

# Cabinet Agenda

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**Date:** Monday, 2nd April, 2012  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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

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

1. **Apologies for Absence**

2. **Declarations of Interest**

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

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

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

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

In order for an informed answer to be given, where a member of the public wishes to ask a question of a Cabinet Member three clear working days notice must be given and the question must be submitted in writing at the time of notification. It is not required to give notice of the intention to make use of public speaking provision but, as a matter of courtesy, a period of 24 hours notice is encouraged.

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Please contact Cherry Foreman on 01270 686463  
E-Mail: [cherry.foreman@cheshireeast.gov.uk](mailto:cherry.foreman@cheshireeast.gov.uk) with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

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

To approve as a correct record the minutes of the meeting held on 5 March 2012.

5. **Key Dec 11/12-28 Determination of Local Authority Co-ordinated Scheme and Admission Arrangements** (Pages 11 - 56)

To consider the outcome of the statutory consultation on the proposed admissions arrangements and co-ordinated scheme, and to approve it with effect from 2013.

6. **Key Dec 11/12-40 Equality and Diversity** (Pages 57 - 64)

To agree the Council's Equality and Diversity Objectives, to ensure that the Council complies with its general and specific duties under the Equality Act 2010.

7. **Key Dec 10/11-49/2 Future Operation Of The Lyceum Theatre, Crewe** (Pages 65 - 68)

To consider an update on future delivery options and on the recent formal soft market testing.

8. **Key Dec 11/12-27 Private Sector Housing Financial Assistance Policy** (Pages 69 - 130)

To approve this Policy setting out the forms of assistance that the Council will make available to owner-occupiers, private landlords, and to people with disabilities, to repair and adapt their homes.

9. **Interim Policy on the Release of Housing Land** (Pages 131 - 142)

To consider proposed changes to the interim policy on the release of housing land in the context of housing supply, the reasons for the amendments and the proposed consultation process.

10. **Shadow Health and Wellbeing Board - Terms of Reference** (Pages 143 - 154)

To consider amendments to the proposed terms of reference of the Board in the light of further revisions that may be made to the Bill prior to it receiving Royal Assent.

11. **Notice of Motion - Health and Social Care Bill** (Pages 155 - 160)

To consider a response to the Notice of Motion submitted to Council on 23 February 2012 and referred to the Cabinet for determination.

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

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

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

13. **Key Dec 11/12-37 Tatton Vision - Tatton Park Catering/Commercial Provisions**  
(Pages 161 - 166)

To consider new arrangements for the delivery of catering and related services at Tatton Park, as a key element of the Tatton Vision programme.

14. **Workforce Change** (Pages 167 - 176)

To consider the report of the Head of Human Resources and Organisational Development.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Monday, 5th March, 2012 in Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor W Fitzgerald (Chairman)  
Councillor R Domleo (Vice-Chairman)

Councillors Rachel Bailey, D Brown, J Clowes, H Gaddum, J Macrae,  
P Mason, R Menlove and M Jones.

Councillors in attendance:

Rhoda Bailey, G Baxendale, S Gardiner, P Groves, S Hogben, O Hunter,  
L Jeuda, P Nurse, P Raynes, L Smetham, A Thwaite, J Weatherill and S  
Wilkinson.

Officers in attendance:

Chief Executive; Borough Solicitor; Director of Children, Families and Adults;  
Director of Finance and Business Services; Head of HR and Organisational  
Development; Head of Local Delivery and Independent Living; and Strategic  
Director Places and Organisational Capacity.

**117 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**118 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**119 PUBLIC SPEAKING TIME/OPEN SESSION**

The following members of the public spoke in respect of agenda item 5  
(Improvements to Adults Social Care Services).

Charlotte Peters Rock asked a number of questions on behalf of Knutsford Area for Knutsford Action including what plans were there for day and respite services in the Knutsford area, what were the number of people in the Knutsford area needing those services and where did they currently go for that care; what arrangements are made for carers to oversee the care of those they care for; how is Cheshire East Council meeting its legislative care requirements and when would any of the currently closed day care and respite care facilities in the area be re-opened. In addition she sought a number of assurances regarding the Stanley Centre. As requested these questions are appended in full to the minutes of this meeting.

Mike Card, the parent of two daughters using the facilities at Queens Drive, Congleton, made a statement concerning his calculation of the costs resulting from its closure and the move of its customers to Lincoln House. He was concerned at the lack of alternative respite provision, especially for weekends, and at what he considered to be the inappropriate mixing of young and elderly people in the same facility.

John Coupland, who was also the parent of a child at Queens Drive, expressed similar concerns as Mike Card. He did not consider Lincoln House was the right place for the care of young adults and asked for further consideration to be given to the retention of such an excellent facility as Queens Drive.

Mabel Taylor, a resident of Knutsford, spoke in respect of the temporary and proposed permanent closure of Bexton Court and was concerned at the overall lack of provision in Cheshire East in the light of the forecast increase in the population of over 65 year olds. In addition she expressed the suspicion among local residents that facilities were being closed in order to facilitate the development of a health and well being centre.

Judie Collins spoke on the lack of public consultation on the temporary closure of Bexton Court, and that its permanent closure was now being proposed along with that of the Tatton Ward before the findings of the Task and Finish Group study of dementia, set up by the Adult Social Care Scrutiny Committee, was known. She asked that consideration be given to the timings of these closures; to the public consultation arrangements and also that the Head of Adult Services meet with KafKa as a matter of urgency.

The Chairman thanked everybody for their contributions and confirmed that written responses would be given to the points raised on submission of a written copy of what was asked or said.

120        **MINUTES OF PREVIOUS MEETING**

**RESOLVED**

That the minutes of the meeting held on 6 February 2012 be approved as a correct record.

121        **KEY DEC 33 IMPROVEMENTS TO ADULTS SOCIAL CARE SERVICES**

Consideration was given to the results of the public consultation on proposed changes to enhance facilities and to transfer some day and short break services, the aim of which was to improve services and match supply with demand. The report included a detailed business case for the proposals made now made.

In developing the final proposals it was stressed that Officers had been proactive in their engagement with the community, had listened to the wide range of opinions expressed by the public during the consultation, and had incorporated them where practicable into the final recommendations; this included a full debate on the petition from KafKa (Knutsford Action for Knutsford Area) by the Council at its meeting on 23 February 2012.

The Adult Services Portfolio Holder gave a detailed resume of the process leading to the proposals now under consideration, the aim being to provide the best possible level of adult social care provision with facilities that were fit for this day and age, that those services were affordable, sustainable and in the right places.

Councillors welcomed the very comprehensive consultation exercise that had been carried out and thanked both the Officers concerned and the public for their extensive involvement. All the responses received during the consultation exercise had been looked at in depth as evidenced by the time it took to analyse and evaluate them, and to the changes made to the original proposals.

## **RESOLVED**

1. That the importance be recognised of ensuring that the outcome of the public consultation was carefully considered in the evaluation of the proposals in the business case.
2. That approval be given to the recommendations in the business case (Appendix B of the report) summarised along with the key considerations as follows:

### **KNUTSFORD/WILMSLOW/POYNTON**

Overall 23 options were considered. There was additional consultation specifically related to the Knutsford developments and the original proposal to close the Stanley Centre and to re-provide locally has been modified to retain local services whilst releasing Stanley House. Work continues to engage with Health regarding future opportunities with local development on the Bexton Court site.

- a) Invest in new Changing Places facilities and enhanced lifestyle facilities at Wilmslow Leisure Centre;
- b) Separate the Stanley Centre from Stanley House and make improvements to bathroom facilities. This will permit Stanley House to be returned to the corporate landlord property pool whilst retaining local Learning Disability day care facilities;
- c) Confirm the permanent closure of Bexton Court acknowledging that local demand for dementia respite is adequately provided for by the independent sector. Work with partners from Health to assess the future usage of the site;

- d) Invest in modifications to Redesmere to develop it as a multi purpose centre and permit the transfer of Learning Disability day care services from Dean Row. Subsequently to declare Dean Row surplus to requirements and return it to the corporate landlord property pool. The longer term goal is to move as soon as possible towards an integrated service which includes an integrated SMART, Frontline and Independent Living Centre (ILC) alongside the Lifestyle developments.

#### **MACCLESFIELD**

The alternative, more cost-effective, proposals for Hollins View now avoid disruption to customers during developments and significantly enhance local dementia services by providing a separate day centre provision which increases capacity and retains flexibility for future developments on that site.

- e) Invest in new Changing Places facilities and enhanced lifestyle facilities at Macclesfield Leisure Centre;
- f) Convert the current Youth Offending Team building at Hollins View into specialist dementia day care facilities with secure garden areas. This will permit some local customers to transfer from Mayfields;
- g) Transfer day care services from Peatfields to Mayfields, declare Peatfields surplus to requirements and return it to the corporate landlord property pool.

#### **CONGLETON**

Following consultation feedback the original proposals to provide additional complex Learning Disability (LD) respite at Mountview as an alternative to Queens Drive have been reconsidered. Therefore significant respite over-capacity will remain and further work will be done to explore options including Carter House where short-term investment is required. This work will need to examine independent sector alternative provision, the potential future use of Hollins View, and will require close monitoring of all service usage for the immediate future. The high level of demand for dementia care in this area is acknowledged.

- h) Investment in Mountview to convert some existing Older People (OP) bedrooms into 10 additional dementia respite beds;
- i) Closure of offices at 48/54 Lawton Street;
- j) Possible investment in Carter House for the essential improvements to make it fit for purpose.

#### **CREWE**

Following consultation feedback the original proposals to provide additional complex Learning Disability respite at Mountview as an alternative to Queens Drive have been reconsidered and supplemented with proposals at the more local Lincoln House.



- k) Investment in Lincoln House to create 5 additional Learning/Physical Disability respite beds;
  - l) Transfer of respite services from Queens Drive to both Lincoln House and Mountview, the subsequent closure of Queens Drive and its return to the corporate landlord property pool.
- 3. That approval be given to the renegotiation of the Service Level Agreement with Care4CE realigned with the anticipated future demand and incorporating appropriate staff consultations. Whilst these proposals will have a significant impact on the current double running costs (services being commissioned by individuals personal budgets in the independent sector and continued surplus services remaining within internal provision via Care4CE) it is anticipated that there will continue to be some surplus capacity within Care4CE both in the short and medium term. The continual review of capacity will be needed both in the medium and longer term.
- 4. That it be confirmed that that the Places and People Directorates will work together to support the alternative, but minimal, transport provisions that might be required as a result of these proposed changes.
- 5. That approval be given to the joint exploration of additional Lifestyle bases in line with the positive endorsements of the Lifestyle concept received during the consultation, working with the Places Directorate.
- 6. That as part of the next phase of the review, the exploration of further solutions for delivery of Complex Learning Disability respite be endorsed, to possibly include additional development of the Hollins View site and options for services currently delivered from Warwick Mews. Additionally this work to incorporate the changing levels of Intermediate Care demand and possible developments on the Tatton site. Any proposals would be subject to consultation and future Cabinet decisions.
- 7. That other ongoing work with Local Engagement Groups and other partners be endorsed, exploring future service developments and working to promote the development of a mixed economy for service provision providing greater choice and flexibility for customers. The outcome of this will result in further proposals being presented to Cabinet at a future date.

122

**KEY DEC 36 SUPERFAST BROADBAND INITIATIVE**

Consideration was given to the implementation of the Cheshire and Warrington Broadband Plan, to the investment needed, and to the programme of the wider Connecting Cheshire Partnership with Cheshire West and Chester, Warrington and Halton Councils.

The report detailed the financial support available from the UK Government whose objective was to deliver the best superfast broadband network in Europe by 2015, with funded Local Broadband Plans being in place by the end of April 2012.

**RESOLVED**

1. That the Cheshire Warrington and Halton Local Broadband Plan, as detailed in Appendix B of the report, be received and endorsed.
2. That the Council investment of £1.2 million, profiled over three years to provide for 90% superfast broadband coverage across the Borough, with an ambition to achieve 100% coverage by leveraging European Grant Funding, be noted.
3. That approval be given for the Strategic Director Places and Organisational Capacity, and the Director of Finance & Business Services, in consultation with the Cabinet Member for Performance and Capacity, to be given delegated authority to make necessary decisions on approved matters to enable the delivery of the Superfast Broadband project.
4. That approval be given for the Director of Finance and Business Services, the Borough Solicitor and the ICT Manager to prepare, negotiate and sign off legal documentation required between the Council and the Secretary of State, and the Connecting Cheshire Partnership, as required.

123

**KEY DEC 38 REVIEW OF LOCAL DEVELOPMENT SCHEME AND TIMETABLE**

Consideration was given to a revised programme for preparing the draft Local Plan for inclusion in the Local Development Scheme for 2012-14. The Local Development Scheme is a statutory document setting out the plans and policies the Council seeks to rely on in decision making. The revised programme aimed to ensure that the Council had a three year programme for the preparation of the various documents making up the Local Plan but also to allow sufficient time for input for Members, local Councils and key stakeholders.

**RESOLVED**

1. That the proposed Core Strategy and Site Allocations Timetable, as set out in Appendix 3, be included within the Local Development Scheme.
2. That, notwithstanding the powers already delegated by full Council and recorded in the Constitution, but for the avoidance of doubt, the Portfolio Holder for Performance and Capacity be granted delegated power to approve all elements of the Final Local Development Scheme as would be lawfully exercisable by the Cabinet.
3. That Cabinet further consider measures and resources that would enable an improved 'two stage' timetable for site allocations to be achieved.

124      **ANNUAL AUDIT LETTER 2010/11**

Cabinet was asked to receive and comment on the Annual Audit Letter for 2010-11; Judith Tench of the Audit Commission was present to introduce the item and to answer any questions from Members. The report summarised the Audit Commissions findings and included a summary of the Commissions opinion on the Council's financial statements, an assessment of the adequacy of its arrangements for securing value for money, and outlined some of the future challenges facing the Council.

**RESOLVED**

That the Annual Audit letter for 2010-11 be received and noted.

125      **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 or 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

126      **KEY DEC 32 PYMS LANE/MINSHULL NEW ROAD, CREWE -  
SALE OF LAND**

Consideration was given to the report of the Strategic Director Places and Organisational Capacity.

**RESOLVED**

1. That the freehold interest in the Land at Pyms Lane, Crewe be sold as detailed and upon the terms outlined in Section 10 of this report.
2. That the Strategic Director for Places and Organisational Capacity and Borough Solicitor be given delegated authority to finalise the details of the sale in accordance with the terms and conditions contained in this report.
3. That the Strategic Director for Places and Organisational Capacity be authorised to explore further the implications of the offer received simultaneously the company concerned in respect of the Land at Minshull New Road and that any decision to sell this land be subject to a further report to Cabinet.

127      **KEY DEC 35 OPTIONS FOR WASTE TREATMENT PFI  
PROJECT**

Consideration was given to the report of the Strategic Director Places and Organisational Capacity regarding future options for the Waste Treatment PFI Project. It was noted that the same recommendations had been considered and approved at the meeting of the Cheshire West and Chester Council on 23 February 2012.

**RESOLVED**

That approval be given to the recommendations, made by the Joint Waste Board on 8 December 2011, that Cheshire East Borough Council and Cheshire West and Chester Borough Council both agreed that:

1. The Waste Treatment PFI procurement project be formally abandoned.
2. To note the write off of capitalised project expenditure.
3. That Council be recommended to approve this decision.

128      **PROCUREMENT OF TRANSFER STATION CAPACITY IN THE  
NORTH**

Consideration was given to the report of the Strategic Director Places and Organisational Capacity on the procurement of waste transfer station

capacity in the north of the Borough. At the meeting the Portfolio Holder for Environmental Services provided further details on the range of options available, the associated costs of those options, and the advantages of following the proposed course of action.

**RESOLVED**

1. That the strategic and operational importance of proceeding with this procurement be noted.
2. That the forecast financial implications of this procurement activity, which will be reported as part of the 2012/13 1<sup>st</sup> Quarter Performance report to Cabinet when the final outcome is known, be noted.
3. That approval be given to the procurement of waste transfer capacity through the Open Procedure (Option 1), as fully detailed in this report.

129      **WORKFORCE CHANGE**

Consideration was given to the report of the Head of Human Resources and Organisational Development.

**RESOLVED**

That Cabinet supports the decision of the Chief Executive to release the employees whose roles are listed as 1 to 15 of Appendix A of the report under the arrangements agreed in relation to voluntary severance provisions for employees in the Council.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

W Fitzgerald (Chairman)

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**CHESHIRE EAST COUNCIL****REPORT TO: CABINET**


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<b>Date of Meeting:</b>	2 April 2012
<b>Report of:</b>	Barbara Dale, School Admissions and Organisation Manager
<b>Subject/Title:</b>	Determination of Local Authority Coordinated Scheme and Admission Arrangements.
<b>Portfolio Holder:</b>	Councillor Hilda Gaddum, Cabinet Member for Children and Families

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**1.0 Report Summary**

- 1.1 This Decision Paper reports on the outcome of the statutory consultation undertaken during the Spring Term 2012 on the Local Authority's proposed admissions arrangements and coordinated admission scheme for 2013 and seeks Cabinet approval to determine these arrangements, which must be completed by 15 April 2012, in accordance with legal requirements.
- 1.2 The Local Authority's Coordinated Admissions Scheme, once determined, will apply to applications for places in publicly funded schools, including Free Schools and Academies, received for the relevant age group<sup>1</sup> and to all applications received 'in year'<sup>2</sup> for places in publicly funded schools in Cheshire East . This scheme will apply to subsequent years, subject to any review.
- 1.3 The proposed admission arrangements, once determined, will apply to applications for places in Cheshire East community and voluntary controlled schools.
- 1.4 Admission arrangements for all other publicly funded schools are determined by the relevant admission authority, which will be the governing body or Academy Trust.

**2.0 Decision Requested**

- 2.1 Cabinet is recommended to approve:
- The proposed **coordinated admission scheme (Appendix 1)**, which all local authorities are required by section 88M of the School Standards and Framework Act 1998 (SSFA) and the Co-ordination Regulations to have in place;

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<sup>1</sup> Applications for admission at the normal point of entry into the reception class at 4+ and secondary transfer at 11+ for the school year 2013-2014

<sup>2</sup> Applications for admission received after the first day of the school year into the relevant age group or into any other year group.

- The proposed **admission arrangements (Appendix 2)** for Cheshire East community and voluntary controlled schools, which include the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places, and;
- Confirmation to the Secretary of State by 15 April that a coordinated scheme has been adopted, in accordance with legal requirements.
- Notification of the determined admission arrangements to all appropriate bodies<sup>3</sup> within 14 days of determination.

### **3.0 Reasons for Recommendations**

- 3.1 Regulations made under provisions of the School Standards and Framework Act 1998 require that following consultation on any proposed changes to admission arrangements and local authority coordinated admissions schemes, arrangements must be determined by 15 April in the year preceding the admission year.
- 3.2 This recommendation will enable the Local Authority to meet its statutory duty to determine by 15 April 2012 a coordinated admissions scheme and admission arrangements for 2013 and subsequent years and to notify all appropriate bodies of the determination, in accordance with legal requirements.

### **4.0 Wards Affected**

- 4.1 All wards
- 4.2 Once determined,
- the coordinated scheme will apply to all Cheshire East mainstream publicly funded schools, including Free Schools and Academies and to applications received from Cheshire East resident parents and carers;
  - the determined admission arrangements will apply to all Cheshire East community and voluntary controlled schools.

### **5.0 Local Ward Members**

- 5.1 All ward members

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<sup>3</sup> For admission arrangements this includes Cheshire East admission authorities, governing bodies and diocesan authorities.



**6.0 Policy Implications including - Carbon reduction**

**- Health**

**6.1** None

**7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

**7.1** Pupils who are in school for the Pupil Level Annual Schools Census (PLASC), which is the third Thursday in January, attract Dedicated Schools Grant funding for the Local Authority. Where pupils are admitted above the Published Admission Number (PAN), if these pupils were not captured in this census, DSG funding would not be generated for them. Any additional associated unfunded costs for increases in PAN will be expected to be met either by the school, or in limited circumstances, via a contribution from the DSG general contingency budget. There will be no additional funding provided by the Local Authority in relation to schools admissions.

**7.2** The costs of School Admissions are charged to the Dedicated Schools Grant (DSG) within the element for central expenditure.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

**8.1** The Local Authority has a statutory duty to comply with the mandatory requirements imposed by The School Admissions Code 2012, which has been issued under Section 84 of the School Standards and Framework Act 1998. The Code reflects changes to the law made by the Education Act 2011 and The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

**8.2** Members are advised that that the changes in admission legislation, which came into effect in on 1 February 2012, apply to admission arrangements for 2013 and subsequent years. Of particular relevance are the changes as set out below:

- the removal of the statutory requirement placed on local authorities to coordinate 'in year' applications;
- The removal of the requirement to consult on changes to published admission numbers (PAN) other than where a reduction is proposed. Where the local authority is the admission authority, it must consult the governing of the relevant school as a minimum. Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish.

- Following determination of the PAN, admission authorities can admit above their PAN during the normal admission round and in response to in year applications.
- Published admission numbers can now be increased at any time during the year without referring to the Schools Adjudicator for an 'in year variation' as previously required.

## 9.0 Risk Management

- 9.1 The Local Authority would be in breach of its statutory duty if it failed to comply with the Law, which requires that,
- admission arrangements are determined annually by 15 April with full details published on the Council's website by 1 May, and
  - the Secretary of State receives confirmation by 15 April that the Local Authority has secured the adoption of a qualifying scheme.
- 9.2 Failure to comply will result in unlawful arrangements and could result in complaints and challenge. In the event that the Local Authority is unable to confirm that a qualifying scheme has been adopted, the Secretary of State may impose one.

## 10.0 Background and Options

- 10.1 The changes proposed to the Local Authority's **coordinated scheme (Appendix 1)** are:
- A revision to the procedure for Local Authority coordination of 'in year' applications i.e. those received outside the normal admissions process into any year group during the course of the year, including the removal of inter local authority coordination of applications.
  - A revised procedure for processing late applications
- 10.2 Listed below is a summary of the changes proposed by the Local Authority to the **admission arrangements for community and voluntary controlled schools (Appendix 2)** (schools for which the Local Authority is the admission authority):
- A change to the oversubscription criteria to include 'previously cared for children' as a first priority alongside 'Cared for Children'. This proposal will ensure compliance with the revised admissions Code.
  - The removal of criterion 2 (Medical and Social Reasons)

- Proposals to vary some schools' current admission numbers for September 2013 admissions, in line with net capacities. **(Appendix 2.1)**
- Proposed re- zoning arrangements. **(Appendix 2.2)**

- 10.3 Consultation on the changes proposed to the **coordinated scheme** involved all Cheshire East schools through the Schools Bulletin, governing bodies through the Director's Spring Term Report and, in accordance with legal requirements, the Admission Forum and other local authorities. Additional measures employed included presentation to the Cheshire East primary headteachers group (ECaph) and secondary headteachers group (CEASH).
- 10.4 During consultation, which concluded by 1 March, no written feedback was received on the proposed changes to the Coordinated Scheme. However, discussions with some schools took place on the processing of late applications with comments confirming a preference for including late applications at the initial allocation stage where possible, rather than delaying the administration of these applications. In order to secure a scheme will full agreement from schools, a slight change has therefore been made to bring forward the cut off point for processing late applications to the initial allocation stage.
- 10.5 Comments on the proposed changes to **admission arrangements for community and voluntary controlled schools** were invited from representatives of Cheshire East schools and this was delivered via the Schools Bulletin and Director's Spring Term Report alongside the consultation on the changes to the coordinated scheme. Additional measures employed included presentation to the Cheshire East primary headteachers group (ECaph) and secondary groups (CEASH). In accordance with the requirements set out in the School Admissions Code 2010<sup>4</sup>, consultation also involved neighbouring local authorities, diocesan authorities and parents, carers and members of the local communities. The latter involved publishing a notice in local newspapers informing interested parties that proposed admission arrangements were available for comment and informing readers that full details were published on the council's website together with information on where comments can be sent and by when. Hard copies could be requested by telephone if preferred.
- 10.6 During consultation, which concluded by the statutory date of 1 March, a total of 11 responses were received (Table 1). This included 8 submitted by representatives of Macclesfield schools, 1 from a staff governor representative of a Sandbach primary school and 2 from parents including 1 parent/governor. As a comparison, last year only 6 responses were received. A summary of the responses received is attached as **Appendix 3**.

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<sup>4</sup> Replaced on 1 Feb 2012 by the School Admissions Code 2012

**Table 1**

<b>Change proposed</b>	<b>Support</b>	<b>Do Not Support</b>	<b>No View</b>	<b>Total</b>
1) In line with new legal requirement -'previously cared for children' as a first priority alongside 'Cared for Children'.	4	0	7	11
2) Proposed removal of criterion 2 Children for whom there are particular medical or social reasons	3	0	8	11
3) Proposed re-zoning arrangements	1	1	9	11
4) Proposals to vary some schools published admission numbers	1	9	1	11
<b>Total</b>	<b>9</b>	<b>10</b>	<b>25</b>	<b>44</b>

10.7 Seven of the comments received during consultation make specific reference to the changes to published admissions numbers for Macclesfield primary schools. One of these respondents expressed the view that the proposed increase for Puss Bank should be approved on the basis that existing accommodation is sufficient to allow for the admission of further pupils and that such an increase would provide for greater parental choice and additional capacity to meet demand for places arising from new or planned housing developments in the area.

10.8 Six respondents expressed concern about the requests by governing bodies to increase published admission numbers in the Macclesfield area stating that existing surplus capacity would increase potentially impacting negatively on some schools and their ability to manage budgets and organise classes efficiently and effectively.

10.9 In response to this feedback, Members are advised that,

- Pupil forecasts indicate that, based on January 2012 school census data, there are 738 primary school places for the Macclesfield area with a surplus capacity of nearly 14%. (13.91%) This is compared with a Cheshire East surplus of 7.16%.
- For the Macclesfield schools, there have been 4 requests from governing bodies for PANs to be increased, which if agreed would deliver an additional 33 reception class places from 2013 and an overall increase in capacity of 231 places across the 7 year groups.
- Pupils resident in recent/new housing developments in the area admitted to maintained mainstream school places have

already been taken into account in producing surplus place data. Any additional housing in the future will be reviewed as part of the planning application process and in the event that further capacity is needed to meet increased demand, this will be identified by the Local Authority in consultation with schools in the area.

- 10.10 One respondent expressed concern about the proposed increase in the published admission number from 40 to 45 for Elworth CE, Sandbach expressing concern about the impact on nearby schools.
- 10.11 Members are advised that in addition to an overall shortfall in the number of school places in the area with surplus places forecast at only 1% by 2016, there are three housing developments proposed for this location with full planning permission approved for two and one with outline planning. Once Section 106 agreements have been signed, developers will have three years to commence building works. The combined pupil yield from these developments is calculated at 118 primary aged children.
- 10.12 The proposed reduction in the PAN for Rainow Primary from 25 to 24 has been removed following consultation in response to a request from the school.
- 10.13 Full details about the proposed changes and the feedback received during consultation were presented to the Admissions Forum on 13 March.
- 10.14 The Forum resolved to recommend to the Council's Cabinet that the proposed admission arrangements and coordinated scheme, which will apply for 2013 and subsequent years subject to any review, be approved.
- 10.15 This paper, together with its appendices and an oral update, was presented to the Children and Families Midpoint Scrutiny Committee on 13 March. The report was accepted.

## **11.0 Access to Information**

- 11.1 The background papers relating to this report can be inspected by contacting the report writer:

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Background information includes:

- School Admissions Code 1 Feb 2012
  - The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 (reg2)
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## LOCAL AUTHORITY COORDINATED ADMISSIONS SCHEME

### 1 BACKGROUND

- 1.1 This scheme applies to the school year 2013-2014 and subsequent years, subject to any review.
- 1.2 The scheme meets the requirements for a scheme for co-ordinating admission arrangements under the School Admission (Admission Arrangements and Co-ordination of Admissions Arrangements) (England) Regulations 2012, made under the School Standards and Framework Act 1998, for the area of Cheshire East Council (the Local Authority).
- 1.3 Applications for school places received 'in year' (i.e. those received after the first day of the school year into the relevant age group or into any other year group) and for the normal admission round into the relevant age group (i.e. reception at 4+ and secondary transfer at 11+) shall be determined in accordance with the provisions set out in this scheme.
- 1.4 This coordinated scheme applies to all publicly funded schools in Cheshire East and to preferences expressed by Cheshire East parents and carers, including applications for schools in other Local Authorities made during the normal admissions round and to preferences expressed by parents and carers making applications for Cheshire East school places during the course of the year as 'in year' admissions. This scheme does not apply to applications for special schools or independent schools.
- 1.5 Parents and carers making applications as part of the normal admission round for schools maintained by other authorities with a different age of transfer (i.e. middle and upper schools) will also be included within these arrangements.

## NORMAL ADMISSION ROUND

### 2 GENERAL INFORMATION

- 2.1 All parents and carers **resident** in the area administered by Cheshire East Council will be asked to make their application on the common application form provided by this Local Authority (as the 'home' authority). Parents and carers making applications on a maintaining authority's application form will be advised to contact their 'home' authority. Parents and carers seeking places at independent (i.e. fee paying) schools must apply direct to the school.
- 2.2 Applications for places sent direct by parents and carers to individual schools cannot be accepted and must be sent by the school to the Local Authority for inclusion within these arrangements.
- 2.3 For community and voluntary controlled schools, in its role as the admission authority, Cheshire East Council will be responsible for determining who can be allocated a place in accordance its agreed published admission arrangements.

- 2.4 For Academies, Free Schools, Voluntary Aided, Foundation and Trust schools, decisions on applications will normally be made by the governing body. The exception to this will be where the governing body has made arrangements for another body to consider the application and to determine by reference to the school's admission criteria if a place can be allocated.
- 2.5 For applications for schools outside Cheshire East, the relevant local authority will be responsible for coordinating decisions on applications through liaison, where relevant, with admission authorities in its area.
- 2.6 The Local Authority will collate and publish all admission arrangements in a single composite prospectus, which will be published on the Local Authority's website in line with the requirements set out in the School Admissions Code. For parents and carers without internet access, a hard copy of the agreed admissions arrangements will be available on request.
- 2.7 All preferences made in accordance with the Local Authority's arrangements will be met except where this would prejudice the provision of efficient education or the efficient use of resources e.g. where the year group in question is full. The duty to comply with parental preference is, however, removed for a period of two years where the child has been permanently excluded from two or more schools from the date on which the latest exclusion took place.
- 2.8 If the pupil is a Cheshire East resident and Cheshire East Council is not able to offer any of the preferences stated on the application form a place will normally be allocated at the nearest Cheshire East school with a vacancy using the Local Authority's Ordnance Survey address point data system for measuring straight line distances from the address point of the home to the address point of the school in miles. This will include allocating vacancies at Academies, Free schools, Voluntary Aided and Foundation schools in liaison and agreement with the governing bodies of these schools.
- 2.9 Where a preference has been received from a parent or carer resident in another local authority and a place cannot be offered, Cheshire East Council will not allocate a place.
- 2.10 Written offers will be made by Cheshire East Council to residents in its area, in its role as the home authority, on behalf of the admissions authority for the school allocated as follows:

<b>Admissions authority</b>	<b>Category of school</b>
Cheshire East Council	All community and voluntary controlled schools in Cheshire East
Maintaining Local Authority	All non-Cheshire East community and voluntary controlled schools.
Governing Body of the school	All Voluntary Aided, Foundation, Trust schools and Academies and Free Schools



- 2.11 Schools must not notify parents or carers that a place has become available but must inform their maintaining local authority in order that an offer can be made by the home authority.
- 2.12 In accordance with statutory requirements, a governing body, in its role as the admission authority for a school, **must** comply with the following procedures:
- a) Forward to their maintaining local authority details of any application made to the school direct, together with any supporting information provided by the parent (regardless of whether the parent who made the application resides in that local authority's areas);
  - b) Determine or make arrangements for another body (including the maintaining local authority) to determine by reference to the school's admissions criteria the order of priority in which each application for the school is ranked;
  - c) To notify their maintaining local authority of their determination, or arrange for the body appointed by them to notify the Local Authority on their behalf.
- 2.13 Parents and carers will be informed in writing of their legal right of appeal against any decision not to offer them a place at a school stated as a preference on their application form and their right to be supported by a friend or adviser. Further information on the appeals process will be available on the Local Authority's website and by contacting the Local Authority.
- 2.14 Parents and carers can submit an appeal in respect of each school for which admission has been refused. All appeal applications should be sent to the admission authority for the school for which admission has been refused.
- 2.15 Waiting lists, where held, will be in criteria order and not on a 'first come, first served' basis. Placing a child's name on a waiting list does not affect the statutory right of appeal.
- 2.16 Waiting lists will be held **for all schools** until the end of the autumn term in the normal year of admission **as a minimum**. Waiting list arrangements implemented after the end of term will be determined by individual admission authorities. For community and voluntary controlled schools, waiting lists will be closed at this point and parents and carers of children held on the waiting list will receive written confirmation of this.
- 2.17 Repeat applications will not be considered within the same school year, unless the parent's/carer's or the school's circumstances have changed significantly since the original application was made. Full details of the change of circumstances must be provided for consideration by the Local Authority.

### **3 APPLICATION PROCESS**

- 3.1 Children reach compulsory school age at the beginning of the term following their 5th birthday. Under the Local Authority's policy, children may start school in the reception class in the September following their 4th birthday. For transfer to secondary, children will usually transfer at the beginning of the autumn term following their eleventh birthday.

- 3.2 Parents can request that the date their child is admitted to the primary school is deferred until later in the school year or until the child reaches compulsory school age in that school year. Applications for deferred admissions must be made by the published closing date. Parents will not however, be able to defer admission beyond the academic year for which the original application was accepted or beyond the beginning of the term after the child's fifth birthday.
- 3.3 To help younger children adjust to school, schools may phase full-time admission, admitting these children on a part-time basis. Arrangements are decided at school level.
- 3.4 In exceptional circumstances requests can be made for early or late transfer to secondary school. Parents and carers considering such a request must in the first instance speak to the headteacher of the child's primary school.
- 3.5 The application process will commence on **1 September** in the year preceding the admission year.
- 3.6 The common application form will invite parents and carers to express 3 school preferences ranked in order of priority. Parents and carers will be provided with the opportunity to give reasons for their preferences and can, if appropriate, provide any additional documents in support of their preference/s.
- 3.7 Parents/carers will be asked to submit the completed application form directly to this Local Authority by the statutory closing dates published in part two.
- 3.8 Parents and carers will be asked to provide details, where applicable, of any siblings attending the preferred school at the time of application and who will be attending at the time of admission, details of the current school attended and the length of time resident at the address provided.
- 3.9 If a parent or carer expresses a preference for a school designated as having a religious character (faith school) they will be asked to state the religious denomination of their child on their application form. Parents and carers will be advised to contact the school as they may also be required to complete a supplementary information form. Forms will be available on the Local Authority's website or direct from the school. Supplementary information forms (SIFs) will request information in addition to that provided on the common application form. Such request must be made in accordance with paragraphs 1.78 and 1.86 of the School Admissions Code (2010). Examples of additional information that can lawfully be requested include membership of, or relationship with the church, or a reference from a priest or other religious minister as proof of religious commitment.
- 3.10 All preferences will be considered on the basis of the **equal preference model** for allocating places, in accordance with legal requirements. This means that in the first instance, all preferences will be considered against the relevant published oversubscription criteria **only**, i.e. without reference to the preference ranking. Thereafter, where a pupil can potentially be allocated more than one school place stated on the application form, the **single offer**, determined by the home local authority, will be for the school ranked highest by the parents or carers.

- 3.11 Preference ranking will not be shared with admission authorities in accordance with paragraph 2.7 of the School Admissions Code 2012 as this cannot lawfully be used when applying oversubscription criteria.
- 3.12 Where a school receives a supplementary information form, this Local Authority will not consider it to be a valid application unless the parent/carer has also listed the school on their home LA's Application Form, Supplementary information forms should be returned direct to the school concerned.
- 3.13 When a parent or carer has submitted their application on the common application form but has not also submitted a supplementary information form (where relevant), the admission authority must nevertheless consider the application in accordance with legal requirements (Para 4.3 of Section 86(2) of the School Standards and Framework Act 1998). In circumstances where a SIF has been received the admission authority must be proactive in ensuring that there is an application, in order for the preference to be considered. In circumstances where a SIF has not been completed the application will be assessed on the basis of the information submitted to the governing body on the home local authority's common application form.
- 3.14 For secondary transfer only, the Local Authority will have records for all children resident within its area who attend Cheshire East primary schools. In order to make sure that all resident pupils are included in the co-ordinated admissions process, this Local Authority will also request data from neighbouring authorities and from independent schools in the area at the end of the summer term in the year preceding admission for details of resident pupils who attend their schools.
- 3.15 The Local Authority's composite prospectus will be available electronically on its website from the 1 September. Hard Copies will be available in primary schools, or will be obtainable by request from the Local Authority at the start of the autumn term.
- 3.16 The composite prospectus will include information on the application process including key dates, a copy of the common application form, details of Cheshire East schools and allocation data relating to applications for the previous year, in compliance with School Information (England) Regulations 2008.

#### **4 CHANGING PREFERENCES**

- 4.1 After the closing date for applications, the Local Authority will not accept a change of preference unless it is satisfied that there is a genuine reason for doing so, such as a recent house move. Full details must be provided to the Local Authority for consideration and by the published deadline for receipt of supporting information.
- 4.2 Any parent wishing to change a preference after the closing date for applications without a genuine reason for doing so in the opinion of the Local Authority will be advised that the application will be treated as a late application.
- 4.3 In the case of a recent house move, evidence such as a letter from the solicitor confirming the completion date or a signed rental agreement\* showing the start of the tenancy will be required. Further confirmation may also be required including evidence of disposal of previous property and recent utility bills to confirm the

actual place of residency. \*A signed rental agreement must cover the date published as the deadline for receipt of supporting information.

- 4.4 A panel of officers will consider information presented in support of the late change of preference. The parent or carer will be notified of the decision.

## **5 PROCESSING APPLICATIONS**

- 5.1 The following actions will be implemented in accordance with the dates published in part two of these arrangements.
- 5.2 Cheshire East Council will exchange applications for schools in other local authorities' areas with all relevant local authorities and will provide reports containing details of applications to its voluntary aided and foundation schools for consideration by governing bodies in accordance with the school's own published admission arrangements.
- 5.3 Cheshire East voluntary aided and foundation schools will inform the Local Authority of the pupils eligible for a place under its admissions criteria and provide lists of pupils in criteria order who cannot be offered places.
- 5.4 Cheshire East Council will inform other local authorities of offers to be made to pupils resident within their boundaries and request details of offers they will be making to Cheshire East residents.
- 5.5 Places will normally only be offered up to the published admission number, which applies to the normal year of entry. A child cannot be refused admission to the normal year of entry on the grounds of prejudice to the provision of efficient education and efficient use of resources unless the published admission number has been reached. In respect of admission to year groups other than the normal point of entry, it is expected that the admission number will continue to be applied. However, if circumstances have changed since the year of entry, a place may be refused even if the admission number has not been reached.
- 5.6 Admission authorities that intend to admit over the published admission number (PAN) where it is considered that further admission/s would not have a detrimental effect on the school, will need to notify the Local Authority by the dates specified in part two of these arrangements to enable the local authority to deliver its coordination responsibilities effectively.
- 5.6 The Local Authority will finalise allocations on the basis of equal preferences and in line with the agreed dates, as far as possible:

## **6 NOTIFYING PARENTS and CARERS of DECISIONS**

- 6.1 Cheshire East Council will send the parents and carers of pupils who reside in Cheshire East written confirmation (including e-mail) of the decision on the application. This will include offers for places in Cheshire East schools and schools in other local authorities, as appropriate. Where online applications have been received, the parent or carer making the online application can logon to their online account on the published date to view the school place offered and can also

request to receive their offer by e-mail. Offers confirmed by letter will be sent out on the published offer day by second class post.

## **7 LATE APPLICATIONS**

- 7.1 Applications received after the closing date will be recorded as 'late' and considered after all on-time applications unless the Local Authority confirms that the reasons presented in support of the late submission justify the application being considered alongside on-time applications. Reasons can include exceptional medical reasons preventing an earlier application or late removal into the area. Reasons must be presented at the time of application and supporting documentation **must** be provided, which must be received by the dates specified in part two.
- 7.2 Late applications received after the published deadline for the receipt of supporting information will be processed after all on-time applications even if there is a good reason for the late submission.
- 7.3 The initial (provisional) allocation date will vary and any late applications received after this date may not be processed until after offers have been made and in accordance with the dates set out in part two. There is therefore no guarantee that a late applicant will receive an offer of a school place on the published offer day.
- 7.4 In the case of a recent house move, the Local Authority will require supporting evidence to show that the place of residency has changed. This should include a letter from the solicitor confirming the completion date, or if relevant, a signed rental agreement showing the start date of the tenancy. Any rental agreement must include residency on the date published as the deadline for receipt of supporting information. Further information may be requested to confirm residency, for example, recent utility bills or evidence of disposal of previous property.
- 7.5 In respect of medical reasons preventing an earlier application, a letter of confirmation from a medical practitioner will be required.

## **8 MOVING HOUSE**

- 8.1 Parents and carers must inform the Local Authority immediately of a change of address, even if details of a future change of residency were included on the application form. The Local Authority will require supporting evidence to show that the place of residency has changed. This should include a letter from the solicitor confirming the completion date, or if relevant, a signed rental agreement showing the start date of the tenancy. Any rental agreement must include residency on the date published as the deadline for receipt of supporting information. Further information may be requested to confirm residency, for example, recent utility bills or evidence of disposal of previous property.
- 8.2 Proof of residency received after the deadline published for the receipt of supporting information will not be used to assign a higher criterion for admission, but will be used to send the decision on the published offer date.

## **9 ACCEPTING AND DECLINING PLACES**

- 9.1 Parents and carers will be required to **accept or decline** the school place offered by the dates published in part two. The Local Authority reserves the right to withdraw places not accepted by this date.
- 9.2 For late applications notified after the offer date parents and carers will be required to accept the place offered within **10 working days** of the date of the offer.

## **10 WAITING LISTS**

- 10.1 Waiting lists for oversubscribed schools will consist of those children whose parents or carers have specifically requested in writing (including e-mail) that they remain on the waiting list, along with late applicants and those for whom an appeal application has been received. Waiting lists will be held in criteria order and not on a first come first served basis.
- 10.2 Vacancies will be re-allocated to children held on the school's waiting list in line with the dates published in part two.
- 10.3 After the start of the school term in September, the Local Authority will hold up-to-date information on waiting lists through liaison with schools until the end of the autumn term only. After this date all waiting list information will be closed. Admission authorities that have published that they will continue to hold waiting lists after this date will be responsible for maintaining their waiting lists in accordance with their own published admission arrangements.

## **11 ADMISSIONS APPEALS**

- 11.1 The application decision letter/e-mail will explain the parents' right of appeal and how appeals may be made. Applications for appeal should be received by the dates published in part two.
- 11.2 Parents and carers can submit an appeal in respect of each school for which admission has been refused.
- 11.3 Appeals against decisions notified after the published offer day will be heard within 40 days of the published appeals deadline where possible, or if received too late, within 30 school days of appeal being lodged.
- 11.4 All appeal applications should be sent to the admission authority for the school for which admission has been refused.

## **'IN YEAR' ADMISSIONS**

## **12 APPLICATION PROCESS**

- 12.1 'In year' applications are those made during the school year into any year group other than the normal point of entry (i.e. normal admission round). This will include applications from parents and carers of children moving into Cheshire East

from another local authority's area, moving within Cheshire East, or seeking to transfer to an alternative school for other reasons.

- 12.2 Parents/carers seeking Cheshire East school places 'in year' will be required to complete the Cheshire East 'in year' application form. Forms will be published on the Local Authority's website and will be available in hard copy on request.
- 12.3 In all cases, parents will be advised to contact their preferred school to progress their application.
- 12.4 Parents will be invited to submit up to three school preferences ranked in priority order and to provide additional information in support of their application. Application details will be shared with the relevant schools.
- 12.5 Parents and carers will be asked to provide details, where applicable, of any siblings attending the preferred school at the time of application and who will be attending at the time of admission, details of the current school attended and the length of time resident at the address provided.
- 12.6 Permission from the parent or carer to discuss the application with the current school will be requested on the application form to ensure compliance with the Data Protection Act 1998.
- 12.7 If a parent or carer expresses a preference for a school designated as having a religious character (faith school) they will be asked to state the religious denomination of their child on their application form. Parents and carers may be required by the school to complete a supplementary information form. Forms will be available from the school or on the Local Authority's website. Supplementary information forms (SIFs) will request information in addition to that provided on the common application form. Such request must be made in accordance with paragraphs 2.4 of the School Admissions Code (2012). Examples of additional information that can lawfully be requested include membership of, or relationship with the church, or a reference from a priest or other religious minister as proof of religious commitment.
- 12.8 The Local Authority will publish on its website a list of the vacancies in Cheshire East publicly funded schools for parents and carers seeking places outside the normal admission round.
- 12.9 Parents and carers of children who are seeking a transfer to an alternative school for reasons other than a house move will be strongly advised to discuss the proposed transfer with the current school before submitting an application.
- 12.10 The Local Authority will maintain up-to-date records of applications and their outcomes through liaison with schools.
- 12.11 The process of completing the application for a school place can be facilitated by the school by inviting the parent to complete an online application during a school visit or by the parent prior to contacting or visiting the school. Hard copy application forms are available on request from the Local Authority.

- 12.12 In circumstances where a parent exercises his or her right to submit more than one school preference on the single application form, information about other preferences and preference ranking will not be provided to individual schools as this cannot lawfully be used when applying oversubscription criteria.
- 12.13 Parents and carers making applications for schools in other local authorities' areas will be advised to contact the relevant local authority for advice about their own application process.
- 12.14 Applications will not normally be accepted more than 6 school weeks prior to the intended date of admission.

### **13 PROCESSING APPLICATIONS**

- 13.1 All applications received by the Local Authority for Cheshire East schools will be processed within no more than 10 working days from the receipt of application.
- 13.2 Where there are spaces in the relevant year group a place will normally be offered to the parent.
- 13.3 **If the year group in question is full, a decision to refuse admission must be referred to the admission authority.**
- 13.4 In cases where a school is oversubscribed, the admission authority will rank the applications in accordance with their published oversubscription criteria.
- 13.5 **All decisions will be confirmed by the school in writing to the parent and the letter/e-mail will include information about the legal right of appeal and a start date, where relevant.** Optional letter/e-mail templates will be made available online for admission authorities that choose to use them.
- 13.6 Where a preference has been unsuccessful, written correspondence will confirm the decision on the application and will advise the parent to contact the Local Authority for advice about alternative schools with vacancies.
- 13.7 Written correspondence confirming offers will advise the parent to contact the school to accept or decline the school place within no more than 10 school days from the offer date.
- 13.8 In cases where a school feels that further admissions can be agreed on the basis that to do so will not result in a breach of infant class size legislation or will not prejudice the provision of efficient education or efficient use of resources, the application must be referred to the admission authority for a decision.
- 13.9 Decisions on applications will be notified to the Local Authority to enable the Local Authority to keep up-to-date records. The Local Authority will run regular checks on applications to identify any parents offered places at more than one school in order to facilitate liaison with the school or parent to conclude with a single offer, as far as possible.



**13.10 Admission will normally take place for primary school admissions within 10 school days from the date of offer and for secondary school admissions within 20 school days from the date of offer.**

13.11 Repeat applications will not be considered within the same school year, unless the parent's/carer's or the school's circumstances have changed significantly since the original application was made. Full details of the change of circumstances must be provided on the applications forms for consideration.

#### **14 WAITING LISTS.**

14.1 Waiting lists will not be held for community or voluntary controlled schools other than in accordance with legal requirements, which require that they are held up until the end of the autumn term for the normal year of admission (i.e. reception and year 7 admissions). Where waiting lists are held by other admission authorities children will be added to waiting lists in criteria order and not on a first come first served basis.

14.2 For 'in year' waiting lists only, children who are subject of a direction by a local authority to admit, are part of a managed transfer from a closing school or who are allocated to a school in accordance with the Local Authority's Fair Access Protocol will take precedence over those on the waiting list.

#### **15 'IN YEAR' APPEALS**

15.1 Applications for appeal must be submitted within 20 school days from the date of notification that the application for admission was unsuccessful.

**16 Part Two – Key Dates**

<b>Process</b>	<b>Secondary Transfers</b>	<b>Primary Admissions</b>
Application process starts – letters to parents and carers, online application form and composite prospectus available.	1 September 2012	1 September 2012
<b>Closing date for applications</b>	<b>31 October 2012</b>	<b>15 January 2013</b>
Preferences forwarded to other LAs	14 November 2012	4 February 2013
Preferences forwarded to Academies, Free, VA and Foundation Schools	19 November 2012	8 February 2013
<b>Deadline for receipt of supporting documentation</b>	<b>7 December 2012</b>	<b>15 February 2013</b>
Academies and Free Schools, VA and Foundation Schools to respond	14 December 2012	8 March 2013
Provisional allocations of places at Cheshire East schools sent to other LAs for their residents	Around 16 January 2013	Around 15 March 2013
Responses to other LAs on potential offers of places in their schools for Cheshire East residents (so far as possible)	16 January 2013	15 March 2013
Representations from schools re admission over PAN	By 31 January 2013	By 22 March 2013
Allocations to be finalised	15 February 2013	31 March 2013
<b>Offers released</b>	<b>1 March 2013</b>	<b>16 April 2013</b>
Deadline for accepting or declining places	18 March 2013	30 April 2013
Waiting lists prepared, late applications processed and vacancies allocated. Waiting lists will be held in criteria order. Parents and carers offered places on this basis will be required to accept or decline the place offered within 10 schools days.	After 18 March 2013	After 30 April 2013
<b>Appeals Application Deadlines</b>	<b>15 April 2013</b>	<b>17 May 2013</b>
Appeal Hearings	By 10 June 2013	By 19 July 2013
Appeal Hearings – late Applications	Within 40 days of deadline where possible, or 30 school days of appeal being lodged	Within 40 days of deadline where possible, or 30 school days of appeal being lodged
Appeal Applications – ‘In Year’ Admissions	Within 20 school days from the date of notification that the application for admission was unsuccessful.	
Appeal Hearings – ‘In Year’ Applications	Within 30 school days of appeal being lodged	Within 30 school days of appeal being lodged



## **LOCAL AUTHORITY ADMISSION ARRANGEMENTS 2013 - COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS.**

These admission arrangements apply to applications for all Cheshire East **community and voluntary controlled schools** in the school year 2013-2014 and for subsequent years, subject to any review. In its role as the admission authority for these schools, Cheshire East Council (the Local Authority) will be responsible for determining who can be allocated a place in accordance with these arrangements.

Applications for school places received for the normal admission round (i.e. into reception at 4+ and secondary transfer at 11+) and 'in year' (i.e. into any year group outside the normal admission round) shall be considered in accordance with the arrangements set out below and in accordance with the provisions set out in the Local Authority's agreed scheme, full details of which are published on the Local Authority's website at [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk).

### **PUBLISHED ADMISSION NUMBERS (PANs)**

The Local Authority has agreed admission numbers (PANs) for its community and voluntary controlled schools, which is the number of children that will normally be admitted into the *relevant age group* (e.g. into the reception year in a primary school and into year 7 as a secondary transfer in September for the first time). The admission number is set based on the number of pupils the school can accommodate and therefore normally, PANs will continue to be applied i.e. to all subsequent year groups in addition to the relevant age group. Admission numbers for schools in Cheshire East are published on the Local Authority's website at the start of the application process on 1 September. Hard copies can be requested.

The Local Authority, in its role as the admission authority for community and voluntary controlled schools, may agree (through consultation with the governing body) admission over PAN where to do so would not result in prejudice to the provision of efficient education or efficient use of resources at the school. The Local Authority will not normally be able to agree admission over the published admission number where to do so would result in a breach of infant class size legislation, which requires that infant classes (those classes where the majority of children will reach the age of 5, 6, or 7) contain no more than 30 pupils with a single qualified teacher.

The published admission number will continue to be applied as the relevant age group progresses through school, unless the circumstances for the school have changed since the PAN was agreed.

### **CHILDREN WITH STATEMENTS OF SPECIAL EDUCATIONAL NEEDS**

A Statement of Special Educational Need is a statement made by the local authority under Section 324 of the Education Act 1996 that specifies the special educational provision

required for that child. Schools must admit a child with a **Statement of Special Education Needs** that names their school.

## OVERSUBSCRIPTION CRITERIA

Where more applications are received than there are places available, after Children with Statements of Special Educational Needs, priority for admission will be based on the Local Authority's published oversubscription criteria as follows:

- i) **'Cared for Children' and Children who were Previously 'Cared for'.**
  - A 'cared for child' is a child who is in the care of a local authority or provided with accommodation by that local authority (as defined in section 22 of the Children Act 1989).
  - Children previously 'cared for' are children who were 'cared for' as defined above, but immediately after being 'cared for' became subject to an adoption, residence, or special guardianship order. An adoption order is an order under section 46 of the Adoption and Children Act 2002. A 'residence order' is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).
- (ii) **Siblings** – pupils with brothers or sisters, step-brothers or step-sisters, foster brother or sisters, half-brothers or half-sisters, adopted brothers or adopted sisters living together as part of one household, already attending the preferred school (in years *Reception* through to *Year 10*) and expected to continue at the school in the following school year. (i.e. at the time of admission)
- (iii) **Children resident within the designated catchment area of the school.** Children will be classed within this criterion if they and their parents/carers are resident within the area served by the school. (see notes below)
- (iv) **Children not resident within a school's designated catchment area but attending a school nominated as a feeder/partner primary school for admissions purposes.**
- (v) **Pupils living nearest to the school** measured using an Ordnance Survey address-point system which measures straight line distances in miles from the address point of the school to the address point of the place of residence.

### Notes:

Where a school cannot accommodate all pupils qualifying under one of the criteria stated above, the next criteria will also be applied to determine priority for admission. For example, if a school cannot accommodate all *children resident within the catchment area (criterion iii)*, the priority will be in the order of:

- Resident in the catchment area (criterion iii) attending a feeder school (iv) and living nearest to the school (v)
- Resident in the catchment area (criterion iii) not attending a feeder school (iv) and living nearest to the school (v)

All applicants within each criterion will be put into a distance order with priority being given to those that live nearest to the school, as stated in criterion v above. Where it is identified that there are a limited number of places available and the Local Authority cannot differentiate between the applications using the distance criterion (criterion v) a random allocation tie-breaker will be applied. This may be required for example, where applicants reside in the same block of flats or are children of a multiple birth living at the same address.

In the case of previously looked after children (criterion i) admission authorities may request a copy of the adoption order, residence order or special guardianship order and a written correspondence from the local authority that last looked after the child confirming that he or she was looked after immediately prior to that order being made.

Children will be considered within criterion (iii) if they and their parents/carers are resident on the date published for the receipt of supporting documentation (see part two below). Supporting information may be requested to verify the place of residence. For children of UK service personnel (UK Armed Forces) a Unit postal address or quartering area address will be accepted in advance of removal into the area, subject to official written confirmation of the address and relocation date. Preferences for the catchment area school for the confirmed address will be considered under criterion iii, unless a higher criterion is applicable.

## **CHILDREN OF MULTIPLE BIRTHS**

In relation to children of multiple births, exceptionally it may be necessary to offer places over the published admission number to ensure that, as far as possible, siblings (i.e. twins, triplets or children from other multiple births) can attend the same school.

## **PARENTS and CARERS with SHARED RESPONSIBILITY for a CHILD**

Where parents or carers have shared responsibility for a child the place of residency will be determined as the address where the child lives for the majority of the week (e.g. where the child wakes up between Monday to Friday). Full details must be submitted in writing to enable the Local Authority to determine which address will be used for the purpose of admission. A panel of officers will consider the information provided. Where the Local Authority is unable to reach a decision based on the information received, e.g. where the child lives equally with both parents, the address provided for claiming Child Benefit and where appropriate, Child Tax Credits will be applied to the admission application. In such circumstances, documentary evidence must be provided.

## **MOVING HOUSE**

Parents and carers must inform the Local Authority immediately of a change of address, even if details of a future change of residency were included on the application form. The

Local Authority will require supporting evidence to show that the place of residency has changed as follows:

- A letter from the solicitor confirming the completion date;
- A signed rental agreement showing the start of the tenancy (in accordance with the arrangements set out in the Local Authority's Coordination Scheme)

In addition the Local Authority may request further information including copies of council tax and utility bills. Other information may be required, such as evidence of disposal of previous property.

In respect of applications made as part of the normal admission round, (e.g. into the reception class in a primary school and into year 7 as a secondary transfer in September for the first time) information and supporting evidence must be received by the dates stated in part two of these arrangements. Satisfactory confirmation of residency at the property (as aforementioned) will result in the application being processed on the basis of the new address. Proof of residency received after the published dates will not be used to process the application, but will be used to send the decision letter/e-mail on the published offer date.

## **WAITING LISTS**

Waiting lists will only be held for the normal admission round (September admissions into the reception class and year 7) and only until the end of the autumn term. They will be held in criteria order and not on a 'first come, first served' basis. Placing a child's name on a waiting list does not affect the statutory right of appeal. Waiting lists for oversubscribed schools will consist of those children whose parents or carers have specifically requested in writing (including e-mail) that they remain on the waiting list, along with new applicants and those for whom an appeal application has been received.

Vacancies will be re-allocated to children held on the school's waiting list in line with the dates published in part two of these arrangements.

## **LATE APPLICATIONS – NORMAL ADMISSION ROUND ONLY**

Late applications will be considered after all on-time applications unless the Local Authority considers that there are good reasons for the application being late, which must be stated at the time of application, i.e. exceptional medical reasons preventing an earlier application, late removal into the area. Supporting documentation **must** be provided. Where supporting documentation has been received by the dates specified in part two of these arrangements and the Local Authority has accepted reasons stated for the late application, the application will be considered as if it had been received on-time. Late applications and supporting documentation received after the dates specified will be considered after all on-time applications and in accordance with the Local Authority's Coordinated Admissions Scheme. This will apply even where the Local Authority accepts that there are good reasons for the late application and as such these applications may be disadvantaged.

## **ACCEPTING AND DECLINING PLACES**

All parents and carers will be required to **accept or decline** the school place offered by the published date as stated in part two of these arrangements. The Local Authority reserves the right to withdraw places not accepted by this date.

## **RIGHT OF APPEAL**

Parents and carers who are not offered a place for their child at a school stated as a preference have a right of appeal to an independent appeals panel. Parents can submit an appeal in respect of each school for which admission has been refused. For appeals against decisions on preferences for community and voluntary controlled schools, forms are available on the Local Authority's website. Hard copies can be requested. Outside the normal admissions process, completed forms must be returned to the Local Authority within 20 school days from the date of notification that the application for admission was unsuccessful.

## **REPEAT APPLICATIONS**

Repeat applications will not be considered within the same school year, unless the circumstances for the parent, carer or school have changed significantly since the original application was made. Full details must be provided to the Local Authority for consideration.

**PART TWO - TIMETABLE FOR APPLYING FOR PLACES**

<b>Process</b>	<b>Secondary Transfers</b>	<b>Primary Admissions</b>
Application process starts	1 September 2012	1 September 2012
<b>Closing date for applications</b>	<b>31 October 2012</b>	<b>15 January 2013</b>
<b>Deadline for receipt of supporting documentation</b>	<b>7 December 2012</b>	<b>15 February 2013</b>
Allocations to be finalised	15 February 2013	31 March 2013
<b>Offer Day</b>	<b>1 March 2013</b>	<b>16 April 2013</b>
<b>Deadline for accepting or declining places.</b> The Local Authority reserves the right to withdraw places not accepted. (Late Applications – places must be accepted or declined within 10 school days of the offer)	18 March 2013	30 April 2013
Waiting Lists prepared, late applications processed and vacancies allocated. Waiting lists will be held in criteria order. Parents and carers offered places on this basis will be required to accept or decline the place offered within <b>10 school days</b> .	After 18 March 2013	After 30 April 2013
<b>Appeals Application Deadline</b>	<b>15 April 2013</b>	<b>17 May 2013</b>
Appeal hearings	By 10 June 2013	By 19 July 2013
Appeal Hearings – late Applications	Within 40 days of deadline where possible, or 30 school days of appeal being lodged	Within 40 days of deadline where possible, or 30 school days of appeal being lodged
Appeal Applications – In Year	Within 20 school days from the date of notification that the application for admission was unsuccessful	
Appeal Hearings - In Year Applications	Within 30 school days of appeal being lodged	Within 30 school days of appeal being lodged



### PART THREE - ADMISSIONS TO YEAR 12 OF SCHOOLS WITH SIXTH FORMS

Applications for admission to the Sixth Form of a Cheshire East school are dealt with by the school in accordance with the published admissions arrangements and not by Cheshire East Council.

Children already in the school are **not** required to apply formally for places in Year 12 but should have reached the minimum entry requirements for admission into the sixth form. Minimum entry requirements are the same for internal and external applicants.

Schools will not interview pupils or their families for entry to year 12, although meetings may be held to provide advice on options and entry requirements for particular courses.

#### SIXTH FORM MINIMUM ENTRY REQUIREMENTS

- The minimum entry requirement for admission to the sixth forms of Cheshire East community and voluntary controlled schools to study primarily at A level is **5 GCSEs grade A\* to C (or equivalent)**. Individual subjects may require a specific level of attainment. Further information will be provided by the school.
- Minimum entry requirements for admission onto specific vocational courses vary and a full list of requirements can be obtained from the school. Parents are advised to contact the school for further information.

#### COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS - OVERSUBSCRIPTION

In the event that the number of eligible applicants exceeds the number of places available, the oversubscription criteria to be applied are:

- i) **‘Cared for Children’ (and Children who were previously ‘cared for’.**
  - A ‘cared for child’ is a child who is in the care of a local authority or provided with accommodation by that local authority (as defined in section 22 of the Children Act 1989).
  - Children previously ‘cared for’ are children who were ‘cared for’ as defined above, but immediately after being ‘cared for’ became subject to an adoption, residence, or special guardianship order. An adoption order is an order under section 46 of the Adoption and Children Act 2002. A ‘residence order’ is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989. Section 14A of the Children Act 1989 defines a ‘special guardianship order’ as an order appointing one or more individuals to be a child’s special guardian (or special guardians).
- ii) **Children resident within the designated catchment area of the school.** Children will be classed within this criterion if they and their parents/carers are resident within the area served by the school. (Refer to notes above regarding Children of UK Service personnel)

- iii) **Pupils living nearest to the school** measured using an Ordnance Survey address-point system which measures straight line distances in miles from the address point of the school to the address point of the place of residence.

### **PUBLISHED ADMISSION NUMBERS – EXTERNAL CANDIDATES ONLY**

This number relates to the admission of **external candidates only**. The admission numbers included in the table are based on an estimate of the minimum number of external candidates likely to be admitted, although it would be acceptable to exceed this if demand for available courses can be met.

<b>Sixth Form Admissions Community Secondary Schools</b>	<b>September 2012</b>
Poynton High School And Performing Arts College	<b>50</b>
Wilmslow High School	<b>50</b>

### **SIXTH FORM ADMISSION APPEALS**

Any applicant refused a place in Year 12 is entitled to make an appeal to an independent appeal panel, whether the child is already attending the school or is an external candidate.

Parents or children\* refused admission to a sixth form in a Cheshire East community or voluntary controlled school will be advised to contact the Local Authority for an appeal application form and details on the appeals process.

\*The Education and Skills Act 2008 made changes to the law relating to admissions and appeals placing a new duty on local authorities to make arrangements:

- a) for children to express a preference as to the school at which they wish to receive sixth-form education (i.e. secondary education suitable to the requirements of pupils who are over compulsory school age); and
- b) for children who are above compulsory school age, or will be above compulsory school age by the time they start to receive education at the school, to express a preference as to the school at which they wish to receive education other than school sixth-form education.

Regulations give a corresponding right of appeal to a child who expresses a preference for a school place. This right is in **addition** to the rights of parents to express a preference as to the school at which they wish their child to receive education.

# **LOCAL AUTHORITY PROPOSALS for INCREASES/ REDUCTIONS in PUBLISHED ADMISSION NUMBERS to apply in SEPTEMBER 2013**

The Local Authority received a number of requests from governing bodies of community and voluntary controlled schools for changes in published admission numbers (PANs) to apply in September 2013.

The Local Authority has the role of admission authority for these schools and considered the requests on the basis of the current capacity and demand for places at the school and the availability of places and potential impact on nearby schools.

**TABLE 1. RECOMMENDED FOR APPROVAL – PROPOSED INCREASES/ REDUCTIONS IN PUBLISHED ADMISSION NUMBERS**

School	Current Published Admission Number	Proposed Published Admission Number 2013
<b>Brierley Primary</b>	23	30
<b>Monks Coppenhall Primary</b>	55	60
<b>Beechwood School</b>	40	45
<b>Lindow Community Primary</b>	24	30
<b>Elworth CE*</b>	40	45
<b>Smallwood Primary</b>	18	20
<b>Oakefield Primary &amp; Nursery**</b>	45	60

\* To apply in the event that the funding of additional accommodation is approved following the signing of the Section 106 agreement.'

\*\*This proposal to increase the PAN for 2013 was conditional on a final decision by Cabinet to authorise the expansion of the school from 315 to 420 places.

**TABLE 2. NOT RECOMMENDED FOR APPROVAL - PROPOSED INCREASES IN PUBLISHED ADMISSION NUMBERS**

School	Current Published Admission Number	Proposed Published Admission Number 2013
<b>Puss Bank School</b>	45	50
<b>Hurdsfield</b>	17	25
<b>Ivy Bank</b>	45	50
<b>Woodcock's Well</b>	12	15
<b>Ashgrove Primary</b>	15	30
<b>The Berkeley Primary</b>	50	60

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## **PROPOSED CHANGES TO ZONING ARRANGMENTS**

### **MAP 1 – ELWORTH CE PRIMARY SCHOOL & ELWORTH HALL PRIMARY SCHOOL**

Area highlighted shows the area the authority proposes that this area should be rezoned from Elworth CE Primary School to Elworth Hall Primary School

### **MAP 2 – KNUTSFORD HIGH SCHOOL**

Area highlighted orange relates to the part of High Legh Primary's catchment area that is currently zoned to The County High, Leftwich (Cheshire West and Chester). The authority proposes that this area becomes a shared area between The County High, Leftwich and Knutsford High School.

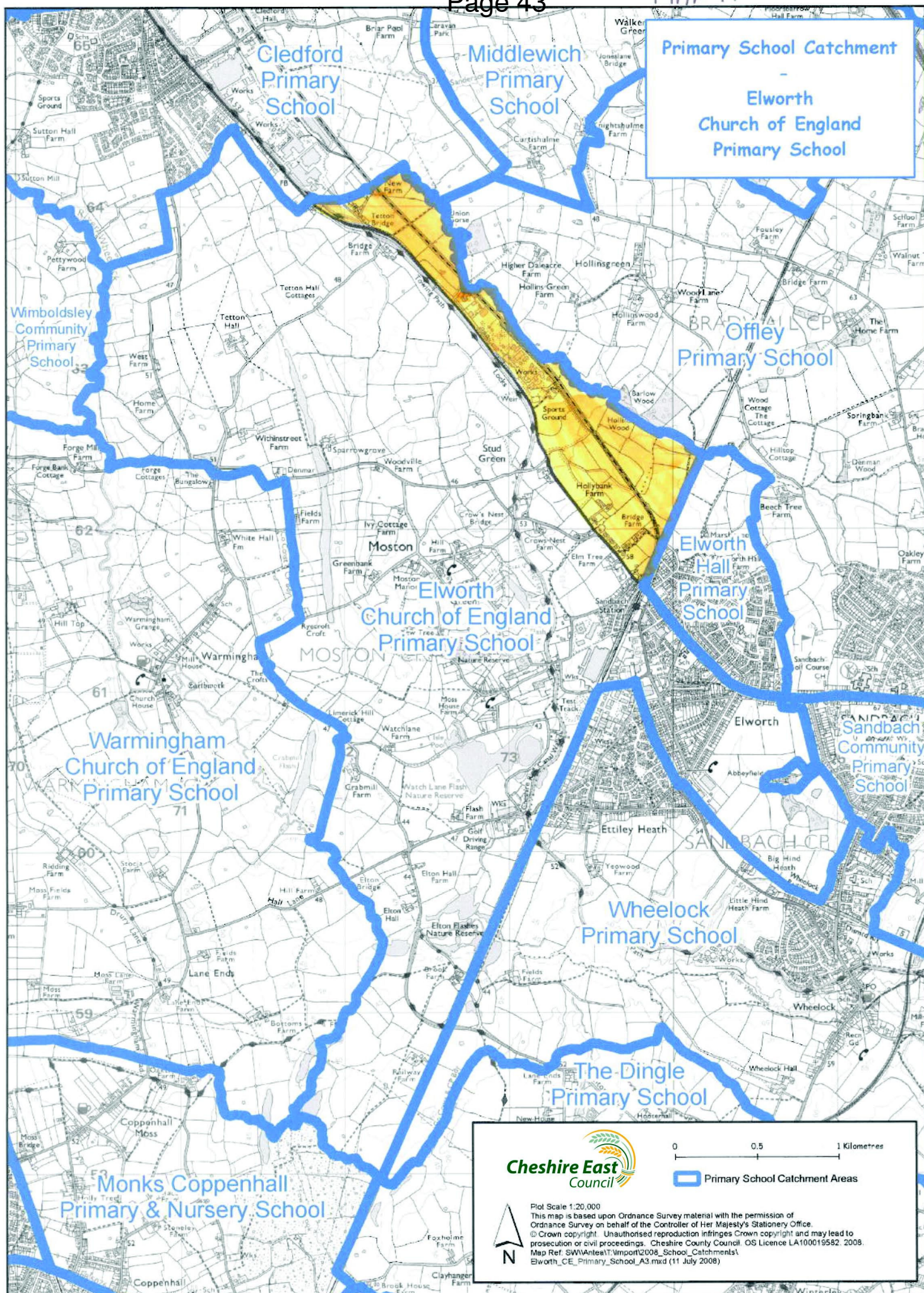
Area highlighted green relates to Pickmere Village that is currently zoned to Rudheath High School (Cheshire West and Chester). The authority proposes that this area becomes a shared area between Rudheath High School and Knutsford High School.

### **MAP 3a and 3b – HASLINGTON PRIMARY SCHOOL / SIR WILLIAM STANIER**

Area highlighted orange relates to the part of Haslington Primary's catchment area that is currently zoned to Sir William Stanier. The authority proposes that this area becomes a shared area between the Sandbach High Schools and Sir William Stanier Community School.

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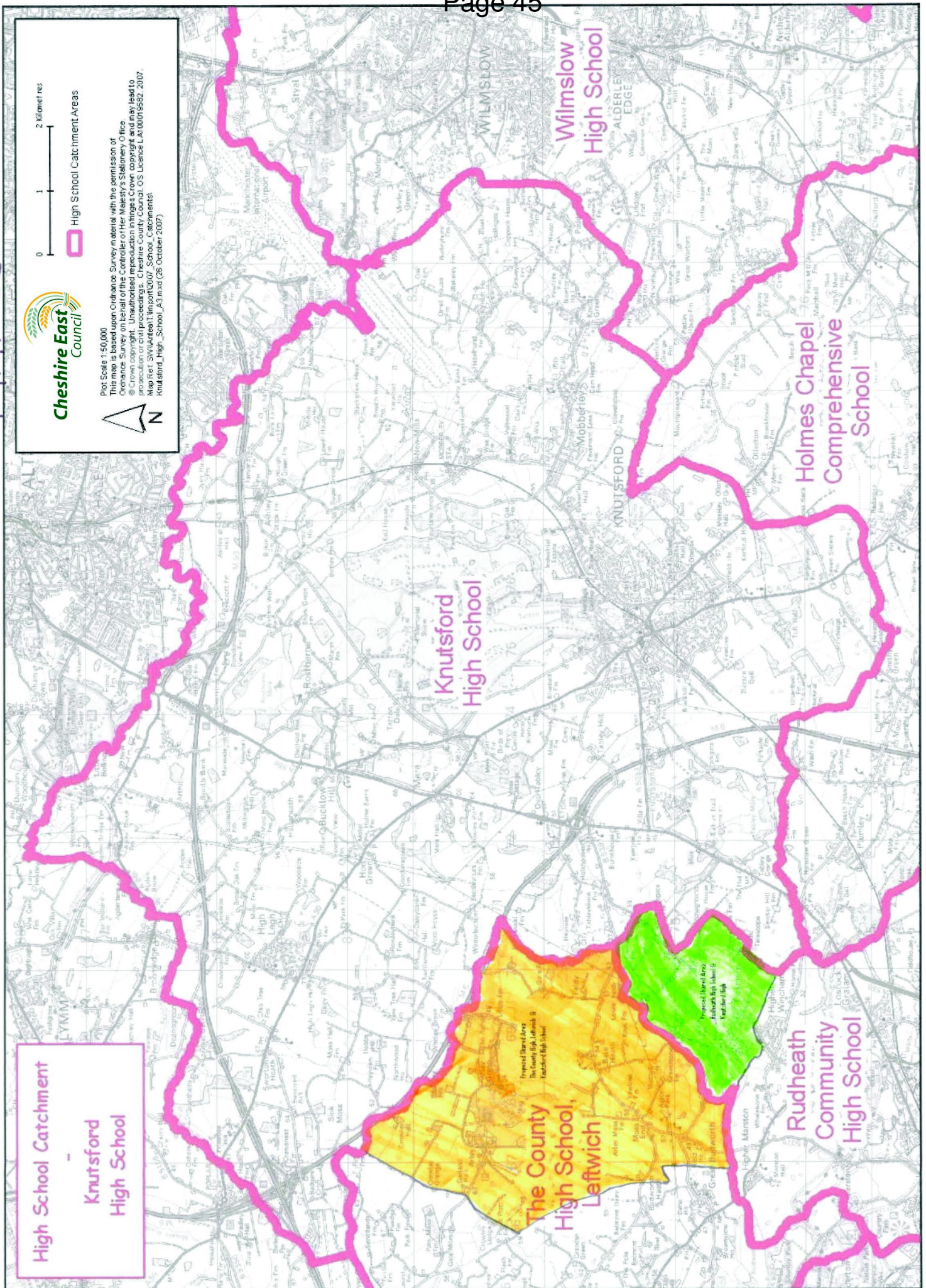






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## Primary School Catchment

Haslington  
Primary School

Hunger-  
ford  
Primary  
School

The Dingle  
Primary School

Brierley  
Primary  
School

Haslington  
Primary School

CREWE GREEN CP

Weston Village  
Primary School

Cranberry  
Primary  
School



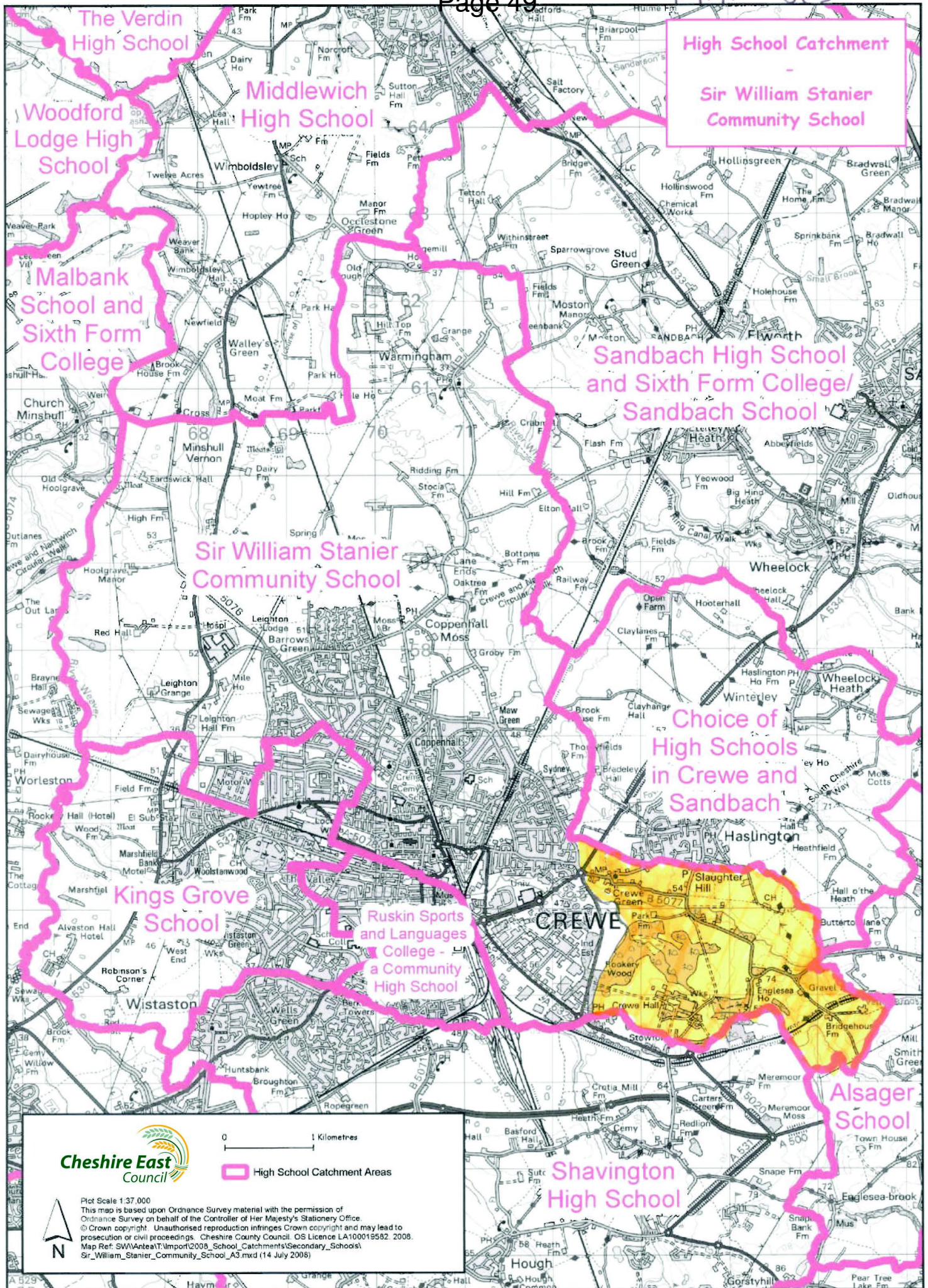
0 0.5 Kilometres  
Primary School Catchment Areas



Plot Scale 1:14,000  
This map is based upon Ordnance Survey material with the permission of  
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prosecution or civil proceedings. Cheshire County Council OS Licence LA100019582. 2008.  
Map Ref. SWA\Antea\T\Import\2008\_School\_Catchments\Primary\_Schools\  
Haslington\_Primary\_School\_A3.mxd (11 July 2008)

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Respondent	1) Change to the oversubscription criteria to include 'previously cared for children' as a first priority alongside 'Cared for Children'.	2) Proposed removal of criterion 2 Children for whom there are particular medical or social reasons	3) Proposed re-zoning arrangements	4) Proposals to vary some schools published admission numbers for September 2013 admissions, in line with net capacities
Parent Governor	No View	No View	No View	Do Not Support
Governor	Support	Support	Do Not Support	Do Not Support
Parent	Support	Support	No View	No View
Parent/Governor, Macclesfield Primary School	No View	No View	No View	Support LA recommendation that PANs should not be increased in Macclesfield.
Governor/School staff, Macclesfield Primary School	No View	No View	No View	Support LA recommendation that PANs should not be increased in Macclesfield.
School staff, Macclesfield Primary School	Support	No View	No View	Support LA recommendation that PANs should not be increased in Macclesfield.

School staff, Puss Bank Primary School	No View	No View	No View	Does not support the LA recommendation that PANs should not be increased in Macclesfield primary schools
Parent/Governor, Macclesfield Primary School	No View	No View	No View	Support LA recommendation that PANs should not be increased in Macclesfield.



Parent/Governor, Macclesfield Primary School	No View	No View	No View	Support LA recommendation that PANs should not be increased in Macclesfield.
Governor/School Staff, Sandbach	Support	Support	Support	Do Not Support
Chair of Governors Macclesfield Primary School	No View	No View	No View	Support LA recommendation that PANs should not be increased in Macclesfield.

**Consultation on Arrangements for 2013  
Feedback Received.**

**DRAFT**

**Appendix 3**

Comments received
No comments received
No comments received
As an adoptive parent and foster carer this proposal (1) is welcome.
I believe that raising the admission numbers of Macclesfield schools would be to the detriment of all schools in the town as there are still surplus places across Macclesfield. Schools that are not full find it very difficult to provide appropriate resources and educational provision. Increases of this nature could result in all schools returning to a surplus place situation
As school admissions are falling all over the Macclesfield area, there seems to be no rationale to put up some schools PAN. This will create a them and us situation between schools which is helpful to no-one.
I support the LA in declining proposed increases to admission numbers for a number of Macclesfield Primary Schools. I am very concerned that allowing these schools to increase their PAN would bring about a return to the situation in the very recent past where a large number of schools had surplus places. Whilst I appreciate that some schools numbers are difficult to organise into classes, I do not believe that it is in the best interest of pupils in the town to have a large number of schools with surplus places as it makes it difficult for schools to plan for the future with any certainty. Increasing the PAN of any school has a negative impact on other local schools making it difficult for all schools to run in a cost effective way. It also encourages parents to move from school to school during accademic years and Key Stages when they have a concern, which is disruptive to children's education, rather than work with the school to resolve problems.

This letter is further support for our application to increase the school's PAN. When considering our application, there are additional pressures on the school, from parents, which we feel must be taken into account. Parental choice has been a key selling point for recent governments. With so many of our surrounding schools also being full in the younger age groups, we believe that increasing our PAN would offer parents real choices. This is particularly important for parents on Hurdsfield Road and Higher Hurdsfield. Parents from these areas often choose our school because their children don't have to cross a busy road on their journey to school. I know that the Local Authority, like the school, place childrens' safety at the top of their agenda. Parental choice has been a key selling point for recent governments. Secondly, a recent investigation of planning applications and new-builds in our area shows that the number of new houses which have just been completed or will be completed in the near future would strongly support a need for an increase in the number of school places available. A document listing these is included

I am a parent governor at The Marlborough Primary School and I object to the raising admission numbers of selected schools in Macclesfield. There are surplus places across Macclesfield now and to raise the admission levels at selected schools would surely be to the detriment of all. When a class is not full it becomes very difficult to provide appropriate resources and education; changes in admission policy would have this effect on some schools with the result that, in the round, a poorer education provision would be available across Macclesfield. We are very proud of the progress made at Marlborough over the past couple of years and our admission numbers are rising due to increased parental confidence and an improving reputation but we still have some places which we need to fill to ensure the very best balance of education and value for money. I don't believe that selectively changing the admissions numbers across Macclesfield will help Marlborough, or indeed any of the other schools in the town.

I'm a parent governor at Marlborough Primary School and I want to object to current proposal to raise admission numbers of selected schools in Macclesfield. We've worked hard and made good progress at Marlborough Primary School over recent years and our admission numbers are rising. This is due to increased parental confidence and an improving reputation. However, we still have some places which we need to fill to ensure full classes. Without doing so, it will be increasingly difficult to deliver the educational standards our children deserve. Given that there are currently surplus places across Macclesfield, raising the admission levels at selected schools would in my opinion be detrimental to all schools in the town. When a class is not full it becomes very difficult to provide appropriate resources and education. The proposed changes in admission policy would negatively impact some schools, resulting in poorer education provision across Macclesfield. Selectively changing the admissions numbers across Macclesfield will not help Marlborough Primary School or any other school in the town.

Regarding the proposed increase in the PAN for Elworth CE Primary School, the Governors feel that this would adversely affect the other schools in Sandbach. The proposed housing developments will not have any impact in generating additional pupil numbers yet. Until a physical requirement is present in Elworth and/or Sandbach, the Governors of Elworth Hall Primary School feel that the change in the PAN of Elworth CE Primary School could adversely affect their school.

I am Chair of Governors at Marlborough Primary School in Tytherington, and this would have a huge impact on the intake in our school. My view is that currently all the local primary schools are struggling to fill their intake and this would cause an unnecessary imbalance. Our current projected intake is much lower than our PAN and therefore we will potentially have massive budget issues, plus also we may need to release staff, which in the current climate is not ideal.

## **CHESHIRE EAST COUNCIL**

### **REPORT TO: CABINET**

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**Date of Meeting:** 2<sup>nd</sup> April 2012

**Report of:** Strategic Director of Places & Organisational Capacity

**Subject/Title:** Equality and Diversity

**Portfolio Holder:** Councillor David Brown

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#### **1.0 Report Summary**

- 1.1 This report sets out the current position on ensuring the Council complies with its general and specific duties under the Equalities Act 2010. The report highlights the requirement to develop and publish equality objectives for the Council and to publish other key information.

#### **2.0 Decision Requested**

- 2.1 To agree the Council's Equality & Diversity Objectives
- 2.2 To note progress in fulfilling the Council's general and specific duties

#### **3.0 Reasons for Recommendations**

- 3.1 To comply with the Public Sector Equality Duty as contained within the Equality Act 2010.

#### **4.0 Wards Affected**

- 4.1 Not applicable

#### **5.0 Local Ward Members**

- 5.1 Not applicable

#### **6.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 6.1 None

#### **7.0 Legal Implications (Authorised by the Borough Solicitor)**

- 7.1 Failure to comply with equalities duties has formed the basis for successful judicial reviews of budget and service provision decisions.

## **8.0 Risk Management**

- 8.1 Failing to take action to address the equality gaps in Cheshire East is recognised as a corporate risk.

## **9.0 Background and Options**

- 9.1 The statutory Public Sector Equality Duty came into force on 5 April 2011 as part of the 2010 Equality Act. The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

- 9.2 The 2010 Act lists the characteristics that are protected by the Act. These are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

- 9.3 Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by the Council – such as in:

- how it acts as an employer
- how it develops, evaluates and reviews policy
- how it designs, delivers and evaluates services
- how it commissions and procures from others.

- 9.4 The Specific Duties came into force on 10 September 2011; these cover the publication of information, the setting of equality objectives and engagement. More detailed information on the Specific Duties is set out below.

- 9.5 **Publication of Information** - Although there is no explicit legal requirement to collect and use equality information across the protected characteristics, the Equality and Human Rights

Commission's (EHRC) advice is that, in order to have due regard to the aims of the general equality duty, public authorities must understand the impact of their policies and practices on people with protected characteristics. The Council must publish the information that it deems necessary to demonstrate its compliance with the general equality duty by 31 January 2012 and at least annually thereafter (schools and pupil referral units must do this by 6 April 2012 and at least annually thereafter). This information must include information relating to people who share a relevant protected characteristic who are:

- the Council's employees
- people affected by the council's policies and practices (for example, service users)

The information must be published in a manner that is accessible to the public. This may be fulfilled by publishing information within another document.

**9.6 Equality Objectives** - The purpose of setting specific, measurable equality objectives is to help the Council to perform the general equality duty better, focusing on the outcomes to be achieved. EHRC advice suggests that equality objectives help focus attention on the priority equality issues within an organisation in order to deliver improvements in policy making, service delivery and employment, including resource allocation. To comply with the specific duty on equality objectives the Council must:

- prepare and publish, by 6 April 2012, one or more objectives they think they should achieve in order to do any of the things mentioned in the aims of the general equality duty. Review and revise the objectives at least every four years thereafter
- ensure that those objectives are specific and measurable
- publish those objectives in such a manner that they are accessible to the public.

The EHRC advise that equality objectives should be seen as part of the business plan and as supporting delivery of it. The Commission recommends that they are based on evidence of the effect of employment, service, policy and other functions on people with the protected characteristics and that there is a clear link between objectives and published equality information to demonstrate transparency.

**9.7 Engagement** - While there is no explicit legal requirement under the general equality duty to engage with people with different protected characteristics, the general equality duty requires public authorities to have an adequate evidence base for their decision-making, and the EHRC advise that engagement can assist with developing that evidence base.

The Commission point out that case law from the previous equality duties states that engagement is important in ensuring public authorities understand the impact of their decisions on different people. A failure to engage has been at the heart of findings that a public authority has not complied with equality duties.

The EHRC's non statutory guidance on information, equality objectives and engagement can be found at

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9.8 **Progress** - The Corporate Equalities Group (CEG) has overseen work to comply with the general and specific duties. Progress to date is set out below.

- A full review of the Single Equality and Inclusion Scheme (SEIS) action plan has been carried out taking into account the requirements in the Equality Act Directorate Action Plans are currently being prepared and these will take the place of the SEIS overarching plan, giving clearer ownership of actions and progress.
- **Information** on the Cheshire East population can be found at <http://www.doriconline.org.uk/PowerSearch.aspx?txtQuery=lap%20information%20pack> . Information is also available in the refreshed Joint Strategic Needs Assessment (<http://www.doriconline.org.uk/ViewPage1.aspx?C=Resource&ResourceID=335> ).
- A workforce profile has been published. It is recognised that there are gaps in the information but the Human Resources action plan addresses closing the gaps in information.
- The Council has also committed to publishing equality impact assessments and has done so since the summer of last year, where this has been appropriate.
- A review of the equality and inclusion pages on the Council's website has been carried out and the revised information has been published.
- Recommended **equality objectives** are attached at appendix 1. These have been developed taking into account the assessment of the Council's progress on the equalities agenda and the review and revision of the SEIS action plan. The draft objectives were published on the Council's website over February with comments invited. As a result, some changes have been made to the draft where the suggested revisions improved the objectives. The draft was also considered by Sustainable Communities Scrutiny Committee on 1<sup>st</sup> March.



- The Council carries out considerable and significant **consultation and engagement** with the public and service users. Results of this wide- ranging consultation have been used to inform the development of the draft equality objectives. Engagement and consultation information has also been used as part of the equality impact assessment processes.

## 10.0 Next steps

10.1 Over the coming months the Corporate Equality Group will have the following priorities:

- **Improve and enhance the publication of equality data.** This will include
  - updating the workforce profile as more data become available
  - setting up a cross-service data group, facilitated by the Corporate Research and Consultation Team. This will improve understanding of what data sets are held across departments that can be shared both internally and externally, what products are available and planned and what analytical skills are available. This will be a valuable resource not only for equality data but for data and intelligence generally.
  - developing a strategy for the interrogation, dissemination and publication of the 2011 Census information which is due to be released in the autumn of this year.
- **Equality objectives.** Once agreed, more detailed actions will be developed as part of the directorate action plans.
- **Closing the gaps.** This will include
  - Completion of the directorate action plans will need to be a priority. EHRC will be expecting to see that we have acknowledged where we need to improve and what plans we have to do so. Publication of the completed actions plans will help the EHRC to understand this.
  - Monitoring of the directorate action plans is critical. One of the failings of the SEIS action plan was that formal monitoring of the plan was minimal at best. CEG will develop a proportionate monitoring plan with clear reporting lines to the Corporate Management Team.
  - Reviewing and refining advice on impact assessments.

## 11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Zandra Neeld

Designation: Performance & Business Improvement Manager

Tel No: 01270 686633

Email: [zandra.neeld@cheshireeast.gov.uk](mailto:zandra.neeld@cheshireeast.gov.uk)

## Equality Objectives

Our Equality Objectives have been based on available equalities information through research, consultation and engagement and service-level Equality Impact Assessments. Our draft equality objectives identify specific internal and external targets that will enable the council to improve the collection of equality information, and address the most persistent areas of inequalities faced by both employees and residents.

Where possible our objectives are SMART (specific, measurable, achievable, realistic and timed) or identify key milestones for improvement.

The equality objectives listed below have been developed at service level and have informed our business planning process. Although the main objective headings may not change over the next 4 years the specific actions listed beneath each objective will be reviewed annually in line with the business planning cycle to ensure they remain reflective of current developments and circumstances.

The Council has identified four equality objectives that address our main priorities for improving our understanding of and response to inequalities across all our services including our new Public Health responsibility which will shortly come into effect. All have been designed with the intention of achieving the following shared outcomes:

- Narrowing the gap between our communities
- Providing access to services for all our communities
- Understanding and reflecting the needs of all our communities
- Fostering good relations with all our communities and partners
- Ensuring our workforce is representative of the communities it serves

### 1 Improve Data and Needs Analysis

Where possible we will collect robust data in our interactions with customers and communities to generate detailed equality information ensuring our services are well balanced and proportionate. We aim to ensure that 100% of data is collected where appropriate for the listed equality protected characteristics over the next 4 years. This will enable us to improve access to services for all as we:

- Capture protected characteristic information at service level where appropriate, which is subjected to annual customer trend analysis
- Develop a robust council wide data set, which is reviewed annually and published on Centranet and used in the Equality Impact Assessments process across the organisation
- Produce directorate equality action plans that are reviewed annually to address data gaps and issues identified in Equality Impact Assessments
- Place the needs of our customers at the heart of our service and business planning processes
- Design and implement policies and procedures that meet the needs of all our communities

### 2 To Better Reflect Our Communities through our Workforce Profile and Training

We will aim to reflect the diversity of the Borough within our workforce with the aim to improve service delivery by reflecting the needs of everyone in the Borough. We aim to achieve a 5% shift in gaps on our employment profile from 2011-2012 over the next 3 years. This will be delivered through staff and Member recruitment and development by:

- Improving workforce planning data to incorporate listed equality protected characteristic information
- Including equality awareness training in corporate staff and Member induction processes
- Introducing general equality awareness raising with all staff using an e-learning package
- Introducing targeted equality training for specific processes ie: staff recruitment and disciplinary

### 3 To Ensure Community Engagement and Consultation is Effective

Our organisation will improve its understanding of communities within our area, and their perceptions of ourselves, partners and our services. This will be achieved through effective and meaningful consultation and engagement activities. The aim is to foster strong relations allowing customers the opportunity to influence services by:

- Building relationships that enable effective engagement and consultation to be undertaken
- Sharing resources for consultation and engagement activities with our partners and the community and voluntary sector where appropriate
- Reducing the consultation burden through targeted consultation and engagement with our hard to reach communities where appropriate
- Sharing consultation and engagement outcomes and learning between services and partners by publishing results within a shared forum
- Demonstrating how we foster good relations within our communities by achieving excellent status in the Equality Framework for Local Government

### 4 Embed Equalities throughout the Council

Equality and inclusion will be considered at all levels within the Council to ensure that there is a clear and concise link between strategic thinking and service delivery. We aim to ensure we understand and address the needs of all our communities in all functions by:

- Giving due equality and inclusion consideration to all our decisions taken at both Officer and Member level
- Completing and regularly reviewing Equality Impact Assessments for all our systems, processes and policies including the business plan, service plans and corporate action plans
- Ensuring all commissioned services give equality and inclusion the same importance as the Council
- Developing a culture where staff understand their role in relation to equalities and behaviour in a way that illustrates this understanding

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: CABINET**

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<b>Date of Meeting:</b>	2 April 2012
<b>Report of:</b>	John Nicholson – Strategic Director, Places and Organisational Capacity
<b>Subject/Title:</b>	Future Delivery of Lyceum Theatre, Crewe
<b>Portfolio Holder:</b>	Cllr Rod Menlove

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#### **1.0 Report Summary**

- 1.1 The report provides Members with an update on the future delivery options for the Lyceum Theatre, Crewe and updates on the recent formal soft market testing via the pre-qualification question stage of the EU restricted procurement route, and seeks Member approval to move to the Invitation to Tender stage (ITT).

#### **2.0 Decision Requested**

- 2.1 That the formal EU procurement process to find an operator to take over full operational responsibility for the Lyceum Theatre be continued to the invitation to tender stage (ITT).

#### **3.0 Reasons for Recommendations**

- 3.1 The Council is keen to secure the long-term future of the Lyceum whilst at the same time, making the venue an attractive community and visitor destination with a varied programme that contributes to the vitality of the town and is at the heart of cultural provision in the Borough.
- 3.2 Given the current challenge around the budget and the level of subsidy required by the Theatre (circa £390k), an exercise was undertaken to seek the views from the market as to how this could be best achieved. At the same time, the Council is seeking to encourage innovation in delivery and enhance the experience of the users of the Theatre and provide a value for money offer for the residents of Cheshire East by reducing the subsidy required.
- 3.3 A detailed soft market testing exercise was carried out in July/August 2011 and this was then supplemented with the further PQQ stage which ended in February 2012.
- 3.4 The outcome of 3.3 was that the operating model most favourable to the market was to take full operational control with a degree of risk being shared by both parties around the on-going maintenance of the building due to its age.

- 3.5 The invitation to tender will clearly outline the Council's aspiration to work with any incoming operators to enhance the facility whilst given a suggested maximum subsidy of £250k p.a. with the ultimate aim of reducing this further in future years.
- 3.6 The soft market testing established that the length of contract would be in the region of 15yrs with the option to extend based on satisfactory performance.
- 3.7 As part of the review around the potential operating models, the project team sought the views and endorsement of Stephen Browning (Stephen is an independent theatre consultant who is providing specialist advice on the theatre provision in Wilmslow). Stephen confirmed that the operating model being proposed in this report would give the Council the best opportunity to achieve its desired outcome for the Lyceum Theatre.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 Crewe East Cllr Martin, Cllr Newton, Cllr Thorley
- 5.2 Crewe Central Cllr Faseyi

#### **6.0 Policy Implications including - Carbon reduction - Health**

- 6.1 None

#### **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 7.1 If a successful bidder is found, this will mean an immediate reduction in the subsidy required year on year by approximately £140k with further reduction possible based on future performance.

#### **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 A formal contract will need to be entered in to with the successful bidder.
- 8.2 TUPE regulation will apply to all staff that will transfer to the successful bidder.

#### **9.0 Risk Management**

- 9.1 The Council will be left with the existing risk associated with latent defects for the building.

## **10.0 Background and Options**

- 10.1 The Theatre contributes to a number of the Council's overarching objectives, including growth, sustainability choice and life opportunities. Alongside these overarching commitments, the Theatre is an integral part of the health and wellbeing offer that Cheshire East Council provides, along with other cultural and leisure assets and services.
- 10.2 Therefore, any future partner will need to have due regard to the Council's overarching objectives in delivering a balanced programme of activities, which enhances community use and contributes to the quality of life in Cheshire East.
- 10.3 The operating model described earlier in this report provides the best opportunity to enable the Council to achieve its outcome regarding the Theatre.
- 10.4 At the PQQ, stage 4 companies expressed an interest in taking over the operational running of the Theatre. The companies concerned have a track record in running venues of a comparable size to the Lyceum and have demonstrated successful working with other Local Authorities in enhancing the venues whilst minimise the financial burden.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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# CHESHIRE EAST COUNCIL

## REPORT TO: Cabinet

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**Date of Meeting:** 2<sup>nd</sup> April 2012  
**Report of:** Strategic Director – Places & Organisational Capacity  
**Subject/Title:** Private Sector Housing Financial Assistance Policy  
**Portfolio Holder:** Councillor J Macrae

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### 1.0 Report Summary

- 1.1 The Private Sector Housing Financial Assistance Policy sets out the forms of assistance that the Council will make available to owner-occupiers, private landlords and people with disabilities to repair and adapt their homes. This report highlights the role that improving housing has in the Council's emerging public health role and corporate priority to tackle the wider determinants of health.

### 2.0 Decision Requested

- 2.1 To approve the Private Sector Housing Financial Assistance Policy.
- 2.2 To authorise Officers to take all necessary actions to implement the Policy.

### 3.0 Reasons for Recommendations

- 3.1 The Council makes a significant financial investment through its capital programme to improving housing conditions for vulnerable people in private sector housing.
- 3.2 Housing is a key determinant of health, and as well as the key links with improvement of the housing stock, the Policy also contributes to the Council's wider strategy to support vulnerable people, reduce child poverty and support the Council's emerging public health role.
- 3.3 The private sector assistance programme supports our corporate priorities to support children and young people, ensure a sustainable future, prepare for an increasingly older population, and drive out the causes of poor health, as well as our safeguarding role for vulnerable adults and young people.

### 4.0 Wards Affected

- 4.1 All Wards are affected.

### 5.0 Local Ward Members

- 5.1 All local Ward Members are affected.

## **6.0 Policy Implications including – Carbon Reduction - Health**

- 6.1 Housing is recognised as a key determinant of health, with the condition and suitability of a person's home being closely linked to their health, their care, and their ability to participate in social networks. Poor housing conditions have a causal link to chronic health conditions including heart disease, stroke, respiratory conditions, mental health and arthritis and rheumatism. It is estimated that poor housing conditions in Cheshire East are costing the NHS £4.3million per annum. Improving housing conditions, such as making properties weathertight, improving indoor temperatures, and tackling damp, will have a positive impact on the health of vulnerable people, including older people, people with disabilities, and families with young children living in poverty. The Policy links with a number of cross-cutting agendas on independence in the home, and complements work done across Adult Services, Health and the Fire Service to assist vulnerable people to continue living safely in their own home.
- 6.2 Fuel poverty is the most recognised of housing's influence on health, where people are unable to afford to heat their homes to an adequate level without compromising other essential factors for a healthy lifestyle such as healthy eating or participating in social and physical activities. The Policy seeks to address fuel poverty by improving the energy efficiency of properties and assisting people to heat their home in the most economic way possible, which in turn contributes to carbon reduction, with existing housing being a major contributor to carbon emissions in the UK.
- 6.3 The policy also serves to support bringing empty homes back into use. Making best use of the existing stock contributes to carbon reduction as there is a reduced need for building additional housing and the resultant emissions associated with the manufacture and transport of materials.

## **7.0 Financial Implications (Authorised by the Borough Treasurer)**

- 7.1 The Private Sector Assistance capital programme operates on a rolling programme and unspent funds from previous years are carried forward to subsequent years. The total approved funding available for the programme for the period 2012-13 including carry-forwards is £1,403,000, of which £803,000 was funded by the now defunct Regional Housing Pot. An additional £300,000 p.a. is included in the rolling programme for 2013-14 and 2014-15 which will be subject to further approval.
- 7.2 The Policy includes three formats of assistance: equity share loans, interest free repayment loans, and grants. Consideration has been given to the costs of delivering the assistance and the borrowing costs.
- 7.3 Equity share loans: There is no repayment due on the loan, instead a charge is placed on the property equivalent to a percentage of the value of the

property which is derived from the value of the loan compared to the market value of the property. The Council obtains repayment of the loan when the property is next sold. The expectation is that the property value will increase over time thereby enabling full recovery of the loan amount plus additional funds in lieu of interest covering the lost investment opportunity of tying up capital in the loan. However, there is a risk that the property value may not increase or could fall resulting in a loss on the loan. A further risk associated with secured borrowing arises if there is a prior legal charge – if the applicant goes into arrears in relation to the first charge then there is a risk that the amount of arrears may outstrip the equity in the property. As the first charge will recover the monies due under that charge (and any arrears) in precedence to the Council's charge, then there may be insufficient funds to repay all / some of the Council's loan. Some charges are expressed as allowing further borrowing which may similarly result in the amount of borrowing outstripping the funds available to repay the Council's charge (however first mortgagees do have notice of the Council's charge and do in practice ask the Council whether it will agree to any further borrowing). This arrangement has the advantage of no monthly repayments so is relatively easy to administer.

- 7.4 Interest free repayment loans: The applicant would make monthly repayments until the loan is repaid in full or upon sale of the property, whichever is the earlier. The loan term will range from between 1 and 10 years based on a test of affordability for the applicant. Although these are technically a mortgage, the administration of these loans could be dealt with in the same way as a normal debtor to the Council. There is an opportunity cost of offering interest free loans: by tying up the capital in interest free loans, the Council loses the opportunity to invest the money and receive interest on its investment. Risks associated with secured borrowing outlined at paragraph 7.3 also apply to interest free repayment loans.
- 7.5 Grants are the most costly to the authority as the expenditure is only recouped in the event of a breach of grant conditions, but are easy to administer.
- 7.6 We have discounted using interest-bearing loans as these would take the form of a mortgage. Mortgages in general are difficult to administer. The Council currently uses a mortgage administrator to manage the remaining former district mortgages, which will all be repaid in the next few years. This currently costs around £4,900 per year, which would be an additional cost to the Council in future years if new mortgages were advanced. Alternatively arrangements and resources would need to be made available in house to administer any new mortgages, which will become more onerous if repayments are not maintained.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 repealed much of the existing prescriptive legislation governing the provision of renewal grants to homeowners and replaced it (by Article 3 of the Order) with a new wide-ranging power to provide assistance for housing renewal, including for the purpose of acquiring living accommodation within or outside the council's

area, adapting or improving or repairing living accommodation, demolishing buildings comprising or including living accommodation, and where such buildings have been demolished, constructing buildings which comprise or include replacement living accommodation. The Order also states (by Article 4) that before the powers contained within it can be used, the Council must publish a policy on how it intends to use them.

## **9.0 Risk Management**

- 9.1 The publication of a policy setting out how we intend to use the powers within the Regulatory Reform Order will remove the risk of the Council acting outside of its powers when giving financial assistance for housing renewal.
- 9.2 The revised policy extends the use of legal charges registered at the Land Registry to all forms of loan assistance, replacing the use of local land charges as set out in the Interim Private Sector Assistance Policy 2009. This is the most secure method of registering the Council's interest in a property, and will ensure that the property cannot be disposed of by the applicant or their estate without the Council redeeming its interest following repayment of the loan. Risks associated with secured borrowing are outlined within the Financial Implications.
- 9.3 We have considered the risk of a resident applying for financial assistance who already has an existing charge on their property in favour of the Council as a result of a deferred payment agreement for care costs, or as a result of a Council mortgage. The risks associated with allowing further borrowing are considered on an individual basis for each application for financial assistance under this Policy, and the circumstances of previous borrowing and the amount of available equity in the property examined to ensure that the applicant is not put at financial risk and that the Council has the best possible prospect of recovering the deferred amounts or other secured borrowing and the amount due as a result of borrowing under this Policy.

## **10.0 Background and Options**

- 10.1 The Government believes that everyone should have the opportunity of a decent home. Poor quality housing can have an impact on the health of the occupants and on the quality of life in an area. The Government's view is that it is primarily the responsibility of private sector owners to maintain their own property but it recognises that some owners, particularly the elderly and most vulnerable, do not have the necessary resources to repair or improve their homes. Local authorities therefore have an important role to play in providing assistance in these cases.
- 10.2 Tackling the wider determinants of health forms part of the Council's emerging role in delivering public health. The exact relationship between poor housing and ill health is complex and difficult to assess, however there has been considerable research which demonstrates the links. 45% of accidents occur in the home, and accidents are among the top ten causes of death for all ages. Approximately 10% of all falls in older people will result in an injury, of

which half will have a fracture with the most common fractures being wrist, spine, hip, humerus and pelvis. The forecast for falls in the Central and Eastern Cheshire PCT area is outlined in the table below:

Year	Population Forecast 65+	Estimate of Fallers @ 30%	Falls with Injury @ 10%	Falls with Fracture @ 5%
2007	78,670	23,601	2,360	1,180
2011	86,800	26,040	2,604	1,302
2016	100,100	30,030	3,003	1,502
2021	109,000	32,700	3,270	1,635

Source: CECPT Annual Public Health Report 2009

- 10.3 Local data suggest that around 3,500 to 4,000 older people attend Accident & Emergency Departments (A&E) each year as a result of a fall. Out of a total of 55,103 people attending A&E at East Cheshire NHS Trust between April 2007 and March 2008, 1,484 (2.7%) were fallers over the age of 70 and 51% of these were admitted onto a ward, and 22% to fracture clinic, A&E review or GP follow up.
- 10.4 Cold and damp homes increase the risk and effects of cardiovascular, respiratory and rheumatoid diseases, as well as hypothermia and mental ill health. Young children, older people, and people with illness or disability are more likely to suffer the effects of cold and damp housing.
- 10.5 An interim Private Sector Assistance Policy was adopted in 2009 prior to vesting day of Cheshire East Council, setting out the financial assistance available to vulnerable homeowners to assist them to address poor housing conditions. This interim policy brought together the best practice from the predecessor local housing authorities, pending a private sector housing condition survey across Cheshire East.
- 10.6 The final report from the house condition survey was published in 2011. Key findings from the survey included:
  - Overall, housing conditions in Cheshire East are better than the national picture, with 72.4% of properties meeting the Decent Homes standard.
  - However, the now defunct target set by the previous Government that at least 70% of vulnerable households in the private sector should be living in a decent home has not been reached, with 64.8% found to be living in decent homes. An estimated 11,000 vulnerable households in Cheshire East are not living in a decent home, and they do not have the financial resources to address their housing conditions.
  - There are an estimated 16,400 (11.7%) households living in fuel poverty, and having to spend at least 10% of their income on heating their homes. Crewe has the highest incidence of fuel poverty at 14.1% of the households in private sector housing.

- Energy efficiency improvements for households in fuel poverty were estimated at £27.3million; £15.7million of this amount was needed for households on low incomes.
- Excess cold and falls on stairs were the most frequently found severe risks to health and safety.

10.7 Further work on the financial impact of private sector housing conditions estimated that poor housing is costing health services in Cheshire East £4.3million per annum. Preventative work to improve housing conditions will assist the avoidance of costs associated with health and social care. Falls leading to hip fractures are estimated to cost £28,600 in health and social care costs. Speedy adaptations and repairs to prevent falls, such as improved lighting, handrails and grab rails, are around 400 times cheaper than the cost to statutory services of a hip fracture. In 2006/7, 503 people were operated on for hip fractures within the Central and Eastern Cheshire PCT area; the estimated cost to statutory services of emergency admission, treatment and support exceeds £14million. Many of the risk factors associated with falling can be potentially modified through multi-factorial risk assessments and interventions targeted at those at risk, including low cost environmental modifications in the home.

10.8 A number of problems were identified with the Interim Policy:

1. The method of entering into an unsecured loan agreement with the applicant which is then recorded as a local land charge was a lengthy, complicated process, which was leading to significant delays in approving applications for assistance.
2. There were numerous different types of assistance, which caused confusion for applicants, and there was little or no take-up of some types of assistance.
3. Applicants were experiencing difficulty funding their 50% contribution to some types of assistance, resulting in the works not being carried out.
4. The value of assistance available, together with the interest free loans repaid on sale of the property, made the policy economically unsustainable, in light of the abolition of the Regional Housing Pot in the Comprehensive Spending Review and the pressures on Local Government funding.

10.9 Despite the inherent problems in the Interim Policy, 345 households have benefited from assistance with major repairs, as well as 4238 households where we have contributed towards the cost of insulation, renewable energy or energy efficient boilers.

10.10 The revised Policy has been developed to take account of the problems identified in the Interim Policy, the findings of the house condition survey, and to contribute to priorities set out within the Sustainable Community Strategy and the Council's Corporate Plan, to ensure that everyone has the opportunity to live in decent, affordable and appropriate accommodation. We have also taken account of the pending Green Deal which will provide financial support for energy measures.

10.11 The revised Policy seeks to address four key objectives:

1. Removing the most severe health and safety risks for vulnerable homeowners
2. Tackling fuel poverty
3. Enabling people with disabilities to live independently
4. Bringing empty homes back into economic use, to increase the supply of affordable housing

10.12 Delivery of the revised Policy will deliver a range of positive outcomes for residents in Cheshire East, including reduced risk of home accidents, improved health and well being, improved economic well being, reduced fear of crime and increased opportunities to access suitable housing.

10.13 Financial assistance will be offered to residents in three different formats:

#### Interest free repayment loans

Applicants will make regular monthly repayments until the loan is repaid. No interest is applied to the loan, and the term of the loan will be agreed between the Council and the applicant, according to how much they can comfortably afford to repay each month, but will not exceed ten years. This allows the Council to recover the loan in a timely manner, and we have found that older people in particular prefer to repay loans rather than have a long standing debt. The loan is secured on the property until the loan is repaid.

#### Equity share loans

Applicants will not make regular repayments; instead, the Council's percentage share is secured on the property until the property is disposed of. The redemption amount is based on the value of the property at the time of sale. For example, where a property is valued at £100,000 and the person borrows £10,000, the Council takes a 10% stake in the property. When the property is sold, the Council's stake is 10% of the sale price, so if the property is sold for £110,000, the Council receives a repayment of £11,000.

#### Non-repayable grants

Small grants will be offered in the following circumstances:

- where there is a serious risk to health and safety,
- to facilitate the transfer of care from hospital to home (hospital discharge),
- To support people with disabilities to move to more appropriate accommodation,
- to incentivise the provision of good quality private rented housing through the Cheshire Landlord Accreditation Scheme, and
- to top-up a Warm Front grant where the costs of the works exceeds the Government's maximum grant

10.14 The revised Policy addresses the issues outlined in Paragraph 10.8, by:

1. Replacing unsecured loan agreements recorded as local land charges with legal charges registered at the Land Registry to provide greater security of the Council's interest and simplify and expedite the application process.
2. Condensing and revising the types of assistance, providing greater clarity to applicants.
3. Revising the value of assistance on offer – in some cases we have reduce the maximum grant / loan available, and have also revised circumstances where we require applicants to contribute 50% of the costs.
4. Amending the method of repayment, by replacing interest free loans repayable on the sale of the property with a choice of interest free monthly repayment loans and equity share loans.

10.15 The revised Policy provides for the following types of assistance:

1. **Safe & Warm Assistance** – a loan of up to £10,000 for vulnerable low-income owner-occupiers to carry out major repairs which threaten their health and safety. The loan is repayable as either an interest-free repayment loan or as an equity share loan.
2. **Urgent Works Assistance** – a grant of up to £1,000 for vulnerable owner-occupiers where there is imminent risk to health and safety or there is another urgent need to carry out the work quickly. Vulnerability is defined by the Decent Homes Standard and/or where the resident has a chronic or terminal illness.
3. **Disabled Facilities Grant** – a mandatory grant provided under the Housing Grants, Construction and Regeneration Act 1996 for up to £30,000 towards disability adaptations. The grant is means-tested, except where the disabled person is a child.
4. **Additional Disabled Facilities Assistance** – a loan of up to £10,000 to enable people who couldn't otherwise afford their contribution towards a Disabled Facilities Grant to go ahead with the adaptations to their home. The loan is repayable as either an interest-free repayment loan or as an equity share loan.
5. **Disability Relocation Assistance** – a grant of up to £3,000 to assist disabled people to move to a more suitable home, where their property is not suitable for adaptation
6. **Landlord Accreditation Assistance** – a grant of up to £1,500 to improve privately rented accommodation. Access to this grant will be restricted only to landlords who have been accredited as providing good management and property standards.
7. **Empty Homes Assistance** – a loan of up to £10,000 to assist owners of empty properties to bring them back into use either for their own use or to let to tenants. The loan is repayable as an interest-free repayment loan or as an equity share loan.
8. **Warm Front Contribution Assistance** – a grant of up to £500 to assist people who are unable to afford their contribution towards a Government-backed Warm Front grant.



10.16 The draft Policy was presented to the Environment & Prosperity Scrutiny Committee on 21<sup>st</sup> February 2012. The Committee endorsed the Policy and made the following comments and recommendations:

- The preventative nature of investment in home repairs was apparent and may serve to attract investment from health partners.
- Concern was raised that older people not in receipt of means tested benefits were unable to access financial assistance with home repairs. **The policy has been amended to cover circumstances where older people are on a low income which is above the means tested threshold, to assist them with the full cost of any repairs that are needed.**
- The value of low level repairs was highlighted, particularly grab rails and small repairs that prevent falls. **Assistance is provided by Adult Services with minor adaptations for people eligible for social care, and by the Home Safety service delivered by Strategic Housing to assist self-funders.**
- Clarification was sought on the level of risk associated with secured borrowing where the Council's interest is the second charge. **Paragraph 7.3 has been amended to better reflect the level of risk associated with secured borrowing.**

10.17 A period of public consultation was held between 5<sup>th</sup> December 2011 and 24<sup>th</sup> February 2012. We received 19 written and 4 verbal responses to the consultation. Respondents were supportive of the objectives of the Policy. Views expressed in the consultation have been considered and, where appropriate, amendments have been made to the Policy. Most notable changes include:

- Providing more financial assistance for older people who are on a fixed low income but are just above the threshold to qualify for means tested benefits.
- Including renewable energy technology as eligible works
- Simplifying the Empty Homes Assistance to meet the needs of a wider range of eligible applicants, and providing applicants with a choice of loan terms
- Restricting the number of grants and loans that landlords can access per year, to ensure equity in provision.

## 11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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# **Private Sector Housing Financial Assistance Policy 2012**

## Contents

	<b>PAGE</b>
Introduction	3
Key Issues for Private Sector Housing	4
Strategic Links	9
Objectives of the Policy	10
Framework for Assistance	11
Overview of Assistance	12
Safe & Warm Assistance	13
Urgent Works Assistance	18
Disabled Facilities Grant	21
Additional Disabled Facilities Assistance	25
Disability Relocation Assistance	28
Landlord Accreditation Assistance	31
Empty Homes Assistance	34
Warm Front Contribution Assistance	38
Transitional Arrangements	39
Applications for Assistance falling outside of this Policy	39
Publication of this Policy	39
Review of this Policy	39
Consultation	40
Service Standards	40
Comments and Complaints	40
Other Private Sector Housing Activities	41
Contact Details	43
 <b><u>Appendices</u></b>	
A – Interest Free Repayment Loans	44
B – Equity Share Loans	45
C – Disabled Facilities Grant Preliminary and Ancillary Services and Charges	46
D – Works that are ineligible for assistance	47
E - Decent Homes Standard	48
F – Payments	51

## Introduction

The Private Sector Housing Financial Assistance Policy sets out the forms of financial assistance which are available from Cheshire East Council to assist vulnerable homeowners, owners of private rented property and disabled people to improve or adapt their properties.

Cheshire East Council shares the Government's view that the prime responsibility for maintaining and improving housing rests with the owner, but acknowledges that there are occasions where it is necessary to intervene, including where vulnerable people are unable to afford to carry out urgent repairs that are affecting their health and safety.

The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 removed most of the prescriptive housing renewal grant legislation in the Housing Grants, Construction and Regeneration Act 1996, and introduced a wide ranging discretionary power for local housing authorities to develop different forms of financial assistance to meet local needs. It therefore provides an opportunity for us to contribute further towards the Council's aim of tackling health inequalities.

To provide financial assistance for housing repairs and improvements, the local housing authority must first adopt and publish a policy setting out how it intends to use this general power to award assistance. An Interim Private Sector Assistance Policy was adopted in 2009, pending the development of a robust evidence base that would be used to inform strategic decisions about the type of investment required in private sector housing. This Policy replaces the Interim Private Sector Assistance Policy.

A Private Sector House Condition Survey was carried out in 2010 as a means of maintaining a detailed picture of housing conditions in Cheshire East. The survey provides us with a robust evidence base to inform our investment decisions. This evidence, alongside our experience of delivering financial assistance through the Interim Private Sector Assistance Policy, and regard to Mortgage Sales Guidance for Local Authorities and an evaluation of loan finance to improve housing conditions for vulnerable owner occupiers, published by Communities and Local Government in April 2007, has informed this Policy.

## Key Issues for Private Sector Housing

### Housing Conditions:

- Overall, private sector housing conditions in Cheshire East are better than the national average, with 72.4% of dwellings meeting the Decent Homes Standard, compared to 65.6% across England.
- However, an estimated £224.4million needs to be spent on repairs and improvements to bring properties up to the Decent Homes Standard:

Reason	Total Cost (£ million)	Average Cost per dwelling (£)
Category 1 Hazard	£105.1	£3,520
Repair	£62.7	£5,470
Amenities	£29.1	£15,620
Thermal comfort	£27.5	£1,680
<b>Total</b>	<b>£224.4</b>	<b>£5,560</b>

*Source: 2010 House Condition Survey*

- The majority of properties failing the Decent Homes Standard failed on one criterion (61.7%), and 30.3% failed on two or more criteria. In the majority of cases (72.5%) of properties failing on two or more criteria, the failures related to heating and insulation issues.
- The primary reason for failure of the Decent Homes Standard was Category 1 hazards (74% of non-decent dwellings), followed by Lack of Thermal Comfort (40.5%).
- The most frequently found Category 1 hazard is Excess Cold (56.2% of all Category 1 hazards), followed by Falls on Stairs (36.4%), Falls on the Level (18.3%), and Entry by Intruders (8.7%).
- Category 1 hazards were most frequently found in pre-1919 properties (39.6% of pre-1919 properties), and excess cold was the most common form of hazard (27.1%).
- 7.8% of private sector housing failed the 'reasonable state of repair' element of the Decent Homes Standard, with the highest rate found in Macclesfield (12.9%), and followed by 9.7% in Crewe. Post-war construction in rural communities contributes to lower rates of disrepair (4.2%).
- 92.1% of properties in Cheshire East had a central heating system, which is above the national average of 89.7%. The presence of central heating in privately rented properties (86.4%) was slightly lower than owner-occupied properties (93.5%). Nearly 10% of privately rented properties had electric storage heaters, and nearly 2% had portable heating only.

- The average SAP rating in Cheshire East is 56, compared to a national average of 50. Poorest SAP ratings are found in pre-1919 properties (45) and properties built 1919-1944 (49). Properties built after 1990 had average SAP ratings of 66.
- Properties in Cheshire East are generally better insulated than the national picture: 63.7% of properties in Cheshire East had 200mm or more loft insulation, compared to 20% in England.
- 42.9% of the private rented sector has less than 200mm of loft insulation, with 15.6% having no loft insulation at all. Only 5.3% of owner-occupiers had no loft insulation.

#### Low Income and Vulnerable Households:

- Vulnerable households are measured by receipt of certain means tested or disability related benefits. There are an estimated 31,130 vulnerable households living in private sector housing, of which 10,950 are living in non-decent homes (35.2% in Cheshire East, compared to 39.4% nationally).
- Low income is most associated with younger and older households: 46% of 65+ year olds and 28% of 16-24 year olds had household incomes of less than £10,000, compared to 19.8% across all ranges.
- 33.2% of properties where the household income is less than £15,000 were classified as non-decent.

Area	Tenure	Vulnerable households in non decent dwellings	Percent vulnerable households in decent dwellings	Percent vulnerable households in non decent dwellings	Shortfall for vulnerable occupiers
Crewe	Owner Occupied	1,710	68.0%	32.0%	110
	Privately Rented	530	62.0%	38.0%	110
Macclesfield	Owner Occupied	1,130	72.0%	28.0%	-80
	Privately Rented	1,970	48.2%	51.8%	830
Market Towns	Owner Occupied	3,600	65.3%	34.7%	480
	Privately Rented	760	69.3%	30.7%	20
Rural	Owner Occupied	1,130	61.6%	38.4%	250
	Privately Rented	120	83.4%	16.6%	-110

Cheshire East	Owner Occupied	7,570	66.7%	33.3%	760
	Privately Rented	3,380	59.9%	40.1%	850
<b>Total</b>		<b>10,950</b>	<b>64.8%</b>	<b>35.2%</b>	<b>1,610</b>

*Source: 2010 House Condition Survey*

- The rates by tenure show that owner occupied dwellings had a higher decency rate (66.7%) and a dwelling shortfall of 760, whilst the much smaller privately rented sector had a lower decency rate (59.9%) and a higher shortfall (850 dwellings).
- The private rented sector in Macclesfield has the highest proportion of vulnerable households in non-decent housing (51.8%).

#### **Fuel Poverty and Thermal Comfort:**

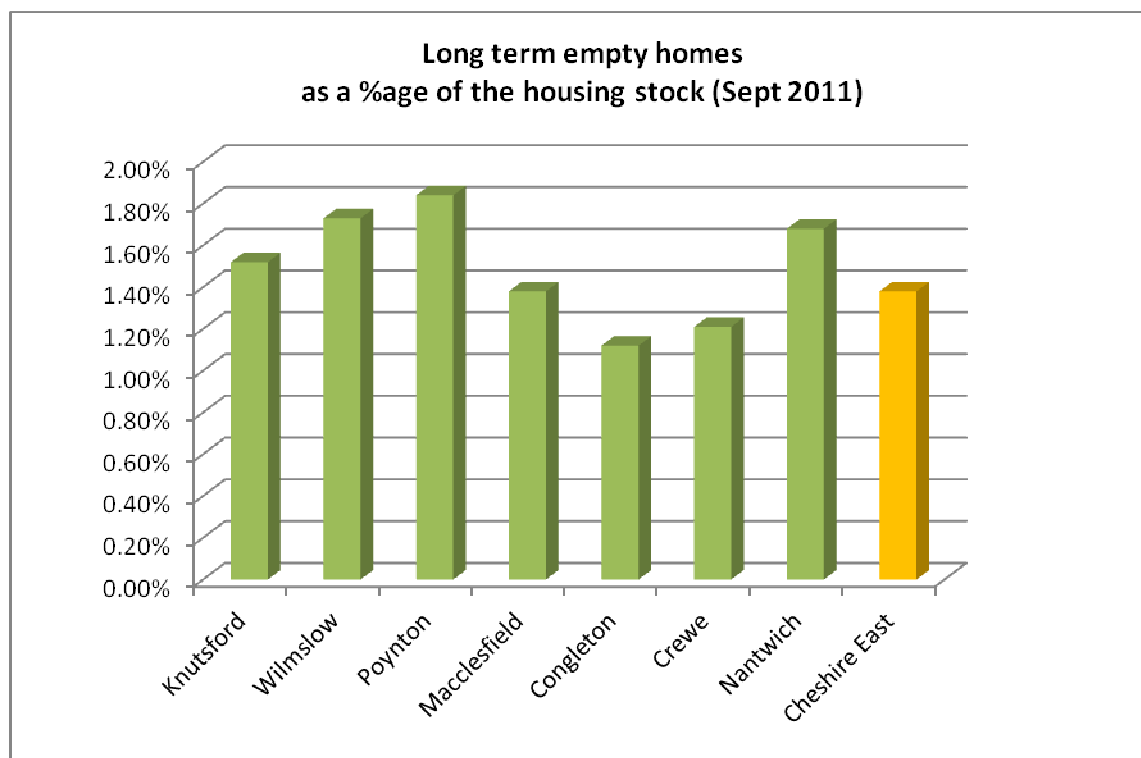
- There are an estimated 16,400 (11.7%) households in fuel poverty in Cheshire East, compared to 15.4% nationally. Crewe has the highest incidence of fuel poverty (14.4%).
- 44% of all the households in Cheshire East with an income of £10,000 or less are living in fuel poverty.
- Excess cold was the most frequently found Category 1 hazard. The highest rates of failure for excess cold are associated with owner occupied dwellings (82.4%), those aged 65 and over (40.1%) and pre-1919 dwellings (44.4%).
- Poor thermal comfort was most likely to be found in properties that were built before 1919 (21.7%, compared to an average of 11.2% for Cheshire East), privately rented (16.3%) and occupied by the under 25 age group (18.8%). The under 25 age group were most likely to be living in properties with poor thermal comfort (18.8%, compared to 11.2% across all age groups).
- The estimated cost of energy efficiency improvements to properties where the households are in fuel poverty is £27.3million, of which £15.5million is for households in receipt of benefits.

#### **Empty Homes:**

At 22<sup>nd</sup> September 2011, there were 2,269 long term empty homes across Cheshire East, a reduction of 1,402 from 1<sup>st</sup> April 2009.

Empty homes are fairly evenly distributed across Cheshire East, and represent 1.38% of the total housing stock.





Analysis of empty homes data and local surveys demonstrate that there are three main contributory factors to the level of empty homes:

- The current economic climate has led to empty homes being on the market for longer than a six month period (28% of long term empty homes in Congleton LAP in 2010 were for sale or to let).
- A combination of empty specialist housing such as older people's accommodation, new build homes in a struggling market, and Registered Providers' decommissioned sheltered stock awaiting remodelling is inflating the level of long term empty homes.
- 94% of owners in Congleton in 2010 expressed willingness to bring their long term empty homes back into use, but quoted the affordability of major repairs as the main barrier.

#### **An ageing population:**

- The 2010 House Condition Survey found a higher proportion of 65+ year old households than the national picture (33% in Cheshire East, compared to 24.6% in England).
- We know with some certainty that the number of people aged over 65 is set to increase dramatically. By 2027 the 65-84 age group is forecast to increase by 56%, and the 85+ age group to increase by 103%.

- With retirement usually comes a lower, fixed income, which impacts on homeowners' ability to repair and maintain their homes in later life. Rates of non-decency in housing occupied by older people were higher than other age groups, with 33.2% of 55-64 year olds living in non-decent housing, and 30.6% of 65+ year olds.
- Ageing also increases the likelihood of becoming frail and dependent, increasing the need for home adaptations to keep people living independently in their own home. The House Condition Survey estimated that there is current demand for disabled adaptations of around £17.7million.

### **Health Inequalities:**

- Housing is recognised as a key determinant of health, with the condition and suitability of a person's home being closely linked to their health, their care, and their ability to participate in social networks. Poor housing conditions have a causal link to chronic health conditions including heart disease, stroke, respiratory conditions, mental health and arthritis and rheumatism.
- It is estimated that poor housing conditions in Cheshire East are costing the NHS £4.3million per annum.
- Fuel poverty is the most recognised of housing's influence on health, where people are unable to afford to heat their homes to an adequate level without compromising other essential factors for a healthy lifestyle such as healthy eating or participating in social and physical activities.

### **Deprivation:**

- Despite good overall quality of life, there are some parts of Cheshire East where the experience is different. Around 6% of our population (22,700 people) live in neighbourhoods classed as being in the 20% most deprived nationally, based on the 2007 Indices of Multiple Deprivation. There are disparities in economic prosperity, with low incomes and benefit dependency in some neighbourhoods, while average household incomes in parts of Crewe are below the national average at £18,000, while in some parts of Macclesfield the average is £65,000.
- Deprivation is linked to life expectancy, with women living in parts of Crewe having a life expectancy of 77 years, compared to 94 for women in parts of Macclesfield. A reduction in healthy life years will bring forward when people need to divert their household expenditure to meeting the costs of illness and disability, and when they will need support with adaptations to their home.,

## Strategic Links

This Policy is informed by and contributes to a number of plans and Strategies:

### Sustainable Community Strategy

<u>Priority</u>	<u>Link</u>
<ul style="list-style-type: none"> <li>• Ensure a sustainable future</li> <li>• Prepare for an increasingly older population</li> <li>• Drive out the causes of poor health</li> </ul>	<ul style="list-style-type: none"> <li>• Providing appropriate housing and encouraging environmentally sustainable living</li> <li>• Improving care and support for those who need it</li> <li>• Focusing local actions on the wider determinants of health</li> </ul>

### Corporate Plan

<u>Priority</u>	<u>Link</u>
<ul style="list-style-type: none"> <li>• Grown and develop a sustainable Cheshire East</li> <li>• Improve life opportunities and health for everybody</li> <li>• Enhance the Cheshire East environment</li> </ul>	<ul style="list-style-type: none"> <li>• Ensuring there is sufficient, decent, accessible and appropriate housing</li> <li>• Reducing the level of non decent homes and investing in adaptations</li> <li>• Tackling fuel poverty and increasing energy efficiency of homes</li> </ul>

### Housing Strategy

<u>Priority</u>	<u>Link</u>
<ul style="list-style-type: none"> <li>• Make best use of the existing housing stock</li> <li>• Meet the needs of vulnerable residents</li> <li>• Meet the housing needs of an ageing population</li> </ul>	<ul style="list-style-type: none"> <li>• Providing a range of affordable financial options for home repairs, reducing the fuel poverty, and bringing empty homes back into use</li> <li>• Improving access to suitable housing for people with disabilities</li> <li>• Delivering services to enable older people to live independently</li> </ul>

### Sub Regional Housing Strategy

<u>Priority</u>	<u>Link</u>
<ul style="list-style-type: none"> <li>• Make best use of the existing housing stock</li> <li>• Meet the housing and accommodation related support needs of vulnerable residents</li> </ul>	<ul style="list-style-type: none"> <li>• Decent homes, energy efficiency and thermal comfort, and empty homes</li> <li>• Older people, people with disabilities and vulnerable adults</li> </ul>

## Objectives of the Policy

The Policy serves to address four key objectives:

- Removing the most severe health and safety risks for vulnerable homeowners
- Tackling fuel poverty
- Enabling people with disabilities to live independently
- Bringing empty homes back into economic use, to increase the supply of affordable housing

A fundamental aspect underlying these objectives is the improvement in housing conditions across Cheshire East and ensuring that everyone has the opportunity to live in decent, affordable and appropriate accommodation.

<u>Objective</u>	<u>Outcomes</u>
<ul style="list-style-type: none"> <li>• Removing the most severe health and safety risks for vulnerable homeowners</li> </ul>	<ul style="list-style-type: none"> <li>▪ Reduced risk of home accidents</li> <li>▪ Improved health and wellbeing</li> <li>▪ Remain living in their own home</li> </ul>
<ul style="list-style-type: none"> <li>• Tackling Fuel Poverty</li> </ul>	<ul style="list-style-type: none"> <li>▪ Improved health and wellbeing</li> <li>▪ Afford to heat their homes adequately</li> <li>▪ Reduced risk of cold and damp exacerbating chronic ill health</li> </ul>
<ul style="list-style-type: none"> <li>• Enabling people with disabilities to live independently</li> </ul>	<ul style="list-style-type: none"> <li>▪ Remain living in their own home</li> <li>▪ Reduced risk of injury to disabled person and their carer</li> <li>▪ Able to participate in everyday activities</li> <li>▪ Improved health and wellbeing</li> </ul>
<ul style="list-style-type: none"> <li>• Bringing empty homes back into economic use, to increase the supply of affordable housing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Increased opportunities to access housing</li> <li>▪ Improved social cohesion</li> </ul>

## Framework for assistance

When developing the Interim Private Sector Assistance Policy, consideration was given to the format that financial assistance should take, with a combination of grants and loans being favoured. This Policy will also reflect this same format, by offering financial assistance in the form of repayable loans, but also retaining the 'safety net' of grants for the most urgent situations where people would be at risk if swift action was not taken, and where securing a loan is not feasible.

By offering repayable assistance, property owners will be able to take financial responsibility for the maintenance of their properties, in line with the Government's view, whilst receiving assistance at the time they need it most. Once repaid, the financial resources can be recycled and used to assist further vulnerable people in Cheshire East.

The Council must have regard for the homeowners' ability to make repayments. Therefore, where loan assistance is provided, vulnerable households will be offered a choice of repayment options. As the loan will be secured on their property, applicants are strongly advised to seek their own independent legal and financial advice, and the costs of professional advice can be included in the loan application.

Assistance will be offered to applicants in one or more of the following formats in accordance with this Policy:

- **Interest free loan:** The Council offers the financial assistance on a repayable basis over a period of no more than ten years, but without any interest or additional premium upon repayment.
- **Equity share loan:** The Council offers the financial assistance in exchange for a share in the value of the property. There are no regular repayments, and no interest is added to the loan. The loan becomes repayable when the property is sold or transferred, and the repayment will be based on the value of the property. For example, where a property is valued at £100,000 and the person borrows £10,000, the Council takes a 10% stake in the property. When the property is sold, the Council's stake is 10% of the sale price, so if the property is sold for £110,000, the Council receives a repayment of £11,000.
- **Non-repayable grant:** In exceptional circumstances the Council may offer assistance as a non-repayable grant. The grant is only repaid if any grant conditions are breached.

## Overview of Assistance

Assistance	Target Group	Maximum Assistance	Type of Assistance	Eligibility criteria	Means tested?
Safe & Warm	Owner occupiers	£10,000	Repayment loan or Equity Share loan	Qualifying means tested, disability or armed forces benefits, or age 60+	✓
Urgent Works	Owner occupiers	£1,000	Grant	Qualifying means tested or armed forces benefits, or ill health	✗
Disabled Facilities Grant	People with disabilities	£30,000	Grant	Assessed as needing adaptation by Occupational Therapist	✓ (excluding children)
Additional Disabled Facilities	People with disabilities	£10,000	Repayment loan or Equity Share loan	Eligible for Disabled Facilities Grant	✗
Disability Relocation	People with disabilities	£3,000	Grant	Eligible for Disabled Facilities Grant	✓
Landlord Accreditation	Landlords	£1,500	Grant	Member of Cheshire Landlord Accreditation scheme	✗
Empty Homes	Owners of empty homes	£10,000	Repayment loan or Equity Share loan	Property empty for 12 months, or determined as high priority	✗
Warm Front Contribution	Owner occupiers	£500	Grant	Eligible for Warm Front grant	✗

**‘Safe & Warm’ Assistance**  
***A loan of up to £10,000 for homeowners***  
***to carry out essential home repairs***

**1. Eligible Applicants**

- 1.1 Any individual(s) who has a qualifying owner’s interest in the property and is over the age of 18, and has lived in the property to be improved as their only residence for at least 12 consecutive months at the date of application, **and meets one or more of the following criteria:**
- 1.2 Is in receipt of one or more of the following income-related benefits:
- i. Income Support;
  - ii. Council Tax Benefit;
  - iii. Income Based Job Seekers Allowance;
  - iv. Pension Credit Guarantee;
  - v. Income related Employment and Support Allowance;
  - vi. Child Tax Credit (with maximum assessable income of £15,050, or other such amount as prescribed in Housing Grants Regulations from time to time);
  - vii. Working Tax Credit (with maximum assessable income of £15,050, or other such amount as prescribed in Housing Grants Regulations from time to time); **or**
- 1.3 Is in receipt of one or more of the following disability related benefits, and is assessed as being unable to afford the full cost of the eligible works and associated costs:
- i. Attendance Allowance;
  - ii. Disability Living Allowance;
  - iii. Industrial Injuries Disablement Benefit; **or**
- 1.4 Is in receipt of one or more of the following Armed Forces related benefits, and is assessed as being unable to afford the full cost of the eligible works and associated costs:
- i. War Disablement Pension
  - ii. Armed Forces Compensation Scheme Guaranteed Income Payment; **or**
- 1.5 Is over the age of 60, and is assessed as being unable to afford the full cost of the eligible works and associated costs.
- 1.6 The Test of Resources set out in the Housing Renewal Grants Regulations 1996 (as amended) will be used to assess whether the applicant is able to afford the full cost of the eligible works and associated costs.

## 2. **Eligible Properties**

- 2.1 The property must be situated in Cheshire East.
- 2.2 The property must be registered at the Land Registry.
- 2.3 No financial assistance will be available where repairs and improvements works have previously been completed on the property through private sector housing schemes as follows:
  - i. Within the last five years, repairs and improvements financed by 'Safe & Warm Assistance' under this Policy have been completed; **or**
  - ii. Within the last five years, repairs and improvements financed by 'Decent Homes Assistance' under the Interim Private Sector Assistance Policy 2009 have been completed; **or**
  - iii. Within the last ten years, repairs and improvements financed by 'Decent Homes Plus Assistance', 'Landlord Renovation Assistance' and 'Empty Homes Assistance' under the Interim Private Sector Assistance Policy 2009 have been completed.

## 3. **Eligible Works**

- 3.1 The following types of works are eligible for assistance:
  - i. Works to repair or provide an efficient form of heating, or heating from a renewable energy source
  - ii. Repairs that will eliminate a Category 1 hazard
  - iii. Repairs that will eliminate a Category 2 Band D or E hazard, where an occupier of the property is a member of a vulnerable group for that hazard as defined in the HHSRS operating guidance
  - iv. Repairs to make the property weather-tight
  - v. Measures to reduce the consequences of flooding, in areas designated by the Council as at risk of flooding
  - vi. Facelift works as part of an area based renewal or regeneration scheme
  - vii. Assistance to pay a Warm Front contribution of more than £500
- 3.2 Assistance will not be given where there are other suitable forms of financial assistance available, for example Warm Front, energy supplier schemes, or household insurance.
- 3.3 Works that have been started or completed prior to an application for assistance will not be considered.
- 3.4 Eligible works will be determined by a Private Sector Housing officer.
- 3.5 Ineligible works are listed at Appendix D.



#### 4. **Amounts**

- 4.1 The maximum amount of assistance is £10,000.
- 4.2 The Council will not approve a request for assistance of less than £500.
- 4.3 Eligible costs that can be included in an application for assistance are:
- i. Reasonable cost of eligible works
  - ii. Any VAT on the reasonable cost of eligible works
  - iii. Eligible fees
- 4.4 Eligible fees that may be included as part of the application for assistance are:
- i. Specialist, technical and/or structural reports that are required by the Council
  - ii. Building Control fees for eligible works
  - iii. Legal fees and disbursements incurred as a result of setting up the loan
  - iv. Valuation fees
  - v. Financial advice
  - vi. Lenders' fees for registering a second charge
- 4.5 A fee in accordance with the Council's Fees and Charges schedule will be included as part of the loan, for technical and professional services provided by the Council to facilitate the application process.

#### 5. **Application Process**

- 5.1 Applications must be made on the Council's official application form, and accompanied by at least two written quotations on contractors' letter headed paper for each item of eligible work, and any other information that the Council considers necessary to be able to consider an application for assistance.
- 5.2 Before approving an application, the Council will have regard to the applicant's ability to repay the assistance. The Council will take into account any charges already secured on the property, bankruptcy checks, the level of equity available in the property, and any information obtained in the course of its checks which reveal financial difficulties within the last six months. The Council will not normally award assistance to an applicant where the existing charges registered on the property combined with the amount of financial assistance requested would reduce the available equity in the property to 10% or less of the property value.
- 5.3 Before an application is approved, the applicant and the Council must enter

into a loan agreement.

- 5.4 The Council will advise whether an application for assistance has been approved or refused in writing, together with the value of the assistance that has been approved. Where an application for assistance is refused, the Council will provide a written statement of the reasons for refusal, and details of any appeals procedure.

6. **Carrying out and Completion of the Works**

- 6.1 Works must be carried out by a contractor whose quotation was accepted as part of the application for assistance. Any request to change the contractor must be made in writing. Consent will not be unreasonably withheld by the Council.
- 6.2 The eligible works must be started within three months and completed within six months of the date of approval. Requests for additional time to start or complete the works must be made in writing before the end of the relevant period. Consent will not be unreasonably withheld by the Council.
- 6.3 In the event of unforeseen work or an increase in costs arising during the course of the works the amount of the loan may be increased at the discretion of the Council. The minimum amount of additional assistance that will be considered is £100. Additional fees will be incurred for the registration of an amended legal charge.
- 6.4 Conditions relating to payment of assistance are listed at Appendix F.

7. **Conditions of Assistance:**

- 7.1 The loan must be secured by way of a legal charge registered at the Land Registry.
- 7.2 The loan must be repaid by one of the following methods:
- i. Interest-free repayment loan, as set out at Appendix A, or
  - ii. Equity share loan, as set out at Appendix B.
- 7.3 The applicant must live in the property as their only residence.
- 7.4 A valid policy for buildings insurance sufficient to reinstate the building must remain in force until the assistance is repaid, with the Council's interest in the property noted on the policy.
- 7.5 Where an applicant has provided false or misleading information in their application for assistance or in their request for payment, the approval of assistance will be withdrawn and a demand made for repayment of any

monies already paid.

- 7.6 The Council may by written notice require the applicant to provide a statement within 21 days showing how the conditions of assistance are being fulfilled.
- 7.7 Further applications for financial assistance for repairs to the same property will not be considered under this Policy and subsequent versions of this Policy, for a period of ten years from the certified date of completion.

# Urgent Works Assistance

## *A grant of up to £1,000 for homeowners to carry out urgent home safety measures*

### 1. Eligible Applicants

1.1 Any individual(s) who has a qualifying owner's interest in the property, and is over the age of 18, and has lived in the property to be improved as their only residence for at least 18 consecutive months at the date of application, **and meets one or more of the following criteria:**

1.2.1 Is in receipt of one or more of the following income-related benefits:

- i. Income Support
- ii. Council Tax Benefit
- iii. Income Based Job Seekers Allowance
- iv. Pension Credit Guarantee
- v. Income related Employment and Support Allowance
- vi. Child Tax Credit (with maximum assessable income of £15,050, or other such amount as prescribed in Housing Grants Regulations from time to time)
- vii. Working Tax Credit (with maximum assessable income of £15,050, or other such amount as prescribed in Housing Grants Regulations from time to time), **or**

1.2.2 Is in receipt of one or more of the following Armed Forces related benefits:

- i. War Disablement Pension
- ii. Armed Forces Compensation Scheme Guaranteed Income Payment, **or**

1.2.3 Has one or more of the following health conditions (or a member of the household has one of the following health conditions) and is referred by a health or social care professional:

- i. Chronic Respiratory disease (for example, COPD, emphysema, chronic bronchitis, severe asthma)
- ii. Chronic Cardiovascular disease (for example, heart disease and stroke)
- iii. Cancer
- iv. Terminal illness

### 2. Eligible Properties

2.1 The property must be situated in Cheshire East.

### 3. **Eligible Works**

3.1 The following types of work are eligible for assistance:

- i. Urgent works to reduce or eliminate an imminent risk to health and safety, for example Band A Category 1 hazards, or repairs to heating or hot water;
- ii. Essential repairs to facilitate the transfer of care from hospital or other care facility, to home.

3.2 Assistance will not be given where there are other suitable forms of financial assistance available, for example Warm Front, energy supplier schemes, or household insurance.

3.3 Works that are completed prior to the application for assistance will not be considered.

3.4 Eligible works will be determined by a Private Sector Housing officer.

3.5 Ineligible works are listed at Appendix D.

### 4. **Amounts**

4.1 The maximum amount of assistance is £1,000.

4.2 The maximum amount will include the cost of eligible works, any VAT on eligible works, and eligible fees.

4.3 Eligible fees that may be included as part of an application for assistance are specialist and technical reports, such as electrical or gas safety reports, as requested by the Council.

### 5. **Application Process**

5.1 Applications must be made on the Council's official application form, and accompanied by at least one written quotation on contractors' letter headed paper, and any other information that the Council considers necessary to be able to consider an application for assistance.

5.2 The Council will advise whether an application for assistance has been approved or refused in writing, together with the value of the assistance that has been approved. Where an application for assistance is refused, the Council will provide a written statement of the reasons for refusal, and details of any appeals procedure.

6. **Carrying out and Completion of the Works**

- 6.1 Works must be carried out by a contractor whose quotation was accepted as part of the application for assistance. A request to change the contractor must be made in writing. Consent will not be unreasonably withheld by the Council.
- 6.2 The eligible works must be started and completed within one month of the date of approval. Requests for additional time to start or complete the works must be made in writing before the end of the relevant period. Consent will not be unreasonably withheld by the Council.
- 6.3 In the event of unforeseen work or an increase in costs arising during the course of the works, the amount of the grant may be increased, subject to the maximum grant as set out at Paragraph 4.1.
- 6.4 Conditions relating to payment of assistance are listed at Appendix F.

7. **Conditions of Assistance**

- 7.1 Where an applicant has provided false or misleading information in their application for assistance or in their request for payment, the approval of assistance will be withdrawn and a demand made for repayment of any monies already paid.

# Disabled Facilities Grant

***A mandatory grant of up to £30,000 to help people with disabilities to achieve independent living in their own home***

The primary legislation for Disabled Facilities Grants is the Housing Grants, Construction and Regeneration Act 1996 (as amended).

## 1. Eligible Applicants

- 1.1 Any person with a qualifying owner's, tenant's or occupier's interest in the property who is over the age of 18.

## 2. Eligible Properties

- 2.1 Dwellings, qualifying houseboats and caravans are eligible for assistance.
- 2.2 The property must be situated in Cheshire East.
- 2.3 The property must be the only or main residence of the disabled person for whom the adaptation is intended.

## 3. Eligible Works

- 3.1 The works must be necessary and appropriate to meet the needs of the disabled person.
- 3.2 It must be reasonable and practicable to carry out the works, having regard to the age and condition of the property.
- 3.3 The works must be for at least one of the following purposes:
  - a) Facilitating access by the disabled person to and from the dwelling, qualifying houseboat or caravan, or the building in which the dwelling is situated;
  - b) Making the dwelling, qualifying houseboat or caravan, or the building in which the dwelling is situated, safe for the disabled person and other persons residing with them;
  - c) Facilitating access by the disabled person to a room used or usable as the principal family room;
  - d) Facilitating access by the disabled person to, or providing for them, a room used or usable for sleeping;
  - e) Facilitating access by the disabled person to, or providing for them, a room in which there is a lavatory, or facilitating for the disabled person the use of a lavatory;
  - f) Facilitating access by the disabled person to, or providing for them, a

room in which there is a bath or shower (or both), or facilitating for the disabled person the use of a bath or shower;

- g) Facilitating access by the disabled person to, or providing for them, a room in which there is a wash hand basin, or facilitating for the disabled person the use of a wash hand basin;
- h) Facilitating the preparation and cooking of food by the disabled person
- i) Providing or improving any heating system in the dwelling to meet the needs of the disabled person
- j) Facilitating the use by the disabled occupant of a source of power, light or heat by altering the controls or the position of the controls, or providing additional controls
- k) Facilitating access around the dwelling, qualifying houseboat or caravan for the disabled person to enable them to provide care for another person who is normally resident there
- l) Facilitating access to and from the garden for the disabled person
- m) Making access to and from the garden safe for the disabled person
- n) Such other purposes as may be specified by order of the Secretary of State.

3.4 Works that are started or completed prior to the approval of the application for grant assistance will not be considered.

3.5 Eligible works will be determined by a Private Sector Housing officer in consultation with Social Services.

#### 4. **Amounts**

4.1 The maximum amount of grant allowed will be £30,000, or other such amount determined by the Secretary of State.

4.2 Applicants will be subject to a Test of Resources in accordance with the Housing Renewal Grants Regulations 1996 (as amended) to determine whether all or any assistance will be made available. Where the applicant is in receipt of a means-tested benefit or the adaptations is for a disabled child under 16 years of age or a young person in full-time education under 20 years of age, there will be no Test of Resources.

4.3 Where applicants are assessed as having to make a financial contribution following a Test of Resources, the amount of grant to be awarded for eligible works will be reduced by an amount equivalent to the assessed contribution.

4.4 The maximum amount of grant will include the cost of eligible works, any VAT on eligible works, and eligible fees.

4.5 Eligible fees that may be included as part of the application for assistance are listed at Appendix C.



- 4.6 A fee in accordance with the Council's Fees and Charges schedule can be included as part of the grant, for technical and professional services provided by the Council to facilitate the application process.

## 5. **Application Process**

- 5.1 Applicants must submit a valid application, consisting of:
- i. a completed application, together with evidence of any welfare benefit entitlement, income, savings, shares and capital
  - ii. details of the works to be carried out,
  - iii. two written quotations for each type of work from contractors, unless otherwise directed by the Council,
  - iv. owner's, tenant's, and/or occupier's certificate,
  - v. details of any charges for preliminary services and fees, and
  - vi. proof of ownership and /or written consent of all owners.
- 5.2 The Council must satisfy itself that the works are necessary and appropriate by consulting with the Social Services department, and will assess whether the proposed works are reasonable and practicable, and will carry out a Test of Resources to determine financial eligibility.
- 5.3 The Council will approve or refuse the application for grant assistance in writing not later than six months from the date of a valid application, together with the value of the grant that has been approved. Where an application for assistance is refused, the Council will provide a written statement of the reasons for refusal, and details of any appeals procedure.

## 6. **Carrying Out and Completion of the Works**

- 6.1 Works must be carried out by a contractor whose quotation was accepted as part of the application for assistance. A request to change the contractor must be made in writing. Consent will not be unreasonably withheld by the Council.
- 6.2 The eligible works must be started and completed within twelve months of the date of approval, or other such date stipulated by the Council. Requests for additional time to carry out the works must be made in writing before the expiry date. Consent will not be unreasonably withheld by the Council.
- 6.3 In the event of unforeseen work or an increase in costs arising during the course of the works, the amount of the grant may be increased, subject to the maximum grant as set out at Paragraphs 4.1 to 4.3.
- 6.4 Conditions relating to payment of assistance are listed at Appendix F.

**7. Conditions of Assistance**

- 7.1 In accordance with the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of grant) General Consent 2008:
- 7.1.1 If the applicant disposes of the property within 10 years of the certified date of completion, and the applicant has a qualifying owner's interest in the property, the amount of assistance in excess of £5,000 will become repayable, subject to a maximum amount repayable of £10,000.
- 7.1.2 The Council may, at its discretion, waive any demand for repayment of assistance once it has considered:
- i. the extent to which the grant recipient would suffer financial hardship were they to be required to repay all or any of the grant;
  - ii. whether the disposal of the premises is to enable the grant recipient to take up employment, or to change the location of their employment;
  - iii. whether the disposal is made for reasons connected with the physical or mental health or well being of the grant recipient or of a disabled occupant of the premises; and
  - iv. whether the disposal is made to enable the grant recipient to live with, or near, any person who is disabled or infirm and in need of care, which the grant recipient is intending to provide, or who is intending to provide care of which the grant recipient is in need by reason of disability or infirmity.
- 7.2 Requests for exemptions to repayment must be made in writing.
- 7.3 The Council reserves the right to remove equipment, such as lifts, when it is no longer required by the disabled person. Where it is clear that the equipment will not be reused due to its age or condition the Council may waive its right to recover such equipment.
- 7.4 Where an applicant has provided false or misleading information in their application for assistance or in their request for payment, the approval of assistance will be withdrawn and a demand made for repayment of any monies already paid.

# Additional Disabled Facilities Assistance

*A loan of up to £10,000 for homeowners to 'top-up'  
a mandatory Disabled Facilities Grant to enable  
the eligible adaptation to be completed*

## 1. Eligible Applicants

- 1.1 Any individual(s) who has a qualifying owner's interest in the property, and is over the age of 18.

## 2. Eligible Properties

- 2.1 The property must be situated in Cheshire East.
- 2.2 The property must be registered at the Land Registry.
- 2.3 The property must be the only or main residence of the disabled person for whom the adaptation is intended.

## 3. Eligible Works

- 3.1 The following types of work are eligible for assistance:
- 3.1.1 Adaptations that meet the purposes specified in the Housing Grants, Construction and Regeneration Act 1996 (refer to 'Eligible Works' under Disabled Facilities Grants), where:
- i. The cost of the eligible works, VAT and fees exceeds the maximum Disabled Facilities Grant, or
  - ii. Following a Test of Resources, the applicant is unable to afford their assessed contribution
- 3.1.2 Where adaptations are being carried out in accordance with paragraph 3.1.1 above, repairs to improve the safety and warmth of the property in accordance with 'Safe & Warm Assistance' paragraph 3.1 (page 14) can be included in the application.
- 3.2 Assistance will not be given for works that are not considered to be necessary and appropriate in the opinion of the Council.
- 3.3 Works that are started or completed prior to the approval of the application for assistance will not be considered.

- 3.4 Eligible works will be determined by a Private Sector Housing officer in consultation with Social Services.

4. **Amounts**

- 4.1 The maximum amount of assistance is £10,000.
- 4.2 The amount will be calculated as the total amount of assistance required in excess of the maximum permitted Disabled Facilities Grant, and / or the total amount of assistance required to meet the applicant's assessed contribution for the Disabled Facilities Grant, and eligible works to repair the property, combined with any eligible fees.
- 4.3 Eligible fees that may be included as part of the application for assistance are:
- i. Legal fees and disbursements incurred as a result of setting up the loan
  - ii. Financial advice
  - iii. Lenders' fees for registering a second charge

5. **Application Process**

- 5.1 Applications must be made on the Council's official application form, and be accompanied by any information that the Council considers necessary to be able to consider an application for assistance.
- 5.2 Before approving an application, the Council will have regard to the applicant's ability to repay the assistance. The Council will take into account any charges already secured on the property, bankruptcy checks, the level of equity available in the property, and any information obtained in the course of its checks which reveal financial difficulties within the last 6 months. The Council will not normally award assistance to an applicant where the existing charges registered on the property combined with the amount of financial assistance requested would reduce the available equity in the property to 10% or less of the property value.
- 5.3 Before an application is approved, the applicant and the Council must enter into a loan agreement.
- 5.4 The Council will advise whether an application for assistance has been approved or refused in writing, together with the value of the assistance that has been approved. Where an application for assistance is refused, the Council will provide a written statement of the reasons for refusal, and details of any appeals procedure.

6. **Carrying out and Completion of Works**

- 6.1 Works must be carried out by a contractor whose quote was accepted as part of the application for assistance. A request to change the contractor must be made in writing. Consent will not be unreasonably withheld by the Council.
- 6.2 The eligible works must be started and completed within twelve months of the date of approval, or other such date stipulated by the Council. Requests for additional time to carry out the works must be made in writing before the expiry date. Consent will not be unreasonably withheld by the Council.
- 6.3 In the event of unforeseen work or an increase in costs arising during the course of the works, the amount of the loan may be increased at the discretion of the Council. The minimum amount of additional assistance that will be considered is £100. Additional fees will be incurred for the registration of an amended legal charge.

6.4 Conditions relating to payment of assistance are listed at Appendix F.

7. **Conditions of Assistance**

- 7.1 The loan must be secured by way of a legal charge registered at the Land Registry.
- 7.2 The loan must be repaid by one of the following methods:
  - i. Interest-free repayment loan, as set out at Appendix A, or
  - ii. Equity share loan, as set out at Appendix B.
- 7.3 The applicant and / or the disabled person to whom the Disabled Facilities Grant application relates must live in the property as their only or main residence.
- 7.4 A valid policy for buildings insurance sufficient to reinstate the building must remain in force until the assistance is repaid, with the Council's interest in the property noted on the policy.
- 7.5 Where an applicant has provided false or misleading information in their application for assistance or in their request for payment, the approval of assistance will be withdrawn and a demand made for repayment of any monies already paid.
- 7.6 The Council may by written notice require the applicant to provide a statement within 21 days showing how the conditions of assistance are being fulfilled.

# Disability Relocation Assistance

*A grant of up to £3,000 to assist people with disabilities with the costs of moving home*

## 1. Eligible Applicants

- 1.1 Any person over the age of 18 who is, or is applying on behalf of, a disabled person who has been assessed by the Social Services department as being in need of adaptations that would meet the criteria for purposes that a Disabled Facilities Grant may be made, **and**
- 1.2 Is assessed as being unable to afford the full cost of the eligible relocation expenses.
- 1.3 The Test of Resources set out in the Housing Renewal Grants Regulations 1996 (as amended) will be used to assess whether the applicant is able to afford to afford the full cost of the eligible relocation expenses.

## 2. Eligible Properties

- 2.1 The current property (that is, the property that the disabled person is moving from) must be situated in Cheshire East, **and**
  - 2.2.1 It must not be reasonable or practicable to adapt the current property, **or**
  - 2.2.2 The new property (that is, the property that the disabled person intends to move to) offers a better suited solution for the disabled person, and the solution offers better value for money for the Council.
- 2.3 The new property must be appropriate to the needs of the disabled person, and any necessary adaptations to the new property must be reasonable and practicable.
- 2.4 The new property must be intended to be the only or main residence of the disabled person.
- 2.5 There are no restrictions on the tenure or location of the new property.
- 2.6 Eligible properties will be determined by a Private Sector Housing officer in consultation with Social Services.

## 3. Eligible Expenses

- 3.1 Assistance will be given towards reasonable costs associated with moving

home, including:

- i. Removal costs
- ii. Legal costs including fees for searches
- iii. Home Information Pack costs
- iv. Disconnection and reconnection of household appliances
- v. Removal and reinstallation of disability equipment

3.2 Expenses that have been incurred prior to the application for assistance will not be considered.

3.3 Eligible expenses will be determined by a Private Sector Housing officer.

#### 4. **Amounts**

4.1 The maximum amount of assistance is £3,000.

#### 5. **Application Process**

5.1 The disabled person must be assessed by the Social Services Department to determine what adaptations are necessary and appropriate to meet their needs, and the current property will be assessed to determine whether the proposed adaptations are reasonable and practicable.

5.2 Applications must be made on the Council's official application form, and be accompanied by any information that the Council considers necessary to be able to consider an application for assistance.

5.3 The Council will advise whether an application for assistance has been approved or refused in writing, together with the value of the assistance that has been approved. Where an application for assistance is refused, the Council will provide a written statement of the reasons for refusal, and details of any appeals procedure.

#### 6. **Payment of Assistance**

6.1 Payment of assistance will only be made upon receipt of a valid invoice or receipt for the eligible expenses. An invoice or receipt will not be considered valid where it is in the name of the applicant or a member of the applicant's family.

6.2 Where requests for further assistance for unforeseen expenses or additional eligible costs incurred as a result of the transfer are received, the Council will only approve additional assistance where the additional sum requested combined with the original approved amount do not exceed the maximum permitted assistance set out at paragraph 4.1.

7. **Conditions of Assistance**

- 7.1 The transfer to the new property must take place within 6 months from the date of approval. Requests for additional time to complete the transfer must be made in writing before the expiry of the 6 month period. Consent will not be unreasonably withheld by the Council.
- 7.2 Where an applicant has provided false or misleading information in their application for assistance or in their request for payment, the approval of assistance will be withdrawn and a demand made for repayment of any monies already paid.
- 7.3 Further applications for financial assistance for disability relocation will not be considered from the same applicant under this Policy and subsequent versions of this Policy, except where there has been a change in the disabled person's or their carer's needs and the property cannot be adapted to meet those needs, or the needs of another disabled person residing at the property cannot be met.



# Landlord Accreditation Assistance

*A grant of up to £1,500 for accredited landlords to improve their properties*

## 1. Eligible Applicants

- 1.1 Any individual(s) who has a qualifying owner's interest in the property and is over the age of 18, **and**
- 1.2 Is a current member of the Cheshire Landlord Accreditation Scheme.

## 2. Eligible Properties

- 2.1 The property or properties must be situated in Cheshire East. An application for assistance may include improvements to one or more properties that are part of the landlord's accredited portfolio.
- 2.2 The property or properties must be either currently occupied or available to let.
- 2.3 No financial assistance will be available where repairs and improvements works have previously been completed on the property through private sector housing schemes as follows:
  - i. Within the last five years, repairs and improvements financed by 'Safe & Warm Assistance' under this Policy have been completed; **or**
  - ii. Within the last five years, repairs and improvements financed by 'Decent Homes Assistance' under the Interim Private Sector Assistance Policy 2009 have been completed; **or**
  - iii. Within the last ten years, repairs and improvements financed by 'Decent Homes Plus Assistance', 'Landlord Renovation Assistance' and 'Empty Homes Assistance' under the Interim Private Sector Assistance Policy 2009 have been completed.

## 3. Eligible Works

- 3.1 The following types of work are eligible for assistance:
  - i. Energy efficiency and renewable energy measures to reduce fuel poverty and reduce carbon emissions
  - ii. Works to bring the property up to the Decent Homes Standard. Details of the Decent Homes Standard are set out at Appendix E
  - iii. Fire safety measures
  - iv. Home security measures

- 3.2 Assistance will not be given where there are other suitable forms of financial assistance available, for example Warm Front, energy supplier schemes, or household insurance.
- 3.3 Works that have been started or completed prior to an application for assistance will not be considered.
- 3.4 Eligible works will be determined by a Private Sector Housing officer.
- 3.5 Ineligible works are listed at Appendix D.

#### 4. **Amounts**

- 4.1 The maximum amount of assistance that will be allowed for an application for one or more properties is 50% of the cost of the eligible works up to a maximum of £1,500.
- 4.2 Eligible costs that can be included in an application for assistance are:
  - i. Reasonable cost of eligible works
  - ii. Any VAT on the reasonable cost of eligible works
  - iii. Eligible fees
- 4.3 Eligible fees that may be included as part of the application for assistance are:
  - i. Specialist, technical and/or structural reports that are required by the Council
  - ii. Building Control fees for eligible works
- 4.4 A fee in accordance with the Council's Fees and Charges schedule will be included as part of the assistance, for technical and professional services provided by the Council to facilitate the application process.

#### 5. **Application Process**

- 5.1 Applications must be made on the Council's official application form, and accompanied by at least two written quotations on contractors' letter headed paper for each item of eligible work, and any other information that the Council considers necessary to be able to consider an application for assistance.
- 5.2 The Council will advise whether an application for assistance has been approved or refused in writing, together with the value of the assistance that has been approved. Where an application for assistance is refused, the Council will provide a written statement of the reasons for refusal, and details of any appeals procedure.

## 6. **Carrying out and Completion of Works**

- 6.1 Works must be carried out by a contractor whose quote was accepted as part of the application for assistance. A request to change the contractor must be made in writing. Consent will not be unreasonably withheld by the Council.
- 6.2 The eligible works must be started and completed within three months of the date of approval. Requests for additional time to carry out the works must be made in writing before the expiry date. Consent will not be unreasonably withheld by the Council.
- 6.3 In the event of unforeseen work or an increase in costs arising during the course of the works, the amount of the grant may be increased at the discretion of the Council, subject to the maximum amount as set out at Paragraph 4.1.
- 6.4 Conditions relating to payment of assistance are listed at Appendix F.

## 7. **Conditions of Assistance**

- 7.1 Where an applicant has provided false or misleading information in their application for assistance or in their request for payment, the approval of assistance will be withdrawn and a demand made for repayment of any monies already paid.
- 7.2 The grant must be repaid if, within two years following the certified date of completion of the works, any of the following events occur:
  - The property is unoccupied for three calendar months or more
  - The property is sold or transferred
  - The applicant ceases to be a member of the Cheshire Landlord Accreditation Scheme
  - A successful insurance or legal claim is made relating to circumstances which led to the need for the eligible works
- 7.3 The Council may by written notice require the applicant to provide a statement within 21 days showing how the conditions of assistance are being fulfilled.
- 7.4 The Council will not consider an application for financial assistance under this Policy or subsequent versions of this Policy for the same property for a period of five years.
- 7.5 The Council will not approve a further application for Landlord Accreditation Assistance under this Policy or subsequent versions of this Policy from the same applicant for a period of one year from the date of completion of the eligible works.

# **Empty Homes Assistance**

***A loan of up to £10,000 for owners to carry out repairs to long term empty homes***

## **1. Eligible Applicants**

- 1.1 Any individual(s) who has a qualifying owner's interest in the property and is over the age of 18.
- 1.2 The purposes for which Empty Homes Assistance may be given are:
  - i. For an owner of an empty home who intends to occupy the property for use as their only residence
  - ii. For a member of the Cheshire Landlord Accreditation Scheme who is the owner of an empty home and who intends to let the property on a tenancy for a minimum period of twelve months
  - iii. For an owner of an empty home who has entered, or intends to enter, into a lease agreement of at least three years with a property management company or Registered Provider.

## **2. Eligible Properties**

- 2.1 The property must be situated in Cheshire East.
- 2.2 The property must be registered at the Land Registry.
- 2.3 No financial assistance will be available where repairs and improvements works have previously been completed on the property through private sector housing schemes as follows:
  - iv. Within the last five years, repairs and improvements financed by 'Safe & Warm Assistance' under this Policy have been completed; **or**
  - v. Within the last five years, repairs and improvements financed by 'Decent Homes Assistance' under the Interim Private Sector Assistance Policy 2009 have been completed; **or**
  - vi. Within the last ten years, repairs and improvements financed by 'Decent Homes Plus Assistance', 'Landlord Renovation Assistance' and 'Empty Homes Assistance' under the Interim Private Sector Assistance Policy 2009 have been completed.
- 2.4 The property must have been unoccupied for at least twelve consecutive months prior to the date of application, or determined as a high priority by the Council. Priority will be determined through the use of a scoring matrix.

### 3. **Eligible Works**

3.1 The following types of work are eligible for assistance:

- i. Energy efficiency and renewable energy measures to reduce fuel poverty and reduce carbon emissions
- ii. Works to bring the property up to the Decent Homes Standard. Details of the Decent Homes Standard are set out at Appendix E
- iii. Fire safety measures
- iv. Home security measures

3.2 Assistance will not be given where there are other suitable forms of financial assistance available, for example Warm Front, energy supplier schemes, or household insurance.

3.3 Works that have been started or completed prior to an application for assistance will not be considered.

3.4 Eligible works will be determined by a Private Sector Housing officer.

3.5 Ineligible works are listed at Appendix D.

### 4. **Amounts**

4.1 The maximum amount of assistance is £10,000.

4.2 The Council will not approve a request for assistance of less than £1,000.

4.3 Eligible costs that can be included in an application for assistance are:

- i. Reasonable cost of eligible works
- ii. Any VAT on the reasonable cost of eligible works
- iii. Eligible fees

4.4 Eligible fees that may be included as part of the application for assistance are:

- i. Specialist, technical and/or structural reports that are required by the Council
- ii. Building Control fees for eligible works
- iii. Legal fees and disbursements incurred as a result of setting up the loan
- iv. Financial advice
- v. Lenders' fees for registering a second charge

4.5 A fee in accordance with the Council's Fees and Charges schedule will be included as part of the loan, for technical and professional services provided by the Council to facilitate the application process.

## 5. **Application Process**

- 5.1 Applications must be made on the Council's official application form, and accompanied by at least two written quotations on contractors' letter headed paper for each item of eligible work, and any other information that the Council considers necessary to be able to consider an application for assistance.
- 5.2 Before approving an application, the Council will have regard to the applicant's ability to repay the assistance. The Council will take into account any charges already secured on the property, bankruptcy checks, the level of equity available in the property, and any information obtained in the course of its checks which reveal financial difficulties within the last 6 months. The Council will not normally award assistance to an applicant where the existing charges registered on the property combined with the amount of financial assistance requested would reduce the available equity in the property to 10% or less of the property value.
- 5.3 Before an application is approved, the applicant and the Council must enter into a loan agreement.

5.4 The Council will advise whether an application for assistance has been approved or refused in writing, together with the value of the assistance that has been approved. Where an application for assistance is refused, the Council will provide a written statement of the reasons for refusal, and details of any appeals procedure.

## 6. **Carrying out and Completion of the Works**

- 6.1 Works must be carried out by a contractor whose quotation was accepted as part of the application for assistance. A request to change the contractor must be made in writing. Consent will not be unreasonably withheld by the Council.
- 6.2 The eligible works must be started within three months and completed within six months of the date of approval. Requests for additional time to start or complete the works must be made in writing before the end of the relevant period. Consent will not be unreasonably withheld by the Council.
- 6.3 In the event of unforeseen work or an increase in costs arising during the course of the works, the amount of loan may be increased at the discretion of the Council. The minimum amount of additional assistance that will be considered is £100. Additional fees will be incurred for the registration of an amended legal charge.
- 6.4 Conditions relating to payment of assistance are listed at Appendix F.

7. **Conditions of Assistance:**

- 7.1 The loan must be secured by way of a legal charge recorded at the Land Registry.
- 7.2 The loan must be repaid by one of the following methods:
- i. Interest-free repayment loan, as set out at Appendix A, or
  - ii. Equity share loan, as set out at Appendix B.
- 7.3 Where the applicant states on the application form that they intend to occupy the property, the applicant must live in the property as their only residence, within three calendar months of the certified date of completion.
- 7.4 Where the applicant states on the application form that they intend to let the property on a tenancy of at least twelve months, the property must be let to a tenant within three calendar months of the certified date of completion, and remain available to let to tenants throughout the term of the loan. The property must be available to let at a rate not in excess of Local Housing Allowance.
- 7.5 Where the applicant states on the application form that they intend to enter into a lease agreement of three or more years with a property management company or a Registered Provider, the property must be leased in accordance with the provisions of the agreed lease within three months of the certified date of completion.
- 7.4 A valid policy for buildings insurance sufficient to reinstate the building must remain in force until the assistance is repaid, with the Council's interest in the property noted on the policy.
- 7.5 Where an applicant has provided false or misleading information in their application for assistance or in their request for payment, the approval of assistance will be withdrawn and a demand made for repayment of any monies already paid.
- 7.6 The Council may by written notice require the applicant to provide a statement within 21 days showing how the conditions of assistance are being fulfilled.
- 7.7 Further applications for financial assistance for repairs to the same property will not be considered under this Policy and subsequent versions of this Policy, for a period of ten years from the certified date of completion.
- 7.8 The Council will approve a maximum of three applications for Empty Homes Assistance from an applicant in any calendar year.

## **Warm Front Contribution Assistance:**

### ***A grant of up to £500 to top-up a Warm Front grant***

#### **1. Eligible Applicants**

- 1.1 Any person over the age of 18 who has been awarded a Warm Front grant, where the cost of the works exceeds the maximum grant available.

#### **2. Eligible Properties**

- 2.1 The property must be situated in Cheshire East.

#### **3. Eligible Works**

- 3.1 Works specified by Warm Front are eligible for assistance.

#### **4. Amounts**

- 4.1 The maximum amount of assistance is £500.
- 4.2 Works that have been started or completed prior to an application for assistance will not be considered.

#### **5. Application Process**

- 5.1 Referrals are received directly from Warm Front. The Council will approve or refuse the request for assistance directly to Warm Front.

#### **6. Carrying out and Completion of Works**

- 6.1 The works must be carried out by the Warm Front appointed contractor.
- 6.2 Conditions relating to payment of assistance are listed at Appendix F.

#### **7. Conditions of Assistance**

- 7.1 Where an applicant has provided false or misleading information in their application for assistance or in their request for payment, the approval of assistance will be withdrawn and a demand made for repayment of any monies already paid.



## **Transitional Arrangements**

From 1<sup>st</sup> May 2012, all new applications for assistance will be considered against the criteria set out within this Policy.

All applications for assistance approved under the Interim Private Sector Assistance Policy 2009 will continue to be valid in accordance with the specific conditions of assistance contained within that Policy.

All valid applications received on or before 30<sup>th</sup> April 2012 under the Interim Private Sector Assistance Policy 2009 but not yet approved will be processed in accordance with that Policy, and will be approved or refused by no later than 1<sup>st</sup> November 2012.

## **Applications for assistance falling outside of this Policy**

All applications for assistance will be considered against the published criteria. If the application does not meet the criteria, the Council will inform the applicant in writing of the reason why they are being refused assistance.

Where an applicant is refused assistance and they wish to appeal against the decision, they should appeal in writing to the Council within 28 days of the date of refusal.

It is recognised that there may be situations where the refusal of assistance would disproportionately disadvantage the applicant. In these circumstances, the Council may waive or alter some or all of the eligibility criteria, minimum or maximum amounts, or conditions of assistance based on the individual circumstances, and approve the application for assistance. All cases will be considered on an individual basis in a fair and transparent way by an Appeals Panel of senior housing officers. The decision of the Appeals Panel will be final in respect of that individual case and will not be binding upon future applications made by that or any other applicant.

## **Publication of this Policy**

This Policy will be made available at the Council's main offices for inspection, and on the website at [www.cheshireeast.gov.uk/homerepairs](http://www.cheshireeast.gov.uk/homerepairs). Individual copies are available upon request.

## **Review of this Policy**

This Policy will be reviewed on an annual basis.

## Consultation

As part of the preparation of this Policy, internal consultation has been carried with Legal and Finance services. Consultation with other stakeholder and members of the public was carried out from 5<sup>th</sup> December 2011 to 24<sup>th</sup> February 2012. The draft Policy was made available at [www.cheshireeast.gov.uk/homerepairs](http://www.cheshireeast.gov.uk/homerepairs), publicised through the local media, and communication publicising the consultation was targeted at stakeholders, private landlords, Registered Providers and customers who had registered an interest in financial assistance. All comments were considered and, where appropriate, incorporated into the Policy before the Policy was submitted to the Council's Cabinet for their consideration. A summary of the responses is available on the Council's website.

## Service Standards, Performance and Outcomes

Service standards relating to the timescales in which applicants can expect to receive a service will be reviewed on an annual basis and published on the Council's website at [www.cheshireeast.gov.uk/homerepairs](http://www.cheshireeast.gov.uk/homerepairs).

Performance targets and outcomes will be published on the Council's website in the Strategic Housing Service's Team Plan, which will be updated annually with revised targets. Performance monitoring and achievements will be reported on a quarterly basis.

## Comments and Complaints

On completion of the assisted works, applicants will be invited to comment on the individual service they have received and on the fairness of the policy and its implementation.

We welcome any suggestions or comments about this Policy. Comments can be made in person, by telephone, email or in writing to any member of the Private Sector Housing team.

Where you believe the Council has failed to provide the level of service expected, we welcome the opportunity to put this right. Please let a member of the Private Sector Housing team know that you are dissatisfied. If you are still not satisfied after we have taken action, you can use the Council's corporate complaints procedure. A guide to the complaints procedure is available to the public at all Council offices or on the Council's website [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk).

## Other Private Sector Housing Activities

This Policy is one of a number of tools to improve housing conditions in Cheshire East. Other initiatives include:

**Information and Advice for Homeowners, Landlords and Tenants** - assisting them to understand their legal rights and responsibilities, and information such as home maintenance tips and employing reputable builders, in a range of formats such as the website, leaflets, information sheets, property surveys and events.

**Home Improvement Agency (HIA)** – The Care & Repair service provides support to older, disabled and vulnerable people to live independently in a safe, warm and well-maintained home. HIAs provide information, advice and practical support with home repairs and adaptations, assisting people to organise building works.

**Handyperson Service** – As part of the HIA service, the handyperson service promotes the independence of older and disabled people, by providing ‘that little bit of help’ with repairs and practical tasks that people are no longer able to do for themselves. Handyperson services prevent small repairs spiralling into larger jobs, and make a significant contribution to preventing accidents and falls in the home, and unnecessary admission to hospital.

**Enforcement of Housing Standards** – Cheshire East Council has statutory responsibilities to keep housing conditions within the local authority area under review, and to ensure that housing meets at least the minimum acceptable standards for occupation. The Council is responsible for enforcing housing standards across all tenures. The principal legislation used is the Housing Act 2004. Part 1 of the Act provides the mechanism for assessing housing conditions, and gives local authorities statutory powers to require, or take action on, the removal of Category 1 hazards, as well as discretionary powers for Category 2 hazards.

**Houses in Multiple Occupation (HMOs)** – HMOs are often occupied by groups of people on low incomes who are unable to access other forms of accommodation. Cheshire East Council operates a mandatory licensing scheme for larger HMOs as defined by the Housing Act 2004. We also keep housing conditions in smaller HMOs under review, and are developing a risk based inspection programme of smaller HMOs across the Borough. The licensing scheme and inspection programme aims to remove any poor management practices and provide greater protection for the health, safety and welfare for the occupants. We work in partnership with the Fire Service, and have drawn up a Fire Safety protocol which sets out responsibilities, enforcement powers and consultation arrangements about fire safety in HMOs.

**Hotspots** – a referral network between agencies in Cheshire East to tackle fuel poverty by maximising income and improving access to heating and insulation schemes, and to promote fire safety. The network is based on a scheme originally set up in Wakefield, and was supported by NEA. Key members of the scheme are the Private Sector Housing team, Benefits service, Energy Savings Trust and Cheshire Fire & Rescue Service, and are supported by a range of front line services.

**Landlord Accreditation** – Working with Cheshire West & Chester Council and Warrington Borough Council, we have a Cheshire-wide accreditation scheme. Free to join, it provides landlords with public acknowledgement of their good management and property standards and sets them aside from poor and/or unscrupulous landlords. Key to the scheme is landlord development – all member landlords are expected to take part in a training seminar or online training within the first 12 months.

**Bringing Empty Homes Back into Use** –We are developing a range of options to assist owners of empty homes to bring them back into use, including a private sector leasing scheme, financial assistance, advice and information, and matching prospective buyers with owners. We also have a range of enforcement powers to improve properties as well as bring them back into use, which we will use where voluntary action by owners isn't forthcoming.

## Contact details

To apply for assistance under this Policy, please contact the Private Sector Housing service:

### **Decent Homes Team**

By telephone: 0300 123 5017 Option 4  
 By fax: 01270 529889  
 By email: [privatehousing@cheshireeast.gov.uk](mailto:privatehousing@cheshireeast.gov.uk)  
 By post or in person: Westfields  
 Middlewich Road  
 Sandbach  
 CW11 1HZ

### **Care & Repair**

By telephone: 0300 123 5017 Option 3  
 By fax: 01270 529889  
 By email: [careandrepair@cheshireeast.gov.uk](mailto:careandrepair@cheshireeast.gov.uk)  
 By post or in person:
 

Municipal Buildings	Town Hall
Earle Street	Market Place
Crewe	Macclesfield
CW1 2BJ	SK10 1EA

**Or visit our website:** [www.cheshireeast.gov.uk/homerepairs](http://www.cheshireeast.gov.uk/homerepairs)

To make representations about this Policy, or for more information, contact the Private Sector Housing Manager, Cheshire East Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ.

## Appendix A

### Interest Free Repayment Loans

1. Loans are offered as secured loans. The loan is secured by way of a legal charge registered at the Land Registry, until such time that the loan is repaid in full.
2. All joint owners and, where applicable, anyone with a legal interest in the property must give their consent to the works to be carried out and the registration of a legal charge.
3. The Council may request a written valuation of the property to determine whether there is sufficient equity for its interest in the property to be secure.
4. The applicant must make monthly repayments of the loan in accordance with an agreed schedule. We will calculate the monthly payment so that the loan is repaid to us by the end of the term of the loan. The term of the loan will not exceed ten years.
5. Applicants can repay the loan early at any time.
6. We may withdraw the offer at any time before we make the loan for any of the following reasons:
  - a. The discovery of a defect in the title to the property
  - b. The deterioration of the applicant's financial position
  - c. The supply of false information in connection with the applicant's loan application
7. If the applicant experiences financial difficulty and has problems maintaining the repayments schedule at any time, the Council will, having regard to the applicant's financial circumstances, consider alternative payment options including:
  - a. Recalculating monthly payments to include any arrears
  - b. Extending the period of the loan beyond the maximum loan term of ten years
  - c. Terminating the interest free repayment loan and offering the outstanding balance as an equity share loan
8. The loan will become immediately repayable in the following circumstances:
  - a. Upon sale or transfer of the property
  - b. In the event that the property is no longer the main residence of the applicant
  - c. In the event of a successful insurance claim related to the eligible works
  - d. Upon death of the applicant (or where there is more than one applicant, the death of the last surviving applicant).
  - e. In the event of a breach of a condition of assistance.

#### Illustration (example only)

Amount borrowed:	24 monthly repayments	60 monthly repayments	84 monthly repayments	120 monthly repayments	Total repaid:
£1,000	41.67	16.67	11.90	8.33	£1,000
£2,000	83.33	33.33	23.81	16.67	£2,000
£5,000	208.33	83.33	59.52	41.67	£5,000
£10,000	416.67	166.67	119.05	83.33	£10,000

## Appendix B

### Equity Share Loans

1. Loans are offered as secured loans. The loan is secured by way of a legal charge registered at the Land Registry.
2. All joint owners and, where applicable, anyone with a legal interest in the property must give their consent to the works to be carried out and the registration of a legal charge.
3. The Council will request a written valuation of the property suitable for money lending purposes to determine the percentage share and whether there is sufficient equity for its interest in the property to be secure.
4. The principle amount borrowed (the loan) is secured as a percentage share in the property. The percentage share is calculated using the amount of the loan, and the value of the property.
5. The redemption value of the loan will be calculated based on the percentage share of the value of the property at the point of sale. If, at the time of redemption of the loan, the property value is less than when the loan was approved, the repayment amount will be less than the amount borrowed.
6. Applicants can repay the loan early at any time. A written valuation will be necessary to determine the repayment amount.
7. We may withdraw the offer at any time before we make the loan for any of the following reasons:
  - a. The discovery of a defect in the title to the property
  - b. The deterioration of the applicant's financial position
  - c. The supply of false information in connection with the applicant's loan application
8. The loan will become immediately repayable in the following circumstances:
  - a. Upon sale or transfer of the property
  - b. In the event that the property is no longer the main residence of the applicant
  - c. In the event of a successful insurance claim related to the eligible works
  - d. Upon death of the applicant (or where there is more than one applicant, the death of the last surviving applicant)
  - e. In the event of a breach of a condition of assistance.

#### Illustration (example only)

	Example 1	Example 2	Example 3
Amount borrowed	£10,000	£7,000	£5,000
Value of property at date of loan offer	£100,000	£187,000	£150,000
Council's percentage share	10%	3.74%	3.33%
Value of property at date of repayment	£120,000	£200,000	£145,000
Amount repayable	£12,000	£7,480	£4,828.50

## Appendix C

### Disabled Facilities Grants

#### Preliminary and Ancillary services and charges

Preliminary and ancillary services and charges which can be included in applications for Disabled Facilities Grants are determined by the Housing Renewal Grants (Services and Charges) Order 1996 (S.I. 1996/2889):

- Confirmation that you have an owner's interest in the property
- Specialist, technical and/or structural surveys
- Design and preparation of plans and drawings
- Preparation of schedules of the relevant works
- Assistance in completing forms
- Advice on financing the cost of the relevant works which are not met by the Council's assistance
- Applications for building regulations approval or planning permission (including the application fee and the preparation of related documents)
- Obtaining estimates for the relevant works
- Advice on contracts
- Consideration of tenders
- Supervision of the relevant works
- Disconnection and reconnection of electricity, gas, water or drainage utilities where this is made necessary by the relevant works (but not charges arising from non-payment of bills)
- Payment of contractors
- Services and charges of an occupational therapist in relation to the relevant works



## Appendix D

### Works that are ineligible for assistance

The following works will not be eligible for assistance:

- Works which are covered by a household insurance policy
- Repairs, improvements, replacements or construction of sheds, outbuildings, boundary structures, and other structures that do not form part of the main living accommodation
- Cosmetic items, such as furnishings, internal and / or external decoration, cleaning, gardening or landscaping
- Replacement of doors, windows and other building elements that are in reasonable repair
- Conversion of barns or outbuildings
- Completion or rectification of DIY work
- Extensions
- Loft conversions or internal layout alterations
- Conversion of properties into multiple individual dwellings
- Repairs, improvements, replacements or constructions of porches and conservatories, except where there is a Category 1 hazard present. In these circumstances, assistance will be available to reduce the hazard to an acceptable level.

## Appendix E

### Decent Homes Standard

A decent home, as defined by the Government, meets the following four criteria:

- a) It meets the current statutory minimum standard for housing
- b) It is in a reasonable state of repair
- c) It has reasonably modern facilities and services
- d) It provides a reasonable degree of thermal comfort

#### **Criterion a: It meets the current statutory minimum standard for housing**

With the implementation of Part 1 of the Housing Act 2004 on 6 April 2006, HHSRS replaced the Housing Fitness Standard as the first criterion of the Decent Homes standard. HHSRS is a risk assessment procedure and does not set a standard.

To be decent, a dwelling should be free of category 1 hazards, and the existence of such hazards should be a trigger for remedial action unless practical steps cannot be taken without disproportionate expense or disruption.

#### **Criterion b: It is in a reasonable state of repair**

A dwelling satisfies this criterion unless:

- one or more key building components (i.e. those which, if in poor condition, could have an impact on the integrity of the building and cause further deterioration in other components) are old and, because of their condition, need replacing or major repair; or
- two or more other building components (i.e. those that have a less immediate impact on the integrity of the dwelling) are old and, because of their condition need replacing or major repair.

A building component can only fail to satisfy this criterion by being old and requiring replacing or repair. A component cannot fail this criterion based on age alone. A component is defined as 'old' if it is older than its standard lifetime. Components are in poor condition if they need major work, either full replacement or major repair.

#### **Criterion c: It has reasonably modern facilities and services**

A dwelling is considered not to meet this criterion if it lacks three or more of the following facilities:

- a kitchen which is 20 years old or less;
- a kitchen with adequate space and layout;
- a bathroom which is 30 years old or less;
- an appropriately located bathroom and WC;
- adequate external noise insulation; and

- adequate size and layout of common entrance areas for blocks of flats.

A kitchen failing on adequate space and layout would be one that was too small to contain all the required items (sink, cupboards cooker space, worktops etc) appropriate to the size of the dwelling, and an inappropriately located bathroom and WC is one where the main bathroom or WC is located in a bedroom or accessed through a bedroom (unless the bedroom is not used or the dwelling is for a single person). A dwelling would also fail if the main WC is external or located on a different floor to the nearest wash hand basin, or if a WC without a wash hand basin opens on to a kitchen in an inappropriate area, for example next to the food preparation area.

Inadequate insulation from external airborne noise would be where there are problems with, for example, traffic (rail, road and aeroplanes) or factory noise.

Inadequate size and layout of common entrance areas for blocks of flats would be one with insufficient room to manoeuvre easily for example where there are narrow access ways with awkward corners and turnings, steep staircases, inadequate landings, absence of handrails, low headroom etc.

A dwelling would not fail this criterion, where it is impossible to make the required improvements to components for physical or planning reasons.

#### **Criterion d: It provides a reasonable degree of thermal comfort**

The dwelling should have both efficient heating and effective insulation.

Efficient heating is defined as:

- any gas or oil programmable central heating; or
- electric storage heaters; or
- warm air systems; or
- under floor systems; or
- programmable LPG/solid fuel central heating; or
- similarly efficient heating systems which are developed in the future.

The primary heating system must have a distribution system sufficient to provide heat to two or more rooms of the home. There may be storage heaters in two or more rooms, or other heaters that use the same fuel in two or more rooms. Even if the central heating system covers most of the house making a dwelling decent, under the HHSRS the home must be warm enough for the occupant.

Heating sources which provide less energy efficient options fail the Decent Homes standard.

Because of the differences in efficiency between gas/oil heating systems and the other heating systems listed, the level of insulation that is appropriate also differs:

- For dwellings with gas/oil programmable heating, cavity wall insulation (if there are cavity walls that can be insulated effectively) or at least 50mm loft insulation (if there is loft space) is an effective package of insulation; and
- For dwellings heated by electric storage heaters/LPG/programmable solid fuel central heating a higher specification of insulation is required: at least 200mm of loft insulation (if there is a loft) and cavity wall insulation (if there are cavity walls that can be insulated effectively).

Further detailed guidance on the definition of a Decent Home, including the lifetime of building components, can be found in '*A Decent Home: definition and guidance for implementation, updated June 2006*' on Communities and Local Government's website [www.communities.gov.uk/housing/decenthomes](http://www.communities.gov.uk/housing/decenthomes).

## Appendix F

### Payments

1. Payment of assistance will be only be made where:
  - i. The specified works have been completed in accordance with any statutory requirements and/or the Council's specification, and to the reasonable satisfaction of a Private Sector Housing officer, and
  - ii. The Council's standard payment request form has been completed, and
  - iii. Upon receipt of a valid invoice or receipt for the works. An invoice or receipt will not be considered valid where it is in the name of the applicant or a member of the applicant's family.
2. Requests for interim payments will be considered. The value of interim payments will not exceed the value of the works completed, and will not exceed 90% of the total value of eligible works that have been approved.
3. Where requests for further assistance for unforeseen works or additional eligible costs incurred during the carrying out of the works are received, the Council will only approve additional assistance where the additional sum requested combined with the original loan do not exceed the maximum permitted assistance. Where the approved assistance is Safe & Warm Assistance or Empty Homes Assistance, the applicant and the Council must enter into a revised loan agreement.
4. In the event of a dispute between the applicant and the contractor about the satisfactory completion of works, the Council reserves the right to pay the assistance to the applicant or contractor if the works have been carried out to the satisfaction of a Private Sector Housing officer.

## Equal Opportunities and Access

Cheshire East Council recognises that it can improve the quality of life of local residents by seeking to ensure that every member of the public has equal access to its services, facilities, resources, activities and employment.

We want these to be accessible to everyone in the community regardless of gender, age, ethnicity, disability, marital status or sexual orientation.

Furthermore, we are keen to respond to the individual requirements of our customers to develop services that recognise their diversity and particular needs.

If you would like this information in another language or format, please contact us.

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

Cantonese

如欲索取以另一語文印制或另一格式制作的资料，请与我们联系。

Mandarin

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

Polish

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Punjabi

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Urdu

اگر این اطلاعات را به زبانی دیگر و یا در فرمتی دیگر میخواهید لطفاً از ما درخواست کنید

Farsi

Se deseja obter informação noutro idioma ou formato, diga-nos.

Portuguese

## CHESHIRE EAST COUNCIL

### Cabinet

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**Date of Meeting:** 2 April 2012  
**Report of:** Strategic Planning & Housing Manager  
**Subject/Title:** Interim Policy on the Release of Housing Land  
**Portfolio Holder:** Cllrs David Brown & Rachel Bailey

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#### **1.0 Report Summary**

- 1.1 This report sets out proposed changes to the Interim Policy on the release of housing land. It sets out the context in terms of housing supply, the reasons for amending the policy and the proposed consultation process.

#### **2.0 Recommendations**

- 2.1 That the comments of the Strategic Planning Board on 21 March be noted
- 2.2 That the Draft Policy set out in Appendix 2 be approved for Consultation
- 2.3 That the approval of the wording of the accompanying consultation document be delegated to the Portfolio Holder for Performance & Capacity

#### **3.0 Reasons for Recommendations**

- 3.1 To ensure the Council takes necessary steps to improve housing supply.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications**

- 6.1 The report clarifies the Council's policy approach to this subject

#### **7.0 Financial Implications**

- 7.1 If the Council is unable to demonstrate a 5 year supply of housing and then subsequently refuses planning applications for housing it may be vulnerable to costs awards at appeal. This is especially so where it cannot adequately

substantiate a reason for refusal or is otherwise found to be unreasonable. The effective management of housing land supply is a means of mitigating this risk.

## **8.0 Legal Implications**

- 8.1 The Interim Planning Policy does not have the status of the Development Plan or a Supplementary Planning Document (SPD) – and should not be confused with either. The Development Plan has a particular status in terms of s.38 of the Act for the determination of Planning Applications – similarly SPD's also have a formal legal status
- 8.2 The Interim Policy does not have the same recognition in law – and so it is important that the correct weight is attributed to it. The Policy follows the principles of the Sustainable Community Strategy, which will be a key influence on the emerging Local Plan. It also conforms with the priorities of the waning Regional Plan. It will be subject to consultation, formal appraisal and will be approved by full Council. Accordingly the Policy is a material consideration in the determination of planning applications.

## **9.0 Risk Management Implications**

- 9.1 If the Council fails to provide sufficient housing over a long and sustained period of time then it risks increasing house prices, stifling economic growth and eroding choice and balance in the housing stock.
- 9.2 In the shorter term if the Council fails to demonstrate a 5 year supply of housing land it is vulnerable to losing appeals on residential planning applications. Consequently housing may end up being built in locations which the Council and local community consider unsuitable.

## **10.0 Housing Supply**

- 10.1 On 24 February 2011 the Council approved an Interim Planning Policy for the release of Housing land. At the Council meeting on 13 October 2011 an effort was made to get the policy rescinded. In accordance with the constitution the matter was remitted to the Strategic Planning Board for consideration. At the meeting of the Board on 21 December it was agreed that the interim Policy be retained but that revisions to it be considered. This report now considers these possible amendments.
- 10.2 The annual target for housing in Cheshire East has been set as 1150 homes per year – a figure reflecting that agreed in the Regional Spatial Strategy. During 2010 it became apparent that the Council would not be able to demonstrate a five year supply of housing land as required by PPS3. Accordingly the Interim Planning Policy for releasing housing land was created to enable the shortfall in housing land to be addressed, ahead of the forthcoming Local Plan.
- 10.3 The need for a mechanism to address housing supply is as relevant today as it was in 2010. The 2011 Strategic Housing land Availability



Assessment (SHLAA) has been the subject of intensive scrutiny and debate via the Housing Market Partnership. The latest version now adopts a methodology for calculating housing land supply based on that advocated by the Home Builders Federation. Employing the approach promoted by this industry body, Cheshire East has an estimated housing land supply of 3.9 years

10.4 National Guidance in PPS3 advises Local Authorities to ensure a 5 year supply of 'deliverable' sites – and a further 5-10 year supply of 'developable' housing sites. To meet the 'deliverable' definition sites must be:

- Be available – the site is available now
- Be suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable mixed communities
- Be achievable – there is a reasonable prospect that housing will be delivered on the site within 5 years.

Paragraph 71 of PPS3 indicates that where a Council can't demonstrate a 5 year supply of deliverable housing sites they should 'consider favourably' planning applications for housing – having regard to the advice of the PPS including that of paragraph 69.

10.5 Paragraph 69 sets out the considerations that Councils should take account of in determining residential applications. These are:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues

10.6 The lack of a five year housing supply means that the Council should take proactive steps to manage the situation. The first reason for this is that a good supply of housing is beneficial to economic prosperity, ensures a healthy housing market and provides a decent choice of housing for future generations to enjoy. A further reason is that without a five year supply of deliverable housing sites, the Council remains vulnerable on appeal to speculative housing proposals – including those schemes which do not enjoy the support of the local community.

10.7 This latter point has been reinforced at a recent appeal case in nearby Cheshire West & Chester. At this Appeal on the edge of Cuddington

planning permission was granted for housing outside the village boundary – with a full award of costs against the planning authority. One of the key criticisms levelled at the Council was that they had not taken sufficient steps to manage the supply of housing land and improve the deficit against the 5 year supply.

- 10.8 Current Policy on housing land supply is enshrined with Planning Policy Statement 3. However this will soon be replaced by the new National Planning Policy Framework (NPPF), which is expected to be published very shortly. The draft document was subject to considerable national debate – and so it is hard to predict the extent of changes that will be made from this initial version. Never the less, the tone of the document was inherently supportive of growth – and of housing in particular and this might reasonably be expected to continue. The draft NPPF included a requirement to provide an extra 20% flexibility allowance on top of the five year supply of deliverable sites. Whatever detailed wording is included within the final document it seems likely that it will continue to support housing growth.
- 10.9 Consequently, with current and future trends in mind, there are sound reasons for continuing to manage and improve housing supply via the mechanism of an Interim Planning Policy.

## **11 The Operation of the Interim Planning Policy.**

- 11.1 The Interim Planning Policy has been operating successfully since its adoption and is leading to an increase in the supply of housing land. Developers have submitted planning applications on a number of sites adjacent to the settlement boundary of Crewe. Some of these planning applications have already been considered and approved by the Strategic Planning Board – and thus far some 1150 additional homes (effectively a years supply) have been resolved to be approved as a result of the policy. In addition there are planning applications that have also come forward as part of mixed use developments in Alsager and Tytherington, Macclesfield. These are yet to be determined.
- 11.2 Initial indications suggest that the Interim Housing Land Release Policy is less likely on its own to provide a basis for refusing applications in other locations but is never the less helpful in demonstrating how supply will be met. Thus far we have avoided significant sporadic developments being granted on appeal, contrary to the wishes of the Council and local people.
- 11.3 Never the less its evident that the Council needs to carefully manage housing supply until the Core Strategy is adopted. The current timetable indicates that the Final Draft Strategy will need to be approved by Council in November 2012 and be the subject of consultation in February 2013. Final adoption is programmed for December 2013.
- 11.4 In recent months further planning applications have been made on sites outside of the urban area of towns other than Crewe – and it is known that

more applications are on the way. These applications range considerably in scale and nature. At present the Interim Policy does not deal directly with this kind of development – leading to potential difficulties in decision making.

## **12 Proposed amendments**

- 12.1 Experience of operating the policy over the past year leads directly to the issue of what changes, if any, should be made to it. For the most part we consider that the Interim Policy is working – and so accordingly substantial change is not warranted. The main thrust of the policy, directing development towards Crewe remains as relevant now as it did 12 months ago. Not only is Crewe the focus of the (now waning) Regional Plan and its regeneration a key objective of the current Sustainable Community strategy – but the ‘All Change for Crewe’ programme has moved on apace in recent months. Consequently we propose that Crewe remains the principal location for substantial land release and that there is correspondingly no change in this regard
- 12.2 However by reflecting on the operation of the policy – and looking ahead there are two areas which do potentially merit amendment.

### Employment areas

- 12.3 At present the policy excludes any housing on any areas allocated as employment land within the Crewe & Nantwich Local Plan. At face value this approach is entirely sensible – it recognises that for the creation of a sustainable town there needs to be economic development – and the two must be mutually supportive. Accordingly it is appropriate to keep housing and employment development clearly apart.
- 12.4 Unfortunately the reality of development within a property recession is more complex than this clear divide would suggest. There are a number of major employment development sites in the Crewe Area which have lain undeveloped for many years. As a consequence whilst the sizeable acreage of employment land promises many jobs in future – that promise remains illusory – and critically, it has done so even through periods of property boom and more generous public spending in the 1990’s and 2000’s.
- 12.5 If key Employment sites are to come forward and be developed in the near future, it is possible that higher value uses such as housing may need to be introduced to make the development viable and contribute to necessary infrastructure costs. This will not be appropriate in all cases and on all sites. It should only be permitted where the housing is subordinate to the main objective of securing employment development. However in some cases the introduction of housing may assist the bringing forward of undeveloped land for business and industry – and at the same time contributing to housing supply. Accordingly it is proposed that the policy be amended to reflect this potential.

- 12.6 As with all mixed use developments the layout, design and balance of uses will be important, along the site specific considerations. In particular care will be needed to ensure that neighbouring uses are compatible.

Development in Other towns

- 12.7 A further key consideration is the extent to which the Council should actively promote residential development on the periphery of towns other than Crewe. As part of the Local Plan it is likely that Greenfield allocations will need to be made in other towns to meet the housing needs of the Borough over the next 20 years. Given that is the case it is reasonable to examine if a more permissive approach should be taken in towns apart from Crewe.
- 12.8 Whilst such an approach could widen supply by opening up new opportunities in other areas, our overall view is that it should be treated with caution. The emphasis on Crewe is well founded within the Regional Plan, the Sustainable Community Strategy and other Council initiatives. This underpins the emphasis given to the town in the interim policy. However outside of Crewe the approach is less straightforward.
- 12.9 The next priority in terms of the spatial hierarchy is Macclesfield. This is identified in the Community strategy as a priority for revitalization – and complementary initiatives are underway in the town to support this aim. However any development on the outskirts of the town would almost certainly conflict with green belt policy – as the green belt boundary is drawn very tightly around the settlement. Review of Green Belt is a matter properly to be considered as part of the development plan process and so it should not form part of an interim policy.
- 12.10 The same issue applies with many of the other ‘sustainable towns’ in the north of the Borough. Most are heavily constrained by green belt. Elsewhere the picture is also far from clear cut. The Community Strategy suggests that each of the sustainable town should develop in such a way that reinforces their distinctiveness. Each are very different – with a variety of development issues in each of them. This makes a generic, criteria based policy almost impossible. It is not for nothing that the UK planning system relies extensively on development plans for the proper identification of sites.
- 12.11 There is a further problem that arises with smaller towns – in that the major ad hoc release of a major housing site at this juncture genuinely risks pre-empting the future development strategy that properly belongs in the Local Plan. Four Towns already have emerging town Strategies and others will follow in the next few months. Each will be used to contribute to the forthcoming Core Strategy and site allocations sections of the new Local Plan.

12.12 All of these factors therefore point away from an approach that would allow large housing sites in towns outside of Crewe. However that is not to say that all housing should therefore be ruled out in all circumstances. A policy which permitted certain smaller sites would not create the same degree of the problems outlined above. Furthermore it is small sites which often can be developed quickly and without major infrastructure requirements. Consequently they provide a good opportunity to maintain the critical 'pipeline' of supply whilst the larger strategic development questions are resolved via the Local Plan.

12.13 As a result we recommend that the Council broadens the Interim policy to allow modest developments on the edges of towns outside of Crewe. To avoid damage to the development plan process or undue harm to the countryside and settings of settlement the policy needs to be drafted with care. It is suggested that the following key principles be adopted for any potential site

- It is small scale
- It will not prejudice key strategic decisions about a town
- It is not within the green belt
- It minimises the impact on the countryside
- It is in a sustainable location

With these safeguards, smaller sites on the edge of other towns can usefully contribute to housing supply , but without damaging the Council's overall approach to development or the emerging Local Plan.

12.14 The current Interim Policy is attached at Appendix 1 and the recommended new version is set out in Appendix 2.

### **13.0 Next steps**

13.1 If the recommended amendments are approved, the new policy will be published for consultation. The policy will be accompanied by supporting text – and its recommended that this be approved by the Portfolio holder once the Policy itself has been finalized and approved.

13.2 Following consultation further amendments will be considered in the light of comments received. The final policy will then be placed before a meeting of full Council for approval.

13.3 Given the advancing Local Plan process the Interim Policy will inevitably be short lived; however given the need to maintain housing supply it is still considered to be a useful planning tool for the coming year.

### **14.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Adrian Fisher  
Designation: Strategic Planning & Housing Manager  
Tel No: 01270 686641  
Email: [adrian.fisher@cheshireeast.gov.uk](mailto:adrian.fisher@cheshireeast.gov.uk)

**APPENDICES:**

**APPENDIX 1 EXISTING INTERIM POLICY ON THE RELEASE OF HOUSING LAND**

**APPENDIX 2 PROPOSED INTERIM POLICY ON THE RELEASE OF HOUSING LAND**

## APPENDIX 1 – INTERIM POLICY ON THE RELEASE OF HOUSING LAND

### Interim Planning Policy on the Release of Housing Land

When it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by PPS3, subject to other saved policies of the relevant Local Plan being satisfied, residential development will be permitted in the following locations:

1. Adjacent to the settlement boundary of Crewe provided that the site:
  - is well related to the built framework of the settlement;
  - is not within the Green Gap;
  - is not within an allocated employment area;
  - is not within an area safeguarded for the operational needs of Leighton Hospital;
  - is capable of being fully developed within five years of the granting of outline planning permission;
  - delivers development that improves the supply, choice and quality of housing in Crewe; and
  - supports the delivery of the Council's overall vision and objectives for Crewe.
2. As part of mixed developments in town centres and regeneration areas to support the provision of employment, town centre and community uses.

Housing developments and its infrastructure on greenfield sites permitted under this policy will be required to demonstrate that they will not impact on the designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010 and to deliver:

- a minimum of 35% affordable housing in accordance with the Interim Planning Statement on Affordable Housing;
- open space and / or community facilities in accordance with the relevant saved Local Plan policy
- improvements to the strategic and local highway network, public transport, and pedestrian and cycle routes; and
- a high quality designed development to Code for Sustainable Homes Level 4 or higher and Building for Life Silver standard or higher.

Subject to the assessment of the economic viability of the scheme, housing development on mixed use redevelopment sites permitted under this policy will be expected to deliver:

- a minimum of 30% affordable housing in accordance with the Interim Planning Statement on Affordable Housing;
- employment, town centre and / or community uses within the site; and
- a high quality design to Code for Sustainable Homes Level 3 or higher and Building for Life Silver standard.

**APPENDIX 2 PROPOSED INTERIM POLICY ON THE RELEASE OF HOUSING LAND****Interim Planning Policy on the Release of Housing Land**

When it is demonstrated through the Annual Monitoring Report that there is not a five year supply of housing land as defined by National Policy, subject to other saved policies of the relevant Local Plan being satisfied, residential development will be permitted in the following locations:

1. Adjacent to the settlement boundary of Crewe provided that the site:
  - is well related to the built framework of the settlement;
  - is not within the Green Gap;
  - is not within an allocated employment area – unless the housing is clearly shown to be necessary to bring forward the employment area;
  - is not within an area safeguarded for the operational needs of Leighton Hospital;
  - is capable of being fully developed within five years of the granting of full or outline planning permission;
  - delivers development that improves the supply, choice and quality of housing in Crewe; and
  - supports the delivery of the Council's overall vision and objectives for Crewe.
2. As part of mixed developments in town centres and regeneration areas to support the provision of employment, town centre and community uses.
3. Adjacent to the settlement boundary of Macclesfield and the nine Key Service Centres (Alsager, Congleton, Handforth, Knutsford, Middlewich, Nantwich, Poynton, Sandbach and Wilmslow), provided that the applicant can demonstrate that the site meets all of the following criteria:
  - is not within the Green Belt or the Green Gap;
  - is very closely related to the existing built framework of the settlement;
  - is self contained within clear 'defensible'<sup>1</sup> boundaries;
  - is accessible by walking to a wide range of local services<sup>1</sup>;
  - is capable of being fully developed within 5 years of the granting of full or outline permission;
  - provides homes that improve the overall choice, quality and supply of housing within the relevant town;
  - is less than 1 hectare in size or has a capacity for no more than 30 net additional dwellings;
  - that the density of the site is appropriate to its location, and is no less than 20 dwellings per hectare;
  - does not represent the subdivision of a larger site; and
  - that it will not pre-empt or prejudice the future scale and direction of development within the individual town.

<sup>1</sup> A defensible boundary would be defined as: an existing built development, a public road, a watercourse, a railway line, a substantial hedgerow or an area of woodland.

<sup>1</sup> At least 5 of the following: a shop selling food and fresh groceries (500m); Post box (500m); Playground/amenity area (500m); Post office (1000m); Bank or cash point machine (1,000m); Pharmacy (1,000m); Primary school (1,000m); Medical Centre (1000m); Leisure facilities (1,000m); Local meeting place / community centre (1,000m); Public house (1000m); Public park or village green (1,000m); Child care facility (nursery or creche) (1,000m)



Housing developments and its infrastructure on greenfield sites permitted under this policy will be required to demonstrate that they will not impact on the designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010 and to deliver:

- a minimum of 35% affordable housing;
- open space and / or community facilities in accordance with the relevant saved Local Plan policy;
- improvements to the strategic and local highway network, public transport, and pedestrian and cycle routes;
- a high quality designed development to Code for Sustainable Homes Level 4 or higher; and
- Building for Life Silver standard or higher.

Subject to the assessment of the economic viability of the scheme, housing development on brownfield sites and town centre mixed development sites permitted under this policy will be expected to deliver:

- a minimum of 30% affordable housing in accordance with the Interim Planning Statement on Affordable Housing; and
  - a high quality designed development to Code for Sustainable Homes Level 3 or higher and Building for Life Silver standard or higher; and
- town centre mixed development sites will also be expected to deliver:
- employment, town centre and / or community uses within the site.

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## CHESHIRE EAST COUNCIL

### REPORT TO: CABINET

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<b>Date of Meeting:</b>	2 April 2012
<b>Report of:</b>	Lorraine Butcher, Strategic Director – Children, Families and Adults Services
<b>Subject/Title:</b>	Report in relation to Shadow Health and Wellbeing Board's Terms of Reference
<b>Portfolio Holder:</b>	Cllr. Janet Clowes

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#### 1.0 Report Summary

- 1.1 Cabinet received a full report on the Cheshire East Shadow Health and Wellbeing Boards terms of reference in November 2011. This was then presented and debated at full Council in December 2011.
- 1.2 Full Council raised a number of concerns in respect of the proposed terms of reference and these primarily related to member representation on the board and voting rights of board members.
- 1.3 The draft terms of reference took account of the current information from the proposed Health & Social Care Bill and guidance provided centrally on the role and expectations of the Health and Wellbeing Board.
- 1.4 It is important to note that the Bill has been through various revisions to date and could be subject to further amendments prior to proceeding towards royal assent. There is no known timescale for the completion of this Bill.
- 1.5 The current Cheshire East Health and Wellbeing Board continues in pre shadow status until April 12 when the first formal shadow year commences.
- 1.6 Health and Wellbeing Boards are anticipated to become statutory bodies in April 2013.

#### 2.0 Decision Required

- 2.1 That Cabinet support the recommendation that further work on the Health and Wellbeing Boards terms of reference is paused until the passage of the Health and Social Care Bill has been completed.
- 2.2 That Government may well provide additional guidance that would need to be accounted for post assent of the Bill.

### **3.0 Reasons for Recommendations**

- 3.1 That further work on the draft terms of reference at this stage would not be the best use of time given the continued discussion of the Bill and the potential for further revisions to occur.

### **4.0 Wards affected**

All

### **5.0 Local Ward Members**

All

### **6.0 Policy Implications**

- 6.1 The health and wellbeing of the residents of Cheshire East is everyone's business and as such implications for future policy development, service redesign and budget setting should account for the impact on the health and wellbeing of our population and indeed the future priorities of the Health and Wellbeing Board once this is formally constituted.

### **7.0 Financial Implications**

- 7.1 No known financial implications at this stage in respect of the terms of reference.

### **8.0 Legal Implications**

- 8.1 Further advice from legal services will be sort to inform any further work on the draft terms of reference once the passage of the health and Social Care bill has been completed.

### **9.0 Risk Management**

- 9.1 Corporate risks have been determined in respect of Health Partnerships, and this is reported to the Corporate Risk Management Group.

### **10.0 Background and Options**

- 10.1 Please refer to the previous report to cabinet at appendix 1 for fuller details of the current draft Health and Wellbeing Board terms of reference.

Appendix 1 – Current Draft Terms of Reference are within the report of the 28/11/11 to Cabinet.

The background papers relating to this report can be inspected by contacting the report writer:

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# CHESHIRE EAST COUNCIL

## REPORT TO: Cabinet

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**Date of Meeting:** 5/12/11

**Report of:** Lorraine Butcher & Heather Grimbaldeston

**Subject/Title:** Report on the shadow Cheshire East Health and Wellbeing Board

**Portfolio Holder:** Cllr Domleo  
Cllr Gaddum  
Cabinet Support Member Cllr Clowes

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### 1.0 Report Summary

- 1.1 This report intends to inform Cabinet of the progress taken to establish the Cheshire East Shadow Health & Wellbeing Board.
- 1.2 A Visioning Event was held on the 29<sup>th</sup> June 2011 involving a range of stakeholders to contribute to the Board's development, specifically in relation to its *vision, priorities, success measures* and *future model architecture*. The detailed summary and outputs from this event can be located within [Appendix 1](#).
- 1.3 Advice from the Borough Solicitor has been sought around governance of the Board and this has informed the Shadow Boards Terms of Reference which is the primary subject of this report. These Terms of Reference have also been shared with the Health and Wellbeing Scrutiny Committee. The full Terms of Reference can be seen in [Appendix 3](#). The content of the Terms of Reference will require further review once the Health and Social Care Bill is enacted and when further guidance is available on the statutory responsibilities of the Board and its governance alignment with the Councils Constitution. The Terms of Reference will also have to be reviewed once the Board becomes Statutory.
- 1.4 A Working Group has been formed to support the development and commencement of the Health and Wellbeing Board. This working group have produced the current Terms of Reference for the Shadow Board with the support of the Borough Solicitor.

### 2.0 Decision Requested

- 2.1 To note progress to date in establishing the Cheshire East Shadow Health and Wellbeing Board.

- 2.2 To accept the Shadow Health and Wellbeing Board Terms of Reference.
- 2.3 To note that the Shadow Health and Wellbeing Board terms of reference will require review during 2012-13 and 2013-14 as outlined in 1.3.

### 3.0 Reasons for Recommendations

- 3.1 The Health & Social Care Bill ('the Bill') outlines how the often informal joint working arrangements of the past are to be replaced by better coordinated and more accountable organisations sharing responsibility for public health, social care and commissioning. At the heart of this proposal is the duty given to local authorities to establish statutory **Health and Wellbeing Boards** in every upper-tier unitary authority by April 2013.
- 3.2 The Health and Wellbeing Board will hold the ring of responsibility for connecting NHS bodies (Clinical Commissioning Groups, NHS Providers, NHS Commissioning Board and others) local authorities and other agencies (Police, Fire, 3<sup>rd</sup> Sector) to ensure better outcomes for our population. They will have a strong role in promoting Joint Commissioning and Integrated Provision between health, public health and social care. They will have a duty to involve users and the public.
- 3.3 The Health and Wellbeing Board will be required to provide vision and a co-ordinated drive to address the health and wellbeing needs of our population to reduce unacceptable and avoidable variations in health and healthcare. The Government intends for Health and Wellbeing Boards to become deep and productive partnerships and develop solutions to commissioning challenges, rather than just commentating.
- 3.4 Health and Wellbeing Boards are intended to have four main functions:
  - To assess the needs of the local population and lead the statutory **Joint Strategic Needs Assessment** (JSNA) of the local population
  - Where all parties agree this makes sense and for the benefit of the population, to promote integration and partnership across areas, including through joined up commissioning plans and pooled budget arrangements across the NHS, social care and public health
  - To enhance joint working arrangements through the development of a **Joint Health and Wellbeing Strategy**,



informed by JSNA intelligence, spanning the NHS, social care, public health and potentially other services. This strategy will assist the development of commissioning intentions, and subsequent procurement and contracting of health and social care services by commissioners. Local authority and NHS Commissioners will be required to have regard to the Joint Health and Wellbeing Strategy

- To improve local democratic accountability for local decisions about commissioned services. This is intended to be achieved through the involvement of local HealthWatch, patients and the public in the work of the Board and by ensuring that local people have a greater say in how care is provided.

Additional duties also include:

- the co-ordination of pharmaceutical needs assessment - which will inform the commissioning of community pharmacy services by the NHS Commissioning Board and local public health commissioning decisions
- a formal role in authorising clinical commissioning groups. The NHS Commissioning Board will have to take Health and Wellbeing Boards' views into account in their annual assessment of commissioning groups

- 3.5 Health and Wellbeing Boards will discharge executive functions of Local Authorities, and will be expected to operate as equivalent Executive Bodies do in local government.
- 3.6 Health and Wellbeing Boards will be subject to oversight and scrutiny by the existing statutory structures for the Overview and Scrutiny of Local Authority executive functions.
- 3.7 Much of the detail remains outstanding or unclear on how the Health and Wellbeing Board will work once it is fully operational. The development of the Shadow Health and Wellbeing Board will rely on local determination in the absence of such guidance.
- 3.8 This report draws together the progress made in respect of establishing the Shadow Cheshire East Health and Wellbeing Board, its initial membership and preparation to support its commencement as covered in the Terms of Reference (the detail of which will be outlined in section 10 of this report).

#### **4.0 Wards Affected**

All

#### **5.0 Local Ward Members**

All

## 6.0 Policy Implications

- 6.1 The health and wellbeing of the residents of Cheshire East is everyone's business and as such implications for future policy development, service redesign and budget setting should account for the impact on the health and wellbeing of our population and indeed the priorities of the Health and Wellbeing Board
- 6.2 Membership of the Board will be very much based on local needs and priorities (subject to those agencies or individuals who have the statutory right to sit on the board). Health and Wellbeing Boards, in considering their membership, will be free to invite other members to sit on the board in order to maximise the gain from health outcomes and align these with employment, welfare and reductions in offending. Subject to the minimum mandatory/statutory members as outlined in the Bill, the final membership will be up to each Board to determine.
- 6.3 The draft Bill makes the assumption that the roles of Director of Adults Services and Director of Children Services are two separate individuals both of whom are statutory members of the Health and Wellbeing Board and would be able to vote. The Shadow Board have decided that the Head of Integrated Strategic Commissioning & Safeguarding would become a statutory officer of the Board to address the dual role of the Strategic Director for Children's, Families and Adult Services within the Council.
- 6.4 The Health and Wellbeing Board Working Group is undertaking an exercise, on behalf of the Shadow Health and Wellbeing Board, to identify the sub groups that will undertake the work for the Board and whom may report directly to the Board as a consequence. These arrangements will be reported in a further report once the exercise has been completed and the Bill has been enacted.
- 6.5 Currently there is no apparent requirement for the Safeguarding Boards or Safer Cheshire East Partnership to be accountable to the Health and Wellbeing Board. Therefore, the Board is free to look at this as a possibility. We will also need to be guided by regulations as they are produced.
- 6.6 The question of Board quorum requirements is also a level of detail which may be regulated in the future or alternatively it may be a matter for the Local Authority to determine. Currently the board has resolved that its quorum arrangements will be set at 50%. Board has also agreed that substitutes would not be appropriate other than for the GP Chairs of each Clinical Commissioning Group represented on the Board and for Cheshire East LINKs who represent the voice of Cheshire East residents.

## 7 Financial Implications

- 7.1 The Bill indicates that the Health and Wellbeing Board will be a major decision making body of the local authority forming part of the Council's governance arrangements and it will therefore **require dedicated support from Committee Services in a similar way to that of Cabinet.** The **resource implications for Democratic Services and for Children's, Families and Adult Services** will be considered in order to effectively support the board.

## 8 Legal Implications

- 8.1 A revision to the Bill outlined in the *Government response to the NHS Future Forum report* [<http://healthcare.dh.gov.uk/detailed-response/>] was that local authorities will have the discretion to determine the number of Elected Members on the Board and will be free to insist upon having an overall majority of Elected Members. The Bill outlines that the Leader of the Council will nominate Elected Members to sit on the Board and may sit on the Board himself should he choose to do so. You will note in section 10.2 the proposed initial membership.
- 8.2 The guidance is currently silent on Voting Rights and this is the level of detail which we would expect to see set out in the regulations as these become available. We will need to see the guidance on voting and non-voting members but **where officers are statutory members of the board it seems that it be logical that the intention will be that they will also be eligible to vote rather than merely be there to advise or inform the board.** The Shadow Board has resolved to seek consensus in its decision making, and where appropriate individual organisational ratification of decisions may be needed until the Shadow Board becomes statutory.
- 8.3 At the moment the Bill indicates that the Health and Wellbeing Board is a Committee of the Local Authority under section 102 of the Local Government Act 1972 but the regulations may provide that certain enactments will not apply to the operation of the Board. This is crucial in contributing to our understanding of the governance of the Board. The latest guidance suggests that the Health and Wellbeing Board will discharge Executive functions and will be subject to overview and scrutiny and should therefore operate as an equivalent body to the Cabinet in Local Government.
- 8.4 We would therefore **anticipate that the Board once statutory will need to be a formal decision making body,** and will be subject to all the normal access to information provisions in terms of publicity, agendas, meeting in public, inspection of background

documents etc. As the items are subject to overview and scrutiny presumably we will need to consider pre scrutiny / calling etc. The provisions for the Executive (i.e. Cabinet) do not currently require political balance and so we assume that this is likely to be the case for Health and Wellbeing Boards.

- 8.5 Again the intention around the reporting structure is not clear but **we** could anticipate that when **fully operational the Health and Wellbeing Board will report direct to full Council**, as necessary. As it is undertaking an Executive role, it **is likely to be able to deal with the majority of issues without referral to full Council** but there may be some major or strategic issues which will require full Council approval. Again this may be laid out in regulations or maybe a matter for the Local Authority to determine. In its **shadow form the Board feels that there is advantage in reporting to Cabinet which meets more frequently and can ratify some of the interim decisions where this is necessary.**

- 8.6 The timeframe for the establishment of Health and Wellbeing Boards are as follows:

#### **April 2012**

Health and Wellbeing Boards are required to come into existence in shadow form by April 2012. In Cheshire East the Shadow Board was established from September 2011.

#### **April 2013**

Subject to passage of the Bill, the Health and Wellbeing Board will become a statutory committee of the Local Authority and formally assume their powers and duties in April 2013.

## **9 Risk Management**

- 9.1 Corporate risks have been determined in respect of Health Partnerships. This can be found in [Appendix 2](#) and will be reviewed quarterly.
- 9.2 Risks that face the Health and Wellbeing Board have been drafted and can be found in [Appendix 4](#)

## **10 Background and Options**

- 10.1 A Visioning Event was held on the 29<sup>th</sup> June 2011 involving a range of stakeholders to contribute to the Board's development, specifically in relation to its *vision, priorities, success measures* and *future model architecture*. The detailed summary and outputs from this event can be located within [Appendix 1](#).

**10.2** Following the Visioning Event, a letter of invitation to become Board members of the Shadow Cheshire East Health and Wellbeing Board was sent from the Chief Executives Office to the following people:

Organisation	Role	Post Holder
Cheshire East Council	Cabinet Portfolio Holder – Health and Wellbeing, Adults	Roland Domleo – <b><i>HWBB Chair Designate</i></b>
Cheshire East Council	Cabinet Support Member	Janet Clowes
Cheshire East Council	Cabinet Portfolio Holder – Children & Families	Hilda Gaddum
Cheshire East Council	Chief Executive	Erika Wenzel
Cheshire East Council	Director Children's, Families and Adult Services	Lorraine Butcher
Cheshire East Council	Head of Integrated Strategic Commissioning and Safeguarding Adults	Lucia Scally
Central & Eastern Cheshire Primary Care Trust	Director of Public Health	Dr Heather Grimbaldeston
South Cheshire Health Clinical Commissioning Group	Chief Officer	Simon Whitehouse
South Cheshire Health Clinical Commissioning Group	Chair / GP Lead	Dr Andrew Wilson
Eastern Cheshire Clinical Commissioning Group	Chief Officer	Jerry Hawker
Eastern Cheshire Clinical Commissioning Group	Chair / GP Lead	Dr Paul Bowen
Cheshire East LINKs	Chair	Barrie Towse

In line with the majority of Health and Wellbeing Boards that are being set up nationally, invitations for membership of the initial Shadow Board followed the statutory membership guidance outlined in the Bill.

The Shadow Board held its first meeting on 27th September 2011, and has resolved to meet monthly currently.

**10.3** A Health and Wellbeing Board Working group has been formed, consisting of officers from Cheshire East Council and Assistant Directors of Public Health from Central and Eastern Cheshire Primary Care Trust. This Working Group was tasked to work collectively to prepare for the Boards commencement, and to provide appropriate advice notes and reports for consideration as the Board progresses towards the start of its first full shadow year from April 2012. The **Terms of Reference** is an example of the

work of this group and is outlined within this report and attached at [Appendix 3](#).




10.4 The Terms of Reference details the following:

- The purpose of the board
- The functions of the Board
- The Board membership
- The Boards nomination arrangements
- The Boards quorum arrangements
- The Boards decision making arrangements
- The reporting arrangements for the Boards sub groups
- The frequency of Board meetings
- The access to meetings by members of the public during the operation of the Shadow Board
- The governance arrangements of the Board within the Council Constitutional arrangements.
- The code of conduct for Board members
- The communication and wider engagement arrangements to inform Board decision making

The content of the Terms of Reference will require further review once the Health and Social Care Bill is enacted and when further guidance is available on the statutory responsibilities of the Board and its governance alignment with the Councils Constitution.

The Terms of Reference will also have to be reviewed before April 2013 before the Board becomes Statutory.

## Appendices

<b>Appendix 1</b>	Cheshire East Health and Wellbeing Board Visioning Event Summary	 Summary from Visioning Event.d...
<b>Appendix 2</b>	Corporate Health Partnership Risk Log	 Health Partnerships Risk Templ...
<b>Appendix 3</b>	Terms of Reference for Shadow Health and Wellbeing Board	 Board draft ToR.doc
<b>Appendix 4</b>	HWBB Risk Log	To be added

# CHESHIRE EAST COUNCIL

## REPORT TO: Cabinet

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**Date of Meeting: 2<sup>nd</sup> April 2012**

**Report of: Strategic Director Children, Families and Adults**

**Subject/Title: Notice of Motion - Health and Social Care Bill**

**Portfolio Holder: Cllr Janet Clowes**

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### **1.0 Report Summary**

- 1.1 A Notice of Motion (see Appendix A) was submitted to Council on 23<sup>rd</sup> February 2012 and referred to Cabinet for determination. The Motion proposed that the Council 'urge Cheshire East MP's to vote against the Health and Social Care Bill when it returns to the House of Commons'.

### **2.0 Decision Requested**

- 2.1 The Cabinet are asked to consider the Notice of Motion.

### **3.0 Reasons for Recommendations**

- 3.1 To determine a response to the Notice of Motion in line with the Council's Constitution.

### **4.0 Wards Affected**

- 4.1 N/A

### **5.0 Local Ward Members**

- 5.1 N/A

### **6.0 Policy Implications including – Carbon Reduction - Health**

- 6.1 The pending Health and Social Care Bill 2011 proposes a number of significant changes that will affect the local health and social care landscape. This includes the establishment of the Cheshire East Health and Wellbeing Board, the Clinical Commissioning Groups and the transfer of the Public Health responsibilities. If enacted, the Authority will have a greater role to play in setting policy, providing leadership and commissioning activity that will contribute to improved health outcomes for the population of Cheshire East.

## **7.0 Financial Implications (Authorised by the Borough Treasurer)**

- 7.1 There are no direct financial implications for the Authority relating to the Notice of Motion.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 There are no obvious legal implications for the Authority relating to the course of action requested in the Notice of Motion, although there will be legal implications arising whether the Bill eventually becomes law or not.

## **9.0 Risk Management**

- 9.1 N/A

## **10.0 Background**

- 10.1 The Health and Social Care Bill 2011 is currently proceeding through Parliament with the Government of the view that to safeguard its future, the NHS needs to change to meet the challenges it faces. The Bill ‘...puts clinicians at the centre of commissioning, frees up providers to innovate, empowers patients and gives a new focus to public health.’
- 10.2 The challenges faced by the NHS are summarised by the Government under three broad headings:
- i. Rising demand and treatment costs as the population ages and long-term conditions become more common. More sophisticated and expensive treatment options are becoming available. The cost of medicines is rising by £600 million a year.
  - ii. Need for improvement – at its best the NHS is world leading but there are areas where it falls behind those of other major European countries.
  - iii. State of the public finances – although the NHS budget has been protected, the current settlement is amongst the tightest the NHS has faced and doing the same things in the same way is no longer affordable.
- 10.3 The key legislative changes proposed within the Bill are summarised as:
- i. Clinically led commissioning – the Bill puts clinicians in charge of shaping services, enabling NHS funding to be spent more effectively. Supported by the newly established **NHS Commissioning Board**, new **clinical commissioning groups** will now directly commission services for their populations.
  - ii. Provider regulation to support innovative services – enshrining a fair playing field in legislation for the first time, this will enable patients to be able to choose services which best meet their needs – including from charity or independent sector providers, as long as they meet NHS costs. Providers, including NHS Trusts, will be free to innovate to deliver quality services. **Monitor** will be established as a specialist regulator to protect patients interests.



- iii. Greater voice for patients – the Bill establishes new **Healthwatch** patient organisations, both locally and nationally, to drive patient involvement across the NHS.
- iv. New focus for Public Health – The Bill provides the underpinnings for **Public Health England**, a new body to drive improvements in the public's Health.
- v. Greater accountability locally and nationally – the Bill sets out clear roles and responsibilities, whilst keeping Minister's ultimate responsibility for the NHS. The Bill limits micro-management and gives local authorities a new role to join up local services (through the **Health and Wellbeing Board**).
- vi. Streamlined arms-length bodies – the Bill removes unnecessary tiers of management , releasing resources to the frontline.

## **11.0 Notice of Motion**

- 11.1 Councillors Jeuda and Jackson put forward a Notice of Motion to Council proposing that 'The Council urges Cheshire East MPs to vote against the Health and Social Care Bill when it returns to the House of Commons'.
- 11.2 The Motion argues that there is no democratic mandate for the changes proposed within the Bill and that the costs of reorganisation (estimated at £3.5 billion) is 'scandalous' when the NHS is faced with making savings of £20billion over the next four years. It suggests that 49% of NHS beds will be moved to the private sector, but acknowledges the Private sector has a role to play in the NHS. Finally the Motion refers to the opposition to the Bill of a number of professional bodies including the British Medical Association, the Royal Colleges of Nursing, Midwifery and General Practitioners and the NHS Consultants Association and the concerns raised amongst the Public.
- 11.3 At the time of writing the Bill is at the Report stage in the House of Lords with a 5<sup>th</sup> session planned for 6<sup>th</sup> March. The Bill has had a significant number of amendments made to date and it is difficult to determine what form the final legislation will take.

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Head of Health Improvement  
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**APPENDIX A**

**NOTICE OF MOTION SUBMITTED TO COUNCIL ON 23 FEBRUARY 2012**

**AGREED** - Executive and to be reported to cabinet for determination.

**Submitted by Cllr Jeuda and seconded by Cllr Jackson**

**Health and Social Care Bill**

This Council urges Cheshire East MP's to vote against the Health and Social Care Bill when it returns to the House of Commons.

There is no democratic mandate for this reorganization. It was ruled out in the Coalition Agreement and in every reference to the NHS by the leader of the Conservative Party, at the time of the General Election. He referred to no top down reorganization, we did not vote for this!

The NHS was set up in 1948 with a vision of what could be possible in relation to future health care, as well as what was achievable at the time. The Coalition Government's Health and Social Care Bill strikes at the heart of that vision.

Everyone acknowledges that the NHS must constantly evolve, which is what it has been doing for the past 63 years.

It is scandalous that the Government is setting aside £3.5bn on an unnecessary reorganization when the NHS is facing the biggest challenge in its history. It has to save £20bn over the next four years, Central and Eastern Cheshire PCT has set aside £27,898,799.

The Bill has so far has over 100 amendments the Bill proposes major structural re-organisation, with 49% of NHS beds moving to the private sector. We acknowledge that there is an important role for the private sector.

Professional bodies that are not politically aligned and represent the full spectrum of health service workers have voted to advocate dropping the Health and Social Care Bill - notably the British Medical Association, Royal Colleges of Nursing, Midwifery, General Practitioner's, Radiographers and Radiologists, the Chartered Society of Physiotherapists, the Patients' Association and the NHS Consultants' Association. Other professional bodies such as the Royal Colleges of Psychiatrists, Pathologists and Ophthalmologists and the Faculty for Public Health have pointed out serious flaws in the Bill. Furthermore, citizens have concerns and in some cases fear about the damage that the proposed changes may do to the NHS, with direct impact on services in the future for them and their families.

It is time to be looking at a 'Plan B' for the NHS.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
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