delivery of the provision of new business start-up and incubation support services in the borough.

8. Consultation and Engagement

- 8.1.** A meeting was held with Cllr Kolker on 11 November 2021 to discuss the subject of Starter units and a wider Business Support and Starter Units

Briefing Note was circulated to members of the Economy & Growth Committee prior to Christmas 2021.

9. Implications

9.1. Legal

9.1.1. The procurement of contractors to undertake building refurbishment work and procurement of a managed workspace operator as part of the TADIC project must be compliant with the Council's procurement policies and procedures. Legal support has been sought on the best procurement route and contracting arrangements.

9.2. Finance

9.2.1. There is a financial cost to undertaking the recommendations in this report.

9.2.2. The initial feasibility, options appraisal and design and build costs for the building refurbishment work relating to the TADIC project are being funded through the Future High Streets Fund. A business case is currently being developed to ascertain the long-term financial sustainability of the operating model and whether any additional revenue funding is required for it to be viable. The intention is for TADIC to be self-sustaining through rental income to cover the costs of operating the centre.

9.2.3. The study to develop a place-based inward investment strategy is being funded through grant income generated by the Business & Growth Team.

9.2.4. Further funds will need to be identified to undertake the demand analysis and research to develop the business case for investment in additional start-up and innovation space.

9.3. Policy

9.3.1. The Motion aligns to the Corporate Plan's Aim of 'Creating a thriving and sustainable place' and the associated key priorities of creating: A great place for people to live, work and visit and; Thriving urban and rural economies with opportunities for all.

9.4. Equality

9.4.1. There are no equality implications arising from this report.

9.5. Human Resources

9.5.1. The workload to deliver the recommendations in this report need to be managed within the current capacity constraints. We will look to lever in external grant to maximise capacity and provide additional resource.

9.6. Risk Management

9.6.1. By undertaking the evidence gathering to develop a robust business case, the risk to the Council is greatly reduced.

9.7. Rural Communities

9.7.1. There are no Rural Community implications arising from this report.

9.8. Children and Young People/Cared for Children

9.8.1. There are no Children and Young People implications arising from this report.

9.9. Public Health

9.9.1. There are no Public Health implications arising from this report.

9.10. Climate Change

9.10.1. Providing affordable business start-up space in key locations, with good public transport links or within walking and cycling distance of where people live, could reduce travel and commuting and could encourage active travel, thereby reducing CO2 emissions.

Access to Information	
Contact Officer:	Philip Kerr, Business & Growth Manager Philip.kerr@cheshireeast.gov.uk 07971 603091



Working for a brighter future together

Economy and Growth Committee

Date of Meeting:	17 March 2022
Report Title:	Carbon Neutral Programme: Building Standards and Carbon Offset
Report of:	Peter Skates, Director of Growth and Enterprise
Report Reference No:	EG/20/21-22
Ward(s) Affected:	All

1. Purpose of Report

- 1.1** In May 2019 Cheshire East Council committed itself to becoming carbon neutral for its own operations by 2025, a priority within the Council's Corporate Plan 2021-25 to help realise our vision for an open, fairer, greener Cheshire East. This paper provides an update to the Committee on the progress made towards this commitment and provides recommendations relating to building standards and information on the use of Council owned land to support the insetting¹ requirements.

2. Executive Summary

- 2.1.** In May 2019 Cheshire East Council committed to being a carbon neutral council by 2025 and to influence carbon reduction across the borough. In May 2020 we adopted our Carbon Action Plan which set out how we will achieve this.
- 2.2.** Our action plan set a carbon reduction target of 46% and an insetting target of 60% by 2025 from 2019 baseline levels. To date the Council has achieved carbon reduction of 5% and delivered 28% of its insetting target. However, there are a series of projects in development that are forecasting total carbon reduction of 49% and total insetting of 60%; these projects remain subject to delivery.

¹ 1 Offsetting Carbon that cannot be reduced by natural sequestration such as tree planting and renewable energy generation focused within the borough

- 2.3. Among the recommendations accepted was for the council to reduce carbon from buildings by adopting the Building Research Establishment Environmental Assessment Method (BREEAM) 'Excellent' or equivalent standard for new buildings and aiming for the highest BREEAM standard achievable for refurbished Council buildings.
- 2.4. This paper provides updates on the research undertaken to move forwards with the measure noted above and recommends the Committee to consider the adoption of a particular building standard and to note the land use requirements for inseting projects.

3. Recommendations:

- 3.1. The Committee approves the adoption of a Cheshire East low carbon build standard for new build and refurbished buildings valued up to £10 million in addition to the reductions planned as part of the council's estates transformation project; and confirms the adoption of BREEAM Excellent as the standard for all building projects valued in excess of £10 million.
- 3.2. Note the Council is planning to plant trees on suitable council owned agricultural land holdings as part of the Carbon Neutral Action Plan 2020-2025 commitment to develop natural climate solutions such as tree planting and peatland management on at least 100ha of Council owned land.
- 3.3. Note the Council is planning energy inseting projects including two solar arrays under development within the borough and the need for land to be made available for the delivery of these projects.

4. Reasons for Recommendations

- 4.1. Adopting a consistent approach to the standards required for buildings will allow projects to be accurately planned and costed. Building standards like BREEAM are not always appropriate for lower value projects. A review of appropriate equivalent standards has been undertaken with Manchester City Council's Low Carbon Build Standard being recommended as the most appropriate standard to adopt. The intention is to adopt this standard (and any future iterations) within the requirements for all construction projects, with a view to amending the document over time to be bespoke to the Council and to incorporate future improved targets and innovation. Where projects exceed £10m in value then the BREEAM excellent certification will be required.
- 4.2. Adopting a standard to reduce carbon in building work accords with the council's ambition to be carbon neutral by 2025.
- 4.3. The Carbon Action Plan accepted by Cabinet includes requirements to adopt a low carbon standard for buildings and to develop carbon inseting projects and the need for land to be used for these purposes was accepted.

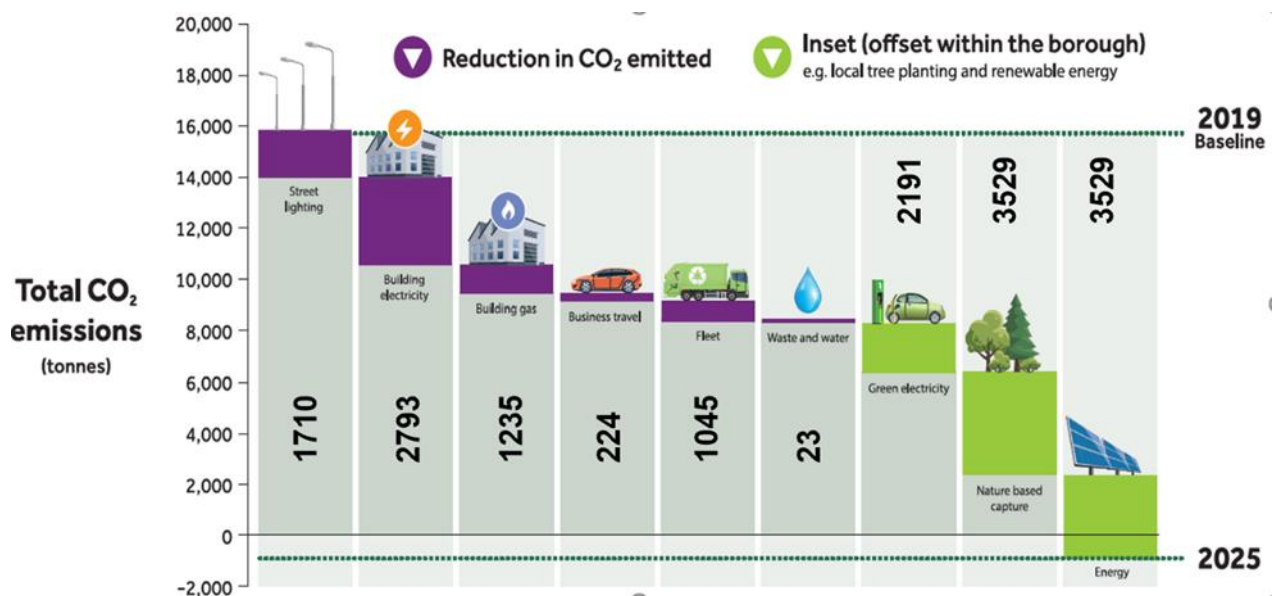
5. Other Options Considered

- 5.1.** The council could choose not to adopt a building standard. This would be contrary to the previous decision taken to accept the recommendations of the Carbon Action Plan and would impact on the council's ambition to be carbon neutral for its own operations by 2025.
- 5.2.** The council could choose to adopt a wider sustainability standard such as BREEAM excellent for all projects. This option is considered sub-optimal as it would have a disproportionate cost impact on lower value building projects and could disincentivise building improvements which could, in themselves, have carbon benefits.
- 5.3.** The council could choose to purchase land for inseting purposes. This would have a significant impact on the viability of these projects and may not demonstrate additionality, which is an important element of offsetting.

Option	Impact	Risk
Do nothing	No standard will be in place for building projects leading to increased carbon emissions from the council	There is a risk that a substantial increase could negatively impact our ability to meet our carbon neutrality target. There is also a reputational risk to the council if we are seen to not be prioritising carbon following our own commitments.
Adopt a more stringent standard (e.g. BREEAM Excellent)	Add a significant costs impact to all building and refurbishment projects	There is a risk that projects (and carbon benefits) become unviable due to the costs involved
Purchase all land required for inseting projects	Add a significant cost to all carbon inseting projects	There is a risk that the council would have insufficient funds to carry out all necessary inseting projects as the additional costs would make it unlikely that the projects would meet their own costs.

6. Background

- 6.1. In May 2020 Cabinet accepted the Carbon Action Plan as the appropriate route to achieve the council's ambition of becoming carbon neutral for its own operations by 2025.
- 6.2. The carbon neutral action plan set carbon budgets against different areas of the Council's operations, illustrated below. These were intended to outline the scale of the reduction required against each area and would be reviewed annually and as and when new opportunities or technologies emerge. Where targets were not being met it is intended that other areas may be able to compensate through additional action.



- 6.3. The action plan gives several areas for the reduction of carbon including building heat, building electricity, fleet and waste. Additionally, the plan gives areas of carbon offset including energy generation and natural sequestration; these offsets are referred to as insets as the decision was made to keep to schemes within the borough of Cheshire East.
- 6.4. Over the initial eighteen months of the action plan progress has been made in reducing energy consumption and decarbonising building heat sources. The Council has been successful in gaining Public Sector Decarbonisation Funding of £4.5m, led by our Facilities team though our facilities contract with Equans, this is enabling the installation of solar PV, improved LED lighting, better building insulation and the replacement of some gas boilers with air source heat pumps, the first time this has been done by the authority.

- 6.5.** The May 2020 cabinet agreed a recommendation within the Action Plan for reducing carbon from buildings by adopting the Building Research Establishment Environmental Assessment Method (BREEAM) 'Excellent' or equivalent standard for new buildings and aiming for the highest BREEAM standard achievable for refurbished Council buildings;²
- 6.6.** Cheshire East Council's Assets team undertook to review BREEAM and other available standards to consider the most appropriate for use by the council.
- 6.7.** RSK Environment Ltd were commissioned to undertake a review and considered four methodologies, namely
- BREEAM
 - Manchester City Council's Low Carbon Build Standard
 - PAS 2060
 - The Government Property Agency Design Guide: Net Zero and Sustainability
- 6.8.** Following a review of the RSK report the Assets team, in consultation with other relevant service areas, considered that the best approach would be to:
- Seek amendment on the Council's currently approved policy of BREEAM excellent for all projects, to all projects exceeding £10million.
 - Incorporate the Manchester Low Carbon Build Standard within the design and construction process for all construction projects with a view to updating/amending the document over time to become a Cheshire East standard.
 - Develop a strategic mechanism to manage carbon offsetting shortfalls where individual projects are unable to achieve net zero.
- 6.9.** Within the approved Carbon Action Plan is a requirement to develop natural climate solutions such as tree planting and peatland management to sequester carbon on at least 100 ha of council owned land by 2025. Nature based sequestration is currently focusing on projects that include planting trees or hedgerows and restoring peat moss.
- 6.10.** The Council has undertaken a high-level land use assessment through consultants RSK Environment Ltd. This has detailed some sites of interest for nature-based solutions by considering what biodiversity net-gain and carbon savings could be achieved in particular areas. The assessment has also indicated the co-benefits that can be achieved from the implementation of

² Cheshire East Cabinet Minutes: [Agenda for Cabinet on Tuesday, 5th May, 2020, 1.00 pm | Cheshire East Council](#)

natural sequestration measures including public amenity, aesthetic, and flood mitigation among others. The assessment has recommended a number of sites that would provide net gains in biodiversity and carbon capture.

- 6.11.** Partnerships have been established with The Mersey Forest and Cheshire Wildlife Trust and proposals for joint planting schemes are being explored, with Cheshire East benefiting from community and volunteer input, work with schools and access to 'Trees for climate' funding.
- 6.12.** In order to meet our energy insetting targets the Council will need to develop further projects. Within the Carbon Neutral Action Plan there is a recommendation for 20ha of solar which will require land to deliver. The Land Use Assessment by RSK referred to above in para 5.14.6 has also considered the potential for re-allocating land for additional solar farms within the borough. Several sites have been identified with strong potential and will now proceed through feasibility to full business case.

7. Consultation and Engagement

- 7.1.** The council's Assets Board has considered the Low Carbon Build Standard and agreed the recommendations within the report.
- 7.2.** The Environment and Communities Committee has considered both the Land Use Assessment and the Low Carbon Build Standard.

8. Implications

8.1. Legal

- 8.2.** Councils have general powers to acquire land under the provisions of the Local Government Act 1972 and general powers of competence under the provisions of the Localism Act 2011 which allows the Council to do anything an individual can do, provided it is not prohibited by other legislation. These powers replaced the previous wellbeing powers; however, the use of these powers must be in support of a reasonable and accountable decision made in line with public law principles.
- 8.3.** It is important that surveys and investigations as to the physical condition, title, environment, and services are carried out in respect of any site identified as suitable for actions contemplated by this report at an early stage. Where specific sites in Council ownership are identified as suitable for actions contemplated by this report but are subject to third party interests, particularly tenanted properties, the Council may not have any entitlement to implement such actions and it may be necessary to seek further agreement and possibly incentivise that agreement.
- 8.4.** The Council must have regard to the Council's Constitution current at the time of taking the decision.

9. Finance

- 9.1.** The BREEAM standard was committed to at the cabinet meeting of May 2020 when we adopted the carbon action plan. By adopting the Manchester City Council Low Carbon Build Standard for projects below £10 million it will reduce the cost that BREEAM would incur while focusing efforts on carbon reduction. At a time of high energy price this will result in non-gas decarbonised heating sources, PV electricity generation on buildings and much higher insulation standards which should significantly reduce ongoing revenue costs of running buildings in addition to meeting carbon targets.
- 9.2.** Any new business case should include for the low carbon build standard or BREEAM excellent prior to approval.
- 9.3.** Existing projects should take consideration of the low carbon build standard or BREEAM excellent and take pragmatic approach in meeting the requirements.
- 9.4.** Adoption of the standard while potentially increasing project build costs will likely result, through increasing energy performance, in net saving over the operational lifespan of a building

10. Policy

- 10.1.** The recommendations within this report are reflective of the priorities within the council's Corporate Plan 2021-25 and the vision for an open, fairer, greener Cheshire East. The plan includes the goal to be a carbon neutral council by 2025.

11. Equality

- 11.1.** The Carbon Neutrality programme has an Equality Impact Assessment that is regularly updated

12. Human Resources

- 12.1.** There are no Human Resources impacts as a result of these recommendations.

Risk Management

- 12.2.** A programme risk register has been developed and is actively maintained. Individual projects also maintain their own risk register and individual risks are managed or mitigated.
- 12.3.** There is a risk that it will not be possible to achieve BREEAM excellent on occasional projects. These aberrations will need to be dealt with on a case by case basis.

13. Rural Communities

- 13.1.** Changes in land use to support the delivery of the carbon neutral goal may have an impact on rural communities. The land assessment has considered the competing priorities for different land parcels and given a rounded view.

14. Children and Young People/Cared for Children

- 14.1.** There are no impacts anticipated to affect children and young people. As part of the wider Carbon communications strategy plans are in place to engage with children and young people through schools and other channels.

15. Public Health

- 15.1.** It is expected that reductions in carbon emissions and associated pollutants will have a positive impact on public health.

16. Climate Change

- 16.1.** The matters within this report are concerned with reducing the council's carbon footprint.

Access to Information	
Contact Officer:	Ralph Kemp, Head of Environmental Services Ralph.kemp@cheshireeast.gov.uk Andy Kehoe, Head of Estates andy.kehoe@cheshireeast.gov.uk
Appendices:	Appendix 1 – Summary of Manchester Low Carbon Build Standard
Appendices	Appendix 2 – Summary of Land Use Assessment
Background Papers:	Cheshire East Carbon Neutral Action Plan Manchester Low Carbon Build Standard Land Use Assessment (Confidential Part 2 Item)

Appendix 1: Manchester Carbon Standard – Summary

The Manchester Low Carbon Build Standard provides a stepping-stone which will enable the Council to move towards the target of mitigating the impact of capital projects on the environment.

The Council have confirmed that the Standard has been aligned the to the RIBA Sustainable Outcomes Guide 2019 as well giving “a set of common and clear standards that are backed and delivered by a leading professional institution covering all aspects of the built environment”¹¹. It was further endorsed by the Manchester Climate Change Partnership in December 2020 and “is supported by the Strategic Capital Board, several Portfolio Boards and external partners including the North West Construction Hub Board”.

Whilst the primary focus of this iterative Standard is the reduction of carbon in-use, the importance of understanding the impact of embedded carbon in construction materials should not be understated.

The model specification targets low carbon and energy use in projects using the following hierarchy:

1. Reduce – use as little energy or carbon as possible both during build and in use, by in most cases taking a fabric first approach using low embodied carbon materials from local sources
2. Re-use – look at opportunities for waste energy to be captured and re-used e.g. wastewater heat capture
3. Renewables – use efficient and economically viable methods to generate energy from technologies such as solar, ground source heat, grey water recycling

The model specification is based upon the “Top 10 Carbon Priorities”, Namely:

1. Fabric First
2. Efficient Boilers
3. Improve Lighting
4. Energy Controls and Metering
5. Improve Ventilation
6. Renewable Energy Sources
7. Reduce Water Consumption
8. Use Low Energy Equipment
9. Performance Measurement
10. Re-use and Recycle

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Appendix 2: Land Use Assessment – Summary

As part of the approach to be zero carbon by 2025, there will need to be a level of carbon offsetting required to balance residual emissions to achieve carbon neutrality. It is preferred by CEC for this offsetting to be within the borough in order to stimulate low carbon and climate change activity locally, described as ‘insetting’.

To inform this, RSK has been appointed to carry out land use assessments on council owned sites to understand the opportunities for additional and permanent carbon savings through renewables or carbon sequestration. This assessment does not prioritise or select sites for carbon insetting, its purpose is to provide potential options and an evidence base of the relative opportunity and benefits.

34 sites were identified for high level assessment for renewables and carbon sequestration. The sites range in size from 1 and 94ha and include farm holdings and closed waste sites. Most of the farm sites are dairy farms, but some have mixed farming practices.

Two separate assessments have been conducted by specialists within RSK. The renewables assessment focuses on the land availability and suitability for wind and solar PV energy at each site. The other assessment focuses on the potential for carbon sequestration alongside the implications and opportunities for biodiversity net gain (BNG) within each site.

It was found that seven farm sites should be taken forward for further analysis. These sites are considered to be mostly unconstrained for solar however do have some risk factors, such as they are in a Green Belt, that would need further consideration and analysis.

It is recommended that none of the sites should be considered for wind turbines.

Some productive farmland (ALC 3+) will be required to create 120ha for woodland creation across the portfolio of sites. As sufficient area cannot be found solely within either the BNG scenario (55ha only) nor the Blended scenario (111ha). However, up to 508ha is available across the portfolio of sites for woodland creation indicating that the target of 120ha is achievable.

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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/22/21-22	Briefing	Review of Cultural Framework	To seek approval for the preparation of a revised Cultural Framework from 2023 – 2028.	Director of Growth and Enterprise		TBC	Yes	A thriving and sustainable place	No
EG/24/20 21-22	Briefing	Housing Development Framework Update	To provide an update on the progress which has been made in relation to the Housing Development Framework.	Director of Growth and Enterprise		No	No	A council which empowers and cares about people	Yes 3
EG/03/20 22-23	31 May 2022	Asset Management Plan	The report introduces the Council's Asset Management Strategy and Corporate Asset Management Plan.	Director of Growth and Enterprise		Yes	Yes	An open and enabling organisation	No
EG/02/20 22-23	31 May 2022	Town Centre Vitality Plans	To consider the outcomes of the public consultation.	Director of Growth and Enterprise		Yes	No	A thriving and sustainable place	No
EG/01/20 22-23	12 Jul 2022	Wilmslow Town Centre Business Improvement District	To see approval to vote in the Business Improvement District ballot, following consideration of the final Business Improvement District proposal.	Director of Growth and Enterprise		No	No	A thriving and sustainable place	No

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/04/22-23	12 Jul 2022	Supported Employment Strategy	This report sets out the recommendations for a strategic approach to supported employment relating to adult social care customers with complex needs and support into work.	Executive Director Adults, Health and Integration		Yes	Yes	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	